# Merton Council Planning Applications Committee Agenda

## Membership

## **Councillors:**

Aidan Mundy (Chair) Simon McGrath (Vice-Chair) Sheri-Ann Bhim Michael Butcher Edward Foley Susie Hicks Dan Johnston Gill Manly Martin Whelton Thomas Barlow

## Substitute Members:

Caroline Charles Kirsten Galea Nick McLean Stephen Mercer Stuart Neaverson Matthew Willis

## Date: Wednesday 26 April 2023

Time: 7.15 pm

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

This is a public meeting and attendance by the public is encouraged and welcomed.

Public meeting can be viewed by following these links:

https://www.youtube.com/watch?v=o-SbGl33yrU https://www.youtube.com/watch?v=TpxPpSfYM-c

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## **Planning Applications Committee Agenda** 26 April 2023

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- 1 Apologies for absence
- 2 **Declarations of Pecuniary Interest**
- 3 Minutes of the previous meeting
- 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 Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them. 5 Wimbledon Chase Railway Station, Kingston Road & 45-48 7 - 152 Rothesay Avenue, Raynes Park, London, SW20 8JT Application No: 22/P1819 Ward: Wimbledon Town and Dundonald Ward Recommendation: GRANT permission Subject to Section 106 Obligation or any other enabling agreement 6 The White Hart, 144 Kingston Road, Wimbledon, SW19 1LY 153 -246 Application No: 23/P0329 Ward: Abbey Recommendation: GRANT permission Subject to Section 106 Obligation or any other enabling agreement 7 Objection to the Merton (No.784) Tree Preservation Order 247 -2022 at 12 Thurleston Avenue, Morden, SM4 4BW 252 8 Decision Log 253 -254 9 **Planning Appeal Decisions** 255 -258 Officer Recommendation: That Members note the contents of the report. 10 Planning Enforcement - Summary of Current Cases 259 -272 Officer Recommendation:

That Members note the contents of the report.

11	Letter from Merton Council	273 - 274
12	Glossary of Terms	275 - 280

#### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest 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 mater and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

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 <u>www.merton.gov.uk/committee</u>.

PLANNING APPLICATIONS COMMITTEE

16 MARCH 2023 (7.15 pm - 8.32 pm)

- PRESENT Councillor Aidan Mundy (in the Chair), Councillor Sheri-Ann Bhim, Councillor Michael Butcher, Councillor Edward Foley, Councillor Dan Johnston, Councillor Gill Manly, Councillor Martin Whelton, Councillor Thomas Barlow, Councillor Kirsten Galea, Councillor Mathew Willis.
- ALSO PRESENT Tim Bryson (North Area Manager), Wendy Wong Chang (Principal Planner), Leigh Harrington (Planning Officer) Jayde Watts (Democratic Services Officer)

IN ATTENDANCE Amy Dumitrescu (Democracy Services Manager) REMOTELY

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Simon McGrath and Councillor Susie Hicks. Councillor Kirsten Galea and Councillor Matthew Willis attended as substitute.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 9 February 2023 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Committee noted the amendments and modifications to the officer's report. The Chair advised that the agenda would be taken in the published agenda order.

Please note that members of the public, including the applicant or anyone speaking on their behalf, are expressing their own opinions and the Council does not take any responsibility for the accuracy of statements made by them.

5 115 KINGSTON ROAD, WIMBLEDON, LONDON, SW19 1LT (Agenda Item 5)

The Planning Officer presented the report.

There were no objectors registered to address the Committee on this item.

In response to questions raised by the committee, Planning Officers advised:

- Waste facilities would be in a communal area. The 3-bedroom unit could access this by walking around the side of the development.
- The two bins provided were more than the required amount for 7 units. The bins would be collected from the front of the communal refuse space and then returned by the bin collectors.
- The soft landscaping condition protects the landscaping for five years.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

• Although there would be space for a wheely bin closer to the 3 bedroom unit, from experience this was not a preferred option as it would be easier for waste to be collected from the same place.

The Chair moved to the vote on the Officers' recommendation which carried: Votes For - 8, Against - 0, Abstentions - 1.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

6 310-356 GRAND DRIVE, RAYNES PARK, LONDON, SW20 9NQ (Agenda Item 6)

The Planning Officer presented the report.

There were no objectors registered to address the Committee on this item.

The committee received presentations from the applicant, Thomas Rumble, who raised points including:

- The brownfield land development benefited from permitted development rights granted under part 20 of GPDO which allowed for the addition of floors to an existing building to help meet minimum housing needs.
- Parking survey concluded that the development would not cause undue parking stress.
- The additional floor would match the existing three levels below with windows vertically aligned and material treatments to match.
- All flats met space standards.

- There was substantial distance from neighbours to the west and east which exceeded development management standards.
- Refuse facilities to encourage greater recycling levels had been secured through the suggested refuse and recycling condition and was agreed by the Environmental Services Officer.
- A Construction Logistics Plan and Working Method Statement had been suggested as part of a condition.
- The application would maintain the character and appearance of the area as well as the addition of six new flats.

In response to questions raised by the committee, Planning Officers advised:

- Although the parking survey demonstrated a capacity for parking, the applicant has agreed to restrict future applicants from applying for a resident parking permit if a CPZ came into force in the future. This would safeguard the possibility of increased parking pressure.
- As no on-site parking was provided, a request for electric charging points was not made.
- Cycle parking could not be provided on the site as the applicant does not own much land outside of the footprint to the building.
- There was a general push to promote sustainable modes of transport and as this development is car free, there is an opportunity to promote this further.
- As per the London Plan, the submission of a fire safety statement is only required for major applications. This would not fall within the remit of the planning committee.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant informed the committee of the following:

• As this was a zero-parking scheme, it was thought this would fail the CIL regulations test in relevance terms to ask for an electric charging point on this application. The London Plan would typically encourage a parking free development and would always encourage cycle parking which would make this a justified contribution. This scheme would generate approximately £10,000 of investment in cycle parking infrastructure.

The Chair moved to the vote on the Officers' recommendation and the below condition which carried:

Votes For -9, Against -0, Abstentions -0.

• Relating to the removal of car parking permits, that paragraph 10.1, obligation 3 would be removed.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

7 153 LINKS ROAD, TOOTING, LONDON, SW17 9EW (Agenda Item 7)

The Planning Officer presented the report.

There were no objectors registered to address the Committee on this item.

The committee received presentations from the applicant, William Yardley, who raised points including:

- The property was previously a 5 bedroom rental and the application now presented was for a 6 bedroom HMO which could possible mean only one more resident.
- If not for the introduction of Article 4 in November this application would have been a permitted development and would not have required planning permission.
- Work on the development began in May 2022 before Article 4 was introduced, with over £170,000 invested in the development.
- The HMO would be targeted at young professionals and key workers.
- The planning officer visited the property and agreed that it was of a very high standard.
- The property would be managed by Urban Home, a local award winning company that worked across South London.
- The Councils HMO officer confirmed that the proposal met the standards required and raised no objections.
- Due to Article 4, a compensation claim for investment costs and the difference in value between a 5 bedroom HMO and a standard residential dwelling could be made. This could be in the region of £200,000.
- Although it would be a last resort, if the application was not approved there would be no option other than to make a compensation claim due to significant financial loss. This would be a poor use of local taxpayers' money.
- The accommodation would be in line with core strategy policy CS8

In response to William Yardley the chair advised:

- The committee will not be threatened by developers and will act in the best interest of local residents.
- The applicant and developers watching these proceedings will be better placed using their speaking time to talk to the merits of their applications and not threaten the committee.

In response to questions raised by the committee, Planning Officers advised:

• Expressed a low likelihood of anti-social behaviour or damage to property from tenants.

- The previous requirement was for each resident to have a general refuge, recycling, paper and a food caddy. The requirement has now changed and was based on the number of residents living in the property so there would be a shared 250 litre bin.
- The application was for six person unit with the 7<sup>th</sup> room possibly used as a work from home space. If this room was used as a 7<sup>th</sup> bedroom it would be a breach of the planning application and a potential breach of the license issued by the HMO department.

The Chair invited the applicant to respond to clarify details raised within questions from the committee.

The applicant took this opportunity to apologise for threating the committee with legal action if they did not approve the scheme in his opening remarks.

The Chair moved to the vote on the Officers' recommendation which carried:

Votes For -9, Against -0, Abstentions -0.

RESOLVED: That the Committee GRANTED Planning Permission Subject to Conditions

8 OBJECTION TO THE MERTON (NO.784) TREE PRESERVATION ORDER 2022 AT 12 THURLESTON AVENUE, MORDEN, SM4 4BW (Agenda Item 8)

This item was withdrawn from the agenda.

9 DECISION LOG (Agenda Item 9)

The report was noted.

10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The report was noted.

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

This item was withdrawn from the agenda.

- 12 GLOSSARY OF TERMS (Agenda Item 12)
- 13 MODIFICATION DOCUMENT (Agenda Item 13)

## Agenda Item 5

## PLANNING APPLICATIONS COMMITTEE

26 APRIL 2023

## CASE OFFICER REPORT

APPLICATION NO.	DATE VALID
22/P1819	10/06/2022
Site Address:	Wimbledon Chase Railway Station, Kingston Road & 45- 48 Rothesay Avenue, Raynes Park, London, SW20 8JT
Ward:	Wimbledon Town and Dundonald Ward
Proposal:	Demolition of the existing entrance to Wimbledon Chase Station and adjacent retail units and 45-48 Rothesay Avenue and the erection of a new station entrance and building ranging in height between three to nine storeys with retail use at ground floor, with 74 residential flats above, on first to eighth floor, associated vehicle and cycle parking, refuse and plant.
Drawing Nos:	See condition 2
Contact Officer:	Tim Lipscomb (020 8545 3496)

#### RECOMMENDATION

Grant Permission Subject to Section 106 Obligation or any other enabling agreement

#### **CHECKLIST INFORMATION**

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	Yes
Site notice	Yes
Design Review Panel consulted	No
Number of neighbours consulted	166
External consultations	Yes
Internal consultations	Yes
Controlled Parking Zone	Yes (5F)

Conservation Area	No
Archaeological Priority Zone	No
Public Transport Accessibility Rating	3
Tree Protection Orders	No

## 1. INTRODUCTION

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

## 2. SITE AND SURROUNDINGS

- 2.1.1 The application site is located on the northern side of Kingston Road, Wimbledon Chase (within the Wimbledon Town and Dundonald Ward), on the junction with Rothesay Avenue and adjacent to the railway line.
- 2.1.2 The site has an area of 0.127 hectares and currently comprises a single storey building which accommodates the entrance way to Wimbledon Chase train station, along with a retail unit, 'Grate Expectations' (246sqm floor space), which fronts onto Kingston Road. The rear of the site is occupied by a pair of two-storey semi-detached maisonettes, along Rothesay Avenue. Access to the station platforms is via the entrance, through a corridor and up a set of steps. The railway tracks pass either side of the station platform.
- 2.1.3 To the north of the site is residential development (a further pair of semi-detached maisonettes and two-storey houses), with short terraces of two storey mainsonettes on the opposite side of Rothesay Avenue and commercial development to the east, along Kingston Road.
- 2.1.4 The immediate surrounding area fronting onto Kingston Road, has a mixed form, with buildings up to five storeys in height on the north side of Kingston Road and four storeys opposite the site with commercial/non-residential uses on the ground floor and flats above
- 2.1.5 There is currently a ground level car park to the frontage of the site providing six car parking spaces, serving 'Grate Expectations', with a single vehicular access from Rothesay Avenue.
- 2.1.6 The pavement fronting the site at Kingston Road is relatively wide at around 6.5m and is partly occupied by benches, on-street bicycle parking and street trees, along with a telephone box and public recycling facilities.
- 2.1.7 The site is within the Wimbledon Chase Neighbourhood Parade
- 2.1.8 The railway embankment adjacent to the site, to the northwest, forms part of a Green Corridor and is also classified as a Site of Nature Conservation Importance in the Council's Sites and Policies Plan (2014).
- 2.1.9 The site is within Flood Zone 1 but is within an area at risk of surface water flooding, as detailed in the Council's Strategic Flood Risk Assessment.
- 2.1.10 The site has a PTAL rating of 3. The site is within controlled parking zone (CPZ) 5F,

which restricts parking Monday - Friday 8.30am - 6.30pm.

## 3. CURRENT PROPOSAL

- 3.1.1 Planning permission is sought for the redevelopment of the site, to include the demolition of the existing single storey station building and the adjacent pair of semidetached maisonettes, (Nos.45-48 Rothesay Avenue). Following demolition it is proposed to erect a building ranging in height between four to nine storeys with retail use at ground floor, a mix of studios, one and two bed flats on first to eight floor (a total of 74 flats), associated vehicle and cycle parking, refuse and plant.
- 3.1.2 At ground floor a 155.5sqm retail unit to front onto Kingston Road is proposed, behind which sits two residential entrance cores accessed from Rothesay Avenue with associated refuse, cycle parking, plant and substation. A new public station entrance would be provided on the western side of the site. This includes facilities and 'back of house' for station staff. A further entrance would be provided to the rear and accessed from Rothesay Avenue for staff only, along with two parking spaces for use by Network Rail maintenance team. This rear access would also have the ability to used as an alternative station access in the future during construction works facilitating step free access to the station platforms. A 218sqm residents' communal facility is also provided fronting onto Rothesay Avenue (which could be used for home working, gym, meeting room etc).
- 3.1.3 At first floor level and above would be residential flats, with either a south, east or west aspect or a combination
- 3.1.4 As the scheme rises in height, it steps back from the northern and eastern edges of the site. The first step back is at third floor, then at seventh and again at eight, making the footprint at the top of the building significantly smaller than at ground floor. The step backs provide the opportunity for green roofs and external communal amenity space to be provided. 100sqm of green roof is provided at fourth floor along with ground source heat pumps, 78sqm of amenity space at seventh floor and 239.5sqm of amenity space on the roof.
- 3.1.5 The roof also accommodates photovoltaic panels which forms part of the buildings energy strategy.

#### Accessibility

- 3.1.6 All of the accommodation meets M4(2) of the building regulations. 5 x 2b/3p and 2 x 3b/5p would meet Building Regulation standard M4(3), being wheelchair accessible. Step-free access to the flats is facilitated by the two lift cores and generous width corridors.
- 3.1.7 A platform lift is provided on the top floor to give step-free access for residents and visitors to the roof top shared amenity space. Most of the flats are provided with their own private amenity space, either a balcony or a roof terrace. In addition, a shared amenity space of 239.5 square metres is provided on the roof. Access is provided for all residents either by stairs or a platform lift from the eighth floor.

#### **Materials**

- 3.1.8 Facing materials would be pale cream facing brickwork with vertical soldier courses, buff/brown brick, PPC coated window frames and balconies, dark green, glazed pale cream signage and grey/green louvres. The front part of the building would be largely cream facing brick with the section to the rear being buff/brown facing brick.
- 3.1.9 The proposal includes the provision of cream lettering (green background) signage to

be positioned to the frontage at ground floor level to read: "Wimbledon Chase Station".

- 3.1.10 The flat roof to the station would be a green roof, with other elements of green roof at first floor level, third floor, seventh floor, eighth floor and at roof level (roof level is a brown/biodiverse roof).
- 3.1.11 There would be a communal roof terrace at third floor level, seventh floor level and another on the eighth floor.
- 3.1.12 Solar panels and air source heat pumps would be accommodated at roof level.

<u>Highways</u>

- 3.1.13 In terms of cycle parking, the south core would provide 94 bike parking spaces, and 48 bike parking spaces in the north core (a total of 142 spaces). This includes 10 spaces for oversized bicycles.
- 3.1.14 The proposed scheme provides two enclosed car parking spaces for Network Rail maintenance vehicles. The new access for this parking would result in the loss of 2 on street car parking bay spaces, but these would be re-provided on Rothesay Avenue.
- 3.1.15 The existing 6 car parking spaces on the forecourt to the existing 'Grate Expectations' would be removed to facilitate the development.
- 3.1.16 No car parking for residents would be provided. However, three blue badge holder spaces would be provided on Rothesay Avenue (these would not be reserved for the occupiers of the proposed development).

#### Servicing

- 3.1.17 On Kingston Road, a new lay-by is proposed, to allow for servicing (3.0m by 17.5m). The 2 on-street car parking bays that would be displaced would be re-provided on Rothesay Avenue. The kerb line to the junction of Rothesay Avenue and Kingston Road would be built out to partially enclose the lay-by (similar to the existing lay-by some 48m to the east). Therefore, there would be no overall loss of on-street car parking.
- 3.1.18 In terms of refuse, currently Network Rail refuse bins are stored in the station entrance. The proposed scheme provides Network Rail with a 'back of house' maintenance area which provides space for their bins in addition to a grit store (for use on platforms in icy weather conditions). A refuse and recycling store for residents would be located between the two residential entrance halls. The store is accessed from Rothesay Avenue. A space for bulky waste would be provided.
- 3.1.19 The existing pavement on the west side of Rothesay Avenue is narrow for approximately for the first 20 metres. The proposed layout would increase the pavement width from 1.2m to 1.8m
- 3.1.20 The scheme has been designed to show how step free access could be delivered on the site in the future if the funding becomes available to do so. A summary showing how this would be achieved is provided within section 6.6 of the Design and Access Statement. However, the provision of step-free access is not part of this current proposal. The submission sets out that the future approach would be to tunnel into the embankment from Chaseside Avenue and install a lift connecting the new tunnel to the end of the existing platform. The tunnel would also connect to the proposed new station entrance provided in this proposal. The new station entrance could be closed while this connection work is being carried out and temporary passenger access could be provided via the Network Rail service corridor at the rear on Rothesay Avenue.

#### Affordable Housing

3.1.21 The affordable housing offer has been amended several times throughout the course of the application. Initially, no affordable housing was proposed on the basis of it not being financially viable. The applicant then investigated a potential option to offset the CIL contribution, which would allow for more affordable housing provision. However, this approach would require a new Council policy and would also deprive the Council of the contribution towards other infrastructure through the CIL regime. The applicant has reviewed the position and notwithstanding the financial viable position, has made an offer of 20% affordable housing by habitable room with a 50/50 split between affordable rent and intermediate rent (12 units).

#### Ecology

3.1.22 In terms of ecology, the submission sets out that bat and bird boxes could be incorporated. Measures to minimize any potential impact on protected species would be carried out during the construction process.

#### Flooding

3.1.23 In terms of Sustainable Urban Drainage Systems (SuDS), green/blue roofs and rainwater harvesting butts are proposed.

#### <u>Trees</u>

3.1.24 The submitted Arboricultural Impact Assessment sets out that no trees would need to be removed but there will be a requirement to prune back the canopy of trees identified as T4 and G1 to the boundary. Tree protection measures are also proposed for street trees

#### Sustainability

- 3.1.25 In terms of sustainability measures, the scheme proposes:
  - Passive measures (low U-values, air permeability, avoidance of thermal bridging by accredited details)
  - High efficiency services, i.e. boilers, low energy lights, high efficiency ventilation
  - Renewable sources: Communal air source heat pump, solar PV

The proposed development would achieve:

- 62% domestic regulated CO2 reduction against 2013 Part L compliant baseline
- 54% domestic regulated CO2 reduction by renewable sources
- 42% non-domestic regulated CO2 reduction against 2013 Part L compliant baseline

#### 3.1.26 <u>Schedule of accommodation</u>:

First Floor	Туре	GIA	External amenity space
S1.01	Studio	37.2	9.5
S1.02	1b	50.7	14.4
S1.03	1b	50.7	14.3
S1.04	2b/4p	70.7	7.4
S1.05	2b/4p	71	9.6
S1.06	2b/3p	78.2	5.4

S1.07	2b/3p	77.3	6.4
N1.01	2b/3p	78.8	7.2
N1.02	3b/5p	101	8.3
N1.03	1b	50.8	5.7
	1b 1b	50.8	6
N1.04			
Second Floor	Туре	GIA	External amenity space
S2.01	Studio	37.3	5.3
S2.02	1b	50.7	5.5
S2.03	1b	50.7	5.5
S2.04	2b/4p	70.7	7.4
S2.05	2b/4p	71	7.4
S2.06	1b	50.7	5.4
S2.07	1b	50.5	5.2
S2.08	1b	51.7	6.4
N2.01	2b/3p	78.8	7.2
N2.02	3b/5p	101	8.3
N2.03	1b	50.8	5.7
N2.04	1b	50.8	5.7
Third Floor	Туре	GIA	External amenity space
S3.01	Studio	37.3	5.3
S3.02	1b	50.7	5.5
S3.03	1b	50.7	5.5
S3.04	2b/4p	70.7	7.4
S3.05	2b/4p	71	7.4
S3.06	1b	50.7	5.4
S3.07	1b	50.5	5.2
S3.08	1b	51.7	6.4
N3.01	2b/3p	78.8	7
N3.02	4b/6p	103.7	11.4
Fourth Floor	Туре	GIA	External amenity space
S4.01	Studio	37.3	5.3
S4.02	1b	50.7	5.5
S4.03	1b	51.7	5
S4.04	2b/4p	70.7	7.4
S4.05	2b/4p	71	7.4
S4.06	1b	50.7	5.4
S4.07	1b	50.5	5.2
S4.08	1b	51.7	6.4
N4.01	2b/4p	78.5	7
N4.02	2b/4p	72.7	41.7
Fifth Floor	Туре	GIA	External amenity space
S5.01	Studio	37.3	5.3
S5.02	1b	50.7	5.5
S5.03	1b 1b	51.7	5
S5.04	2b/4p	70.7	7.4
S5.05	2b/4p 2b/4p	70.7	7.4
S5.06	1b	50.7	5.4
S5.07	1b 1b	50.7	5.2
100.07	u u	50.5	J.Z

S5.08	1b	51.7	6.4
N5.01	2b/4p	78.8	7
N5.02	2b/4p	72.7	9.3
Sixth Floor	Туре	GIA	External amenity space
S6.01	Studio	37.3	5.3
S6.02	1b	50.7	5.5
S6.03	1b	51.7	5
S6.04	2b/4p	70.7	7.4
S6.05	2b/4p	71	7.4
S6.06	1b	50.7	5.4
S6.07	1b	50.5	5.2
S6.08	1b	51.7	6.4
N6.01	2b/4p	78.8	7
N6.02	1b	55.8	9.3
Seventh Floor	Туре	GIA	External amenity space
S7.01	3b/5p	88.8	14.1
S7.02	1b	50.9	7.4
S7.03	2b/4p	71	7.4
S7.04	1b	50.7	5.4
S7.05	2b/4p	83	56.2
N7.01	1b	54.8	8.9
Eighth Floor	Туре	GIA	External amenity space
S8.01	1b	54.8	30.8
S8.02	2b/4p	71.2	7.4
		71.5	7.4
S8.03	2b/4p	71.5	1.7
S8.03 S8.04	2b/4p 1b	50.7	5.4

Habitable rooms total: 178

#### 3.1.27 <u>Overall mix</u>

Туре	No.	Percentage split
Studio	6	8.1%
1b	37	50%
2b/3p	22	29.7%
2b/4p	5	6.8%
3b/5p	3	4.05%
4b/6p	1	1.4%
Total:	74	100%

Of these units, 7 would be wheelchair accessible.

## 3.1.28 Affordable Housing proposal

• 20% affordable housing by habitable room with a 50/50 split between affordable rent and intermediate.

#### Amendments

3.1.29 The application was amended on 3rd February 2023, with the following changes made:

- The number of homes has reduced from 83 apartments to 75 apartments.
- 30% of the homes (measured by habitable rooms) are now designated as affordable homes.
- The building envelope has been significantly redesigned, with projecting balconies changed to 'inset' balconies and reducing the mass to the north of the site, improving the relationship with neighbouring homes on Rothesay Avenue.
- Roof terrace access and uses have been reorganised in response to the massing changes.
- Internal furniture layouts have been reviewed.
- At ground floor level changes have been made to ancillary accommodation, resulting from changes to the accommodation mix and the introduction of internal access to bin and bicycle stores.
- There has been further design development of the external materiality of the building, including the railway station entrance and canopy.
- The rationale for the new railway station entrance has been further explained.
- Further computer generated photomontage images have been produced, showing the proposals within the townscape.

#### 22<sup>nd</sup> March 2023

3.1.30 On 22<sup>nd</sup> March 2023, 'VuCity' views of the proposed building were submitted, as requested by the Council's Urban Design Officer (VuCity is an interactive 3D mapping system which allows new designs to be inputted and visually represented).

#### 28<sup>th</sup> March 2023

- 3.1.31 The application was further amended on 28<sup>th</sup> March 2023, to include the following changes:
  - Updated Design and Access Statement, including CGI's picking up on various comments made by the design officer; Updated plans pack; Updated sections and elevations pack.
  - Further brick detailing has been added to the 'body' of the development. Projecting horizontal brick courses have been added to the warm buff-brown brick, between the windows, above/below the pale cream balcony brickwork.
  - For the north-facing flank wall, 'ghost' windows have been added to the pale cream vertical brickwork using the projecting soldier course brick types used on the building 'head'. The greening intended for the north-facing set-back buff brickwork to the rear half of the flank wall has been illustrated. This improves biodiversity and the outlook from the rear of the neighbouring property.
  - The route to the bicycle store to the south core is simplified by removing the first lobby door between entrance and lift lobby. The lobbies are generous and easily manageable with bikes, with all doors 1200mm wide.

- The agent has added and expanded upon the Inclusive Access and Design section of the original DAS, illustrating all adaptable wheelchair M4(3) homes.
- The signage to the station has been amended. The green ceramic 'background' has been extended the full length of the canopy, so the 'Thameslink' sign is more clearly visible. The 'Wimbledon Chase Station' letters have been reduced in scale slightly. The CGI's clearly illustrate a retail signage strategy which would not conflict with the station building signage, although this would be subject to condition, as it is dependent upon the tenant.
- Updated Fire Statement National Requirements & Updated Fire Statement London Plan; with the following changes:
  - Potential provision for smoke shafts indicated.
  - Potential refuges shown in stair cores.
  - Some 1 bed apartments amended to move the hob away from the escape route.
  - Plant room door relocated to reduce escape distance.
- North core and roof level access/escape stairs enclosed to protect from the weather.
- Email (and associated attachments) from Ben Dawson at Curtins, in response to the transport and highways matters raised; and
- Letter from Hunters who are the applicant's agents appointed to identify affordable housing partners which summarises the progress to date.
- Visibility Splays at junction of Kingston Road and Rothesay Avenue submitted.

#### 12th April 2023

- 3.1.32 The application was further amended on  $12^{\text{th}}$  April 2023 to change the housing mix, which has involved merging 2 x 1 bed units into 1 x 4 bed unit, reducing the overall number of units from 75 to 74.
- 3.1.33 The agent sets out a number of planning benefits they believe the scheme provides:
  - A new station entrance
  - Investment into Network Rail infrastructure
  - Integrated internal Network Rail bin store to be created as opposed to using the station entrance.
  - Off-street dedicated parking for Network Rail vehicles.
  - Safeguarded future step free access to the station platforms.
  - The new station entrance would be constructed whilst the existing entrance remains in operation, keeping impact on users to a minimum.
  - 75 new homes, of which 30% are affordable
  - 155.5sqm of new retail space (Officers note that this would replace the existing 246sqm of retail space although in a more regular footprint)
  - High quality infrastructure
  - Re-use of scarce brownfield land
  - New jobs during construction
  - New Homes Bonus
  - CIL and other obligations.
- 3.1.34 The application is accompanied by the following supporting documents:

- Accommodation Schedule
- Air Quality Assessment
- Arboricultural Impact Assessment
- Covering letter submitted 03/02/2023
- Daylight and Sunlight Assessment amended 03/02/2023
- Delivery and Servicing Plan
- Design and Access Statement amended 28/03/2023
- Drainage Assessment Report.
- Energy Report amended 03/11/2022
- Fire Statement London Plan and National Requirements amended 28.03.2023
- Flood Risk Assessment
- Interim Travel Plan
- Noise and Vibration Impact Assessment
- Phase 1 Geo-Env Site Assessment
- Planning Statement
- Preliminary Ecological Assessment
- Step Free Access feasibility Study
- SuDS Report
- Transport Assessment
- Viability Report

## 4. PLANNING HISTORY

#### Application Site

- 4.1.1 <u>91/P0778</u> Outline application in respect of redevelopment of site by erection of single-storey station building and part 2/part 3-storey building comprising 5 shops at ground floor and 5 self-contained 1 bedroom and 2 self- contained 2-bedroom flats on upper floors and provision of 15 car parking spaces at rear with access from Rothesay Avenue. Grant Permission (subject to conditions) 13-02-1992.
- 4.1.2 <u>18/P2211</u> Demolition of existing buildings at 45-48 Rothesay Avenue and the erection of 11 self contained flats (2 x 2 bedroom duplex, 2 x 3 bedroom duplex, 5 x 1 bedroom and 2 x studio) within a four storey building, arranged over lower ground, ground, first and second floor levels. Grant permission subject to conditions 06/11/2018. (not implemented expired).

#### Nearby sites of relevance

#### 367 - 373 Kingston Road 1a-1c Rothesay Avenue

4.1.3 <u>05/P0684</u> - Erection of a building ranging in height from one to five storeys containing a retail unit at ground level incorporating ancillary accommodation at mezzanine level, 12 x 2 bed and 2 x 1 bed flats on the upper floors and car parking at basement level accessed from rothesay avenue. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 30-08-2007.

363 - 365 Kingston Road, Wimbledon Chase SW20 8JX:

4.1.4 <u>11/P0393</u> - Demolition of existing buildings & construction of a six storey building providing commercial use (a1, a2 or d1) at ground floor level and 9 residential units at first, to fifth floor levels, and associated car / cycle parking & storage. Refuse Permission 26-04-2011.

4.1.5 <u>12/P0544</u> - Demolition of existing buildings & construction of a five storey building with two/three storey to rear providing commercial use (a1 - a3) at ground floor level with parking; cycle and refuse. 8 x residential units at 1st - 4th floor. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 31-03-2014.

N.B There are a number of 5 storey buildings in the locality, each with planning history but they are not all listed in this report.

## 5. CONSULTATION

- 5.1.1 The application has been advertised by major notice procedure and letters of notification to the occupiers of neighbouring properties (166).
- 5.1.2 In response to the consultation, 145 letters of objection were received.

The letters of objection raise the following points:

#### Visual impact

- Building is too tall and would be out of keeping with other buildings in Wimbledon Chase. Suggest no more than 5-6 storeys.
- Building would be visually imposing and an eyesore. Also an eyesore on the Merton Park landscape.
- The station does not need to be 'landmarked'.
- Granting permission would set an undesirable precedent.
- High rise buildings are inherently flawed.
- The context of the scheme adjacent to the conservation areas at Quintin Avenue/Richmond Avenue means that the height and mass of the scheme need to be significantly reduced to be more in keeping with the area.
- This area is not suitable for tall buildings.
- The open space to the front of the building would be lost and the local vicinity would feel more overcrowded.
- The current design of the new station entrance really differs from the current spacious layout and historic Art Deco design and this really must be addressed in revised plans.
- Whilst the current entrance in the station is not great, the proposed entrance is much less inviting. The proposal for a utilitarian low height corridor, which is longer than the present day entrance is also not an improvement.
- The design of the scheme is at best "a nod" to Art Deco design but is really just poor quality commercial architecture.
- Retail unit would increase litter.
- Insufficient soft landscaping.

#### Affordable Housing

• The target for affordable housing should be at least 35% and up to 50% under the London Plan.

• The failure to provide any affordable housing is not acceptable.

#### Impact on neighbouring amenity

- Loss of daylight and sunlight to neighbouring properties.
- Loss pf privacy.

#### Transport/highway issues

- Inadequate parking provision and increased demand for parking.
- Increase in congestion.
- Access concerns for service and delivery vehicles, which would be increased by the proposed development.
- The site has no space for delivery of construction materials or plant.
- Vehicles currently use the station forecourt to turn, which would not be possible with the proposed layout.
- New loading bay would be dangerous especially being in front of the bus stop would make it more difficult and dangerous for bus drivers to re-join traffic when their front view is blocked by a lorry.
- This new loading bay location proposal has also not considered how the unloading will take place as between the bus cage and the corner of Rothesay Avenue is occupied with three trees, a lamppost and six bicycle stands.
- The proposal to re-position the lost on-street parking bays on Rothesay Avenue does not work because residents at St.George's Court (corner of Kingston Road and Rothesay Avenue, opposite the site) will lose the turning circle to enter and exit the underground car park.
- The proposed new station entrance and exit will result in train passengers coming out in front of the bus cage where bus passengers will be waiting for the busses. This is a serious health and safety concern as in any event of a fire or medical incident, Paramedics or Firemen will not be able to easily access the station via this constricted new entrance. Moving and narrowing a station entrance does not serve this community in the best way for the future.
- No space for taxi drop-off.
- Loss of on-street parking as blue badge spaces would be provided on the street as opposed to on the site.
- Loss of on-street parking bays due to provision of Network Rail access and loading bay.
- Concern that existing bus stop would be adversely affected.
- If permission is granted it should be on the basis that the station remains open throughout the construction process.
- If permission is granted the construction process should minimise the adverse effects as much as possible.

#### Standard of accommodation

• Some of the units appear to be single aspect, which is unacceptable.

- Studio flats are not appropriate with more people working from home, needing an office space.
- Flats proposed are too small.
- The residential units have a utilitarian front entrance from the street and their internal access is down narrow and 'mean' corridors.

#### Future step free access issues

- The developer should be required to make a CIL payment to cover the costs of step free access.
- Step free access should be a requirement for any redevelopment of the station.
- Concerns that CPZ parking bays would be lost due to creation of a new pedestrian access on to Chaseside Avenue (part of the future step free proposals).
- New pedestrian entrance for future step free access at Chaseside Avenue would exit onto a pavement of substandard width, adversely affecting road safety.
- The station platforms themselves would need to be raised as they are below the level of the floor of the trains.
- The "drop off" zone pictured in front of the new entrance is earmarked as a loading bay in the transport report (with 2 existing parking bays relocated to Rothesay) so that seems misleading.
- Step free access is likely to be provided in the near future notwithstanding this proposed development.
- There is still no feasibility study for the railway's preferred option so the question of how much it will cost and how it will be constructed (if at all possible) remains unanswered.

#### Flooding and drainage

- The application form states that the new development is not at risk of flooding. This is not the case; it is at risk of flooding. The groundwater risk is high and the presence of the aquifer underneath the station is of significant concern, as indicated by the Environmental Agency report of 22nd July 2022 as the proposed piling depth for the foundations of a 9-story building means that aquifer is at significant risk of contamination not to mention disturbing the aquifer which could affect the railway embankment.
- There have been flooding incidents in the past.
- Concerns that sewage system could not cope with additional burdens St George's Court, we were not allowed by Thames Water to allow our wastewater to go straight into the sewers because they are Victorian and they cannot cope with the volume of sewer from our 14 flats (12 x 2 Bedroom 2 Bathroom and 2 x 1 Bedroom Flats).

#### <u>Other</u>

- The density of the proposed development is too high.
- Schools in the area cannot accommodate an increase in pupils that would

increase as a result of this scheme.

- Impact on infrastructure and services locally (schools, green space, water, gas, electricity, dentists, GP surgeries, sewage, drainage, social services).
- Failure to meet housing mix policies. More family housing is needed.
- No need for further retail units.
- Change in social dynamics from a local area full of sociable families to an anonymous existence.
- No information on proposed substation.
- Refuse and re-cycling provision appears inadequate.
- 5.2 Following amendments to the scheme on 02/03/2023 there have been a further 16 representations, raising objection on the grounds set out above. There is a total of 161 objections to the proposal.

### 5.3 Merton Park Ward Residents' Association

MPWRA is the residents association for Merton Park Ward which includes the south side of Kingston Road directly opposite Wimbledon Chase Station. Many of our residents use the shops along the Chase and of course the Station. Our findings are as follows, including the lack of step-free access to the station within the plan (point 5):-

1. The proposed development is out of keeping with the nearby Wimbledon Chase Conservation Area. The impact of even a 4-5 storey building due south of the houses on the west side of Rothesay Ave is massive, and the massing of the proposed new build is completely overbearing to properties of domestic scale in the surrounding streets to the north of Kingston Road.

We believe this contravenes Merton's Local Plan Policy CS14 which states "...all development to be designed to respect, reinforce and enhance the local character of the area in which it is located..".

Similarly, this development must be determined against the requirements set out in Merton Sites and Policies Plan DMR1 for local parades of shops, which stipulates that the Council will support development commensurate with their scale and function, and where it respects or improves the character and local environment of the area. In our view, this development signally fails to meet either of these measures.

2. As always, the applicant has produced a viability assessment saying that affordable housing would be uneconomic. This should be re-assessed by the council's own independent consultant. The Local Plan requires 40% affordable housing.

There is little point in Merton having policies about the provision of affordable housing in new schemes if this block of 83 units is permitted to go ahead without the required 40% as 'affordable'.

3. Permission, if granted, for a 9 storey building at The Chase Station will be seen as a precedent for other developments along the road east from the station, which is already becoming quite a canyon. Precedents should similarly be avoided for high rise applications on other residential street corners.

4. The Town Planning Statement by Davies Murch lays much weight on the fact that the (high rise) proposal is in line with LBM's policies for town centres. Wimbledon Chase is a Neighbourhood Parade, not a town centre. There are other references mis-using Town Centre policies.

5. Despite Network Rail, TfL and Merton policies, this proposal does not include step-free access to the station platforms. The long study, starting on page 42 of the Planning Statement, explores various options for lifts, but these are totally independent of the current application. On page 8, 5.2 the conclusion is that it is prohibitively expensive to provide access to the platforms as part of these proposals. The options show how it could be done but say NR is applying to the Govt. for funding.

Given that this is a station site, station requirements should be prioritised. Neither Network Rail, Tfl nor Merton should consider any application for this site that does not include, within its design, step-free access to the platforms. Ideally a lift should be sited in the development so that it has the dual purpose of providing access to the flats and station platform.

Failing that, an application like this provides the perfect opportunity to leverage funding from the developer. Such funding requirement should be commensurate with encouraging the developer to re-examine the viability of including step-free access within the plans. The external alternatives suggested are considerably less user-friendly than a lift within the development.

6. It is suggested that a high rise building would be a landmark to guide travellers to the station. There is a rather dominant iron (box girder?) bridge across the main road which provides sufficient in terms of way finding.

7. The south east of England is the driest part of the UK and thus the provision of 83 additional units (and therefore, potentially, say 130+ extra people) places extra demand on already stretched natural resources. Adequacy of Water, electricity, drainage and all social infrastructure including the NHS and schools must be discussed with the relevant authorities in respect of this and all applications as they occur.

8. Of the 83 flats, only 32 are dual aspect. Local Plan policies say flats should not be single aspect. This may not be an issue where a few flats do not comply but, in this case, the majority appear to be single aspect.

9. The housing mix of the 83 units is dominated by one bed flats, when Merton's housing needs assessment calls for equal proportions of one-, two and three-bedroom units.

10. The distance between the windows of the new development and the properties in Rothesay Avenue is only 12m. That means they will be eye balled not only directly across but also from all the storeys above.

11. There appears to be no provision for deliveries to the flats, apart from finding somewhere to park on Kingston Road, Chaseside Avenue or Rothesay Avenue (both Chaseside and Rothesay are very narrow).

12. Bin storage looks inadequate for 83 flats. There are already similar problems in the immediate area and this is causing fly-tipping.

13. The Environment Agency has written concerning the presence of an aquifer on the site. It seems unwise to build a nine-storey block over an aquifer. Also, burrowing into the railway embankment, which was one of the

off-plan suggestions for giving step free access, could destabilize the embankment, but the more so because of the aquifer.

We believe this application should be refused

#### 5.4 <u>The John Innes Society</u>

This site is near the John Innes Society's Area of Benefit and the proposed development would be very visible from it.

If this application is approved, then it will be very difficult for the Council to enforce its Planning Policies elsewhere. Any number of difficult precedents will have been set.

1) Policies require good design which respects and enhances the character of the area. Wimbledon Chase is a predominately two storey residential area with some slightly higher buildings allowed fronting Kingston Road. A ninestorey block would be completely out of character and dominate the local domestic scale. Wimbledon Chase shops are a local parade and not a Town Centre, so quoting Town Centre policies is misleading.

2) No one could claim that the rear view of the block is good design. It's a hotchpotch of protuberances.

3) The pre-application responses made it very clear that if development takes place at the station, it MUST include step free access to the platforms. We understand this is Network Rail policy. In receipt of donations from It is unacceptable to conclude, as para 5.2 of Davies Murch's Town Planning Statement (page 8) says "it is prohibitively expensive to provide accessible access to the platforms as part of these proposals". Costings and land acquisition price should take into account the expenses they must cover. They seem very vague about finance anyway, saying in the application form that the costs of the development will be between £2m and £100m. Their alternative routes for providing step free access create long and tortious routes, away from the station entrance. From Rothesay Avenue, land would have to be acquired, possibly by CPO. From Chaseside Avenue, burrowing into the embankment could cause it to subside, especially as we now know there is an aquifer and vulnerable groundwater. The obvious site for a lift, in the station, will be lost if this development is allowed to proceed.

4) For a project of this size, Merton's policies expect a 40% provision of affordable housing. These developers plead poverty and say they cannot provide any affordable housing.

5) Merton's policies require units to be dual aspect. In this proposed development of 83 flats, only 32 have dual aspect. The recent heatwave has shown why Merton's dual aspect policy is absolutely right and to ignore it would be to create unacceptable living conditions for future occupiers.

6) The proposed flats, all of them smaller than three bedrooms, do not meet Merton's needs for a balanced mix of housing sizes.

7) The separation distanced from the windows of this proposal across to the houses in Rothesay Avenue, is only 12m. That would result in overlooking and loss of privacy.

8) The servicing requirements for 83 flats, both for deliveries and collections, are inadequate. The same applies to station maintenance.

9) Refuse and re-cycling storage appears to be inadequate, especially

bearing in mind that with such very small units, residents will not have much storage space within their flats.

10) Sustainability appears to have been given short shrift. It will be interesting to see what Merton's Climate Change officers have to say in that respect. e.g. the roof top outdoor area will be too hot in summer and too exposed at other times of the year and on-site power generation is minimal.

One could go on listing the numerous shortfalls of this application, but we hope we have covered the main points.

We trust the application will be refused.

#### 5.5 <u>The Wimbledon Society</u>

Demolition of the existing entrance to Wimbledon Chase station and adjacent property and the erection of a 4 to 9 storeys building: 83 residential units (6xstudios, 56x1 beds, 21x2 beds) with retail on the ground floor with parking, refuse arrangements and plant and a new station entrance.

The Wimbledon Society objects to the above application on a number of grounds.

Addressing the Station, any new development encompassing an existing station should be improving the station facilities to encourage the use of public transport rather than discourage them which this development will do. The stylish, albeit neglected, 1920's frontage with the circulation area for pedestrians would be a considerable loss to the area. While the current entrance within the Station is not great, the proposed entrance is much less inviting as well as dreary. The proposal for a utilitarian low height corridor which is longer than the present day entrance is also not an improvement. Any design for the Station should provide adequate facilities for station staff. There is no sense of an inviting local transit hub in the proposal and there is no widening out and gathering space which one would expect at the front of a Station. There is no pedestrian space provided for interaction with the bus stop, no space for taxi set down and where are the facilities for the disabled? Within the Station, step-free (ie lift) access to platforms is shown as alternative designs in an accompanying report, but step-free access is not included in the actual proposals. They should be.

The maximum height of development in the vicinity in Kingston Road is 5 storeys and in the immediate proximity is 2 storeys in Rothesay Avenue and on the other side of the railway line in Chase Side Avenue. Therefore a building of 9 storeys is significant over-development and out of scale with the locality. Furthermore the location does not appear to be identified in the Local Plan as being suitable for a "higher building" defined by Merton Council as being 6 storeys and over.

The 83 residential units have a utilitarian front entrance from the street and their internal access is down narrow and mean internal "hotel type" corridors. 57 of them are single aspect.

It is the view of the Wimbledon Society that any development of this site should be limited to 5 storeys, certainly no more than 6. There should be no single aspect flats. Any proposals should retain the current set back pedestrian space to give character and presence to the entry to the Station. The entrance to the Station needs to be higher, thus less threatening, and preferably with shop frontages facing onto it for interest. There needs to be a more direct and wider route to the platforms and the lifts should be fully incorporated in the development.

## 5.6 Internal Consultees:

#### 5.6.3 LBM Transport Planning (15/12/2023)

The proposed development would involve the demolishment of the existing station entrance and nos. 45, 46, 47 and 48 Rothesay Avenue, construction of a new building comprising a ground floor 150sqm retail unit and 83 residential flats above, on first to eighth floor (6 x studio units, 56 x 1 bed units & 21 x 2 bed units), associated vehicle and cycle parking, refuse and plant. A new station entrance would be provided prior the demolishment of the existing entrance.

#### <u>PTAL</u>

The site has a Public Transport Access Level (PTAL) of 3, on a scale ranging from 0 to 6b where 6b represent the highest access to public transport

#### Controlled Parking Zones (CPZ)

The site is located in a Controlled Parking Zone (Zone RPS) where parking and loading is controlled from Monday to Friday between 8:00am – 6:30pm.

#### Car Parking

A car-free scheme is proposed except for three Blue Badge car parking bays, provided on-street on Rothesay Avenue adjacent to the residential core entrances.

Specific car parking standards relevant for this land use and site location (outer London with PTAL of 3) are a maximum of 0.75 spaces per unit. Policy T6.1 also identifies that 3% of parking should be for blue badge holders and applications should demonstrate how an additional 7% can be accommodated should demand increase in the future.

Permit free can be considered however the Council will carry out a consultation exercise for the extension the Controlled Parking Zone to include Saturdays.

The Council would seek a commuted sum of £45K to investigate, consult and implement an extension to CPZ scheme.

#### **Disabled Parking**

The development should provide the disabled parking provision within the development site.

On street disabled parking could only be considered on request by an individual occupier and should satisfy the Council's adopted criteria.

#### Servicing and delivery

The proposed loading/unloading bay as shown on Kingston Road (A238) to provide servicing facilities for the commercial and residential elements of the development is unacceptable due to following:

• There is a high demand for the two parking bays identified and the Council would not agree for relocation to Rothesay Avenue.

- Adverse visibility to the right for those traffic emerging from Rothsay Avenue.
- Intrusion onto double yellow lines.
- Removal of cycle parking bays. (this area is identified for a cycle hire scheme and

will be occupied by 2 operators in January 2023

Servicing and refuse collection to be undertaken within the application site.

The applicant to demonstrate by use of swept path analysis how the service vehicles would enter and leave the site in forward gear.

Sites and Policies Plan DMT3 car parking and servicing standards

g) New development or modification to existing development should make proper provision for loading and servicing in accordance with Freight Transport Association (FTA) guidance, except when a development would impact on a listed build designated conservation area then facilities will be considered on case by case basis.

The London Plan 2021 – Chapter 10 Transport

G. Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.

#### Cycle Parking

It is supported that 132 long-stay and 4 short-stay cycle parking spaces will be provided to the residential units in line with Policy T5 of the London Plan.

The location of bicycle and bin stores on the ground floor are compromised and inconvenient for residents.

The bicycle store for the north core is accessed via the street only and the bin store for the south core does not open directly to the street and access is through a long corridor that is shared with the bike store.

#### Car Club

Car Club membership should be provided to residents on initial occupation for a 3year period.

#### Travel Plan

A Framework Travel Plan (TP) has been submitted with the application and the targets and measures proposed to promote sustainable and active travel are acceptable.

The final TP should be secured, enforced, monitored and reviewed by the applicant as part of the s106 in line with LP Policy T4.

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.

#### Recommendation:

Until the above issues (identified at Pre-app) have been clarified I am unable to comment further on this application.

#### 5.6.4 LBM Transport Planning (31/01/2023)

#### Breakdown of 45K

- Informal Consultation- 5,000k
- Statutory consultation -3,000k

- Carry out Works ----- 30.000k
- Staff Time ----- 20% x 38000k

#### Total- 45,600k

#### Servicing and delivery

The proposed loading/unloading bay as shown on Kingston Road (A238) to provide servicing facilities for the commercial and residential elements of the development is unacceptable due to following:

- There is a high demand for the two parking bays identified and the Council would not agree for relocation to Rothesay Avenue.
- Adverse visibility to the right for those traffic emerging from Rothsay Avenue.
- Intrusion onto double yellow lines.
- Removal of cycle parking bays. (this area is identified for a cycle hire scheme and will be occupied by 2 operators in January 2023
- Servicing and refuse collection to be undertaken within the application site.
- The applicant to demonstrate by use of swept path analysis how the service vehicles would enter and leave the site in forward gear.

#### Sites and Policies Plan DMT3 car parking and servicing standards

g) New development or modification to existing development should make proper provision for loading and servicing in accordance with Freight Transport Association (FTA) guidance, except when a development would impact on a listed build designated conservation area then facilities will be considered on case by case basis.

#### The London Plan 2021 - Chapter 10 Transport

G. Development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.

#### 5.6.5 LBM Transport Planning (11/04/2023)

#### Servicing

Regarding the cycle hire scheme, the allocated parking on the footway is not subject to a consultation so it will not be on the website. The ones on the road do require a statutory consultation hence the info on the website about Wimbledon Bridge. The area is being geofenced for now, so the bikes are likely to appear end of March, early April 2023. Eventually a plan showing all the cycle parking bays on and off the footway will be available on the website

With regards to the loading bay and mimicking Sandringham Ave – we do get complaints about sightlines and near misses when there is a high sided vehicle within the loading bay, hence one that we try to avoid rather than mimic

The existing loading bay at Sandringham Ave is approximately 20m and it does get occupied by other vehicles. The proposed loading bay is 17.5m. are they confident that a service vehicle can get in and out whilst navigating the build out.

Although the applicant refers to very small commercial unit, regrettably it is not the size of the unit but the size of the vehicle that will be servicing the unit. There are many instances where the units are very small but due to cost effectiveness, particularly if the unit is part of a chain, they use 16m service vehicles that causes huge problems. Again, this is something that we need to avoid as we need to be realistic and practical – clearly the unit needs deliveries but because of their service delivery arrangements and agreements it makes it extremely challenging for both the unit and the Council as the traffic and the Highway authority.

An agreement can be reached for the commercial unit to use a smaller vehicle – no more than 10m

Also, when unloading (assuming trollies will be used), how are they planning to navigate all the street furniture along the length of the footway where they are proposing a loading bay

With regards to a disabled parking bay, the proposal involves converting 2 permit holder bays and a motorcycle bay, all of which are in use. Each disabled parking bay must be 6.6m and there is insufficient space to accommodate 3 disabled bays as proposed. The number of parking bays for the existing residents is already insufficient. Residents pay a fee for their permits and as it is they find it difficult to find a space. The proposal for disabled parking bay for the development would be extremely unfair on the residents who pay for their permit and three proposed bays is unachievable. Also, it is not possible to allocate disabled parking bays on the public highway purely for residents and because it is within a busy area with shops etc, it is likely to be occupied by those blue badge holders visiting the area. This is a common complaint we receive from town centres and outside shopping parades.

In terms of sightlines, as previously stated and as per Highway code, we try to remove parking within 10m of a junction and in some locations more so based on the geometry of the road, activities, speed and volume. Historical locations and restrictions should not be used as an example as more often than not, there are issues, concerns and complaints that the Council regularly deals with. The idea is to prevent future problems.

#### Recommendation: Inadequate Servicing

The proposed development does not make adequate provision for the loading and unloading of goods vehicles within the site and would, therefore, encourage such vehicles to park on the highway, with consequent additional hazard to all users of the road.

## Further queries from the planning officer to Transport Planning:

• Do you have any information on the accident history for the junction at Sandringham Avenue and Kingston Road?

Any decent engineer would acknowledge that a high sided vehicle close to a junction causes sightline issue. If they want to have the accident data they can ask TfL however this would only be personal injury accidents; however, this is about level of risk and the complaints the Council receives regarding sightline issues and near misses etc. it is a risk that we attempt to reduce and not encourage.

• You had indicated that an agreement could be reached for vehicles no longer than 10m. Therefore, could the lay-by be a solution if they can demonstrate access by way of a swept path analysis and details of how trollies would negotiate on-street furniture and also a condition limiting vehicles to no more than 10m length?

We can only assess this once the plan is drawn and sightline and swept paths are shown. They also need to consider the length required for the service vehicle rear platform and area they will be using when unloading / loading on to trollies. I really cannot see how it would not interfere with the bus stop and before you ask, the bus stop cannot be moved further back

In terms of the cycle hire scheme – whilst there may not be a plan online, is there
any plan to show the location of this so we can understand how the development
would impact this proposed cycle hire parking?
see the red area. We are also considering the section where there are cycle
hangers between the tree and the lamp column



- You mention that there are complaints about the sight lines at Sandringham Avenue – is there a specific standard that you are working to? Each location is assessed on its merit as they are a number of factors that need to be considered including speed and volume of traffic and the geometry of the road.
- You state that the disabled bays must be 6.6m in length and are not acceptable but the plans show the spaces to be 6.6m in length, so I am not clear on the concern here?

Concerns are that this would involve the removal of permit holder bays which residents pay a high price for a permit and this area is already at over capacity; the Motor cycle bay is in use and we would not want to disadvantage those who had requested it and are using it; and being in a busy shopping parade, the disabled bays will be used by other blue badge holders.

 Do we have any information on demand for disabled parking bays that could tie into/support resisting the on-street disabled parking?
 Disabled bays are introduced after a resident applies and qualifies for a disabled bay. These would be used by visitors – we have a similar situation in Raynes Park where the blue badge holder cannot use the disabled bay he applied for as visitors use the disabled bay for most part. And we do not want to be in a situation that these bays are in use by those not associated with the development and then those moving into the development applying for disabled parking bays which would mean removal of more permit bays.

• Can we support there being insufficient parking for existing residents with any evidence base?

It really is not up to the Council to provide evidence or justify our comments in such detail. Our comments are based on the on going complaints we receive due to lack of parking for permit holders. Feel free to contact Parking services who can provide you the number of permits issued and you can count the number of parking bays along the road. Also you need to be mindful of the residents' visitors who can park whilst displaying a visitors permit and we do not hold information on these. These often results in complaints from residents and to now agree what effectively puts residents at more of a disadvantage whilst accommodating the development.

 The issue of the loss of a motorcycle parking bay has not been raised before – could you clarify where this space is?



The road markings are worn and Parking Services will be refreshing it

#### 5.6.6 LBM Waste Services (05/09/2022)

Looking at the submitted plan/proposal, I do not see any concern to escalate as this looks good. My only concern will be to colleagues in highway/parking services - Parking down Rothesay Avenue is a nightmare at the best of time, with complaints from residents/ward Cllrs very often.

The standard 26ton waste collection vehicle has the following dimensions below. It is required that sufficient room is allowed to manoeuvre and load a vehicle of this size, the vehicle will not reverse into the road:

- Length = 11 metres
- Width = 2.5 metres
- Height = 3.5 metres

 $\cdot$  Turning circle = 18.0 metres

Before considering additional properties, it is worth noting these concerns and adapt measures to address them.

#### 5.6.7 LBM Urban Design Officer (amended scheme 17/02/2023)

The applicant has revised the submitted scheme and has addressed previous design comments. Please note that there may be repetition from our previous design comments to ensure that they can be read independently. For clarity, the following comments have been made in conjunction with the following revised documents:

- DAS Amended 03.02.2023
- Daylight and Sunlight Assessment 03.02.2023
- Plans Amended 03.02.2023
- Sections and Elevations Amended 03.02.2023
- Site Plan Amended 03.02.2023

The Council support this site coming forward to provide homes. The site includes Wimbledon Chase station (PTAL 3 and Zone 3) and forms part of a local parade on a major corridor therefore it is suitable for optimised development.

The site is less than 0.25 ha in size and is considered a small site. Merton's <u>Small</u> <u>Sites Toolkit (SSTK) SPD</u> provides good practice design guidance with checklist and a Design and Access Statement template to assist in small site developments.

#### Building heights / massing.

The applicant has revised the scheme. The proposal now steps from 9 storeys towards Kingston Road to 3 storeys to the north creating a better relationship with the neighbouring 2 storey houses.

A building of 9 storeys would be considered a tall building as per the London Plan and the emerging Merton Local Plan definition which is *'a minimum of 21m from the ground level to the top of the uppermost storey*'. Currently the proposal is circa 29m from ground level. The emerging Merton Local Plan does not allocate this site as 'appropriate for tall buildings' and it is important to note that an optimised development does not always necessitate a tall building. However, given the site uniquely forms part of Wimbledon Chase Station and is located on a major corridor there is potential to achieve an high density scheme that is taller than its surroundings.

Although the overall height of the building has not changed, the amended material pallet are supported. The change of material and massing between the 'head' and 'body' of the proposal creates a more visually slender building towards Kingston Road.

Due to the scale and height of the building in this specific context the proposal will be viewed from all angles. The applicant has clearly acknowledged that the primary view of the building is from Kingston Road marking Wimbledon Chase entrance, however the proposal when viewed from the north takes on an entirely different character that is boxier in its articulation and feels heavier and dominant in its appearance. It is clear that the character of the building, particularly the 'head', has taken influence from the art deco style of neighbouring buildings and proposes a contemporary interpretation of this which is supported. The 'body' and 'rear' of the proposal would have benefited from using architectural elements that have been implemented on the 'head' of the scheme, such as brick detailing, to create more consistency across the development whilst allowing them to take complementary characters.

The softening of the form, revised material pallet and brick detailing has improved many of the views, however the view looking north-east along Kingston Road still feels too long and slab like which creates an overbearing appearance. A slightly reduced massing to the rear of the top two levels would have been beneficial to allow the top of the building to appear more settled and less dominant.

The 3 storey flank wall directly faces onto the adjacent properties. It would benefit from either brick detailing, such as banding, ghost windows or similar, or softening with vertical greening that is suitable for this north facing location.

#### Character and quality.

The applicant has made significant changes to the internal lay-outs of the homes which is supported. The previous revision had separated kitchens with no access to natural light which was unacceptable.

The proposed building arrangement of a linear block with double-loaded corridor results in a high percentage of single aspect homes. As per London Policy D6, housing development should maximise the provision of dual aspect homes. Although the applicant has step backed a portion of each dwelling to improve outlook of the homes, this does not constitute a 'dual aspect' home, as per the draft London Housing Design Standards LPG that states

'A dual aspect dwelling is one with opening windows on two external walls, which may be on opposite sides of the building or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building... The design of the dual aspect dwelling should enable passive/natural ventilation across the whole dwelling. The provision of bay windows, stepped frontage, shallow recesses, or projecting facades does not constitute dual aspect.'

Therefore, the applicant should demonstrate how homes enable passive/natural ventilation and avoid overheating.

The plans show social rent and shared ownership all accessed from the north core which could assist with managing these homes effectively. The design of the shared circulation has a single lift for both south and north core, and a door that connects the two cores. Can the applicant confirm that the door between cores will remain openable at all times to ensure free movement of travel by residents in case of a broken down lift and for all residents to use shared communal spaces?

Providing communal roof terraces are welcomed as they provide much needed spaces for resident to meet and socialise and the opportunity to provide biodiverse planting. The plans have indicative lay-outs only. I suggest that the landscape design of all communal spaces is set as a condition to ensure the quality of these spaces.

The revised material pallet and detailing is welcomed. In particular the horizontal banding that flows between brick detailing, balustrade design and window transom is supported. I suggest that a mock up panel of the façade that shows the brick cladding and detailing, glazing with aluminium panels and balustrade detailing is reviewed as a condition to ensure the quality of the architecture reflects the ambitions of the application.

The route to the bike store for the south core is convoluted and would benefit from direct access from the street similar to the north core arrangement. Cyclists using the south core store are expected to negotiate 4 different doors and turns and push bicycles through the lobby and passed the lift to store their bicycles. On a wet day this would create a hazard. Bicycle stores should be located to be as convenient as

#### possible.

As per the Housing SPD 2016, homes entered from the seventh floor (eighth storey) and above should be served by two lifts. However, the ninth storey is currently served by one lift only. It is unclear whether the amount of lifts are appropriate given the height and level of occupancy expected in this development. As per the London Plan Policy E5, the Design and Access Statement should include an inclusive design statement, however this is not included.

The Fire Statement (National Requirements) drawings in appendix A are missing. The Fire Statement (London Plan) are of the previous scheme. Furthermore, both reports state that 'As the building is above 18 meters, and the area of the floors within the building is more than the set criteria of 900m2 within BS 9991, it is required to be provided with two firefighting shafts.' Can the applicant please clarify the status of providing single lift access to the 9<sup>th</sup> storey and whether this is compliant and reflected in the Fire Statements.

#### Station and retail unit

The new station entrance is well integrated with the building design which is supported. The canopy that spans from the station entrance through to Rothesay Avenue is particularly successful in creating a prominent station approach from the east that leads you directly to the entrance.

The signage design needs further exploration. In terms of graphic hierarchy, the bold green 'Wimbledon Chase Station' can create confusion and misdirect you to the corner of Kingston Road and Rothesay as the 'Thameslink' sign is less bold and currently lost on the pale brick. A more uniform approach may be more suitable.

Furthermore, the applicant has not provided any information on how signage for the retail store is to be implemented. <u>Merton's Shop Front Guidance SPD</u> provides best practice approach for shop front design. Careful consideration must be given to ensure that the different signs so not compete with each other and instead complement each other with a clear visual language.

The retail unit appears shallow with no area for storage or commercial waste. Does the applicant have an operator in mind to take on this space? The applicant has provided no information on servicing, delivery or waste strategy for this retail unit.

The applicant has not provided any information on what the communal facilities are for residents on the ground floor.

The applicant has provided a report to show how step-free access could be accommodated in the future, however does not commit to providing it within this proposal. With the significant increase in density, step-free access would have been acknowledged as a much needed public benefit.

The applicant has provided a report to show how step-free access could be accommodated in the future, however does not commit to providing it within this proposal. Considering the proposed significant uplift of density from 4 dwellings per ha to 83 dwellings per ha, it is expected that there is a level of public benefit such as step-free access to the station, however this has not included as part of this application.

#### 5.6.8 LBM Urban Design Officer (original scheme 20/10/2022)

The Council support this site coming forward to provide homes. The site includes Wimbledon Chase station (PTAL 3 and Zone 3) and forms part of a local parade therefore it is suitable for optimised development.

The site is less than 0.25 ha in size and is considered a small site. Merton's Small Sites Toolkit (SSTK) SPD provides good practice design guidance with checklist and a Design and Access Statement template to assist in small site developments.

The Design and Access Statement is light on detail and contains little design justification or evidence of using a design-led approach as per the London Plan. Additionally, there is little information on the outcome of consultation, in particular the events with the public. Due to the complexity and the significance of the site, we would expect the Design and Access statement to be more thorough. The SSTK SPD provides a DAS template.

### Building heights / massing.

• The proposal steps up to 9 storeys towards Kingston Road and steps down to 4 storeys towards the 2 storey homes on Rothesay Avenue.

• As stated in London Plan Policy D3 'Optimising site capacity through the design-led approach', optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The council support a residential led scheme on the site, however the proposed 9 storey building is not the most appropriate form for the site. A building of 9 storeys would be considered a tall building as per the London Plan and the emerging Merton Local Plan definition which is 'a minimum of 21m from the ground level to the top of the uppermost storey'. The emerging Merton Local Plan does not allocate this site as 'appropriate for tall buildings'. An optimised development does not always necessitate a tall building.

• In principle, the stepping down from a taller element addressing Kingston Road towards the existing 2 storeys homes on Rothersay Avenue is supported, however the existing articulation of the massing feels unresolved, fussy and overbearing and as previously stated the current massing of the proposed 9 stories does not feel appropriate for the site. This is particularly demonstrated in fig 10.3 'View looking south from Rothesay Avenue' from the DAS where it has a major impact with harmful effects on the existing quality of townscape and where the proposal feels like the rear/back of a building. The applicant has not acknowledged that a proposal of this scale and height will be viewed from all angles, from the street and the station platform level. The applicant has not demonstrated that all of these viewpoints were considered.

• The street view fig 10.4 'Street view looking north east from Kingston Road' from the DAS appears overbearing. The 9 storey massing is long in elevation and provides no transition from the neighbouring 2 storey homes (391 Kingston Road and beyond). A more slender form would be better suited to create a 2 building that marks the station. Furthermore, the applicant has not provided a convincing argument for why the height is what it is and why it should be placed towards the station rather than the corner of Kingston Road and Rothersay Avenue.

• The applicant has not clearly demonstrated the visual impact the proposal has on the quality of the amenity of the existing neighbours.

• Little information has been provided to assess the visual impact of the proposed massing. The applicant has provided 4 close range views of the proposal within the DAS, however a townscape analysis using mid and long views are required to further assess the proposed massing and its impact on townscape.

#### Daylight and sunlight

• The daylight and sunlight report shows that many existing neighbouring homes will be significantly impacted from this development with a reduction of Vertical Sky Component, daylight and sunlight. As stated in London Plan Policy D6(D), the design

of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

• The daylight sunlight report explains that the impact of the development is being assessed against what is described in the Draft SPG 'Good Quality Homes for all Londoners' that suggests that residential properties in Central London can typically expect VSC values of between 13% and 18%. This is an unacceptable approach to assess against as this is a PTAL 3 site in zone 3 and not central London. The sites character and local distinctiveness is predominately low rise and located near a local parade in a suburban context – its existing character, heights and density is very different from central London.

• Furthermore, the draft SPG (as referenced in the daylight and sunlight report) states 'consideration of the retained target VSC should be the principal consideration. Where this is not met in accordance with BRE guidance, it should not be less than 0.8 times its former value (which protects areas that already have low daylight levels).' It is evident from the daylight and sunlight report that the impact of the development is significant with many existing homes receiving less than 0.8 times their former values.

• It is also evident from the daylight and sunlight report that within the proposed development the kitchen has not been included within the calculations for the proposed homes. Whilst the council acknowledge that this has been proposed as a separate room, it is still considered a habitable room as per the London Plan glossary and therefore should be afforded the same treatment and be included in any daylight and sunlight assessment. London Plan text under Policy D5 states 'The design of single aspect dwellings must demonstrate that all habitable rooms and the kitchen are provided with adequate passive ventilation, privacy and daylight, and that the orientation enhances amenity, including views.' Not providing daylight and views for all habitable rooms is unacceptable and create poor quality homes.

• Within the council's SSTK SPD, 'New homes should achieve a minimum Average Daylight Factor target value of 1% for a bedroom and 1.5% for a living room. (7.1.17)'. Within the daylight and sunlight report the majority of rooms fall short of this target with many rooms achieve 0.0 ADF.

### Character and quality.

• As stated in the London Plan Policy D3, developments should 'respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character'. The site is a significant and prominent corner and a station entrance. The DAS contains very little information on what character analysis was produced and how this has influenced and informed their design.

• The applicant has proposed a separated and enclosed kitchen within the majority of the homes. As mentioned above, a kitchen is considered a habitable room in the London Plan, and therefore it is critical that if they are a separate room that they have access to daylight/sunlight and a view. The current flat arrangement creates deep units with windowless and separated kitchens. This is unacceptable.

• The proposed building arrangement of a linear block with double-loaded corridor results in a high percentage of single aspect homes, many are borderline north facing. As per London Policy D6, housing development should maximise the provision of dual aspect homes. The applicant has not demonstrated 3 whether more appropriate design solutions have been tested and why these were disregarded. Furthermore, the

single aspect homes facing south must demonstrate that they do not overheat.

• The applicant has proposed rooftop communal amenity spaces and communal facilities on the ground floor. Whilst this is supported, the applicant has not shown any design intention for these spaces and their role and function i.e. who has access to these facilities, how does it address the street, what activities will take place, are there landscape and furniture design to encourage social cohesion. The rooftop amenity space shows no landscape design included, whilst the ground floor communal facilities is vague in its description. As stated in the SSTK SPD the applicant should demonstrate how the 'proposed communal spaces should include design features that will encourage positive interactions between people from children to the elderly. Consider including public seating areas, communal gardens and large play areas where possible. (6.1.22)' and how the 'communal amenity spaces should be orientated to maximise the amount of daylight and sunlight and have a strong landscape approach. (6.1.20)'. This aligns with London Plan Policy D6.

• The applicant states in their planning statement 'given the nature of the development it isn't particularly suitable for larger/family homes, because of the lack of private garden space (7.24)'. This is not a justified reason for omitting larger/family homes. The council are open to innovative approaches to achieving homes if well designed. In Merton's emerging Local Plan it states 'For all new houses, we will seek a minimum garden area of 50 sq.m as a single usable regular shaped amenity space. This requirement may be applied flexibly for higher density developments or constrained sites but this would have to be fully justified in the planning application.(12.3.8)'.

• On the seventh level there is a large terrace. It is not clear whether this is communal or private.

• A separate lift from the 8th floor and the continuation of the stairs has been provided to access the roof top amenity, however on the elevational drawings and the 3D views it doesn't appear that these structures exist at roof level – further clarity is needed.

• The double-loaded typology creates long and irregular corridors. As stated in the draft 'Housing Design Standards LPG', 'Internal corridors, particularly 'double-banked' corridors (those that serve flats on both sides), should be avoided or kept short and receive daylight and natural ventilation.'.

• Many of the first floor homes face directly onto the railway embankment. The applicant has not demonstrated how they have considered their outlook and light levels to ensure that they are adequate.

• In many circumstances furniture is shown to obstruct the windows. The applicant should demonstrate how the proportions and scale of rooms can accommodate the relevant pieces of furniture without compromising the design. Merton's SSTK SPD states 'drawings submitted to the council should show furniture arrangements to justify the dimensions and proportions of rooms. You should think carefully about the position of furniture to make sure they do not obscure views out or compromise circulation. Appendix D of the Approved Document M volume 1 of the Building Regulations includes a furniture schedule that should be accommodated for. (7.1.8)'

 $\cdot$  The applicant has proposed a zone of air source heat pumps. They are located on the fourth level abutting unit 4.06. The applicant should demonstrate that the proposed location for the air source heat pumps are adequately positioned to ensure that their acoustic impact does not cause harm to the proposed adjacent units.

• The proposed retail unit on ground level feels small. Does the applicant have an occupier in mind for this space? There is no clear strategy for servicing and commercial waste.

• The location of bicycle and bin stores on the ground floor are compromised and inconvenient for residents. The bicycle store for the north core is accessed via the street only and the bin store for the south core does not open directly to the street and access is through a long corridor that is shared with the bike store.

• The applicant proposed to use 'cream and blue-grey brick slips', 'metal balustrades' and 'powder coated aluminium' window frames. The applicant has provided little information on the specificity of materials, such as RAL colours of balustrades and window frames, and how their material selection has been informed. It is expected for projects of this scale to provide further certainty at this stage given their visual impact.

• It appears that the fire strategy drawings are missing from appendix A from the Fire Statement.

### Station.

• The proposal relocates the entry point into the station from the junction of Kingston Road and Rothesay Avenue to adjacent the rail bridge. The existing entrance point provides a direct relationship with the local parade on Kingston Road. The relocated entrance feels hidden and the applicant has not demonstrated any clear design intention to ensure that the station entrance is of high quality design which is a missed opportunity with a strong sense of arrival to and from Wimbledon Chase.

• The applicant has provided a report to show how step-free access could be accommodated in the future, however does not commit to providing it within this proposal. With the significant increase in density, providing step-free access would have been acknowledged as a much needed public benefit.

### Conclusion.

• The site is appropriate for optimisation and this is supported, however the proposed building arrangement strongly suggests that the proposal is not the most appropriate form of achieving an increase of density for the reasons set out above. Previous iterations seen at pre-app tested building arrangements that seek to maximise dual aspect homes and mitigate north facing single aspect homes. It is not clear why this was disregarded. Furthermore, the lack of daylight and sunlight to the proposed homes and the kitchens with no windows is unacceptable.

• As stated in the draft 'Optimising Site Capacity' London Plan Guidance, 'Good growth across London requires development to optimise site capacity rather than maximising density. This means responding to the existing character and distinctiveness of the surrounding context and balancing the capacity for growth, increased housing supply, and key factors such as access by walking cycling and public transport, alongside an improved quality of life for Londoners.' The proposal has symptoms of maximising density rather than optimisation. The proposed scheme lacks contextual and character analysis and many homes are compromised providing deep and narrow single aspect homes and homes with a poor level of daylight and sunlight.

• Considering the proposed significant uplift of density from 4 dwellings (circa 30 homes per ha) to 83 dwellings (circa 678 homes per ha), it is expected that there is a level of public benefit proposed, such as step-free access to the station, however this has not included as part of this application. Furthermore, it is expected that more detail is included in the DAS to justify the applicants design decisions.

### 5.6.9 LBM Flood Risk and Drainage Officer (28/12/2022)

Further to my previous emails on this scheme, please treat this as confirmation of our acceptance of the outline drainage/SuDS scheme for the site.

The proposal is for Green roofs covering a total area of 125 m2 with a green roof mix example volume of 25 m3 (0.2 m depth) and Geocomposite example volume of 1.88 m3 (0.015m depth) would attenuate for c. 4.69 m3.

Further, a blue roof covering a total area of 125 m2 with an assumed depth of 0.1m and 95% void ratio will attenuate for 11.875 m3. The proposed green and blue roofs would provide water quality, biodiversity and amenity benefits as well as slowing down runoff and reducing the total water entering the sewer through interception.

At the ground floor, rainwater harvesting measures are also proposed to help improve water efficiency. In terms of planning condition/informative, please include the following:

### **Condition**

Prior to the commencement of development, a detailed and final construction level detail for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for both phases of the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to include green roofs, blue roofs, rainwater harvesting and other Green Infrastruce SuDS measures, where possible. The final drainage scheme will discharge at a run-off rate of no more than 2I/s and an attenuation volume no less than 16.5m3, in accordance with drainage hierarchy contained within the London Plan Policy (SI 12, SI 13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy SI 12 and 13.

### **Condition**

The development shall be carried out in accordance with the submitted and updated Flood Risk Assessment by GeoSmart document reference: 75915.01R3 dated 022-11-16. All flood risk mitigation measures set out within the FRA, such as the flood risk resistance and resilience measures for example, must be implemented before operational use or occupancy of the site. All of the mitigation measures shall be retained and maintained thereafter throughout the lifetime of the development.

Reason : To reduce the risk of flooding to and from the proposed development and future occupants.

Informative: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

### 5.6.10 LBM Environmental Health (Contaminated Land) (20/07/2022)

With regards contaminated-land we recommend three conditions, the first two, subject

to prior agreement:

1) No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

2) No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

3) Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

### 5.6.11 LBM Climate Change Officer (06/10/2022) (on-going queries in Italics)

- Energy Statement – the applicant is proposing to achieve a 62% and 42% improvement against Part L 2013 for the domestic and non-domestic elements respectively, however the following clarifications will need to be addressed before this can be recommended for approval, particularly around the overheating assessment and the Mayor's zero carbon target.

- The development – the description on the planning portal refers to 83 residential units but the energy statement refers to 91 residential units; it I not clear how many units have been modelled in the carbon assessment. Please can the applicant clarify which is correct and update the report accordingly?

The applicant has updated the energy statement to refer to 83 units but the GLA carbon reporting spreadsheet refers to 93 units. There needs to be consistency between the energy statement and carbon reporting spreadsheet. Please can the applicant clarify and amend the relevant outputs accordingly. - Also, the GLA's carbon reporting spreadsheet indicates that each sample unit is representative of 9.35 units, however, an entire unit should be representative of another unit. The number of units represented by a sample unit should therefore be a whole number. Can this be amended accordingly across the various stages of the energy hierarchy please?

- SAP evidence – please can the applicant provide the GLA's carbon reporting spreadsheet in excel format, as well as the SAP and BRUKL outputs for the sample units included in the carbon reporting spreadsheet.

- Be Lean – the applicant is proposing to achieve an 8% improvement at the be lean stage for the domestic elements which does not meet the GLA's 10% target. The 40% improvement at the be lean stage for the non-domestic element meets the GLA's 15% target which is welcome. The applicant will need to consider additional measures to further improve the energy efficiency for the domestic elements.

The updated energy statement indicates that the domestic elements will achieve the 10% target using windows with improved u-values compared to the original energy statement; this will need to be confirmed once the number of units in the carbon reporting spreadsheet matches up with the number of units in the energy statement.

- Be Clean – the applicant is not proposing to use CHP or connect to a district heating network due to the size and location of the development. Given the proximity to the district heating opportunity area in South Wimbledon/ Colliers Wood, has the applicant considered future-proofing the development for connection to a future district heat network?

The updated energy statement indicates that There will be an empty trench running below the ground floor slab from the Rothesay Avenue elevation to the ground floor plant room and the base of the riser duct adjacent to the north staircase. This will facilitate a future connection to a district heat network. Given the proximity to the Wimbledon/ Colliers Wood DHN Opportunity Area, the development should be futureproofed for connection to a future DHN. This will need to be secured via precommencement condition.

### - Be Green

o Solar PV – the applicant is proposing to install 10kWp of solar PV on the top-floor roof. The roof space available for solar PV is limited due to the proposed shared amenity space. Has the applicant considered potential shading from the roof parapet if this is proposed to be a shared amenity space?

# The applicant has clarified that the final location of the solar PV will be confirmed at the detailed design stage and will account for potential overshading. This should be secured by precommencement condition.

o Low carbon heat – the applicant is proposing to install a communal air source heat pump system Mitsubishi ECODAN CAHV or similar, which will provide all space heating through low temperature wet underfloor heating or low temperature radiators/convectors, as well as all hot water demand. The system will comprise outdoor CAHV units located at the roof area and individual indoor unit with hot water storage in each apartment. It is estimated, that up to 4 No monoblock CAHV units will be needed for the flats with a total capacity of 170 kW, requiring a roof area of approximately 10 m2. Space has been allocated for the CAHV units located next to these CAHV units? It looks like the 2B4P flat next to this roof space is single aspect which will limit passive ventilation in that unit. And noise may affect the neighbouring unit which has windows onto that roof space. The applicant has provided some information about the proposed heating system but please can they provide all the supplementary information set out in section 10.9 of the GLA's guidance on preparing energy assessments.

The applicant has clarified that the Acoustic impact of the outdoor units on flats facing the roof space will be assessed by a suitably qualified acoustic consultant and necessary measures will be taken, which may include acoustic enclosure for the outdoor units, triple glazed high acoustic performance windows and additional mechanical ventilation to prevent overheating. This assessment should be carried out and supporting evidence provided at this stage to confirm that the final design has mitigated any noise and overheating impacts, as this may affect the final design.

Please can the applicant also:

 Clarify how heat distribution losses have been factored into the energy assessment

- Provide the manufacturers datasheet for the proposed heating system
- Clarify the proposed approach for hot water storage
- Provide an estimate of the heating costs to occupants
- Provide evidence that the heat pump complies with the minimum performance standards as set out in the Enhanced Capital Allowances (ECA) product criteria for the relevant ASHP technology as well as evidence that the heat pump complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements document at: <u>http://www.microgenerationcertification.org</u>

o Please can the applicant also clarify the proposed heating strategy for the proposed retail unit and communal facilities for residents on the ground floor, and how the applicant is proposing to use the plant room on the ground floor?

Clarification provided in the energy statement: A variable refrigerant flow heat pump system will be provided for the commercial unit, which will provide space heating and cooling. The heat pumps will be located indoors, venting through louvres at high level in the curtain walling system. This will be covered in more detail in separate planning applications for the fit out of these spaces in due course. The proposed ground floor plant room will be subdivided to provide enclosure for water tanks and associated pump sets, and for electrical entry room equipment. Communal residential spaces will be unheated

- Overheating - An overheating analysis has been carried out in order to assess performance of the proposed development against CIBSE TM59 defining criteria of thermal comfort, and CIBSE TM49 urban climate projections A sample of the expected worst performing residential units were modelled. DSY1, 2 and 3 were tested and the applicant is proposing to mitigate the risk of overheating using passive ventilation and MVHR. The applicant has tested the top floor south/west corner unit and 2 top floor single aspect west facing units. Please can the applicant clarify why they have not tested the single aspect south facing units to test the worst case scenario? And has the overheating assessment factored in heat losses from the communal heating system? Would these losses be highest on the 4th floor closest to the communal heating system?

The applicant has included the single aspect south facing unit as an additional sample unit for the overheating assessment, and clarified that heat losses in communal corridors have been factored into the assessment.

- Single aspect dwellings should be avoided where ever possible as these increase the risk of overheating due to limited ventilation. Based on the energy statement, all windows in flats are modelled with internal blinds and blinds are necessary to comply with TM59 criteria under DSY1, which is the least extreme weather scenario. As set out in the GLA's energy assessment guidance, Reliance on internal blinds to obtain a pass in the overheating analysis should be avoided as they can interfere with the effective opening area of windows (i.e. create a barrier for airflow) and are reliant on occupant behaviour. Where blinds are used to enable a pass, the results without blinds should also be presented as these could hinder any natural ventilation strategy. Where blinds are required to enable a pass the applicant should confirm that they will be included in the base build and demonstrate that any reduction in free area of open windows due to blinds has been taken into account in the model.

The updated energy statement indicates that the development now passes the overheating assessment under DSY1 without blinds whereas it did not in the original

energy statement. Please can the applicant clarify what measures have been incorporated to mitigate the risk of overheating without blinds? Please can they clarify the difference between the original and latest overheating assessment?

- The energy statement also states: Openable balcony doors have been modelled in the flats as per architect drawings. If balcony doors are to be permanently closed in some of the flats (e.g. flats facing railway for noise reasons), it will be necessary to provide additional suitably sized mechanical ventilation to provide sufficient air changes during night hours. As set out in the GLA's energy assessment guidance, Limitations on openable windows: In instances where air quality or noise concerns pose limitations to the opening of windows, applicants will be required to submit two separate overheating analyses; one with openable windows and one with closed windows. This will ensure that passive measures have been 27 maximised and the facade design has been optimised regardless of the constraints posed by the site's location. Applicants should demonstrate that the assumptions of the overheating model are aligned with the noise and air quality assessments. Applicants are encouraged to refer to relevant published guidance which draws together these areas including the Acoustics, Ventilation and Overheating Residential Design Guide21 (January 2020). The applicant will need to demonstrate that the overheating assessment has taken into account potential noise, security and air quality considerations in the proposed ventilation strategy, particularly given the proximity to the railway line and station, and confirm that the assumptions are correct in terms of openable windows and balcony doors.

It doesn't look like the applicant has carried out a detailed noise assessment in line with the GLA's guidance. As set out above, this should be carried out at this stage as this will inform the final design of the development to ensure that the risk of overheating is mitigated, as well as the final energy demand for any mechanical ventilation.

- Mayor's zero carbon target – as set out in the London Plan, all major development is required to achieve the Mayor's zero carbon target for both domestic and non-domestic elements. If this cannot be achieved on site, the applicant will need to offset the carbon shortfall through carbon offset contributions.

The applicant has not set out how they propose to achieve the Mayor's zero carbon target. This will need to be clarified in the report. The applicant has clarified that they are proposing to pay £90,856 carbon offset contributions to achieve the Mayor's zero carbon policy target. However, the final carbon offset contributions will need to be confirmed once the comment above have been addressed.

- Be Seen – the development will be designed to enable post construction monitoring and the information set out in the 'be seen' guidance will be submitted to the GLA's portal at the appropriate reporting stages. This will need to be secured through suitable legal wording.

- Internal water usage rates – the energy statement indicates that the development will achieve internal water usage rates of less than 105 litres per person per day; this will need to be secured via condition.

### 5.6.12 LBM Affordable Housing Officer (comments in relation to original scheme) (19/10/2022)

Set within the current challenging context of Merton's need to address its five year housing supply (5yLS) and considerable annual housing target of 918 homes, the scheme proposing 83 additional homes will make a useful contribution to the council meeting its aforementioned housing requirements and 5yLS. That said, the fact that the scheme proposes no affordable homes supported by a submitted viability report

indicating that the scheme will result in a negative Residual Land Valuation (RLV) and therefore unviable, according to the applicant raises questions and concern.

Whilst not a viability expert, intuitively there are doubts as to why the applicant would proceed with a scheme which from their viability report indicates that it will come forward at a loss. Interestingly all scenarios in their report are predicated on zero affordable housing provision. It is questionable to what extent the council's planning policy requirements were taken into account in contributing to informing on what a reasonable price would be to pay for the site. Given the negative RLV can the site proposal actually be delivered?

It is noted that the applicant assumes 6% finance costs. How is this scheme being financed and if a lender is supporting this on what basis is a scheme proposing a negative RLV considered acceptable to a lender?

Has or will grant be sought by the applicant to improve the viability and affordable housing provision position?

Thank you for providing me with a copy of Altair's FVA which I have briefly looked at. I note that there are significant differences between Altair's viability input assumptions and those of the applicants e.g. resulting between the two parties in a difference in GDV of the proposed homes of £1,074,370. Furthermore whilst the applicant has indicated the scheme is not viable, Altair have indicated that it is actually viable even with the inclusion of affordable housing provision albeit at the significantly reduced provision of around 5% compared to the policy requirement of 35-50%.

There are several instances in Altair's FVA where whilst they have questioned or highlighted the lack of evidence supporting the applicant's viability input assumptions Altair have nonetheless chosen to accept these assumptions without explanation or justification. It is noted that minimal tweaks in assumption inputs can make a significant difference to the viability outcome of schemes therefore it is advised that these instances should be further examined and challenged.

It is advised that BNP Paribas be commissioned to also undertake an assessment of the applicant's FVA, not least to demonstrate that the council has used best endeavours to ensure that the level of affordable housing provision is optimised having regard to viability.

### Housing mix

Para. 7.24 of the applicant's Planning Statement says: ...given the nature of the development it isn't particularly suitable for larger/family homes, because of the lack of private garden space"

It would be helpful if consideration from the council's urban designers could be sought, to establish whether the applicant's approach is justified, and whether any physical constraints and / or material considerations of the site limit the provision of adequate levels of private garden space.

The scheme proposes 7% studios; 67% 1 bed; 16% 2b4p and 10% 2b3p. It would be preferred if the number of studios and 1-bed units proposed could be replaced by more 2b 3p and 4p units.

### 5.6.13 LBM Affordable Housing Officer (comments in relation to amended scheme 07.02.2023)

In response to your request for comments on the Wimbledon Chase applicant's latest affordable housing offer of 30% (habitable rooms) the following is my feedback on the revised scheme:

- 1. The applicant proposes an affordable housing provision of 24% by units (30% by hab rooms). Whilst this is considered as an improvement on the previous offer of no affordable homes, it still falls short of the Statutory Development Plan requirement of 35%.
- 2. The applicant proposes 10.7% (12.4% hab rooms) by unit as social rented and 13.3% (17.5% hab rooms) as shared ownership. Clarity is requested on what the 0.3; 0.4; 0.5; 0.7 of a unit represent? A more preferable option would be to round up to a whole unit (ideally social rented) i.e. 11 social rented units and 13 shared ownership units. (please note this suggestion does not imply acceptability of the proposed affordable housing tenure mix please also refer to point 2 below)
- 3. The applicant proposes an affordable housing tenure mix of 45% social rented and 55% intermediate, which does not comply with the Statutory Development Plan affordable tenure mix requirement, supported by Merton's Housing Needs Study (<u>SHMA 2019</u>), of 60% affordable rented and 40% intermediate housing.
- 4. Similarly the proposed scheme's bed unit size mix of 60% 1beds; 36% 2 beds and 4% 3 beds is inconsistent with the Statutory Development Plan preferred mix of roughly equal thirds 1, 2 and 3 bed units, again supported by robust evidence set out in Merton's Housing Needs Study (<u>SHMA 2019</u>). The scheme site is located in a fairly low PTAL area (PTAL3).

### 5.6.14 LBM Highway Officer (11/08/2022)

Highways comments are:

H1 (new vehicular access), H2 (Vehicle Access to be provided), H3 (Redundant crossovers), H4 (Provision of Vehicle Parking), H5 (Visibility Splays), H10 (Construction Logistics Plan), H13 (Construction Logistics Plan).

INF8 , INF9, INF12

Any construction work required on the public highway would be carried out by Merton Council.

A concern within their documents is they are proposing the 3no blue badge bays required within the development are being proposed on the public highway and Transport Planning need to comment on their parking and loading proposals

# 5.7 <u>External Comments</u>

# 5.7.15 Historic England (Archaeology) (02/08/2022)

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

### 5.7.16 Thames Water (29/07/2022)

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. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

https://urldefense.com/v3/ https://www.thameswater.co.uk/developers/larger-scaledevelopments/planningyour-development/working-near-

ourpipes\_\_\_;!!MOeJA3Fs6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6mSov AZbsKkW7OK9aZNf\_Df0hrtvhQh6VLZfoWuelklp0\_WE4ek3NEYoJo-A\_Rg8DDQco\$ 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."

<u>Reason: The proposed works will be in close proximity to underground</u> <u>sewerage utility infrastructure. Piling has the potential to significantly impact /</u> <u>cause failure of local underground sewerage utility infrastructure.</u>

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.

https://urldefense.com/v3/\_\_https://www.thameswater.co.uk/developers/larger-scale-developments/planningyour-development/working-near-

ourpipes\_\_;!!MOeJA3Fs6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6mSov AZbsKkW7OK9aZNf\_Df0hrtvhQh6VLZfoWuelklp0\_WE4ek3NEYoJo-A\_Rg8DDQco\$ Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

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 2 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 trade.effluent@thameswater.co.uk . Application forms should be completed on line via

https://urldefense.com/v3/\_\_http://www.thameswater.co.uk\_\_\_;!!MOeJA3Fs6w ML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6mSovAZbsKkW7OK9aZ Nf\_Df0hrtv-hQh6VLZfoWueIkIp0\_WE4ek3NEYoJo-A\_RtUBsu8w\$

Please refer to the Wholsesale; Business customers; Groundwater discharges section.

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.

https://urldefense.com/v3/\_\_https://www.thameswater.co.uk/developers/larger-scaledevelopments/planningyour-development/working-nearourpipes ;!!MOeJA3Fs6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6mSov AZbsKkW7OK9aZNf Df0hrtvhQh6VLZfoWuelklp0 WE4ek3NEYoJo-A Rg8DDQco\$

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

The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission.

No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water 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.

https://urldefense.com/v3/\_\_https://www.thameswater.co.uk/developers/larger -scaledevelopments/planning-your-development/working-nearourpipes ;!!MOeJA3Fs6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hg Ao6mSovAZbsKkW7OK9aZNf\_Df0hrtvhQh6VLZfoWueIkIp0\_WE4ek3NEYoJ o-A\_Rg8DDQco\$

Should you require further information please contact Thames Water. Email: <u>developer.services@thameswater.co.uk</u>.

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water 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.

https://urldefense.com/v3/\_\_https://www.thameswater.co.uk/developers/larger

-scale-developments/planningyour-development/working-near-our- 3 pipes\_\_;!!MOeJA3Fs6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6 mSovAZbsKkW7OK9aZNf\_Df0hrtvhQh6VLZfoWueIklp0\_WE4ek3NEYoJo-A\_Rg8DDQco\$

Should you require further information please contact Thames Water. Email:developer.services@thameswater.co.uk

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.

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.

### 5.7.17 Transport for London (24/02/2023)

In response to the applicants comments:

7. The one long-stay staff cycle parking space would be able to be provided within the curtilage of the retail unit. With regards to the 8 no. short-stay spaces, it is considered that these could be absorbed within the existing 20-space provision currently on Kingston Road and Rothesay Avenue which already serve the existing retail units.

TfL would strongly support additional short stay cycle parking in the form of 4 additional Sheffield stands being provided in the public realm, on top of existing cycle parking provision. This is to comply with London Plan policy T5 (Cycling) and to further encourage mode shift and active travel.

The residential cycle store layouts have been amended to provide seven (5%) enlarged Sheffield stands for adapted cycles measuring 1.0m x 2.3m. The stands are split between the two stores as shown on CZWG drawing no. 2179-10- DR-0100-PL5.

This is welcomed.

10 E. As acknowledged in TfL comment 10a, the retail unit would generate minimal daily service vehicle trips (1 vehicle per day). Whilst trips would be scheduled where possible to avoid the peak hours, implementing the above restrictions is considered unreasonable given the very low trip generation and nature of the site use.

Although the retail unit may only generate a very small number of daily servicing trips, as set out in our original consultation response, the scheduling of deliveries outside of network peak hours would be strongly supported in line with London Plan policies T4e and T7 (Deliveries, servicing and construction).

I hope this updates you on TfL's position. If you have any queries regarding this response please do not hesitate to contact me.

### 5.7.18 Transport for London (05/08/2022)

TfL offers the following comments:

1. The site of the proposed development is on the A238 Kingston Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic

Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.

2. TfL understands that the proposal entails the construction of a retail unit (150sqm GIA) and 83 residential units (6 x studio,  $56 \times 1$  bed,  $21 \times 2$  bed).

3. The site has a Public Transport Access Level (PTAL) of 3, on a scale ranging from 0 to 6b where 6b represent the highest access to public transport.

4. It is supported that the development will be car-free with the exception of 3 residential Blue Badge (BB) parking spaces in line with Policy T6 of the London Plan. These will be provided on-street on Rothesay Avenue adjacent to the residential core entrances.

5. It is understood that the proposed new access to the Network Rail maintenance parking area will result in the loss of 2 existing on-street parking bays on Rothesay Avenue and the proposed loading bay on Kingston Road would result in the loss of a further two on-street parking bays. These will be re-provided on Rothesay Avenue, which is subject to approval from Merton Council. It is supported that a Stage 1/2 Road Safety Audit (RSA) of the proposed parking arrangements on Rothesay Avenue and the Kingston Road loading bay has been undertaken.

6. TfL understands that the proposed scheme will replace the existing Wimbledon Chase Station entrance with a more direct link from the A238 Kingston Road parallel to the raised railway line. Improving accessibility to the station is supported, although this is subject to approval from Merton Council and Network Rail.

7. It is supported that 132 long-stay and 4 short-stay cycle parking spaces will be provided to the residential units in line with Policy T5 of the London Plan. In the worst-case scenario that the retail unit will be a café, a minimum of 1 long-stay and 8 short-stay cycle parking spaces should also be provided in line with Policy T5 of the London Plan. All cycle parking should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS).

8. At least 5% of the cycle parking spaces should be for larger and adapted cycles in line with Chapter 8 of the LCDS. It is also encouraged for at least 20% of the cycle parking spaces to be provided as Sheffield stands at standard spacing (recommended 1.2m, minimum 1.0m).

9. A Construction Logistics Plan (CLP) should be secured through condition, in line with Policy T7 of the London Plan, so that TfL can confirm impacts on the SRN and the surrounding transport network. Please note that any impact/changes to TfL Assets/Infrastructure will require approval from TfL.

10. After reviewing the Delivery & Servicing Plan (DSP), TfL has the following comments:

a) It is understood that the residential units will receive an average of 17 delivery and servicing vehicles per day and the retail unit an average of 1 per day.

b) All delivery and servicing activity will be undertaken from the proposed loading bay on the A238 Kingston Road in the location of the existing two on-street parking bays adjacent to the eastbound bus cage. This would involve the existing Rothesay Avenue bellmouth kerbs being built out in line with the arrangement at the Sandringham Avenue junction to ensure suitable visibility can be achieved. It is requested that detailed plans of the proposed highway changes are provided.

c) Refuse collection for the residential units will be undertaken from Rothesay Avenue

in line with the existing arrangement for the other properties on the road. This is supported.

d) It is welcomed that the applicant is committed to safer, more efficient and more environmentally friendly distribution by contracting operators registered with a best practice, such as the Fleet Operators Recognition Scheme (FORS), and encouraging the use of cargo bikes.

e) It is supported that the building management and retail unit tenant will work with suppliers to schedule activities where practical. It is requested that all deliveries to the retail unit are scheduled outside the network peak hours of 08:00-10:00 and 16:00-18:00 to avoid congestion and reduce any impact on public safety.

f) It is supported that the DSP will be secured by condition.

11. After reviewing the interim Travel Plan (TP), TfL has the following comments:

a) It is supported that a Travel Plan Coordinator (TPC) will be appointed prior to occupation of the site and they will have the overall responsibility for the day-to-day management and implementation of the TP.

b) TfL supports that the first set of travel surveys for the development will be undertaken within six months of first occupation and at the end of the Years 1, 3 and 5. Appropriate targets will then bet set within 1 month of the baseline survey being completed.

c) It is understood that the Nomis database, which contains national travel data from the 2011 Census, has been used to set interim mode share targets for the development. This indicates that roughly 16% of residents will use active travel as part of their commute, whilst 84% will use other modes, primarily public transport. It is supported that the TP seeks to achieve a 10% uplift in the number of residents traveling to and from the site by active modes of travel.

d) The proposed measures include the provision of a Welcome Pack and free 'Personal Journey Plans'; promotion of national walking and cycling events, such as National Walking Month and National Bike Week; encouragement of a Bicycle User Group (BUG) to be set up; promotion of TfL's 'Cycle Skills' course. These are supported.

e) It should be confirmed whether the applicant will provide shower, locker and changing facilities to staff of the retail unit in order to encourage active travel.

f) The importance of securing the funding for the elements of the plan at an early stage of the development process has been acknowledged. The provision of funding streams for the monitoring and management of the TP should be secured prior to implementation and the TP should be secured through a S106 agreement.

12. The footway and carriageway on the A238 Kingston Road should not be blocked during the development works. Temporary obstructions during the works should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A238 Kingston Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

TfL requests additional information to address points 7, 8, 9, 10(b, e), 11(e, f) prior to being supportive of the application.

### 5.7.19 Environment Agency - flooding (08/11/2022)

The site is in FZ1 (low risk) for fluvial/tidal flooding, so we would have no comments to

add in that regard.

We recommend you contact your Lead Local Flood Authority with regards to other sources of flooding which fall within their remit (e.g. groundwater, surface water).

### 5.7.20 Environment Agency – land contamination (08/11/2022)

Various advice notes offered in relation to land contamination, drainage design and contamination, engineering works, soils and stones & waste removed from development sites.

### Condition:

If piling is proposed, a Piling Risk Assessment should be undertaken to confirm the proposed design does not pose risks to the groundwater, This should be accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

### 5.7.21 Designing Out Crime (09/08/2022)

Having given due consideration to the design of this development, I recommend the following security features be addressed / included:

• The front of the current development has a good amount of tree growth along the pavement. If this was to become the entrance for the station any CCTV or lighting opportunities would be very limited. The trees would need to be either removed or trimmed back, depending on any tree protection orders that are attached to maximise surveillance opportunities.

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

• Recessed doors onto public spaces should be avoided. This is to mitigate loitering, nuisance behaviour and 'smokers corners'. The residential entrances and the Network Rail entrance on Rothesay Avenue all appear to be recessed. With balconies overhead these then provide shelter for this type of behaviour.

• I'd recommend a secondary door is installed in the North Core cycle store. With just one door shown, if this were to fail then the cycle store would be vulnerable to any would be thief.

• The refuse store doors should be single leaf, as double doors require double the security. They should be third party tested and certified to a minimum security standard of PAS 24:2016. They should also be self-closing and locking with a push to exit button and PIR lighting. This would discourage illegitimate use. The doors should be key fob access only. Not key or key pad operated as the methods are unreliable as they are often left unlocked for ease or the key code is readily distributed or compromised by a wearing down of the buttons. The retail and communal bin stores should be kept separate.

• Balconies or terraces that are close to one another should have fencing or glazed opaque screens to allow privacy and restrict climbing.

• The new station entrance has a flat roof which could be vulnerable and should be designed to remove climbing aids which would aid entry into the properties. This could also provide access to the railway tracks and Railway Bridge and be a means for

graffiti or criminal damage.

I recommend you consider the following points for your podium amenity space.

• Access into the amenity area should be controlled by coded fob readers so residents would require a fob with them to gain entry and entry ideally should be restricted to their specific core - this can be monitored and controlled by management (I.e. no entry after 10pm for example).

• CCTV should cover the whole area to prevent issues arising and enable management control. I recommend a management policy for the use of these areas perhaps denying entry after a set time as stipulated on the residents lease agreement.

• Computer controlled lighting can automatically reduce lighting levels at a set time to signify that the garden area is closing for the night and reduce light pollution.

• A management plan is recommended to address any maintenance and management issues.

• A set back from the edge and high glazing or similar barriers to prevent suicide or items being thrown onto the street below.

British Transport Police Designing Out Crime officers were also consulted and provided the following comment.

• I note that one side of the site runs parallel with operational running lines; I would encourage any proposed developer to be mindful in creating a suitable stand-off from the railway boundary so as any maintenance can be carried out without having to impede on the railway operations. The architectural artist impression is not detailed enough to show how close this will be to operational lines, however, any development should be mindful of trespass / suicide potential and incorporate commensurate measures necessary. It is required that the relevant DOCO is kept informed as discussions / plans progress.

As with any development these recommendations are not exhaustive and further consultation would be encouraged once the detailed design stage is reached.

#### **Recommendations**

Crime Prevention and community safety are material considerations. If The London Borough of Merton are to consider granting consent, I would seek that the following conditions be attached. This is to mitigate the impact and deliver a safer development in line with the Merton New Local Plan (Stage 3), the London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

Suggested two part condition wording:-

A. 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 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: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF). B. Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

The inclusion of any such conditions would assist to reassure local residents and police that security is a material consideration of the developer.

### 5.7.22 External independent financial viability assessor (27/10/2022)

(comments from Altair Ltd in relation to originally submitted scheme, which proposed no affordable housing)

We conclude that the proposed scheme can viably provide 5 x homes (studio flats) for affordable rent. Depending on the mmix of homes this could change the level of provision that is financially viable.

Item	Applicant FVA	Altair Assessment
Residential GDV	£37.4m (£716 psf)	£38,120,000
Commercial GDV	£785,312	£785,312
Capitalised Ground Rent	-	-
Base Works	£22.8m (£3,000 sqm, incl 3% cont.)	£21.9m (£2,787 sqm, incl 3% cont.)
Purchaser's Costs	6.80% - Commercial	6.80% - Commercial
SDLT	SDLT – 5% Legal Fees – 1.5%	SDLT – 5% Legal Fees – 1.5%
Professional Fees	6.00%	6.00%
S106 and CIL	£2.948m	£2.948m
Sales & Marketing	3.00% - Private Resi 2.00% - Commercial	3.00% - Private Resi 2.00% - Commercia
Developer's Return	20% - Private Resi 15% - Commercial	17.5% - Private Resi 15% - Commercial
Finance Cost	6.00%	6.00%
Benchmark Land Value	£2,471,149	£2,279,942

Table 12 - Key Appraisal Assumptions

### 5.7.23 External independent financial viability assessor (02/02/2023)

(comments from Adams Integra Ltd in relation to the scheme amended on 02/02/2023 – 30% affordable housing):

We have carried out an appraisal of the current scheme using the input values described above with a 100% open market scheme.

The appraisal produces a RLV of £2,215,362 (See Appendix 1).

When compared to the BLV of  $\pounds$ 2,279,942 this shows that the scheme is viable with 100% open market units.

We then carried out a further appraisal with the applicant's affordable housing offer of 21 affordable units (8 rent and 13 shared ownership).

This appraisal, at Appendix 4, shows a RLV of £1,699,901. Whilst this is still a positive

RLV it is below the BLV and is technically not viable.

However, the applicants have stated that they are willing to proceed on the basis that they will offer the 21 affordable units and take a lower profit in the expectation that they will be able to make savings from value engineering going forward.

If the profit level on the open market units was reduced to 15% then the RLV would increase to £2,362,981 which when compared to the BLV of £2,279,942 results in a surplus of £83,039 (see appendix 5).

It is our opinion, therefore, that the scheme is not able to support any additional affordable housing contribution over and above the 21 units offered.

# 6. POLICY CONTEXT

List of relevant planning policies

### National Planning Policy Framework (2021)

- Chapter 2 Achieving sustainable development
- Chapter 4 Decision-making
- Chapter 5 Delivering a sufficient supply of homes
- Chapter 6 Building a strong, competitive economy
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- 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 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

### London Plan 2021

- Policy SD6 Town centres and high streets
- Policy SD7 Town centres: development principles and Development Plan Documents
- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D7 Accessible housing
- Policy D8 Public realm
- Policy D9 Tall buildings
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H1 Increasing housing supply
- Policy H2 Small sites
- Policy H4 Delivering affordable housing

- Policy H5 Threshold approach to applications
- Policy H6 Affordable housing tenure
- Policy H7 Monitoring of affordable housing
- Policy H10 Housing size mix
- Policy S4 Play and informal recreation
- Policy S5 Sports and recreation facilities
- Policy E9 Retail, markets and hot food takeaways
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy
- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 10 Aggregates
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T6.3 Retail parking
- Policy T7 Deliveries, servicing and construction
- Policy T9 Funding transport infrastructure through planning

### Merton Core Strategy (2011)

- Policy CS 7 Centres
- Policy CS 8 Housing Choice
- Policy CS 9 Housing Provision
- Policy CS 11 Infrastructure
- Policy CS 12 Economic Development
- Policy CS 13 Open space, nature conservation, leisure and culture
- Policy CS 14 Design
- Policy CS 15 Climate Change
- Policy CS 16 Flood Risk Management
- 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 R1 Location and scale of development in Merton's town centres and neighbourhood parades
- DM R3 Protecting corner/ local shops
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM E4 Local employment opportunities
- 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 D7 Shop front design and signage
- DM EP1 Opportunities for decentralised energy networks
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants
- DM F1 Support for flood risk management
- 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 T4 Transport infrastructure
- DM T5 Access to the Road Network

# 7. PLANNING CONSIDERATIONS

- 7.1.1 The key issues in the assessment of this planning application are:
  - Principle of development
    - Station entrance
    - Provision of housing
    - Merton's five year land supply
    - Conclusion on principle of development
  - Housing mix

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- Affordable Housing
  - Delivering affordable housing
  - Threshold approach to applications
  - Affordable housing tenure
- Design and impact on the character and appearance of the area
  - Massing and heights
  - o Layout
  - Design and appearance
- Impact on neighbouring amenity
  - Summary of Daylight and Sunlight Assessment criteria:
    - Bulk and massing (loss of light, shadowing and visual intrusion)
  - Conclusion on loss of light, shadowing and visual intrusion impacts
  - Overlooking
  - Conclusion on impact on neighbouring amenity
- Standard of accommodation
- Inclusive Design and Accessible Housing

- Transport, highway network, parking and sustainable travel
  - Car Parking
  - Cycle Parking
  - Deliveries and Servicing
  - Trip Generation
  - Construction process
  - Conclusion on transport matters
- Flooding and site drainage
- Sustainability
- Air quality and potentially contaminated land
- Biodiversity
- Safety and Security considerations
- Fire safety

# 7.2 Principle of development

7.2.2 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.

### **Commercial**

- 7.2.3 Policy CS7 supports development in Merton's neighbourhood parades commensurate with their scale and function and where it improves the character and local environment of the area.
- 7.2.4 In terms of the retail element of the proposals, Policy DM R1 sets out that neighbourhood parades will be maintained to provide convenience shopping within walking distance of local residents. The policy goes on to state that large increases in commercial floor space in neighbourhood parades will be resisted (280sqm for the purposes of this policy).
- 7.2.5 The site is within the Neighbourhood Parade. The new retail floor space proposed is effectively a replacement of existing retail floor space. The existing 246sqm would be replaced by a total of 155.5sqm retail floor space, which would be a marginal reduction but would be set out in a more regular footprint. As the commercial use is retained, no concerns are raised.

### Station Entrance

- 7.2.6 Policy T3 of the London Plan supports the provision of sufficient and suitably-located land for the development of the current and expanded public and active transport system to serve London's needs.
- 7.2.7 The scheme would replace the existing station entrance. The new station entrance would have modern lighting and materials, with upgrades to the Public Announcement System and CCTV. The design of the station introduces a new rear entrance which can be used as a secondary access for passengers to the station platforms during the construction of the step free platform access.
- 7.2.8 Whilst step free access is not proposed as part of this application, the proposal demonstrates how future step-free access could be achieved.
- 7.2.9 The proposed replacement of the station entrance, with upgraded lighting, materials, PA systems and CCTV is a benefit of the proposal and is welcomed in policy terms.

Residential

- 7.2.10 National Planning Policy Framework (NPPF) 2021 Paragraph 124 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.
- 7.2.11 NPPF Paragraph 125 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.
- 7.2.12 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.2.13 Policy H1 of the London Plan 2021 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. 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.
- 7.2.14 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. The proposal would make a valuable contribution to meeting that target and providing much needed new housing.
- 7.2.15 The proposal to provide a residential use to this site is considered to respond positively to London Plan and Core Strategy planning policies to increase housing supply and optimise sites.

#### Merton's five year land supply

- 7.2.16 Merton currently does not have a five-year supply of deliverable housing. It is therefore advised that members should consider this position as a significant material consideration in the determination of planning applications proposing additional homes.
- 7.2.17 Where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, relevant decisions should apply the presumption in favour of sustainable development. This means that for planning applications involving the provision of housing, it should be granted permission unless:

• the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

• any adverse effect of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole

7.2.18 In real terms, if Merton continues to not meet its housing supply, then greater weight will need to be given to delivering more housing in the planning balance. Therefore, it is important that the Council seeks to deliver new housing now and make the most efficient use of sites to deliver new homes with appropriately designed buildings. The scheme is considered to make efficient use of the site with a good quality development that respects the character and appearance of the area without being harmful. The additional accommodation created on the site will make a valuable contribution towards Merton meeting its housing targets.

### Small Sites

7.2.19 The application site has a site area of 0.127 hectares. The application site therefore falls under planning policy H2 (Small Sites) of the London Plan 2021. Following on from the housing targets set out above, small sites are expected to deliver 2,610 new homes over the 10 year period (2019/20 - 2028/29). Policy H2 sets out that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

### Conclusion on principle of development

7.2.20 The proposal is considered to respond positively to London Plan and Core Strategy planning policies to meet increased housing targets and optimising sites and the principle of development is considered to be acceptable subject to compliance with the relevant policies of the Development Plan.

# 7.3 <u>Housing mix</u>

- 7.3.21 London Plan Policy H10 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.
- 7.3.22 Policy DM H2 of the SPP aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy sets out the following indicative borough level housing mix:

Number of bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

7.3.23 The London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.

### <u>"H10 (London plan Policy):</u>

- 7.3.24 Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:
  - robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment
  - the requirement to deliver mixed and inclusive neighbourhoods
  - the need to deliver a range of unit types at different price points across London
  - the mix of uses in the scheme
  - the range of tenures in the scheme
  - the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre

or station or with higher public transport access and connectivity

- the aim to optimise housing potential on sites
- the ability of new development to reduce pressure on conversion and subdivision of existing stock
- the need for additional family housing and the role of one and two bed units in freeing up existing family housing.
- 7.3.25 Policy H10 of the London Plan sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site.
- 7.3.26 The housing mix proposed is:

Туре	No.	Percentage split	
Studio	6	8.1%	58%
1b	37	50%	
2b/3p	22	29.7%	36.5%
2b/4p	5	6.8%	
3b/5p	3	4.05%	5.5%
4b/6p	1	1.4%	
Total:	74	100%	100%

7.3.27 The application does not accord with the indicative, borough wide mix set out in SPP Policy DM H2, in particular, in regards to the provision of family sized units. However, it is noted that flatted accommodation is not ideal for family occupation and given the proximity to public transport routes it is considered that a provision of smaller units would be acceptable.

# 7.4 Affordable Housing

7.4.1 The London Plan highlights delivering more genuinely affordable housing is a key strategic issue for London. Meeting the need for circa 43,500 affordable homes per year, as established in the 2017 Strategic Housing Market Assessment, will require an increase in affordable housing contributions from all sources. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources. This is critical to enabling London to meet the housing needs of its workforce and maintain the function and resilience of the city.

### Delivering affordable housing

- 7.4.2 Planning policy H4 (Delivering affordable housing) of the London Plan 2021 sets the strategic target of 50 per cent of all new homes delivered across London to be genuinely affordable. Specific measures to achieve this aim include:
  - 1) requiring major developments which trigger affordable housing requirements 50 to provide affordable housing through the threshold approach (Policy H5 Threshold approach to applications)
  - 2) using grant to increase affordable housing delivery beyond the level that would otherwise be provided
  - all affordable housing providers with agreements with the Mayor delivering at least 50 per cent affordable housing across their development programme, and 60 per cent in the case of

strategic partners

- 4) public sector land delivering at least 50 per cent affordable housing on each site and public sector landowners with agreements with the Mayor delivering at least 50 per cent affordable housing across their portfolio
- 5) industrial land appropriate for residential use in accordance with Policy E7 Industrial intensification, co-location and substitution, delivering at least 50 per cent affordable housing where the scheme would result in a net loss of industrial capacity.
- 7.4.3 Affordable housing should be provided on site. Affordable housing must only be provided off-site or as a cash in lieu contribution in exceptional circumstances.

### Threshold approach to applications

7.4.4 Planning policy H5 (Threshold approach to applications) of the adopted London Plan 2021 states:

A) The threshold approach applies to major development proposals which trigger affordable housing requirements.

B) The threshold level of affordable housing on gross residential development is initially set at:

1) a minimum of 35 per cent; or

2) 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or

3) 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution where the scheme would result in a net loss of industrial capacity.

C) To follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

1) meet or exceed the relevant threshold level of affordable housing on site without public subsidy

2) be consistent with the relevant tenure split (see Policy H6 Affordable housing tenure)

3) meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant

4) demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing.

D) Developments which provide 75 per cent or more affordable housing may follow the Fast Track Route where the tenure mix is acceptable to the borough or the Mayor where relevant.

E) Fast tracked applications are not required to provide a viability assessment at application stage. To ensure an applicant fully intends to build out the permission, the requirement for an Early Stage Viability Review will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough).

F) Where an application does not meet the requirements set out in Part C it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted in a standardised and accessible format as part of the application:

1) the borough, and where relevant the Mayor, should scrutinise the viability information to ascertain the maximum level of affordable housing using the methodology and assumptions set out in this Plan and the Affordable Housing and Viability SPG

2) viability tested schemes will be subject to:

a) an Early Stage Viability Review if an agreed level of progress on implementation is not made within two years of the permission being granted (or a period agreed by the borough)

b) Late Stage Viability Review which is triggered when 75 per cent of the units in a scheme are sold or let (or a period agreed by the borough)

c) Mid Term Reviews prior to implementation of phases for larger phased schemes.

G) Where a viability assessment is required to ascertain the maximum level of affordable housing deliverable on a scheme, the assessment should be treated transparently and undertaken in line with the Mayor's Affordable Housing and Viability SPG.

#### Affordable housing tenure

7.4.5 Planning policy H6 (Affordable housing tenure) of the adopted London Plan 2021 states:

A) The following split of affordable products should be applied to residential development:

1) a minimum of 30 per cent low-cost rented homes, as either London Affordable Rent or Social Rent, allocated according to need and for Londoners on low incomes

2) a minimum of 30 per cent intermediate products which meet the definition of genuinely affordable housing, including London Living Rent and London Shared ownership

3) the remaining 40 per cent to be determined by the borough as lowcost rented homes or intermediate products (defined in Part A1 and Part A2) based on identified need.

B) To follow the Fast Track Route the tenure of 35 per cent of homes must meet the requirements set out in Part A. The Fast Track Route is also available to applicants that elect to provide low-cost rented homes in place of intermediate homes, provided the relevant threshold level is reached. Where affordable homes are provided above 35 per cent, their tenure is flexible, provided the homes are genuinely affordable (defined in Part A1 and Part A2), and should take into account the need to maximise affordable housing provision, along with any preference of applicants to propose a particular tenure.

- 7.4.6 If a scheme cannot comply with the affordable housing targets above, then the full planning application must be submitted with a viability report.
- 7.4.7 In this case the applicant has provided a financial viability assessment, based on the originally submitted scheme, which initially proposed no affordable housing on the basis of lack of financial viability. This was reviewed by a third party appointed by the Council who concluded that 5 units could be reasonably provided as affordable housing.
- 7.4.8 Following discussions with Officers the scheme has been amended from the originally submitted scheme and a FVA has been submitted to reflect the current proposal. This FVA is based on 17.5% profit for the residential element and 15% profit for the commercial element. This FVA has been reviewed by another third party, appointed by the Council, who has concluded that the Residual Land Value (RLV the residual land value produced by a potential development is calculated by subtracting the costs of achieving that development from the revenue generated by the completed scheme), is calculated to be £2,215,362. The Benchmark Land Value (BLV) would be £2,279,942. Therefore, providing a surplus of £64,580, which could be made available for affordable housing contributions (N.B. if a 15% profit rate were used for the residential element the surplus would be £83,039).
- 7.4.9 Notwithstanding the position on financial viability, the applicant has since made an offer of 20% affordable housing provision by habitable room with a 50/50 split between affordable rent and intermediate (This would equate to 12 units). In addition, the applicant proposes to offer up a pre-implementation viability review, using the agreed benchmarks within the viability reports, given that the residential element of the scheme will not start on site for 24 months from a decision, which will capture any improvement in market conditions.
- 7.4.10 Given the situation in relation to financial viability, any provision over and above £64,580 would be a planning benefit of the scheme. Therefore, Officers would advise that the provision of 20% affordable housing is a material consideration of significant weight in determining this application.

# 7.5 **Design (character and appearance)**

7.5.11 The NPPF, London Plan policies D3 and D4, Core Strategy policy CS 14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context. Thus, development proposals must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

# Massing and heights

- 7.5.12 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.
- 7.5.13 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'.
- 7.5.14 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.

- 7.5.15 Highrise tower blocks located in denser areas of the borough are most common for residential, commercial or mixed use functions, where they can be an efficient use of land, and will be significantly taller than their surroundings and have a significant impact on the skyline. These tall buildings do not necessarily have a large building footprint and if designed well at the ground level can contribute positively to the streetscene.
- 7.5.16 Tall buildings can make a positive contribution to city life, be excellent works of architecture in their own right, can affect the image and identity of a city as a whole, and can serve as beacons for regeneration and stimulate further investment.
- 7.5.17 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'.
- 7.5.18 In policy terms, higher density development is directed towards centres and those areas that are well serviced in terms of public transport and infrastructure, and those areas that can accommodate the increase in density without having a detrimental impact on the character of the locality, including the historic environment.
- 7.5.19 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".
- 7.5.20 The site is not within a designated Town Centre but it is within the local centre of Wimbledon Chase, which is a neighbourhood parade. The proposed building would stand adjacent to the train station in an area where building heights are greater than the 2 storey suburban development that characterises much of the borough.
- 7.5.21 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"
- 7.5.22 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 London Plan.

• Public transport in the vicinity of the site is moderate but it is noted that the site building would act as a landmark for the train station.

• The area is generally one of low to medium rise, with two-storey residential housing but rises to 4-5 storeys within the Neighbourhood Parade.

7.5.23 The Council's Tall Buildings Paper sets out:

"3.8.24. Some mid-rise development is scattered amongst residential neighbourhoods in accessible locations, such as between Raynes Park and Wimbledon Centres, and along major roads such as Worple Road and Kingston Road. There is an opportunity to strengthen this development pattern, where mid-rise development will complement the surrounding character in locations such as Worple Road, and neighbourhood parades such as Wimbledon Chase. New development in these locations should generally be classified as mid-rise and should not be 'significant taller' than surrounding development or should not significantly alter the skyline."

- 7.5.24 The location of the site would allow for long distance views of the development from surrounding vantage points and would be visually prominent. However, the delivery of the site for additional housing would provide a significant contribution towards meeting the housing needs of the borough and Members will wish to consider whether the design is of a sufficiently high quality to justify the proposed massing and height in reaching their conclusions on the proposal.
- 7.5.25 While supplementary planning guidance can assist in guiding place making and help inform and enable more precise judgements on matters of massing, such as was the case with the redevelopment of the Rainbow Industrial estate, High Path, Ravensbury and Eastfields estates, planning officers have weighed up both the policies on design and tall buildings and set this against the known and likely housing targets. On balance officers conclude that a tall buildings approach to development in this instance could be supported.
- 7.5.26 Given the site uniquely forms part of Wimbledon Chase Station and is located on a major corridor there is potential to achieve a high density scheme that is taller than its surroundings.

### <u>Layout</u>

- 7.5.27 The proposed building would address both Kingston Road and Rothesay Avenue. The layout, with the commercial unit to the frontage would follow the pattern of surrounding development. Initially, concerns were raised by Officers in that the station entrance was in danger of being marginalised. However, changes to the signage are such that the station entrance would remain reasonably prominent.
- 7.5.28 The layout is based on sound urban design principles, with the main outlooks to the east, west and south and not over the immediately adjacent neighbours to the north.

### Design and appearance

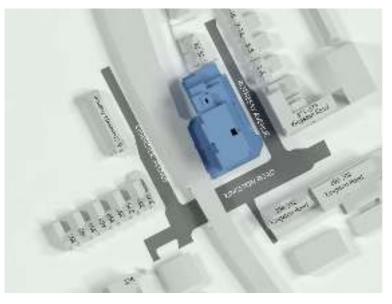
- 7.5.29 Paragraph 130 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 7.5.30 The change of material and massing between the 'head' and 'body' of the proposal creates a more visually slender building towards Kingston Road.
- 7.5.31 It is clear that the character of the building, particularly the 'head', has taken influence from the art deco style of neighbouring buildings and proposes a contemporary interpretation of this which is supported.
- 7.5.32 The revised material pallet and detailing is welcomed. In particular the horizontal banding that flows between brick detailing, balustrade design and window transom is

supported. A mock up panel of the façade that shows the brick cladding and detailing, glazing with aluminium panels and balustrade detailing will be reviewed as a condition to ensure the quality of the architecture reflects the ambitions of the application.

- 7.5.33 The new station entrance is well integrated with the building design which is supported. The canopy that spans from the station entrance through to Rothesay Avenue is particularly successful in creating a prominent station approach from the east that leads you directly to the entrance.
- 7.5.34 The architectural treatment of the building is considered to be a reasonable response to the local context.

# 7.6 Impact upon neighbouring amenity

- 7.6.35 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 7.6.36 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new developments does 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.
- 7.6.37 Policy DM EP2 (Reducing and mitigating noise) states that development which would have a significant effect on existing or future occupiers or local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.6.38 Image below shows application site and adjoining residential properties for Member information.



Source – from applicant's sun and daylight report (application site - proposed buildings in blue)

### Overlooking/visual intrusion

7.6.39 Officers acknowledge that a degree of overlooking and visual impact would take place between the proposal and neighbouring properties due to the design, form and height of the proposal, however this is inevitable and not uncommon in an urban setting. The proposed building would be separated from neighbouring properties by either public highways or the railway (other than properties on Rothesay Avenue to the north which will be discussed below) and the level of separation distances between neighbours would be consistent within an urban setting. Planning conditions will be required to prevent adverse overlooking from some balconies (some side screens required) and screening to the communal amenity spaces.

### 49-52 Rothesay Avenue

7.6.40 The proposed building would stand directly to the south of the neighbouring residential maisonettes. The main impact would be to the flank elevation of the neighbouring building, whereby the impact would be limited. However, the impact on the outside garden space is also a consideration. The proposed building has been staggered to create a transition to the neighbouring residential properties, with roof terraces to be screened, or set back so as to not allow overlooking. The bulk and mass of the building would have some minor adverse impact in terms of outlook from the garden spaces. However, overall, the setting back of the building at various floors, is considered sufficient to avoid a materially harmful impact to these neighbouring properties.

### **Daylight and Sunlight**

7.6.41 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).

7.6.42 The application is accompanied by a Sunlight and Daylight Analysis. The report states that whilst there would be some reductions in light to individual windows, the retained daylight levels are in line with those generally considered typical of urban development.

### 1-2 Rothesay Avenue

7.6.43 1-2 Rothesay Avenue is located directly opposite the northern part of the site and currently looks towards the two storey neighbours at 45 and 474 Rothesay Avenue as well as the single storey section of the station.



Source – from applicant's sun and daylight report (image shows 1-4 Rothesay Avenue)

- 7.6.44 When considering the proportional Vertical Sky Component (VSC) reduction the two forward living rooms fall below the BRE target to 0.55 times their former value with absolute retained mean VSC values of between 13.3% and 14.6%. The No Sky-line Contour (NSC) values fall to 0.45 and 0.46 times their former value for both the ground and first floor living spaces. Reductions in Annual Probable Sunlight Hours (APSH) are noted to the ground and first floor living rooms to just below the overall target of 25% to 22% and 24% respectively.
- 7.6.45 Officers note that given that these properties currently benefit from an unusually open outlook over the lowest part of the station any meaningful development of the site would result in reductions of a similar level.
- 7.6.46 Notwithstanding the above, the windows facing the site are obstructed by a large evergreen tree which indicates that the impacts of the scheme are unlikely to be noticeable to the occupants.

### 3-4 Rothesay Avenue

7.6.47 3-4 Rothesay Avenue (adjoining 1-2 Rothesay Avenue) also sees reductions to the mean VSC value for the ground and first floor bay windows serving the living rooms. Proportional retention values fall to 0.61 times their former value. Absolute retained VSC levels for the main part of the bay window are retained at between 16.9% and 18.9% for the living room and 16.1% for the bedroom; which are in keeping with the levels that are considered typical of urban development.

### 5-6 Rothesay Avenue

- 7.6.48 Moving northwards, away from the site, the impacts are lesser. Nos. 5-6 will have a retained VSC of 20.2% and 22.6% respectively to the ground and first floor main bay window, serving the living rooms. Whist the retained VSC values fall outside of the 27% target, retained values are considered to be appropriate for an urban location.
- 7.6.49 In respect of direct sunlight marginal reduction of 1% below the target for winter sun is noted to affect the ground floor living space. This room will continue to significantly exceed the target for annual sunlight levels and this limited effect to winter sunlight will not materially affect the use of the space. A reduction in NSC (No Sky Contour, also known as No sky Line NSL) is noted to affect the ground floor living room although this does retain a proportional value of 0.75.

### 7-10 Rothesay

7.6.50 The impacts to these properties is less than the units closer to the application site.

### <u>49-52 Rothesay Avenue</u>

7.6.51 49-52 Rothesay Avenue are located directly to the north of the site and are designed differently to the maisonettes on the opposite side of the street.



Street view accessed on 13 April 2023 from Google Maps

7.6.52 No. 49-50 Rothesay Avenue has a number of flank facing windows which look directly towards the application site with a separation of approximately 3.5m. The flank windows at ground and first floor level (W1) are secondary windows to dual aspect kitchens which is also served by a main forward-facing window overlooking the street which is unaffected by the proposals. The kitchens will retain a mean absolute VSC of 16.5% which is considered to be broadly typical of urban development.



Image 5 - First floor plan showing affected secondary kitchen window

### 290-302 Kingston Road

7.6.53

53 Located on the opposite side of Kingston Road to the southeast of the application site

is a four storey terrace (top floor set back) with commercial at ground floor and flats above.



Source – from applicant's sun and daylight report

7.6.54 The results of the daylight assessment show that all windows in this property will retain a proportional VSC of at least 0.87 times their former value with virtually no change in NSC levels. The daylight effects to the residential elements of this neighbour fully comply with the BRE guideline targets. With regards to sunlight none of the main living spaces to this property which face the site are within 90 degrees of due south and, as such, they are not relevant for assessment.

### 304-312 Kingston Road

7.6.55 Located on the opposite side of Kingston Road to the south of the application site is a three storey terrace with commercial at ground floor and flats above.



Source – from applicant's sun and daylight report

7.6.56 The results of the daylight assessment show marginal impacts to four of the five bedrooms at second floor level which have a direct view of the proposed scheme. The impacts to these bedrooms are not significantly below the 0.8 factor target, with two of these bedrooms retaining a proportional value of 0.64 at second floor which is considered a moderate effect. The two at first floor retaining a proportional value of 0.71 & 0.74 which is a minor effect.

7.6.57 Absolute retained VSC values are between 14.1% and 15.3% which are considered to be typical of an urban location. The results of the NSC assessment confirm little to no change in retained values, all above 0.98 times the former, thus fully complaint with the BRE target.

#### 328 Kingston Road

7.6.58 Located on the opposite side of Kingston Road to the southwest of the application site beyond the railway bridge is a four storey terrace block of flats.



Source - from applicant's sun and daylight report

7.6.59 Due to the separation distances, the impact to this property would be minimal.

#### BP Petrol Station, Kingston Road

7.6.60 Located on the opposite side of Kingston Road to the southwest of the application site beyond the railway bridge is the BP petrol station and forecourt. Given the commercial nature of the use, there would be no undue loss of light.

#### 391 Kingston Road

7.6.61 Located on the opposite side of railway lines to the west of the application is a two storey house at the junction of Kington Road and Chaseside Avenue. As shown below, the property includes a number of flank windows directed towards the railway embankment and application site beyond.



Source – from applicant's sun and daylight report

- 7.6.62 The results of the VSC analysis indicates that all windows in this property serving habitable rooms will retain proportional values of at least 0.8 and meet the BRE targets. A marginal shift in NSC is noted to affect one room at ground floor level which is likely to be a circulation space served by the glazed door.
- 7.6.63 The majority of the living spaces in this property are not orientated within 90 degrees of due south and therefore not relevant for inclusion in the sunlight element of the daylight/sunlight assessment. The two that are relevant both retain APSH values well in excess of the BRE target for sunlight.

#### 1-6 Chaseside Avenue

7.6.64 Located on the opposite side of railway lines to the northwest of the application are two storey terraced house facing towards the railway embankment and part of the rear section of the application site.



Street view accessed on 13 April 2023 from Google Maps

7.6.65 Due to the separation distances, the impact to these properties would be minimal.

#### 371-373 Kingston Road

7.6.66 Located to the east of the application site on the opposite corner of Rothesay Avenue, the building comprises a 5 storey block of flats (lowering in height at the rear) with commercial and ground floor and flats above. The building includes windows facing onto Kingston Road, corner balconies, side windows facing towards the application site and amenity spaces of the lower flat roof elements at the rear.



Source – from applicant's sun and daylight report

- 7.6.67 The flats at 371-373 Kingston Road are the primary site constraint and have a number of living spaces and bedrooms that are set behind or beneath balconies which limit sky visibility. The BRE guide recognises the effect that such features may have in increasing the sensitivity of such windows. In accordance with the guidelines, the applicant has undertaken a further assessment with the balconies removed to quantify this effect
- 7.6.68 The application site is currently underutilised with single storey station being lower than all immediate neighbours and not maximising the site footprint. The optimisation and intensification of the site above a transport hub will inevitably lead to a change in scale and amenity levels to the neighbours. It is also therefore relevant to carry out a 'mirrored 'or contextual baseline assessment to the most affected windows of neighbouring properties. This method involves mirroring the existing affected neighbour to use that as a baseline to quantify the overall impact.
- 7.6.69 In scenarios where neighbouring windows are particularly close to the site boundary Appendix F of the BRE guidelines suggest that a development responds appropriately to its surroundings that the targets be set to those for a 'mirror-image' building of the same height and an equal distance away on the other side of the boundary.



Image 12 - Mirrored baseline model

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#### Source – from applicant's sun and daylight report

- 7.6.70 The results of the mirrored assessment show that even developing only to the height of 371-373 Kingston Road would result in the most constrained LKD windows, those set into the recessed terraces, being reduced to levels of between c.5.5% VSC and 7.5% VSC. The differential between these mirrored levels and the proposed scheme is less than 2% in absolute VSC terms and would broadly be unnoticeable to the occupants.
- 7.6.71 Therefore, there would be some impact to these neighbouring properties but given the urban context of the site, this impact is not considered to be unacceptable in planning terms.

#### Conclusion on loss of light

- 7.6.72 The existing site comprises a single storey building and therefore light levels to a number of neighbouring properties are currently high. Any development which increases the bulk and massing on site would therefore result in some degree of loss of light.
- 7.6.73 The submitted daylight and sunlight assessment shows that there would be some noticeable loss of light to nos.1-6 Rothesay Avenue, 49-52 Rothesay Avenue, 304-312 Kingston Road and 371-373 Kingston Road. However, where the targets are not reached, the shortfall is relatively minor. In addition, retained values of light in an urban area are expected to be limited and therefore whilst the targets are not maintained for all neighbouring windows, the overall impact on light is considered to be typical of an urban area.

#### Conclusion on impact on neighbouring amenity

- 7.6.74 The proposed building would affect the privacy and outlook from neighbouring properties to some degree. In addition, there would be some loss of light to nearby residential properties. The proposed building has been designed to minimise these impacts but there would be an unavoidable impact over and above that created by the existing, single storey building.
- 7.6.75 Therefore, Officers advise that there would be some limited marginal impact on neighbouring properties, although this impact could be argued to be acceptable in planning terms. The limited impact on neighbouring amenity should be balanced against other considerations and benefits of the scheme.

# 7.7 <u>Standard of accommodation</u>

- 7.7.1 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. The design of development should provide sufficient daylight and sunlight for future occupiers, have adequate and easily accessible storage space and maximise the provision of dual aspect dwellings (normally avoiding the provision of single aspect dwellings). All units must be designed to meet or exceed the minimum Gross Internal Area (GIA) standards as set out in Planning Policy D6 (Housing quality and standards).
- 7.7.1 The detailed design of the proposed development must have regard to the requirements of the London Plan (2021) in terms of unit and room sizes and provision of external amenity space. The requirements of SPP Policy DM D2 will also be relevant in relation to the provision of amenity space.
- 7.7.2 In terms of internal floor area and size of private amenity spaces, all units would meet

or exceed the minimum requirements of the London Plan. In addition, there would be communal roof terraces and a communal facility for residents at ground floor level. This would provide a good standard of accommodation, particularly in terms of communal amenity space, which would be a benefit to the scheme. The Councils Design officer confirms that the applicant has made significant changes to the internal lay-outs of the homes which is supported.

- 7.7.3 The proposed development would include 30 fully dual aspect units, 44 single aspect, with an additional step back to allow for dual aspect to the balcony and no fully single aspect units. There are no north facing single aspect units. The side returns to allow more light, whilst not classified as dual aspect, would provide a reasonably good level of internal lighting.
- 7.7.4 The proposed development would yield approximately 22 children (based on the GLA play space calculator), with a requirement for 220sqm of play space. A condition is recommended to ensure that part of the roof terraces are suitably landscaped and equipped with suitable play equipment.
- 7.7.5 The retail unit would be shallow with no area for storage or commercial waste. The applicant has indicated that the unit would likely be occupied by a café or convenience store, which would not require extensive servicing.
- 7.7.6 Overall, the standard of accommodation is considered to be acceptable.

# 7.8 Inclusive Design and Accessible Housing

- 7.8.1 Policy D5 (Inclusive Design) of the London Plan 2021 states that development proposal should achieve the highest standards of accessible and inclusive design. Inclusive design creates spaces and places that can facilitate social integration, enabling people to lead more interconnected lives. Development proposals should help to create inclusive neighbourhoods that cumulatively form a network in which people can live and work in a safe, healthy, supportive and inclusive environment.
- 7.8.2 Planning Policy D7 (Accessible housing) of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.
- 7.8.3 The building has been designed to comply with M4 standards of the Building Regulations with 90% meeting M4(2) and the remaining 10% meeting M4(3). The layout proposes two lift/stair cores, with 11 units per floor
- 7.8.4 The proposed development would meet the relevant requirements of the London Plan in terms of inclusive design and accessible housing.

## 7.9 <u>Transport/Highways</u>

7.9.1 Policy T6 of the London Plan 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. At a local level Policy CS.19 of the Core Planning Strategy states that the Council will ensure that proposals do not have an adverse effect on transport within the vicinity of the site. Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle parking.

#### Car Parking

- 7.9.2 Planning Policy T6 Car parking of the London Plan 2021 states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy.
- 7.9.3 The proposal does not provide for any car parking on site (other than two Network Rail parking spaces). Three blue badge holder spaces would be provided on Rothesay Avenue. The Council's Transport planner has raised objection on the basis that the blue badge holder parking would not be onsite. However, Officers note that the London Plan does allow in some instances for the provision of on-street disabled spaces. The London Plan Policy T6.1 (Residential Parking) requires that:

"All disabled persons parking bays associated with residential development must:

1) be for residents' use only (whether M4(2) or M4(3) dwellings)

2) not be allocated to specific dwellings, unless provided within the curtilage of the dwelling

3) be funded by the payment of a commuted sum by the applicant, if provided on-street (this includes a requirement to fund provision of electric vehicle charging infrastructure)."

7.9.4 The London Plan goes on to state that:

"10.6.10 For car-free development, how provision will be made, including whether bays are provided on-site or on-street, should be clearly set out and justified, in line with relevant guidance and local policies."

- 7.9.5 The Council's Transport Planner has set out that "on-street disabled parking could only be considered on request by an individual occupier and should satisfy the Council's adopted criteria". In addition, the Transport Planner has confirmed that the on-street disabled parking spaces must be at least 6.6m in length (which they would achieve).
- 7.9.6 This on-street provision could not be reasonably secured for occupiers of the development, but it would add to the provision of disabled parking in the vicinity.
- 7.9.7 Ideally, blue badge parking would be provided onsite. However, the London Plan does allow for on-street blue badge parking in some instances and overall the layout of spaces are considered to be acceptable.
- 7.9.8 The lack of on-site blue badge parking should be weighed into the consideration of the application. As set out above, in an ideal situation, on-site spaces would be provided, however this is not feasible in this instance, and therefore officers do not consider that this matter would warrant a refusal of permission, especially when considered within the overall planning balance.
- 7.9.9 The comments/concerns of the Council's Transport planner in relation to parking have been carefully considered. However, the proposal does not involve the overall loss of any on-street parking bays, as the 4 that would be lost are all replaced on-street (in Rothesay Avenue in a 22.5m stretch of parking bays). In addition, the on-street motorcycle parking bay would not be affected by the proposed development, as it is to the opposite side of Rothesay Avenue and not part of any changes proposed in this application.
- 7.9.10 The site is within a Controlled Parking Zone and therefore, in order to minimise the

impact on the local highway network and to minimise impact on parking pressure, officers advise that the application should be subject to a s.106 agreement to preclude the issuing of parking permits to future occupiers.

#### Cycle Parking

- 7.9.11 Planning Policy T5 (Cycling) of the London Plan 2021 states that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. Developments should provide cycle parking at least in accordance with the minimum standards set out in Table 10.2. In accordance with Table 10.2, residential dwellings should provide 1 space per studio/1 person 1 bedroom dwelling, 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwellings. For developments with 5-40 dwellings, 2 additional short stay spaces are required.
- 7.9.12 The level of cycle parking would exceed London plan policy requirements (142 spaces provided, with 125 required by policy an overprovision of 18 spaces) and would also include specific spaces for oversize cycles, which is welcomed.
- 7.9.13 The cycle parking would be acceptable in planning terms.

#### **Deliveries and Servicing**

- 7.9.14 Policy CS20 of Merton's Core Planning Strategy states that the Council will require developments to incorporate safe access to and from the public highway as well as onsite parking and manoeuvring for emergency vehicles, refuse storage and collection, and for service and delivery vehicles.
- 7.9.15 Servicing requirements for the commercial unit would be limited, as it is a relatively small commercial unit. Servicing would be caried out from Kingston Road in the same manner as other commercial units along Kingston Road. The existing retail unit provides a forecourt which allows for small vehicles to provide servicing but large vehicles cannot turn on the existing site.
- 7.9.16 In order to facilitate servicing the proposal includes the provision of a partially enclosed layby to Kingston Road (3m by 17.5m). This arrangement would be similar to the existing layby to the east.
- 7.9.17 The Concerns raised by the Council's Transport Planner have been carefully considered. Officers note that the site is within a Neighbourhood Parade, whereby the provision of ground floor commercial uses is encouraged. The concept of having to provide off-street servicing would not be in-line with how other units along the Neighbourhood Parade are serviced, other than the Co-op supermarket and is not proportionate to the size of the commercial unit proposed.
- 7.9.18 The Council's Transport Planner has raised the issue of the future provision of a onstreet cycle hire parking area. However, this would be adjacent to the existing bus stop on Kingston Road and would not prevent the unloading of vehicles using the proposed lay-by.
- 7.9.19 Therefore, Officers consider that the provision of a partially enclosed lay-by would allow for adequate servicing of the commercial unit and would also allow for any servicing requirements of the residential element.

#### Trip Generation

7.9.20 Trip generation would increase over the existing retail use. The proposed development would generate 48 two-way trips during the AM peak hour and 38 during the PM peak hour. However, this could be satisfactorily accommodated in the surrounding highway

network.

#### Construction process

7.9.21 The submitted Transport Assessments sets out that the new station entrance would be constructed whilst the existing entrance remains in operation, keeping impact on users to a minimum. The access would then be switched to the new entrance leaving the site clear for construction of the proposed retail and residential accommodation. The final details would be secured by way of a condition requiring the submission of a Construction Logistics Plan.

#### Conclusion on transport matters

- 7.9.22 The concerns raised by the Council's Transport Planner have been carefully considered. However, officers consider that the servicing requirements for the commercial unit would be limited given its design and modest size. Given the modest size and lack of ancillary storage/back of house facilities for the retail unit it is unlikely that the unit would be suitable as a local supermarket (which generally require a greater amount of servicing), however a planning condition can restrict a supermarket use. In addition, a planning condition restricting the size of the service vehicles can also assist in limiting impact on the highway network.
- 7.9.23 Whilst the Councils Transport Planner has raised some concerns with the proposal, officers need to consider all material planning considerations and whilst on-site blue badge space and servicing would be the ideal approach, in this instance the application site is limited in size and if onsite spaces/servicing were to take place this would significantly reduce the amount of development coming forward as part of any redevelopment aspirations. Officers have therefore placed more weight in the overall planning balance to optimising the potential of the site to deliver a new station entrance and 74 new homes, of which 12 units would be affordable housing.

# 7.10 Flooding and site drainage

- 7.10.24 London Plan policy SI 13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.10.25 The site is within Flood Zone 1 (low probability of flooding) but is within an area at risk from surface water flooding.
- 7.10.26 The application is accompanied by a Flood Risk Assessment and SuDS report which sets out that both entrances to the station (pedestrian and Network Rail) are at risk of flooding during a Medium risk flood event (with climate change allowance). In this event flood depths of up to 0.9 m are anticipated in the location of the Network Rail entrance. Flood depths of up to 0.6 m are anticipated in the location of the pedestrian access to the station in the south. Therefore, a water entry strategy is recommended to preserve building integrity and to promote flood resilience rather than resistance (which is more difficult to achieve for significant flood depths). Potential strategies include:
  - Ground floors designed to permit water passage at high flood depths;
  - Hard flooring and flood resilient metal staircases;
  - Heating systems, electrical sockets and utility meters should be raised above the predicted flood level where possible; and

- Sump and pump.
- 7.10.27 The Flood Risk Assessment goes onto recommend that it is likely the flood mitigation measures recommended for surface water (pluvial) risk will provide some mitigation of the Negligible-Low groundwater flood risk identified on Site. However specific groundwater measures that may also be considered include:
  - Waterproof tanking of the ground floor;
  - Interceptor drains;
  - Automatic sump to extract flood water; and

• Non-return flap valves on the proposed foul and surface water sewer lines. A Site investigation is recommended for investigation of the extent and depth of the underlying secondary (A) aquifer and the depth to groundwater

- 7.10.28 In terms of SuDS, green roofs would provide water attenuation and would be secured by way of condition.
- 7.10.29 The EA were consulted and have raised no objection to the proposals. The Council's Flood Risk Officer has commented on the scheme raising no objection, subject to condition.
- 7.10.30 Subject to conditions, the impact on flooding and drainage is considered to be acceptable.

# 7.11 Sustainable design and construction

- 7.11.1 The London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) requires new developments to make effective use of resources and materials, minimise water use and CO2 emissions.
- 7.11.2 Major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.
- 7.11.3 A minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either:
  - 1) through a cash in lieu contribution to the borough's carbon offset fund, or

2) off-site provided that an alternative proposal is identified and delivery is certain.

- 7.11.4 The scheme proposes PV panels at roof top level along with the use of air source heat pumps.
- 7.11.5 The application will be subject to a legal agreement to provide the carbon offset contribution. The final amount is being calculated through further discussion with the applicant and Climate Change Officer in relation to the detailed methodology of the calculation. However, this is allowed for in the heads of terms and subject to condition and legal agreement, the proposal would be acceptable in terms of climate change considerations.

# 7.12 <u>Air Quality</u>

- 7.12.6 The whole of Merton is an Air Quality Management Area (AQMA).
- 7.12.7 The application is accompanied by an Air Quality Assessment which sets out that predicted pollutant levels were below the relevant criteria across the development. As such, the site is considered suitable for the proposed end use from an air quality perspective. Potential emissions from the proposals were assessed in order to determine compliance with the air quality neutral requirements of the London Plan. The building energy strategy does not produce emissions to atmosphere. In addition, the proposals are predominantly car free (only 2 spaces onsite). As such, the development was considered to be air quality neutral. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the proposals.
- 7.12.8 The proposal is considered to be acceptable in terms of air quality, subject to conditions to minimise air pollution throughout the construction phase.

# 7.13 <u>Biodiversity</u>

- 7.13.9 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 7.13.10 The site is predominantly buildings and hardstanding, with small patches of introduced shrubs, dense scrub and amenity grassland with a single small pond. There is some limited potential for bats in the existing building and the Preliminary Ecological Assessment recommends that further ecological surveys and assessment works have been recommended for the following (which are recommended to be secured by way of condition):
  - Bat emergence/re-entry surveys (April to October)
  - Pre-construction walkover for badgers
- 7.13.11 The scheme includes green roofs, bio-dioverse (brown) roofs and small landscaped gardens. In addition, climbers will be planted to grow up the buff-brown rear half of the northern flank wall.
- 7.13.12 Overall, biodiversity on the site would be improved and there would be an overall biodiversity net gain.

# 7.14 Urban Greening Factor and trees

- 7.14.13 Policy G5 of the London Plan sets out that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.
- 7.14.14 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, including sites not within areas of special protection.
- 7.14.15 Urban greening covers a wide range of options including, but not limited to, street trees, green roofs, green walls, and rain gardens. It can help to meet other policy

requirements and provide a range of benefits including amenity space, enhanced biodiversity, addressing the urban heat island effect, sustainable drainage and amenity.

7.14.16 In terms of urban greening the application does not include a specific calculation of the UGF. However, this matter will be addressed in the modification sheet to the committee.

# 7.15 <u>Safety and Security considerations</u>

- 7.15.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.
- 7.15.2 The layout and design of the building would be suitable in terms of designing out crime. The Secure By Design Officer has commented and recommends CCTV be included, computer controlled lighting, a management plan to address maintenance and management issues and a suitable set back from the railway lines.
- 7.15.3 These matters can be secured by condition. To clarify, the building is setback from the railway lines by over 7m (as the residential element does not oversail the station entrance), thereby creating a substantial setback from the railway lines, so as to not interfere with any operational requirements of the railway.
- 7.15.4 Officers recommend that a secured by design final certificate is controlled by way of condition.

## 7.16 Fire safety

- 7.16.5 Planning Policy D12 (Fire safety) of the of the London Plan 2021 highlights that fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using.
- 7.16.6 Planning Policy D12 (Fire safety) of the London Plan 2021 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

1) identify suitably positioned unobstructed outside space: for fire appliances to be positioned on appropriate for use as an evacuation assembly point.

2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

3) are constructed in an appropriate way to minimise the risk of fire spread

4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users

5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.

6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

7.16.7 All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.

The statement should detail how the development proposal will function in terms of:

1) the building's construction: methods, products and materials used, including manufacturers' details

2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach

3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans

4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these

5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

- 7.16.8 The application is accompanied by two Fire Strategies (one dealing with policy matters and one dealing with national requirements) by Dr Jianqiang Mai, Associate Director of AESG UK Fire Engineering Division, Chartered Engineer, Member of Institute of Fire Engineers and 20 years Fire Engineering Experience) which sets out that a combination of internal compartmentation, smoke ventilation, and protection to external walls will prevent fire from spreading throughout the building or to neighbouring sites.
- 7.16.9 The building would be over 18m in height and therefore is required to be provided with a firefighting lift shaft. The Fire Strategy identifies that an automatic suppression system should be provided in line with the changes to Approved Document B as the building is over 11 meters. Provision for a smoke control system will be provided in the proposed building.
- 7.16.10 These matters would be secured under the Building Regulations. However, the submission demonstrates that matters of fire safety have been taken into account in the design and provides a satisfactory level of assurance that measures of fire safety will be addressed.

# 8. ENVIRONMENTAL IMPACT ASSESSMENT

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

# 9. LOCAL FINANCE CONSIDERATIONS

- 9.1.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Merton CIL are therefore material considerations.
- 9.1.2 On initial assessment this development is considered liable for the Mayoral and Merton

CIL.

# 10. CONCLUSION

- 10.1.1 The existing site is underused and provides an opportunity for redevelopment. The balance of commercial and residential uses is considered to be acceptable in principle.
- 10.1.2 The proposal would provide housing, along with an improved pedestrian environment when entering the train station.
- 10.1.3 The scheme would suitably safeguard future step free access arrangements.
- 10.1.4 The proposal would provide over and above what has been concluded as financially viable in terms of affordable housing on site, which is a benefit to the scheme.
- 10.1.5 The building would be large in its context but officers consider that a landmark building would be suitable to this corner site, marking a transport node.
- 10.1.6 There would be some impact on neighbouring amenity which should be taken into account in the balancing of the key issues in the assessment.
- 10.1.7 It is noted that there are reservations in terms of servicing expressed by the Council's Transport Planner, however, the overall planning benefits of the scheme are considered to outweigh any concerns.
- 10.1.8 Other development control issues are considered to be acceptable as outlined above in the report.
- 10.1.9 Officers consider that the proposal is acceptable in planning terms, subject to conditions and a legal agreement and therefore the recommendation is for approval.

# 11. RECOMMENDATION

- 11.1 **GRANT** planning permission subject to conditions and s106 agreement securing the following:
  - Affordable housing provision of 20% on site affordable housing by habitable room, 50/50 split between affordable rent and intermediate rent, including review mechanisms.
  - Carbon offset contribution (specific amount to be confirmed)
  - Travel Plan (provision of Travel Plan).
  - A sum of £2,000 (two thousand pounds) is sought to meet the costs of monitoring the travel plan over five years.
  - Relocation of parking bays on Kingston Road and Rothesay Avenue, provision of servicing bay, changes to highway layout and associated changes to road markings, to be covered by s.278 if required.
  - Restrict parking permits for all new units.
  - Details and management of provision of communal space at ground floor level for use by residents.
  - The applicant covering the Council's reasonable costs of all work in drafting S106 and monitoring the obligations.

#### **Conditions**

1 Commencement of development (Full Permission) - The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2 Approved Plans - The development hereby permitted shall be carried out in accordance with the following approved plans:

2179-00-BR-0013 rev P02 DAS Addendum 2179-00-BR-0014 rev P01 VuCity Townscape Views 2179-00-SA-0012 rev P04 Schedule of Accommodation 2179-10-DR-0100 rev PL9 Ground Floor GA Plan 2179-10-DR-0101 rev PL9 1st Floor GA Plan 2179-10-DR-0102 rev PL9 2nd Floor GA Plan 2179-10-DR-0103 rev PL11 3rd Floor GA Plan 2179-10-DR-0104 rev PL10 4th Floor GA Plan 2179-10-DR-0105 rev PL10 5th Floor GA Plan 2179-10-DR-0106 rev PL10 6th Floor GA Plan 2179-10-DR-0107 rev PL10 7th Floor GA Plan 2179-10-DR-0108 rev PL10 8th Floor GA Plan 2179-10-DR-0109 rev PL8 Roof GA Plan 2179-10-DR-0401 rev PL6 Cross GA Section 2179-10-DR-0402 rev PL6 Longitudinal GA Section 2179-10-DR-0601 rev PL9 North GA Elevation 2179-10-DR-0602 rev PL9 East GA Elevation - Rothesay Avenue 2179-10-DR-0603 rev PL7 South GA Elevation - Kingston Road 2179-10-DR-0604 rev PL6 West GA Elevation - Station Side

<u>Reason: For the avoidance of doubt and in the interests of proper</u> <u>planning</u>

3 Materials to be Approved - No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core

Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4 Surface Treatment - No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policy D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

5 No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

6 The development hereby approved shall not be occupied until the proposed vehicle access has been sited and laid out in accordance with the approved plans

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

7 The development shall not be occupied until the existing redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

8 The vehicle parking area shown on the approved plans shall be provided before the commencement 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.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy T6 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

**9** Prior to the occupation of the development 2 metre x 2 metre pedestrian visibility splays shall be provided either side of the vehicular access to the site. Any objects within the visibility splays shall not exceed a height of 0.6 metres.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

- **10** Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
  - (i) Parking of vehicles of site workers and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of construction plant and materials;
  - (iv) Wheel cleaning facilities
  - (v) Control of dust, smell and other effluvia;
  - (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

11 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 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 T4 and T7 of the London

Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

12 Drainage - Prior to the commencement of development, a detailed and final construction level detail for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority for both phases of the development. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to include green roofs, blue roofs, rainwater harvesting and other Green Infrastruce SuDS measures, where possible. The final drainage scheme will discharge at a run-off rate of no more than 2l/s and an attenuation volume no less than 16.5m3, in accordance with drainage hierarchy contained within the London Plan Policy (SI 12, SI 13 and SPG) and the advice contained within the National SuDS Standards.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy SI 12 and 13.

**13** Flood Risk Assessment - The development shall be carried out in accordance with the submitted and updated Flood Risk Assessment by GeoSmart document reference: 75915.01R3 dated 022-11-16. All flood risk mitigation measures set out within the FRA, such as the flood risk resistance and resilience measures for example, must be implemented before operational use or occupancy of the site. All of the mitigation measures shall be retained and maintained thereafter throughout the lifetime of the development.

<u>Reason : To reduce the risk of flooding to and from the proposed</u> <u>development and future occupants.</u>

14 No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014

**15** No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014. **16** Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

**18** No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

**19** 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

**20** All deliveries to the commercial unit hereby approved shall be scheduled outside the network peak hours of 08:00-10:00 and 16:00-18:00 Monday to Friday.

Reason: To avoid congestion and reduce any impact on public safety.

21 Delivery and Servicing Plan - Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is 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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

22 If piling is proposed, prior to the commencement of development, a Piling Risk Assessment shall be undertaken (and submitted to and approved in writing by the Local planning Authority) to confirm the proposed design does not pose risks to the groundwater, This should be accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". The development shall be carried out in accordance with the approved details.

Reason: Having regard to potential land contamination.

23 Security - 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 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: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

24 Security - Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

**25** Refuse & Recycling (Implementation) - The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

26 Landscaping (Implementation) - All hard and soft landscape works shall be carried out in accordance with the approved details as in the approved drawings. 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.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

27 Wheelchair Accessible Homes - Not less than 10% of the dwelling units hereby permitted shall be constructed shall be wheelchair accessible throughout or easily adaptable for residents who are wheelchair users and shall be retained as such unless otherwise agreed in writing with the Local planning Authority.

Reason: To ensure the housing stock addresses the housing needs of disabled persons and to comply with the following Development Plan policies for Merton: policies D7 and H12 of the London Plan 2021, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

**28** Green roofs: full details of a planting scheme, and the design and method of construction of the green and brown roofs shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London Plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014. **29** Urban Greening Factor - The development hereby permitted shall not be occupied until the Urban Greening factors set out in the approved plans and documents have been fully implemented and shall be permanently maintained as such thereafter to the satisfaction of the Local Planning Authority.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

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

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policies GG3 and SI1, and NPPF 181.

**31** Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any external plant/machinery across the site shall not exceed LA90-10dB at the boundary with the closest residential property.

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: policies D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

**32** Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary and in accordance with Institution of Lighting Professionals, The Reduction of Obtrusive Light Guidance Note 01/21.

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: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

**33** BREEAM - New build non-residential (Pre-Commencement) - No development shall commence until a copy of a letter from a person that is

licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM - Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent).

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: polices SI 2, SI 3 and SI 5 of the London Plan 2021 and policy CS15 of Merton's Core Planning Strategy 2011.

**34** The mitigation and enhancements recommended in the submitted Preliminary Ecological Appraisal shall be carried out prior to the first occupation of the development hereby approved and maintained thereafter.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development plan policies for Merton: policies G5 and G6 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

**35** No Use of Flat Roof - Access to the flat roof of the development hereby permitted, other than areas specifically identified as communal amenity spaces, 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: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

**36** Restriction on Music/Amplified Sound - No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policies D4 and D14 of the London Plan 2021, policy CS7 of Merton's

Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

**37** Fire Strategy - The development shall be carried out in accordance with the provisions of the submitted Fire Statements and must fully comply with The Building Regulation 2010 (as amended) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

**38** Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

**39** Sustainability (Water Consumption) - The development shall be carried out in accordance with the measures set out in the submitted Energy Report (amended 03/11/2023). In addition, 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 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 SI 2 and SI 3 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

**40** Delivery vehicles serving the development in the operational phase of development shall be limited to no greater than 10.0m in length.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

41 Landscaping - No development shall take place until full details of a landscaping and planting scheme, to include provision of children's play space and play space equipment has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation

of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies G7 and D8 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

42 Restriction - Use of Premises - Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987 (as amended), the commercial premises shall not be occupied as a supermarket.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

**43** Removal of PD (Advertisements/signage) - Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (or any Order revoking and re-enacting that Order with or without modification), no advertisement or fascia signage shall be displayed on the site unless advertisement consent is first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that additional signage or advertisements could cause detriment to the character of the area and for this reason would wish to control any future Development plan policies for Merton: policy D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

44 Screening - Prior to the first occupation of the residential element of the development hereby approved, details of screening of the balconies to units N2.02 and N1.02 and to the northern sides of the communal roof terraces/gardens on the 3rd, 7th and 8th floors shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

<u>Reason: To safeguard the amenities and privacy of the occupiers of</u> adjoining properties and to comply with the following Development Plan policies for Merton: policy D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

**45** Prior to the occupation of the development hereby approved, a plan to show how a future connection to a district heat network could be future-proofed. Shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with he agreed plan.

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: polices SI 2, SI 3 and SI 5 of the London Plan 2021 and policy CS15 of Merton's Core Planning Strategy 2011.

**46** Prior to the first occupation of the residential element of the development hereby approved, all windows to the north facing elevation shall be obscurely glazed up to an internal sill height of at least 1.7m. Alternatively, prior to the first occupation of the residential element of the development hereby approved, a scheme for obscured glazing to windows to the north elevation shall be submitted to 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 amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

#### 1 INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegi slation/current legislation/partywallact

#### 2 INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

#### 3 INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

#### 4 INFORMATIVE

Details of the BREEAM assessment and a list of approved assessors can be found at www.breeam.org

#### 5 INFORMATIVE

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 trade.effluent@thameswater.co.uk . Application forms should be completed on line via

https://urldefense.com/v3/\_\_http://www.thameswater.co.uk\_\_;!!MOeJA3F s6wML0Q!H9hEX9G9ow6BxDcarDjVEYcok9wRe3hgAo6mSovAZbsKkW 7OK9aZNf\_Df0hrtv-hQh6VLZfoWueIkIp0\_WE4ek3NEYoJo-A\_RtUBsu8w\$

#### 6 INFORMATIVE

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.

#### 7 INFORMATIVE

You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

#### 8 INFORMATIVE

The footway and carriageway on the A238 Kingston Road should not be blocked during the development works. Temporary obstructions during the works should be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A238 Kingston Road. All vehicles should only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.

#### 9 INFORMATIVE

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

#### 10 INFORMATIVE

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

#### 11 INFORMATIVE

Demolition of buildings should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (tel: 020 7831 6922).

#### 12 INFORMATIVE

In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

i) Offering a pre-application advice and duty desk service.

ii) Where possible, suggesting solutions to secure a successful outcome.

iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

#### In this instance:

i) The applicant/agent was provided with pre-application advice.

ii) The applicant was offered the opportunity to submit amended plans in order to make the proposal acceptable in planning terms.

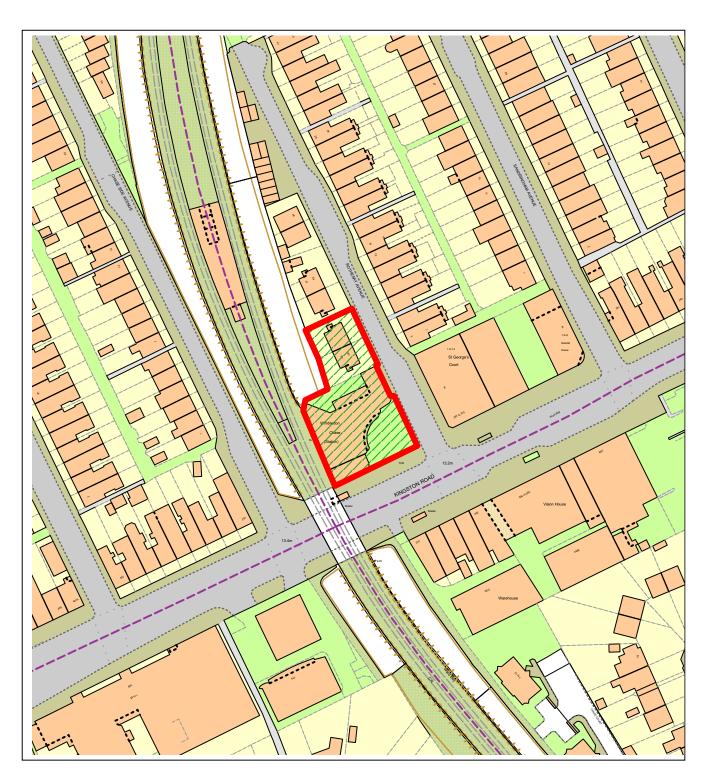
iii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

#### INFORMATIVE

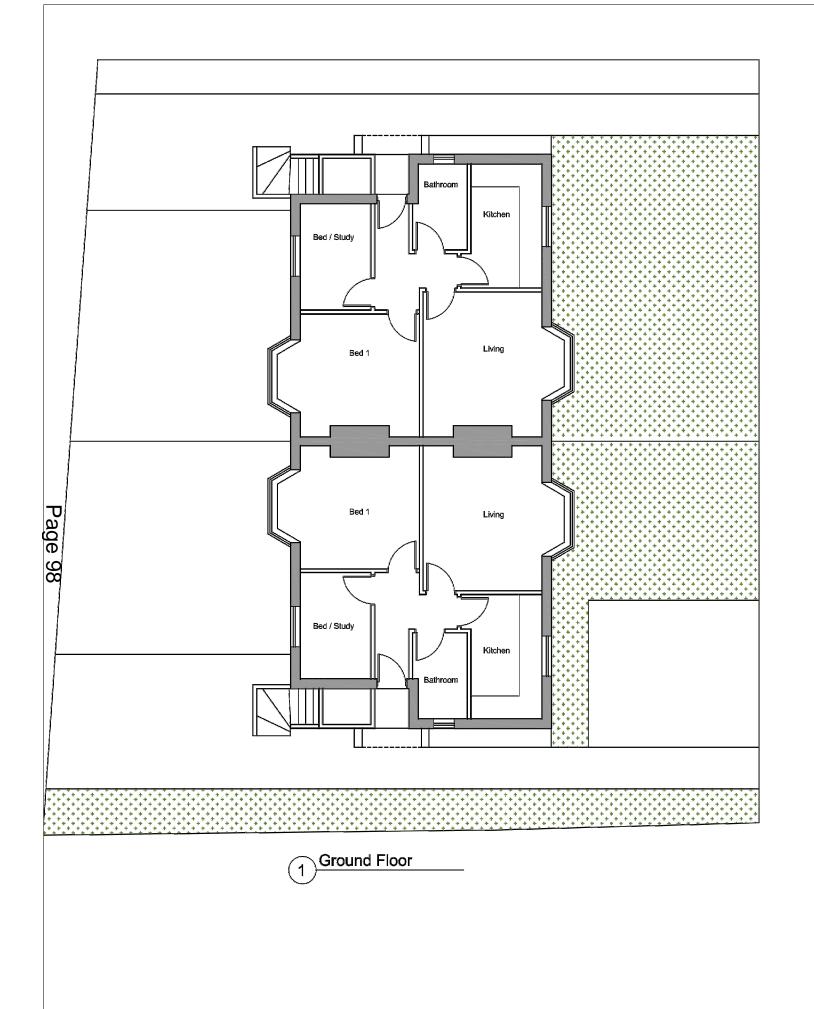
This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

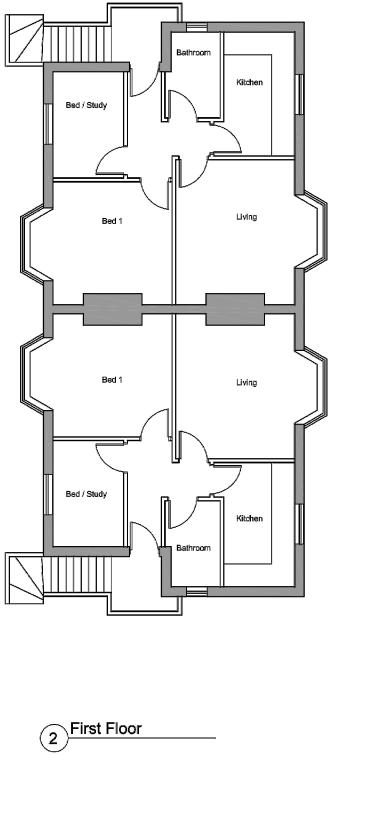
Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: <u>street.naming@merton.gov.uk</u>

# **NORTHGATE** SE GIS Print Template



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CZWG

CZWG Limited 1 Naoroji Street London WC1X OGB

Telephone 020 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

Rev:PL2 Date:28.01.22 Drn:VM Chk:SR CZWG Address Amended. Issued for Planning Rev: PL1 Date:07.12.21 Drn: VM Chk: SR Issued for Planning Do not scale off this drawing Report all errors and omissions to the Archit Dimensions to be checked on site SHEET INFORMATION: Plotted by: V.MAGNARIN Plot date : 28 January 2022 17:20:01

Client: Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: 45 and 47 Rothesay Avenue Existing Plans

Drawing status: Planning Scale @ A3 1:100 Drawing No: Rev: 2179-00-DR-0050 PL2



Scale bar in meter

CZWG

CZWG Limited 436 Roman Road London E3 5LU

Telephone 020 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

Rev: PL2 Date:28.01.22 Drn: VM Chk: SR CZWG Address Amended. Issued for Planning Rev: PL1 Date:07.12.21 Drn: VM Chk: SR Issued for Planning Do not scale off this drawing Report all errors and omissions to the Archit Dimensions to be checked on site SHEET INFORMATION: Plotted by: V.MAGNARIN Plot date : 28 January 2022 17:21:08

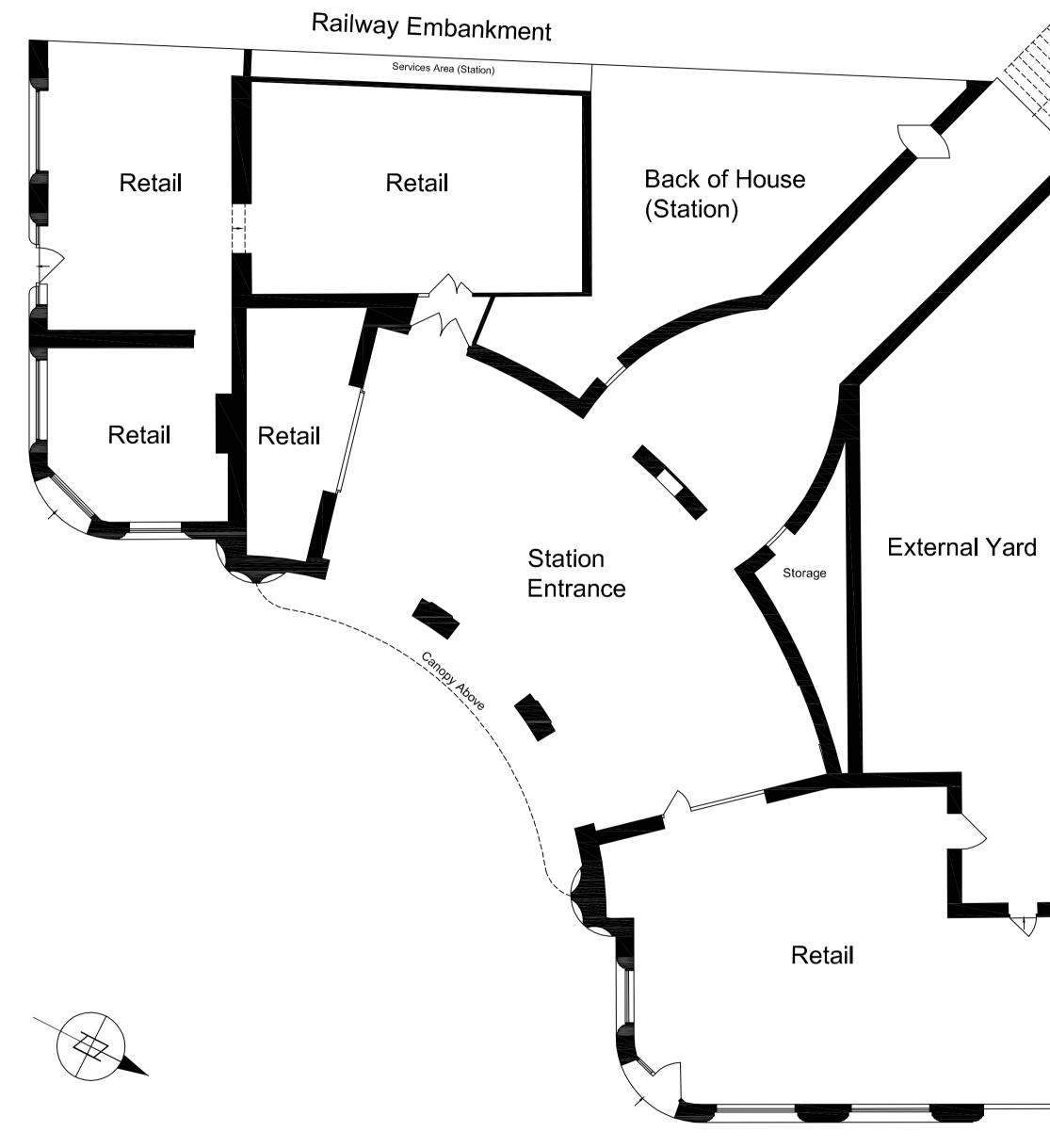
Client: Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: 45 and 47 Rothesay Avenue Existing Elevations

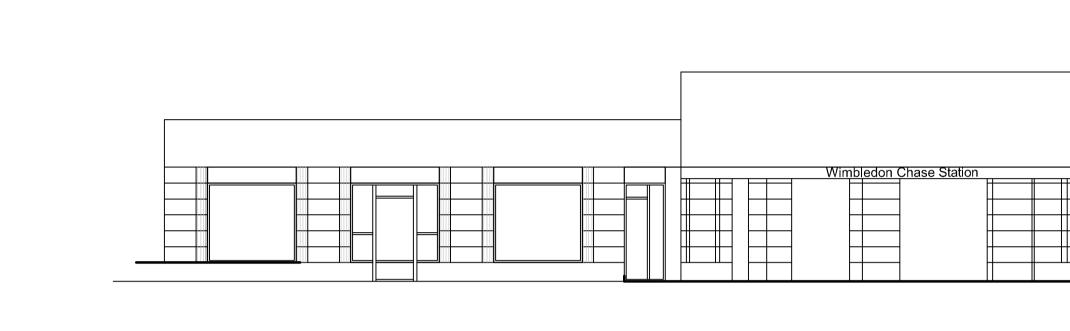
Drawing status: Planning Scale @ A3 1:100 Drawing No: Rev: 2179-00-DR-0051 PL2

1

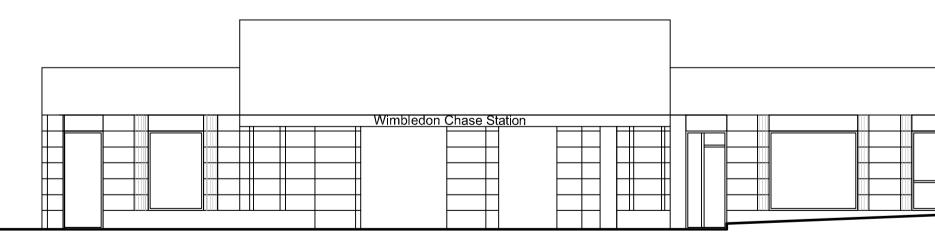


Plan

ROTHESAY AVENUE







Elevation on Rothesay Avenue



<del>\_\_\_\_\_\_</del>

CZ	W	G
Scale @ A1 <b>1:100</b>		

2179-00-DR-0060

Drawing status: Planning

Drawing No:

Title: Wimbledon Chase Station Existing Plan and Elevations

Project: Wimbledon Chase Station

<sup>Client:</sup> Wimbledon Square Development Limited

Dimensions to be checked on site SHEET INFORMATION: Plotted by: V.MAGNARIN Plot date : 28 January 2022 15:05:16

Rev: PL3 Date: 28.01.2022	Drn: ∨M	Chk: SR
CZWG Address amended. Issued for	Planning.	
Rev:PL2 Date:10.12.2021 Issued for Planning.	Drn: ∨M	Chk: SR
Rev: PL1 Date: 07.12.2021 Initial Issue.	Drn: ∨M	Chk: SR
Do not scale off this drawing Report all errors and omissions to the Dimensions to be checked on site	Architect	

Rev: PL3





CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

# Material Key

- 1. Pale cream brick, vertical soldier courses,
- stretcher bond. 2. Warm buff/brown brick, stretcher bond.
- 3. Pale cream projecting soldier course brick detail.
- 4. Green-grey (RAL 7033) PPC-coated aluminium-faced windows.
- Green-grey (RAL 7033) PPC-coated metalwork, copings and balustrades with hardwood timber handrail.
- Dark green (RAL 6004) glazed pale cream ceramic signage with projecting lettering to match bricks.
- 7. Dark green (RAL 6004) back painted glass spandrel panels.
- 8. Grey-green (RAL 7033) louvred panels and doors to match windows. 9. Grey-green (RAL 7033) curtain walling.
- 10. GRC clad circular columns, pale cream colour to match brickwork.
- 11. Obscure glazed privacy screen.
- 12. Grey-green (RAL 7033) roller shutter to Network Rail service entrance.

Rev:PL9	Date: 12.04.2023	Drw:CB	Chk: AW
Level 3 wind	lows adjusted to new	v 4B6P flat.	
Rev:PL8	Date: 27.03.2023	Drw:CB	Chk: AW
Horizontal b	rick banding added.	Fire consulta	ints
comments i	ncorporated.		
Rev:PL7	Date: 02.02.23	Drw:CB	Chk: AW
Resubmitted	d for consultation		
Rev:PL6	Date: 23.01.2023	Drw:CB	Chk: AW
Revised Pro	posal		
Rev:PL5	Date: 28.01.2022	Drw:VM	Chk: SR
CZWG Add	ress Amended. Issue	ed for Plannir	ng.
Rev:PL4	Date: 21.01.2022	Drw:VM	Chk: SR
Minor amme	endment to 7&8 floor	r; Issued for I	Planning
Rev:PL3	Date: 19.01.2022	Drw:DO	Chk: SR
Issued For F	Planning		
Rev:PL2	Date: 13.12.2021	Drw:VM	Chk: SR
Spandrel No	ote added		
Rev:PL1	Date: 03.12.2021	Drw:VM	Chk: SR
Initial Issue			
Do not scale o	ff this drawing		

Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date: 12/04/2023 14:34:30

#### Client:

# Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: East GA Elevation - Rothesay Avenue

Drawing status: Planning



Scale @ A1 1:100 Drawing No: 2179-10-DR-0602 Sheet File Name: 2179\_10\_RV\_SM\_0000 General







CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

# Material Key

- 1. Pale cream brick, vertical soldier courses,
- stretcher bond.Warm buff/brown brick, stretcher bond.
- 3. Pale cream projecting soldier course brick detail.
- Green-grey (RAL 7033) PPC-coated aluminium-faced windows.
- Green-grey (RAL 7033) PPC-coated metalwork, copings and balustrades with hardwood timber handrail.
- Dark green (RAL 6004) glazed pale cream ceramic signage with projecting lettering to match bricks.
- Dark green (RAL 6004) back painted glass spandrel panels.
- 6. Grey-green (RAL 7033) louvred panels and doors to match windows.
- 9. Grey-green (RAL 7033) curtain walling.
- GRC clad circular columns, pale cream colour to match brickwork.
   Chapter clazed privacy corecer
- 11. Obscure glazed privacy screen.
- 12. Grey-green (RAL 7033) roller shutter to Network Rail service entrance.

Rev:PL9 Level 3 wind	Date: 12.04.2023 lows adjusted to nev	Drw:CB w 4B6P flat.	Chk: AW
	<b>Date:</b> 27.03.2023 rick banding added. ncorporated.	<b>Drw</b> :CB Fire consulta	Chk: AW ints
Rev:PL7 Resubmitted	Date: 02.02.23 for consultation	Drw:CB	Chk: AW
Rev:PL6 Revised Pro	Date:23.01.2023 posal	Drw:CB	Chk: AW
Rev:PL5 CZWG Addr	Date: 28.01.2022 ress Amended. Issu	<b>Drw</b> :VM ed for Planni	Chk: SR ng.
<b>Rev:</b> PL4 Minor amme	Date: 21.01.2022 endment to 7&8 floo	<b>Drw:</b> DO r; Issued for I	Chk: SR Planning
Rev:PL3 Issued For F	Date: 19.01.2022 Planning	Drw:DO	Chk: SR
Rev:PL2 Spandrel No	Date: 13.12.2021 ote added	Drw:VM	Chk: SR
<b>Rev:</b> PL1 Initial Issue	Date: 03.12.2021	Drw:VM	Chk: SR
Do not scale o	ff this drawing		

Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date: 12/04/2023 14:34:10

#### Client:

Wimbledon Square Development Limited

Project: Wimbledon Chase Station

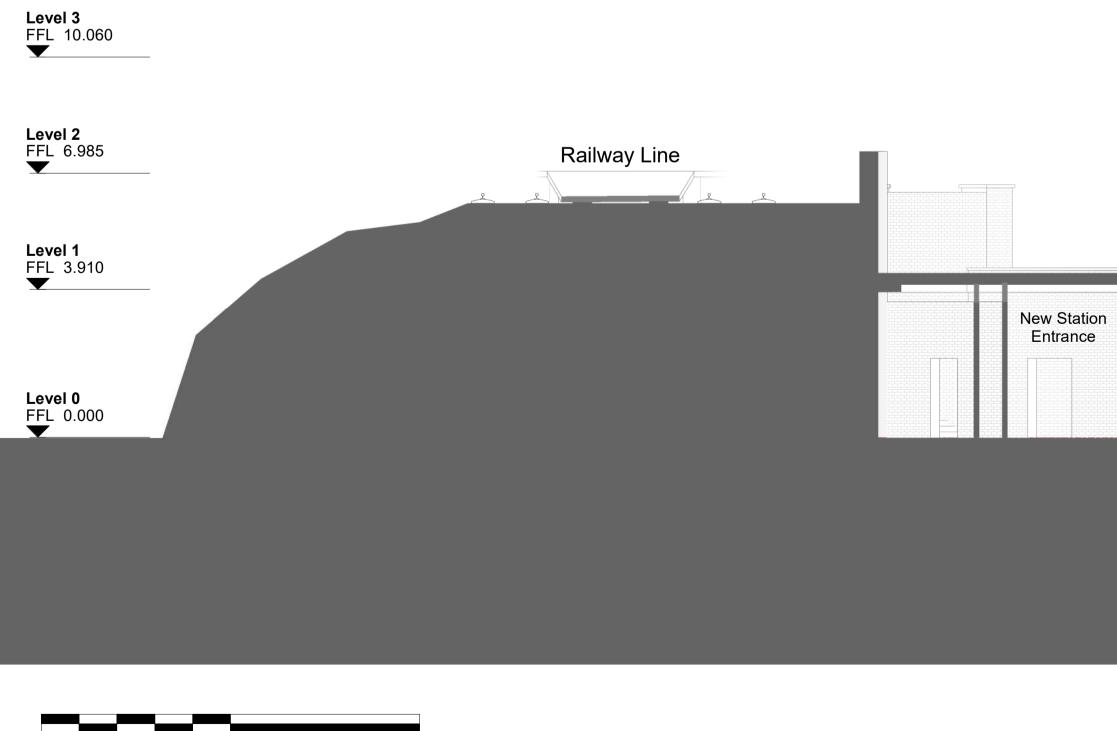
Title: North GA Elevation

Drawing status: Planning



Scale @ A1 1 : 100 Drawing No: 2179-10-DR- 0601 Sheet File Name: 2179\_10\_RV\_SM\_0000 General





10m

# Page 103

Level 6 FFL 19.285

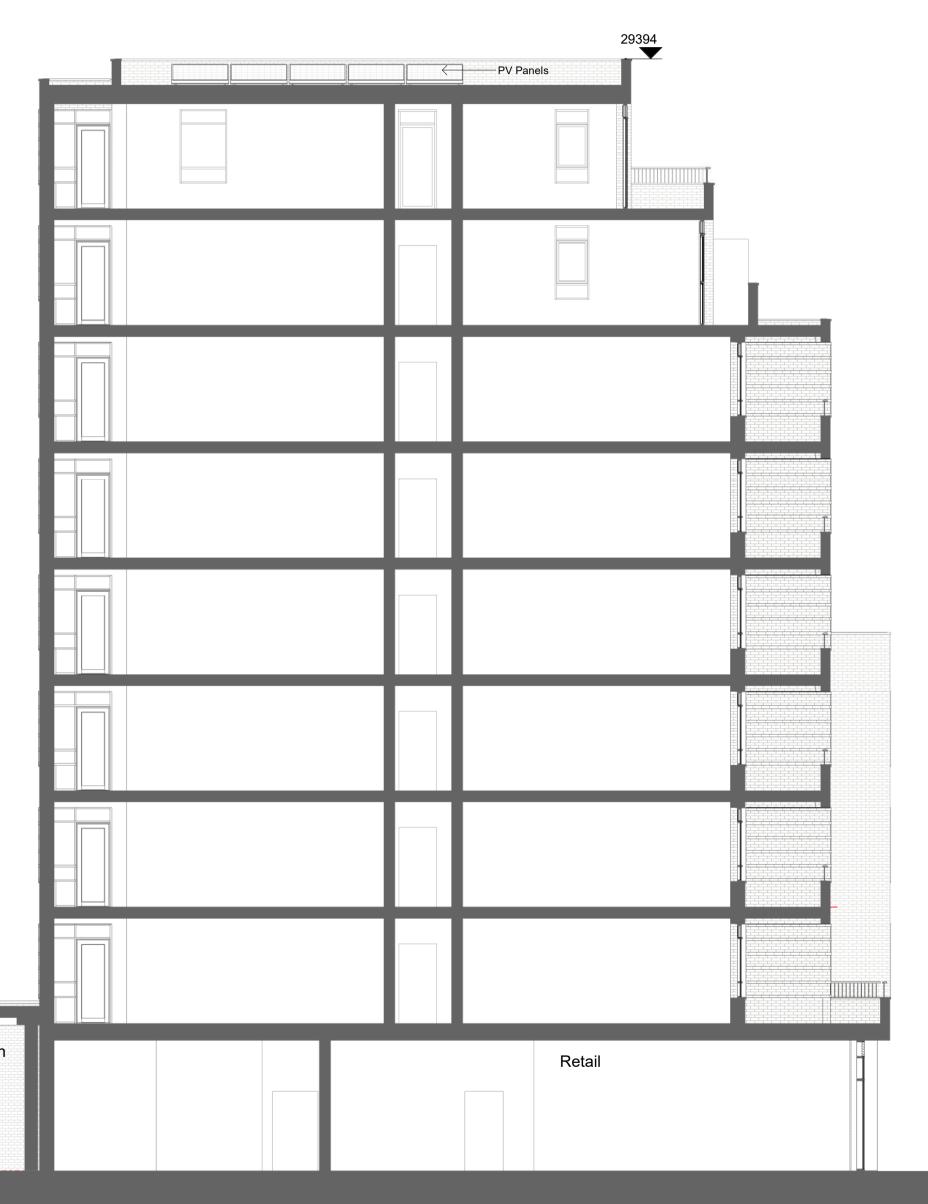
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Level 4 FFL 13.135 ▼

Level 7 FFL 22.360

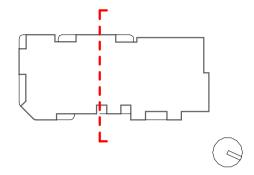
Level 8 FFL 25.435

Level 9 (Roof) FFL 28.710 ▼





CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com



Rev:PL6	Date: 27.03.2023	Drw:CB	Chk: AW
Reissued fo comments.	llowing fire consulta	nt and desigr	n officer
Rev:PL5 Resubmitted	Date:02.02.23 for consultation	Drw:CB	Chk: AW
Rev:PL4 Revised Pro	Date: 23.01.2023 posal	Drw:CB	Chk: AW
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Rev:PL2 Issued for P	Date: 19.01.2022 lanning	Drw:VM	Chk: SR
<b>Rev:</b> PL1 Initial Issue	Date:03.12.2021	Drw:VM	Chk: SR

Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date:27/03/2023 17:51:50

# Client:

Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: Cross GA Section

Drawing status: Planning



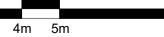
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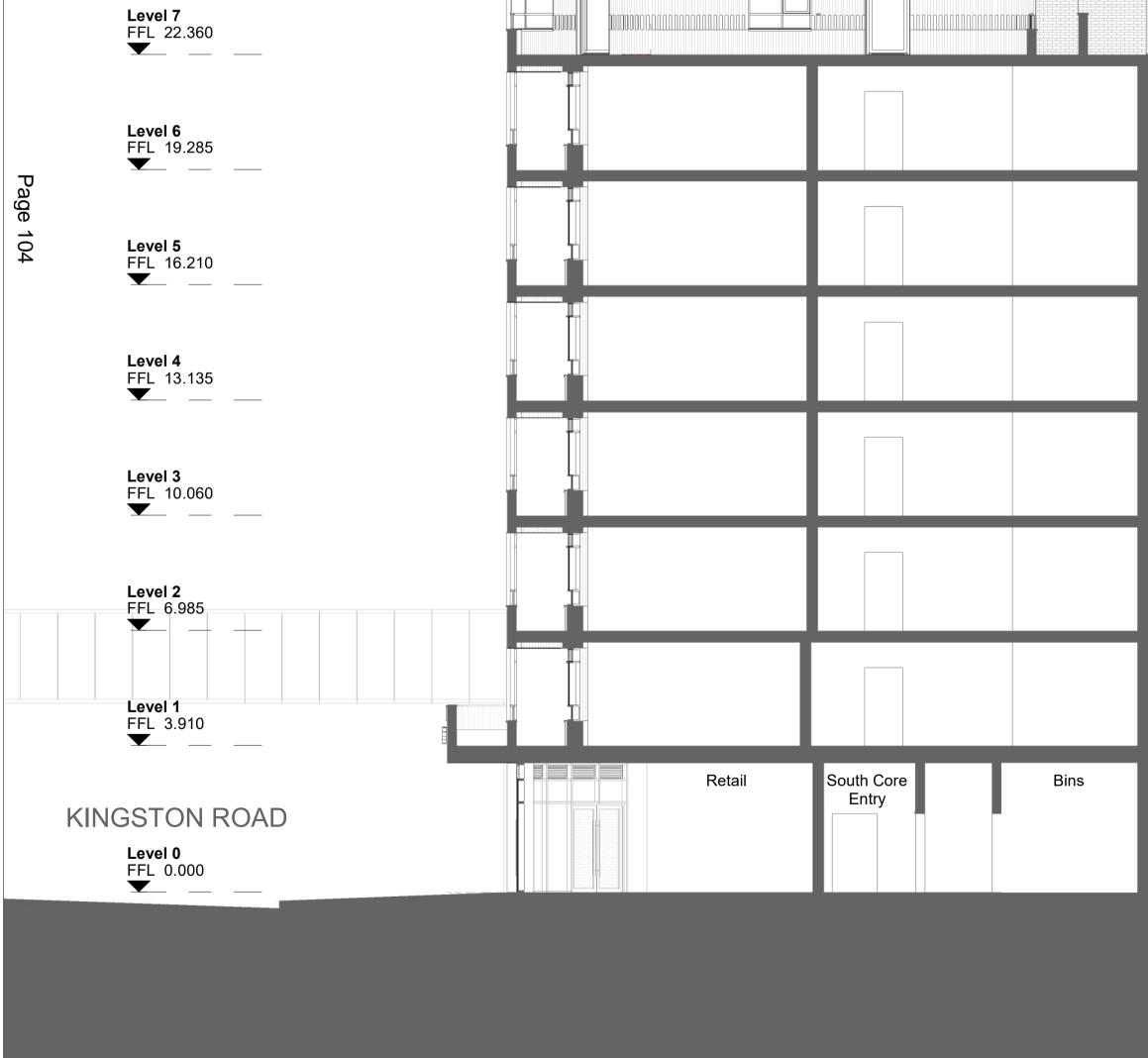








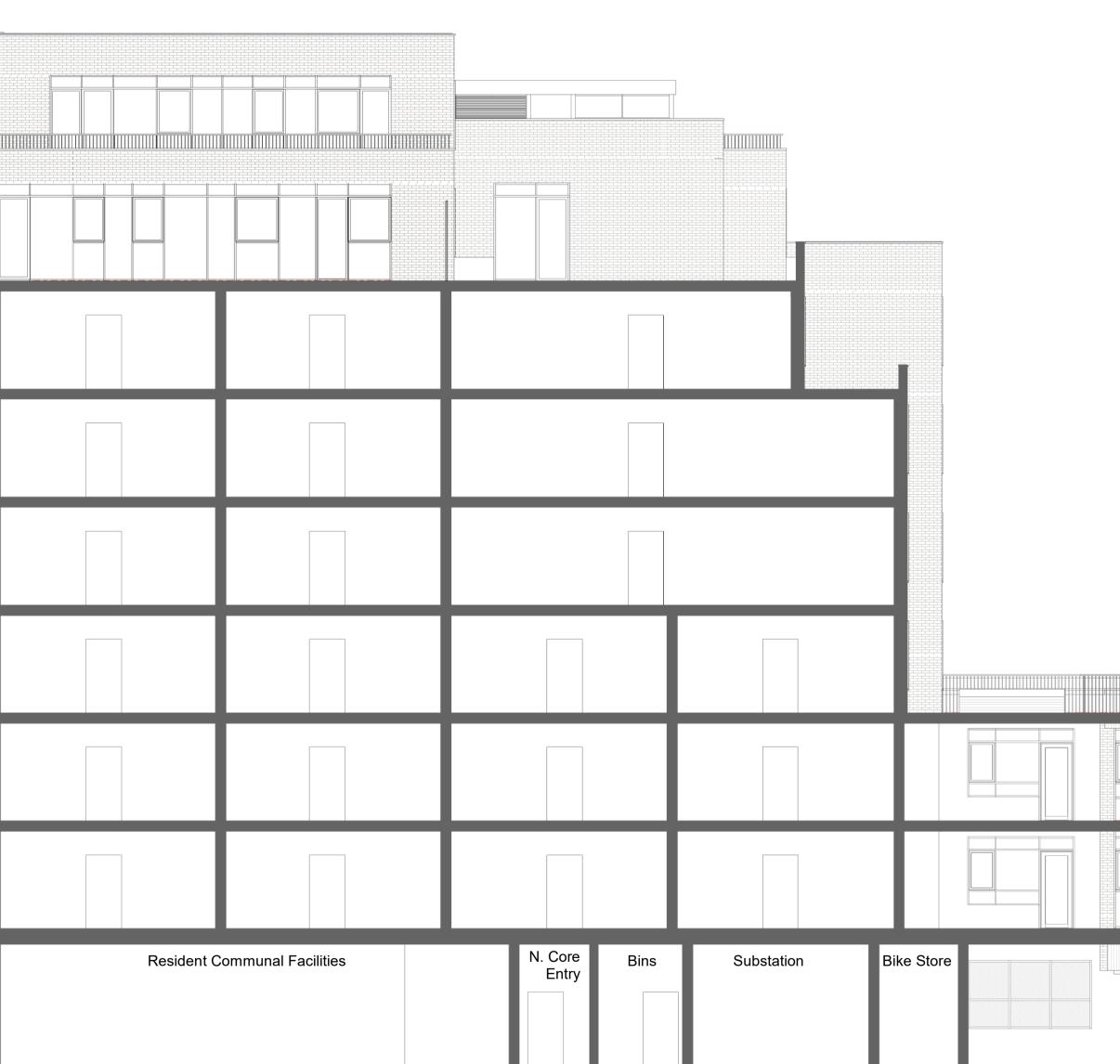




29905

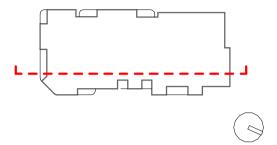
Level 9 (Roof) FFL 28.710

Level 8 FFL 25.435





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Rev:PL6	Date: 27.03.2023	Drw:CB	Chk: AW
Reissued f	ollowing fire consulta	nt and desigr	n officer
comments.		•	
Rev:PL5	Date:02.02.23	Drw:CB	Chk: AW
Posubmitte	ed for consultation		

Rev:PL4 Revised Pro	Date:23.01.2023	Drw:CB	Chk: AW
Rev:PL3	Date: 28.01.2022 ress Amended. Issu		Chk: SR ng.
Rev:PL2 Issued for P	Date: 19.01.2022 lanning	Drw:VM	Chk: SR
<b>Rev:</b> PL1 Initial Issue	Date:03.12.2021	Drw:VM	Chk: SR

Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date:27/03/2023 17:52:00

# Client:

Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: Longitudinal GA Section

Drawing status: Planning



Scale @ A1 As indicated Drawing No: 2179-10-DR- 0402 Sheet File Name: 2179\_10\_RV\_SM\_0000 General





0 1m 2m 3m 4m 5m



CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

### Material Key

- 1. Pale cream brick, vertical soldier courses,
- stretcher bond.Warm buff/brown brick, stretcher bond.
- 3. Pale cream projecting soldier course brick detail.
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- Dark green (RAL 6004) back painted glass spandrel panels.
- 8. Grey-green (RAL 7033) louvred panels and doors to match windows.
- Grey-green (RAL 7033) curtain walling.
   GRC clad circular columns, pale cream colour
- to match brickwork. 11. Obscure glazed privacy screen.
- Grey-green (RAL 7033) roller shutter to Network Rail service entrance.

Date: 27.03.2023	Drw:RB	Chk: AW		
ended.				
Date:02.02.23	Drw:CB	Chk: AW		
for consultation				
Date: 23.01.2023	Drw:CB	Chk: AW		
posal				
Date: 28.01.2022	Drw:VM	Chk: SR		
CZWG Address Amended. Issued for Planning.				
Date: 19.01.2022	Drw:DO	Chk: SR		
Planning				
Date: 10.12.2021	Drw:VM	Chk: SR		
New Station Entrance Gate Shown Indicatively				
Date:03.12.2021	Drw:VM	Chk: SR		
	ended. Date: 02.02.23 I for consultation Date: 23.01.2023 posal Date: 28.01.2022 ress Amended. Issue Date: 19.01.2022 Planning Date: 10.12.2021 Entrance Gate Sho	ended. Date:02.02.23 Drw:CB I for consultation Date:23.01.2023 Drw:CB posal Date:28.01.2022 Drw:VM ress Amended. Issued for Plannin Date:19.01.2022 Drw:DO Planning Date:10.12.2021 Drw:VM Entrance Gate Shown Indicative		

Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date:28/03/2023 15:41:32

## Client:

> Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: South GA Elevation - Kingston Road

Drawing status: Planning



Scale @ A1 1 : 100 Drawing No: 2179-10-DR- 0603 Sheet File Name: 2179\_10\_RV\_SM\_0000 General





0 1m 2m 3m 4m 5m

10m



CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com

### Material Key

- 1. Pale cream brick, vertical soldier courses,
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- 10. GRC clad circular columns, pale cream colour to match brickwork.
- 11. Obscure glazed privacy screen.
- 12. Grey-green (RAL 7033) roller shutter to Network Rail service entrance.

Rev:PL6	Date: 27.03.2023	Drw:CB	Chk: AW
	brick banding added. incorporated.	Fire consulta	ants
Rev:PL5	Date: 02.02.23	Drw:CB	Chk: AW
Resubmitte	d for consultation		
Rev:PL4	Date: 23.01.2023	Drw:CB	Chk: AW
Revised Pr	oposal		
Rev:PL3	Date: 28.01.2022	Drw:VM	Chk: SR
CZWG Add	ress Amended. Issu	ed for Planni	ng.
Rev:PL2	Date: 19.01.2022	Drw:DO	Chk: SR
Issued For	Planning		
Rev:PL1	Date: 03.12.2021	Drw:VM	Chk: SR

## Do not scale off this drawing Report all errors and omissions to the Architect Dimensions to be checked on site Plot date:28/03/2023 15:41:49 Client:

Wimbledon Square Development Limited

Project: Wimbledon Chase Station

Title: West GA Elevation - Station Side

Drawing status: Planning

Initial Issue

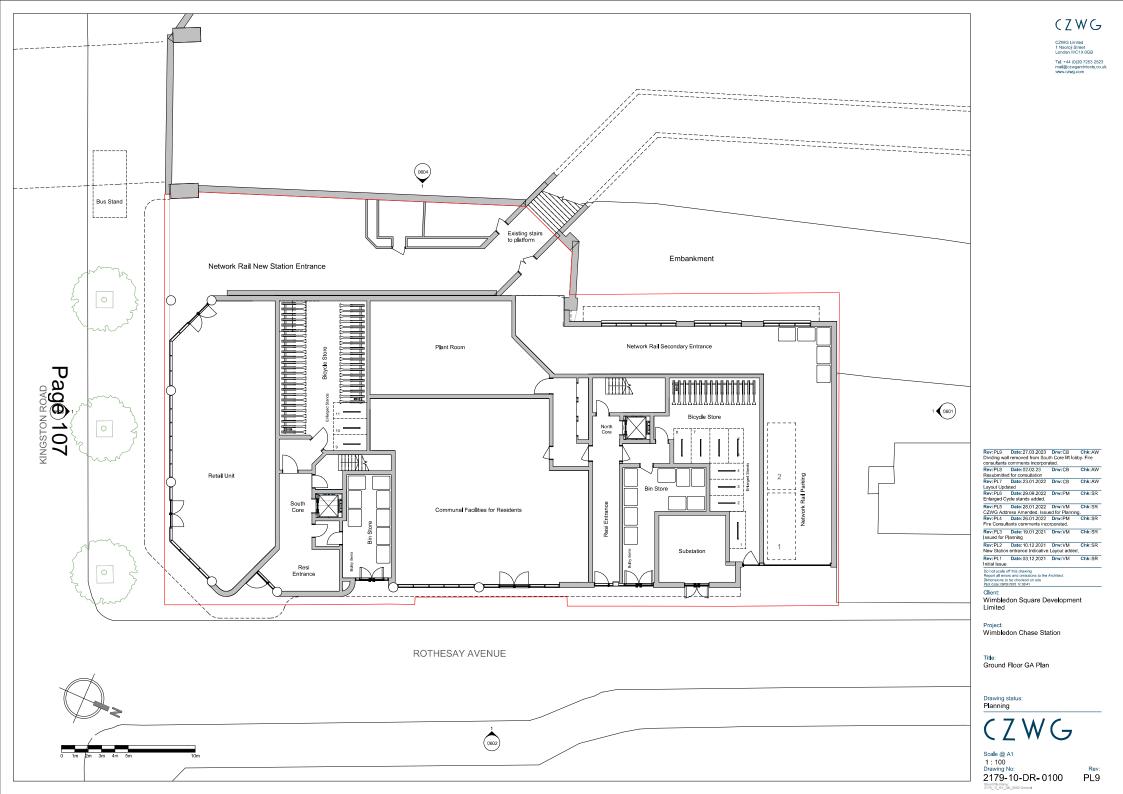


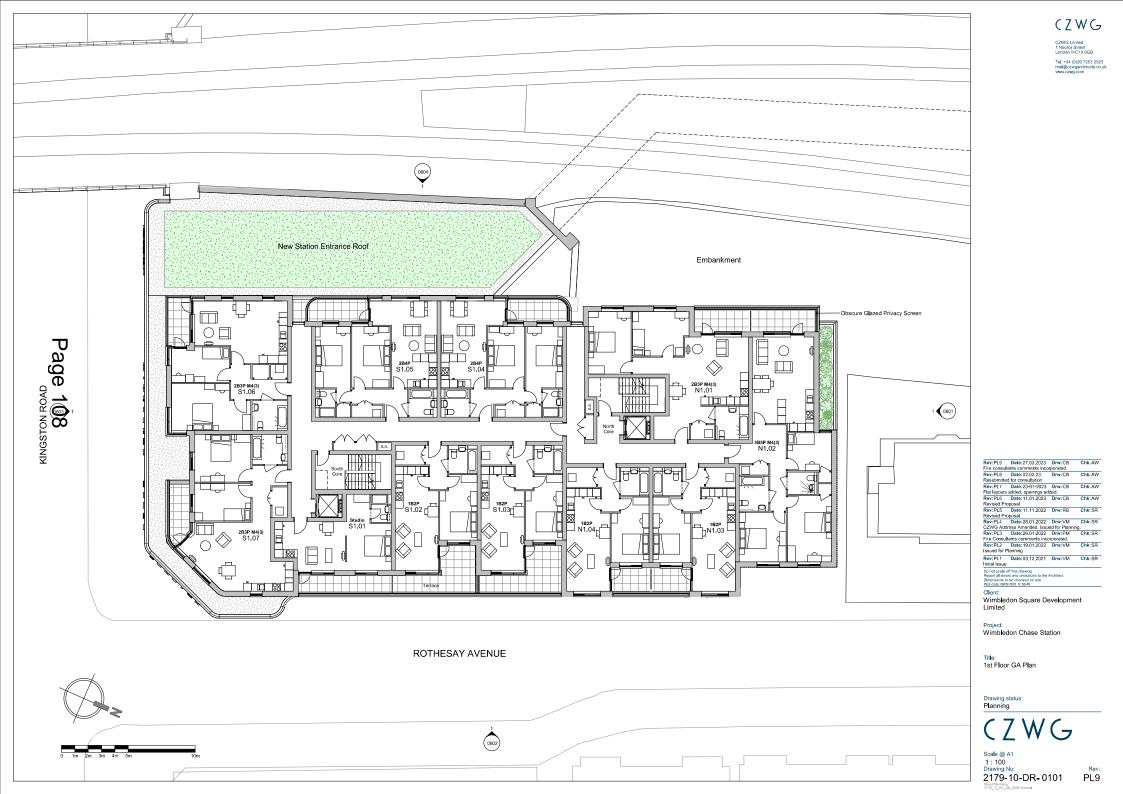
Scale @ A1 1 : 100 Drawing No: 2179-10-DR-0604 Sheet File Name: 2179\_10\_RV\_SM\_0000 General



-10

Kingston Road





CZWCUmed CZWCUmed CZWCUmed Tat 44 (0)207253 2823 mail@cz.cgmcmicels.co.uk www.czmgc.cmicels.co.uk

Prawing status: Planning CZVCC Scale @ A1 1:100 Drawing No: 2179-10-DR-0102 PL9 Reverted and electrological merida on the Ministry Reverted Total and Reverted and Reverted and Reversed Total Dates (110) 2023. Develop Ohk Min Reversed Total 2014;2023. Develop Ohk Min Reversed Dates (111) 2023. Develop Ohk Min Reversed Dates (111) 2022. Develop Ohk Sin Reversed Dates (111) 2022. Develop Ohk Sin Reversed Dates (111) 2022. Develop Ohk Sin Reversed Dates (101) 2023. Develop Ohk Sin Reversed Dates (101) 2023. Develop Ohk Sin Reversed Dates (101) 2023. Develop Ohk Sin Reversed Chk: AW Client: Wimbledon Square Development Limited lev:PL8 Date: 02.02.23 Drw:CB s to the Architect site Project: Wimbledon Chase Station Title: 2nd Floor GA Plan Do not scale off this drawing Report all errors and omissions t Dimensions to be checked on sit Plot date: zerou 2023 12:36.50



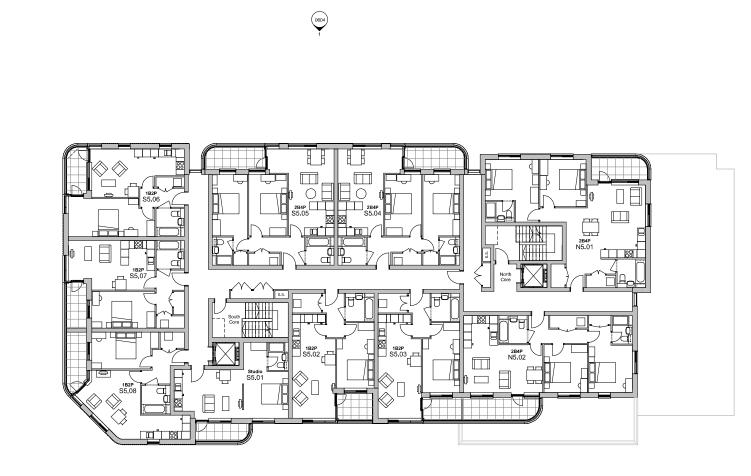
CZWGLImmed CZWGLImmed Landon WCXQGB Tal-+44 (1020 7503 2023 Tal-+44 (1020 7503 2023 www.czy.czm. 
 Rev.P.I. (a) Description
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 Rev.R.I. (a) Description
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CZWG Limited 1 Nacroj Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czegarchitocds.co.uk www.cdwg.com

Project: Wimbledon Chase Station

Title: 5th Floor GA Plan

Drawing status: Planning

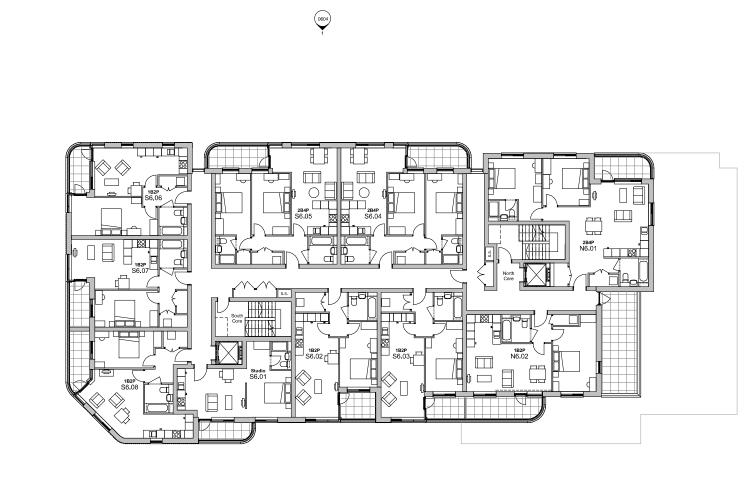
1 0601

Scale @ A1 1:100 Drawing No: 2179-10-DR-0105 PL10



0602





CZWG Limited 1 Naoroj Street London WC1X 0GB Tel: +44 (0)20 27253 2523 mai@czwgarchitects.co.uk www.czwg.com

1 (0601)

 Rev:PL10
 Date: 27.03.2023
 Dev::C3
 Chi: XWI

 Fire consultants comments incorporated.
 Rev:PL9
 Dev::C3
 Chi: XWI

 Rev:PL9
 Dev::20.22.23
 Drw::C3
 Chi: XWI

 Rev:PL9
 Dev::30.57.20
 Drw::C3
 Chi: XWI

 Rev:PL9
 Dev::30.57.202
 Drw::C8
 Chi: SRI

 Rev:PL9
 Dev::20.2022
 Drw::R8
 Chi: SRI

 Rev:PL9
 Dev::20.2022
 Drw::R4
 Chi: SRI

 Fire Consultants comments incorporated.
 Rev:PL1
 Dev::20.2022
 Drw::M1
 Chi: SRI

 Rev:PL1
 Dev::20.2022
 Drw::M1
 Chi: SRI
 Rev::R1
 Dev::30.2022
 Drw::M1
 Chi: SRI

 Sound for Planning
 Chi: SRI
 Time:consultants
 Dev::M1
 Dev::SRI
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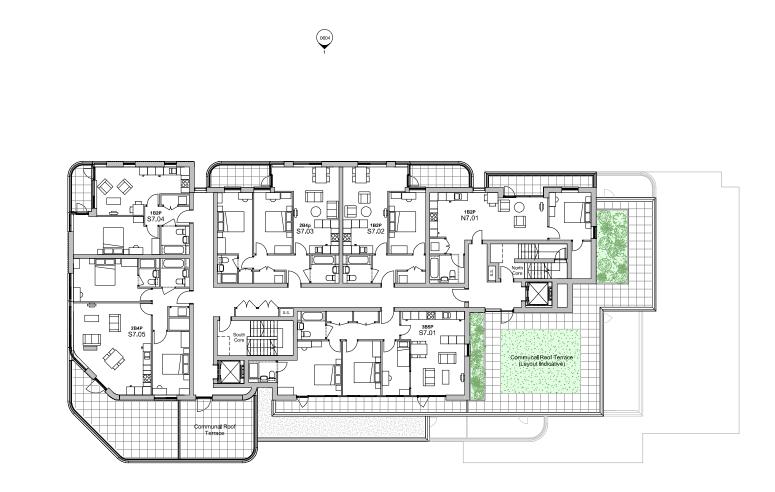
Project: Wimbledon Chase Station

Title: 6th Floor GA Plan

Drawing status: Planning

> Scale @ A1 1:100 Drawing No: 2179-10-DR-0106 PL10





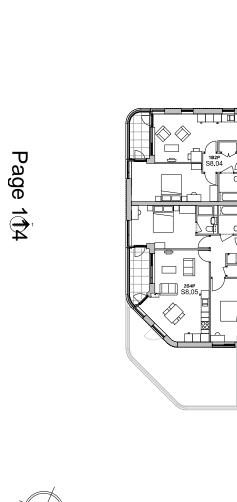
Rev:PL10 Date:27:03.2023 Drw:CB Chic.AW Fire consultants comments incorporated. Rev:PL3 Date:20.2023 Drw:CB Chic.AW Rest:Date:20.2023 Drw:CB Chic.AW Rev:PL3 Date:21.01.2023 Drw:CB Chic.AW Rev:PL3 Date:21.01.2023 Drw:CB Chic.AW Rev:PL3 Date:21.01.2023 Drw:CB Chic.AW Rev:PL3 Date:21.01.2023 Drw:CB Chic.AW Rev:PL3 Date:21.01.2022 Drw:VM Chic.SR Rev:PL3 Date:21.02.2021 Drw:VM Chic.SR Instant for Flamming Results for Flamming Result for Date:23.10.2022 Drw:VM Chic.SR Instant for Date:23.10.2022 Drw:

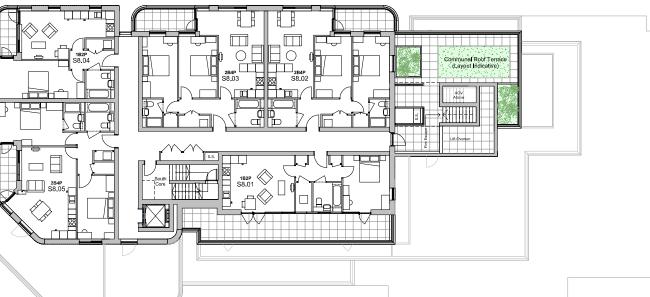
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Drawing status: Planning C Z W G Scale @ A1 1:100 Drawing No: 2179-10-DR-0107 PL10

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Rev:PL10	Date: 27.03.2023	Drw:CB	Chk: AW
	ants comments inco		
Rev:PL9	Date: 02.02.23	Drw:CB	Chk: AW
Resubmitte	d for consultation		
Rev:PL8	Date: 23-01-2023	Drw:CB	Chk:AW
Flat layouts	added, openings ad	ded.	
Rev:PL7	Date: 11.01.2023	Drw:CB	Chk: AW
Revised Pro	oposal		
Rev:PL6	Date: 11.11.2022	Drw:RB	Chk:SR
Revised Pro	oposal		
Rev:PL5	Date: 28.01.2022	Drw:VM	Chk: SR
CZWG Add	ress Amended. Issu	ed for Planni	
Rev:PL4	Date: 26.01.2022	Drw:PM	Chk:SR
Fire Consul	tants comments inco	prorated.	
Rev:PL3	Date:21.01.2022	Drw:VM	Chk:SR
Minor amm	endment to 7&8 floo	r; Issued for	Planning
Rev:PL2	Date: 19.01.2022	Drw:VM	Chk:SR
ssued for F			
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Report all erro	off this drawing ors and omissions to the be checked on site 3/2023 12:39:15	Architect	
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Project: Wimbledon Chase Station

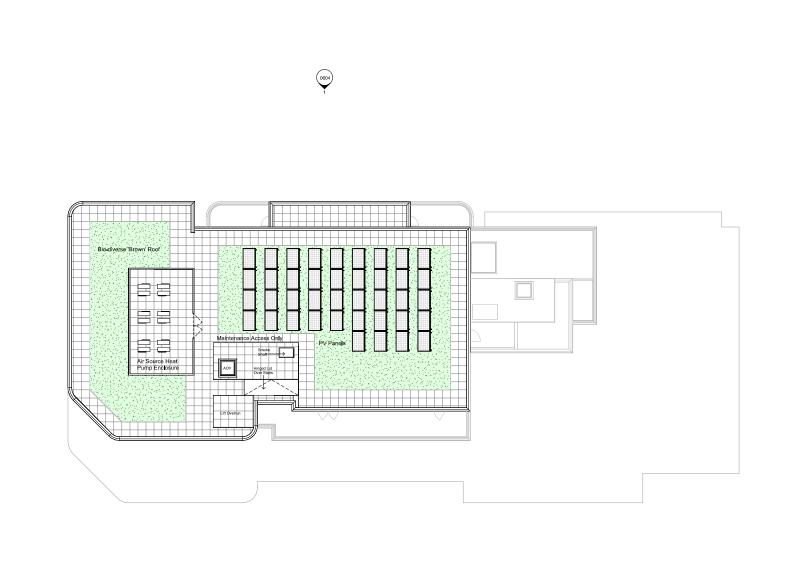
Title: 8th Floor GA Plan

Drawing status: Planning

> CZWG, Scale @ A1 1 : 100 Drawing No: 2179-10-DR-0108 PL10

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 Rev:PL8
 Date: 27.03.2023
 Drw:CB
 Chk:AW

 Fire consultants comments incorporated.
 Rev:PL7
 Date: 02.02.23
 Drw:CB
 Chk:AW

 Resubmitted for consultation
 Chk:AW
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PL8

1 (0601)

CZWG

CZWG Limited 1 Naoroji Street London WC1X 0GB Tel: +44 (0)20 7253 2523 mail@czwgarchitects.co.uk www.czwg.com 2.5 Computer Generated Image of the corner of Rothesay Avenue



CGI image showing the vertical soldier course brickwork and projecting 'dentil' brick course at window cill and canopy cornice level

Prepared by CZWG Limited on behalf of Wimbledon Square Development Ltd

10 WIMBLEDON CHASE STATION, KINGSTON ROAD, LONDON SW20 BJT | DAS Acdendum | February 2023





The existing station entrance is invisible from the west, even from the south side of Kingston Road

LEDON CHASE STATION, KINGSTON ROAD, LONDON SW20 BIT | DAS Acdendum | February 2023

Prepared by CZWG Limited on behalf of Wimbledon Square Development Lt



The proposed entrance is pulled to the street edge and is visible from t







The existing station entrance is not apparent, even when the trees are bare

The proposed canopy provides a strong indicator of the station's presence, with new signage echoing the historic Southern Railway signage



The existing station entrance is not apparent, even when the trees are bare

The proposed canopy provides a strong indicator of the station's presence, with new signage echoing the historic Southern Railway signage

Prepared by CZWG Limited on behalf of Wimbledon Square Development Lt-

18 WIMBLEDON CHASE STATION, KINGSTON ROAD, LONDON SW20 8JT | DAS Acdendum | February 2023

3.14 Computer Generated Image of Station Entrance



View of the station entrance from Kingston Road

7.12 Revised Proposal, Street View 1 Looking North-West Across Kingston Road



7.22 Revised Proposal, Street View 2 Looking West Along Kingston Road



7.32 Revised Proposal, Street View 3 Looking South Along Rothesay Avenue



7.42 Revised Proposal, Street View 4 Looking North Across Kingston Road



7.52 Revised Proposal, New Street View 5 Looking North-East Along Kingston Road

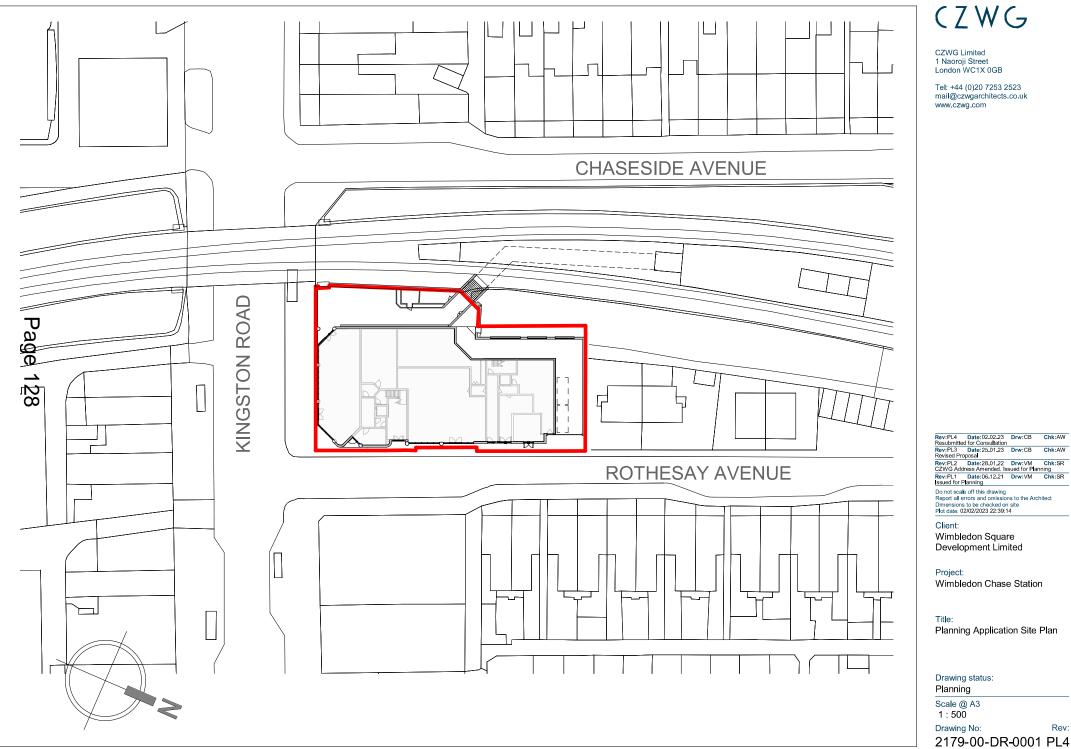


7.71 Revised Proposal, New Street View 7 Looking South-West Along Kingston Road from Cannon Hill Lane





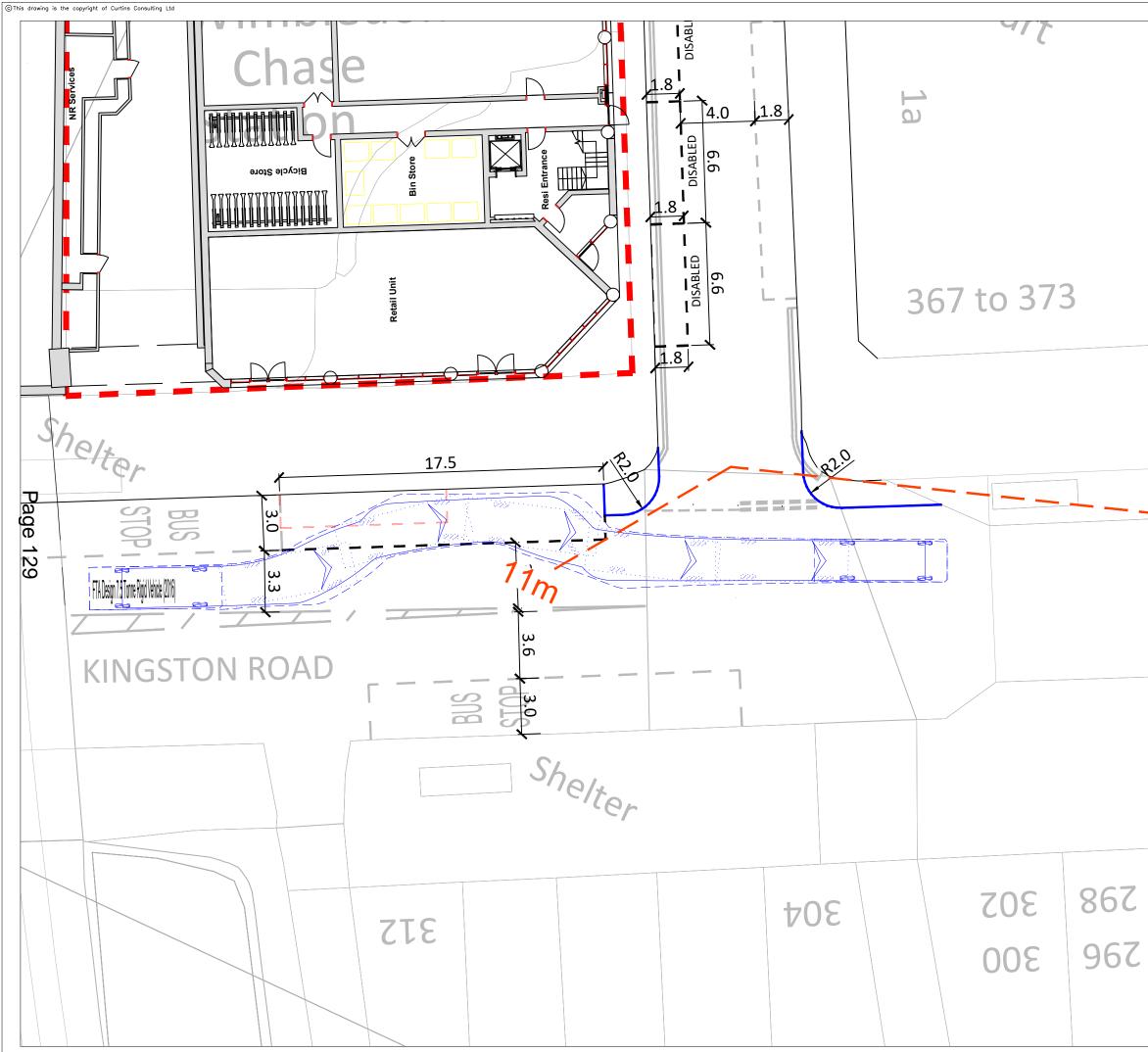
7.91 Revised Proposal, New View 9 Looking South-East across Wimbledon Chase Station platform



Sheet File Name: 2179\_10\_RV\_SM\_0000 General

Chk:AW Chk:AW

Rev:



	GENERAL NOTES	
	1. THE CONTENT OF THIS DRAWING IS FOR INDICATIVE INFORMATION ONLY AND NOT SUITABLE FOR CONSTRUCTION PURPOSES	
N	2. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS AND ENGINEERS DRAWINGS AND SPECIFICATIONS.	
×	<ol> <li>DO NOT SCALE THIS DRAWING, ANY AMBIGUITIES, OMISSIONS AND ERRORS ON DRAWINGS SHALL BE BROUGHT TO THE ENGINEERS ATTENTION MIMEDIATELY, ALL DIMENSIONS MUST BE CHECKED / VERIFIED ON SITE.</li> </ol>	
	ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.	
/	5. FOR SPECIFIC NOTES REFER TO DRAWING.	
	KEY	
	FORWARD GEAR	
	REVERSE GEAR	
	- 2.4M X 25M VISIBILITY SPLAY (20MPH)	
	VEHICLE PROFILE	
	FTA Design 7.5 Tonne Rigid Vehicle (2016) Overall Length 7.170m Overall Width 2.300m Overall Body Height 3.580m Min Body Ground Clearance 0.375m Track Width 2.120m Lock to lock time 3.00s Kerb to Kerb Turning Radius 7.000m	
25m	P01       Initial draft issue.       23.03.23       MW       BD         Rev:       Description:       Date:       By:       Chkd:	
	Curtins Consulting Ltd 40 Compton Street, London, EC1V 0AP 1: 0:20 7324 2240 : 0:020 7324 2241 9: fordologicultins.com www.curtins.com Orik Structers - Transper Paring - Environment - Interactive - Cesterbrield - Controllion & Heilage - Principal Despre Binningkam - Brield - Cambridge - Cester - National - Editouph - Casger - Kentel - Leets - Lisepoid - Landon Hanchester - Natingham Statuse:	
	Project:	
7	Wimbledon Chase	
5	Drg Title: Proposed Kingston Road Loading Bay	
	Scale:         Size:         First Issue:         Drawn:         Checked:           1:250         A3         23.03.23         MW         BD	
	Drg No: Rev:	
4	71308-CUR-00-XX-DR-TP-05001 P01	

# WIMBLEDON CHASE TRAIN STATION, KINGSTON RD, LONDON SW20 8JT STATION ENTRANCE IMPROVEMENTS, RETAIL & RESIDENTIAL SCHEME RESPONSE TO CONSULTATION – VUCITY TOWNSCAPE VIEWS





2179-00-BR-0014-P01

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### 0.0 INTRODUCTION

#### 0.01 View Locations

At the request of LB Merton's Urban Design Officer, the following views have been generated using the Vu City 3D digital map of Greater London.

The map below, provided by LB Merton, shows the required locations for the views, which are grouped as follows:

- 1 Kingston Road series
- 2 Dennis Park Conservation Area
- 3 The Chase Nature Reserve Sequence
- 4 View from the South (Mawson Close)
- 5 South Merton Station (not indicated by LB Merton)

The position of the proposal is highlighted by a red outline.

For complete transparency, a second image has been generated for views 1f (Kingston Road – Mostyn Road junction) and 5 (South Merton Station), with **all** trees switched off. This situation would never occur in reality and the proposal would remain obscured. In all other views the proposal is either partly visible or completely hidden by existing buildings.



## 1.0 KINGSTON ROAD SEQUENCE

## 1a Bushey Road, Junction of Grand Drive Looking East











Location |524689, 15, 169538 Bearing 245" Pitch 0"





## 2.0 DENNIS PARK CONSERVATION AREA

2a Southern Junction of Burstow Road and Dennis Park Crescent Looking South-East



Northern Junction of Burstow Raod and Dennis Park Crescent Looking South 2b



Location |524175, 16, 169711| Focal Length 17mm 21/06/2023 16:00 Bearing 160"

# 3.0 CHASE NATURE RESERVE SEQUENCE

3a Kingston Road, Junction of Burstow Road Looking South-East









# 4.0 VIEW FROM THE SOUTH

# 4 Mawson Close Looking North

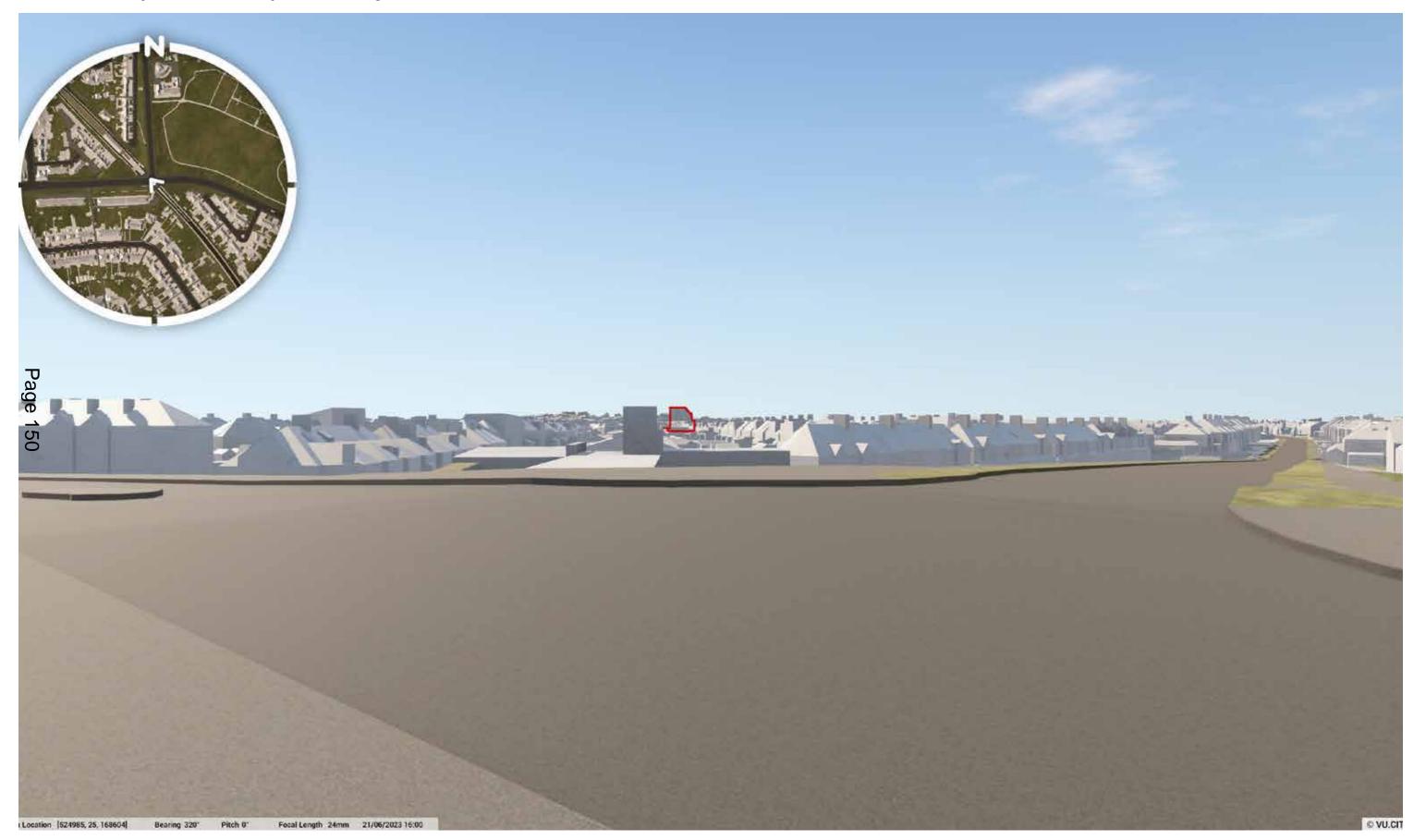


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## 5.0 VIEW FROM SOUTH MERTON STATION

5 Martin Way, Junction of Mostyn Road Looking North-West





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+44 (0)20 7253 2523 czwg.com

#### 2179-00-SA-0012 Rev: P04 Client: Wimbledon Square Development Limited Project: Wimbledon Chase Station Status: PLANNING

#### SCHEDULE OF ACCOMMODATION - 20% affordable, 50:50 social rent:shared ownership

FIRST FLOOR	FLAT	STUDIO	1B	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2	SECOND FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2	THIRD FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2
SOUTH CORE	\$1.01	1					37.2	9.5	1		SOUTH CORE	\$2.01	1					37.3	5.3	1		SOUTH CORE	\$3.01	1					37.3	5.3	1	
[	S1.02		1				50.7	14.4	2			S2.02		1				50.7	5.5	2			\$3.02		1				50.7	5.5	2	
[	S1.03		1				50.7	14.3	2			S2.03		1				50.7	5.5	2			\$3.03		1				50.7	5.5	2	
[	S1.04			1			70.7	7.4	3			S2.04			1			70.7	7.4	3			\$3.04			1			70.7	7.4	3	
	\$1.05			1			71	9.6	3			\$2.05			1			71	7.4	3			\$3.05			1			71	7.4	3	
[	\$1.06				1		78.2	6.3	3			\$2.06		1				50.7	5.4	2			\$3.06		1				50.7	5.4	2	
[	S1.07				1		77.3	6.4	3			S2.07		1				50.5	5.2	2			\$3.07		1				50.5	5.2	2	
[												S2.08		1				51.7	6.4	2			\$3.08		1				51.7	6.4	2	
	Totals	1	2	2	2	0	435.8	67.9	17	544.8		Totals	1	5	2	0	0	433.3	48.1	17	544.8		Totals	1	5	2	0	0	433.3	48.1	17	544.8
NORTH CORE	N1.01				1		78.8	7.2	3		NORTH CORE	N2.01				1		78.8	7.2	3		NORTH CORE		4B 6P								
	N1.02					1	99.9	8.3	4			N2.02					1	99.9	8.3	4			N.3.01				1		78.8	7	3	
	N1.03		1				50.8	5.7	2			N2.03		1				50.8	5.7	2			N.3.02	1					103.7	11.4	5	
	N1.04		1	1			50.8	5.7	2			N2.04		1				50.8	5.7	2							1			-		t
i i	Totals	0	2	0	1	1	280.3	26.9	11	357.9		Totals	0	2	0	1	1	280.3	26.9	11	357.9		Totals	1	0	0	1	0	182.5	18.4	8	252.3

FOUR	TH FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2	FIFTH FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2	SIXTH FLOOR	FLAT	STUDIO	1B	2B4P	2B 3P w/chair	3B 5P w/chair	NSA m2	Balcony	Hab rooms	GIA m2
Sou	TH CORE	\$4.01	1					37.3	5.3	1		SOUTH CORE	\$5.01	1					37.3	5.3	1		SOUTH CORE	\$6.01	1					37.3	5.3	1	
01		\$4.02		1				50.7	5.5	2			\$5.02		1				50.7	5.5	2			\$6.02		1				50.7	5.5	2	
<u> </u>		\$4.03		1				51.7	5	2			S5.03		1				51.7	5	2			\$6.03		1				51.7	5	2	
$\mathbf{O}$		\$4.04			1			70.7	7.4	3			S5.04			1			70.7	7.4	3			S6.04			1			70.7	7.4	3	
¥	C	S4.05			1			71	7.4	3			S5.05			1			71	7.4	3			S6.05			1			71	7.4	3	
CΨ.	C	S4.06		1				50.7	5.4	2			\$5.06		1				50.7	5.4	2			56.06		1				50.7	5.4	2	
		\$4.07		1				50.5	5.2	2			\$5.07		1				50.5	5.2	2			\$6.07		1				50.5	5.2	2	
<u> </u>		S4.08		1				51.7	6.4	2			\$5.08		1				51.7	6.4	2			S6.08		1				51.7	6.4	2	
		Totals	1	5	2	0	0	434.3	47.6	17	545.8		Totals	1	5	2	0	0	434.3	47.6	17	545.8		Totals	1	5	2	0	0	434.3	47.6	17	545.8
OT																																	
N NOR	TH CORE	N4.01			1			78.8	7	3		NORTH CORE	N5.01			1			78.8	7	3		NORTH CORE	N6.01			1			78.8	7	3	
IΨ		N4.02			1			72.7	41.7	3			N5.02			1			72.7	9.3	3			N6.02		1				55.8	9.3	2	
	C																																
		_																															
		Totals	0	0	2	0	0	151.5	48.7	6	221.5		Totals	0	0	2	0	0	151.5	16.3	6	221.5		Totals	0	1	1	0	0	134.6	16.3	5	198.4

SEVENTH FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P	NSA m2	Balcony	Hab rooms	GIA m2
SOUTH CORE	\$7.01					1	86.1	15.8	4	
	\$7.02		1				50.9	7.4	2	
	\$7.03			1			71	7.4	3	
	\$7.04		1				50.7	5.4	2	
	\$7.05			1			83	32.6	3	
	Totals	0	2	2	0	1	341.7	68.6	14	449
NORTH CORE	N7.01		1				54.6	8.9	2	
	Total	0	1	0	0	0	54.6	8.9	2	94.8

GROUND FLOOR	USE	Room GIA m2	TOTAL GIA m2
	Bike store	73.5	
Residential South Core	Bin store	28.4	165.2
	Circulation	55.2	
	·		
	Bike store	61.6	
	Bin store	38.6	
Residential North core	Circulation	56	493
	Communal facilities	193	
	Plant room	90.8	
	Sub-station	26	
GRAND TOTAL GROU			1177.2

EIGHTH FLOOR	FLAT	STUDIO	18	2B4P	2B 3P w/chair	3B 5P	NSA m2	Balcony	Hab rooms	GIA m2	
SOUTH CORE	S8.01		1				52.7	31.2	2		
	S8.02			1			71.2	7.4	3		]
	\$8.03			1			71.5	7.4	3		]
	\$8.04		1				50.7	5.4	2		]
	\$8.05			1			76.3	6	3		
	Totals	0	2	3	0	0	322.4	57.4	13	425	

GROUND FLOOR	USE	Room GIA m2	TOTAL GIA m2
Non-residential	Railway Station Entrance		217
	Railway Station Secondary Access		153
	Retail Unit		149
AMENITY SPACE		m2	TOTAL m2
AMENITY SPACE South Core	7th Floor Terrace	m2 24.5	TOTAL m2 24.5
	7th Floor Terrace 3rd Floor Terrace		
		24.5	
South Core	3rd Floor Terrace	24.5 81.1	

RESI SUMMARY	TENURE	STUDIO	18	2B4P	2B 3P w/chair	3B 5P	NSA m2	Balcony	Hab rooms	GIA m2
SOUTH CORE	Private	6	31	17	2	1	3269.4	432.9	129	4145.8
	shared owners	ship								0.0
	Total			57			3269.4	432.9	129	4145.8
					2B 3P	3B 5P				
	TENURE	4B 6P	1B	2B4P	w/chair	w/chair	NSA m2	Balcony	Hab rooms	GIA m2
NORTH CORE	TENURE Private	48 6P 0	1B 2	2B4P 3			NSA m2 340.7	Balcony 41.5	Hab rooms 13	GIA m2 514.7
NORTH CORE					w/chair	w/chair				
NORTH CORE	Private shared	0	2	3	w/chair 0	w/chair 0	340.7	41.5	13	514.7

	4B 6P	STUDIO	1B	2B4P	2B 3P w/chair	3B 5P	NSA m2	Balcony	Hab rooms	GIA m2
GRAND TOTALS	1	6	37	22	5	3	4504.7	595.3	178	5850.1
			74							
Social rent		10.7	% by hah ro	m	6.8	% by unit	-			

AFFORDABLE HOUSING TOTAL	20 % by hab room	16 % by unit
Shared ownership	9.6 % by hab room	9.5 % by unit
Social rent	10.7 % by hab room	6.8 % by unit

(ZWG 12.04.2023

1

# Agenda Item 6

# PLANNING APPLICATIONS COMMITTEE

26 APRIL 2023

# CASE OFFICER REPORT

APPLICATION NO.	DATE VALID
23/P0329	01/02/2023
Site Address:	The White Hart, 144 Kingston Road, Wimbledon, SW19 1LY
Ward:	Abbey
Proposal:	Demolition of existing buildings and construction of part 4/part 5/part 6 storey building comprising a purpose built hall of residence (Sui Generis) to support Wimbledon college of arts, as part of the university of the arts London (UAL) and Class E floorspace (commercial) at ground floor level, together with new areas of public realm.
Drawing Nos:	See condition 2
Contact Officer:	Tim Lipscomb (020 8545 3496)

## RECOMMENDATION

Grant Permission Subject to Section 106 Obligation or any other enabling agreement

## **CHECKLIST INFORMATION**

Is a screening opinion required	No
Is an Environmental Statement required	No
Press notice	Yes
Site notice	Yes
Design Review Panel consulted	Yes
Number of neighbours consulted	325
External consultations	Yes
Internal consultations	Yes
Controlled Parking Zone	Yes
Conservation Area	No

Archaeological Priority Zone	No
Public Transport Accessibility Rating	6b
Tree Protection Orders	No

## 1. INTRODUCTION

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

## 2. SITE AND SURROUNDINGS

- 2.1.1 The application site fronts onto Kingston Road and is bound to the east by Rutlish Road and the tram tracks to the west. Merton Park tram stop is located to the south of the site. Both Kingston Road and Rutlish Road have a width of 7.5-8m. The site has an area of roughly 0.26ha.
- 2.1.2 The site is effectively in two parts, with the former White Hart public house, with a flat above, occupying the northern third of the site and the southern part being occupied by an MOT garage and workshops. Both of these existing uses have associated car parking and there is no significant soft landscaping within the site.
- 2.1.3 The site is served by two vehicular accesses onto Rutlish Road. There is a public footpath to the immediate west of the site which provides pedestrian access from Kingston Road to the tram stop (referred to in this report as the 'tram path'). There is a yellow box junction on Kingston Road, where the tram line crosses the road.
- 2.1.4 Surrounding uses along Rutlish Road are mostly residential, whilst along Kingston Road there are retail/commercial uses at ground floor with residential uses above. To the west, on the opposite side of the tram tracks, is mostly residential in character. The site is adjacent to both the John Innes Merton Park Conservation Area and the John Innes Wilton Park Conservation Area. Both are detached from the site and are located on the opposite side of the Tramway.
- 2.1.5 There are currently 4 groups of trees on site, incorporating a row of outgrown Leyland Cypress, a small collection of Sycamore, a single Ailanthus and a privet hedge. All these trees are identified as Category B or C (low to moderate value).
- 2.1.6 The built form within the locality is a mix of Victorian terraces on Kingston Road, generally of two storeys with pitched roofs although there are examples of three storey buildings within the terraces. Rutlish Road is characterised by modest two storey properties on the eastern side, while the western side to the south of the site hosts a three storey flatted development with a hipped roof. Further to the west in the conservation area are a range of building types, sizes and styles, including the BT telephone exchange.
- 2.1.7 The site has the following designations and restrictions:
  - Controlled Parking Zone (CPZ) Yes (S1 Mon-Sat 08:30-18:30)
  - Conservation Area No
  - Listed Building No
  - Tree Preservation Orders No
  - Flood Zone 1

- Employment Site Yes
- Classified Road Yes (Kingston Road)
- PTAL 6b

## 3. CURRENT PROPOSAL

3.1.1 The proposal is for the demolition of the existing pub building, MOT garage and workshops and the erection of a building in a courtyard arrangement with frontages onto Kingston Road, Rutlish Road and the adjacent tramline to provide a 271 bedroom Halls of Residence for students attending Wimbledon College of Arts and a ground floor retail unit of 275sqm, along with external amenity space.

## Height/design

- 3.1.2 The proposed building would range in height, with tallest element of the scheme, at the corner of Kingston Road and the tram track, standing at 6 storeys, which then tapers down to 4 storeys towards the southern part of the site.
- 3.1.3 The proposed building would have a maximum height of approximately 19m, to the corner adjacent to the tram path and Kingston Road, then stepping down in stages, with the southern-most part of the building being approximately 16m in height.
- 3.1.4 The corner of the building, by the tram path and Kingston Road would form the visual focus of the building, when viewed from Kingston Road. The design of the corner has been formulated over pre-application discussions and forms a chamfered corner to create a landmark building.

#### Layout

- 3.1.5 The proposed development would provide 8336sqm of floor space (replacing the existing 774 sqm on site currently).
- 3.1.6 At ground floor level the building would have frontages onto Kingston and Rutlish Road. The retail unit would occupy the corner of the building by the junction with Rutlish Road and Kingston Road. Admin facilities and communal student facilities, such as project rooms, common rooms, study hub etc, are provided at ground floor level, along with plant, cycle storage and bin storage. The upper floors would accommodate individual bedrooms along with shared student kitchens, incorporating shared lounge spaces.
- 3.1.7 A main entrance would provide access to the building from Kingston Road, via the Porters Lodge, which would be manned by security 24 hours a day.
- 3.1.8 The building would be arranged around a central courtyard which would provide communal external amenity space for the students. This area would be landscaped with green areas, seating and 11 trees planted.

#### **Materials**

3.1.9 External construction materials include two tones of red facing brickwork; the corner blocks are the darker tone with the setback central blocks lighter. The 'gaps' between the blocks along with the setback upper floors are formed in reconstituted stone. This material is also used to create string courses within the brick blocks. The edges of each brick block are formed with a projecting brick pier in a similar manner to the Telephone Exchange building. More intricate brickwork detailing is proposed at ground floor level to add visual interest.

## Layout/public realm

- 3.1.10 The proposal would pull the building line back from the carriageway on the Kingston Road frontage, with a wider pavement created, with street trees added and on-street cycle hoops. The width of the pavement would be increased from 1.7m to between 3.9m and 4.7m.
- 3.1.11 The tram path to the west of the site would be resurfaced and very marginally realigned, to ensure a width of 3.0m for the length of the path, (with a width of approximately 5m where the path meets Kingston Road). Retractable bollards would be installed to the junction with Kingston Road to prevent unlawful vehicular access.
- 3.1.12 The application includes improvements and widening of the adjacent tram path, which is currently quite narrow, with a slight bend and no natural surveillance. The path would be widened to 3m, the bend would be removed (to improve sight lines), fencing and lighting to be added.

#### <u>Highways</u>

- 3.1.13 Changes to highway markings and on-street parking bay layouts is proposed. The two existing vehicular accesses would be closed. The 4 existing parking bays on Rutlish Road would be repositioned, with double yellow lines filling in the remaining kerbside space along Rutlish Road. Servicing is intended to be from Rutlish Road.
- 3.1.14 A pre-booking system for when students move to the halls is proposed. This arrangement will spread out arrivals over 3-4 days and reduce the impact of arrival activity at any one time. There will also be a need for similar management during open days. The servicing space on Rutlish Road will be available for vehicle drop-off/pick-up during this period.

#### <u>Cycle</u>

3.1.15 The application has been marginally amended to change the layout of cycle parking, with some provided in the central courtyard and others provided within the building. A total of 204 cycle parking spaces are proposed, not including the 6 cycle hoops to the frontage. (120 in the courtyard and 84 inside the building).

## Sustainability

3.1.16 The approach to sustainability is to utilise air-source heat pumps and photovoltaic (PV) panels. The PV panels would be at roof level, on a raised frame which allows for a green roof beneath. Other measures include sourcing 100% of timber and timber-based products legally harvested and traded. All materials for key building elements are encouraged to be responsibly sourced and the development itself has been designed to prevent damage to vulnerable parts of the internal and external fabric in order to minimise the frequency of replacement. The Sustainability Assessment includes a BREEAM pre-assessment noting ratings of 72.05% and 72.55% for the student and commercial parts respectively, demonstrating the 'Excellent' criteria.

## Flooding

- 3.1.17 In terms of drainage, a combination of green roofs, bio-retention systems, permeable paving to external areas and attenuation cell are proposed as part of the SuDS strategy. The surface water network will be designed to the greenfield flow rate of 1.3l/s, based on the 1 in 100-year storm event with an additional 40% allowance for climate change.
- 3.1.18 The proposed foul water drainage for the site will connect to a public foul sewer adjacent to the site.

#### Accessibility

3.1.19 In total, 5.2% of the total student bedrooms will be wheelchair accessible. All accessible rooms will include an accessible shower room and kitchenette and will be accessible via stairs and a lift. The site will be well furnished with seating which have arm rests and back rests to provide a comfortable place for all. The legibility of the proposed scheme will help to orientate people without the need for elaborate signage. Routes around the perimeter of the courtyard will be at least 1.8m wide and will pass the building entrances. There are no significant level changes on the site, access from Kingston Road into the building and through to the courtyard is step free.

<u>Trees</u>

3.1.20 There are currently 10 trees on site (moderate and low quality), which would all be removed to facilitate the proposed, to be replaced with 11 new trees and landscaping in the central courtyard. New street tree planting is also proposed on the Kingston Road frontage and planters will be introduced on the tramline and Rutlish Road elevations. The submitted Landscaping Strategy demonstrates that an Urban Greening Factor (UGF) score of 0.43 will be achieved.

Ecology

3.1.21 The proposal includes the provision of 20 Swift bricks.

#### Fire Safety

- 3.1.22 The building has been designed and will be constructed in compliance with relevant fire safety standards and regulations and includes a range of features to enhance fire safety. These include a Category 4 residential sprinkler system, which is designed to provide a high level of protection against fire, a Category L2 fire detection and alarm system, which is designed to detect and alert occupants to a fire as quickly as possible, and adequate refuge provisions, which allow occupants to safely shelter in place if evacuation is not possible
- 3.1.23 In addition to these safety features, the building also has a simultaneous evacuation policy and three escape stairs, which provide multiple means of escape for occupants in the event of a fire. The external walls of the building will be constructed to achieve Class A2- s1, d0 or better from ground level. This ensures that the walls are able to provide a suitable level of protection against the spread of fire. Adequate fire service vehicle access has been provided to the main entrance of the building to allow for an effective response in case of fire emergency.

## **Documents**

- 3.1.24 The application is accompanied by the following supporting documents:
  - Accommodation Schedule
  - Air Quality Assessment
  - Archaeological Impact Assessment
  - Circular Economy Statement
  - Construction Environmental Management Plan
  - Construction Logistics Plan
  - Covering letter
  - Delivery and Servicing Plan
  - Design and Access Statement
  - Draft Student Accommodation Management Plan
  - Drainage Strategy Report including Flood Risk Assessment and SUDS.
  - Energy Statement
  - External Daylight and Sunlight Report

- Fire Strategy
- Heritage and Townscape Visual Assessment
- Internal Daylight Amenity Report
- Land Contamination Assessment
- Landscape Strategy
- Overheating Assessment
- Planning Statement
- Preliminary Ecological Assessment
- Public Consultation Event November 2022 Flyer
- Statement of Community involvement
- Statement of case loss of public house
- Student Travel Plan
- Sustainability Assessment
- Transport Assessment
- Tree Survey and Arboricultural Impact Assessment

## 4. PLANNING HISTORY

- 4.1.1 <u>21/P2565</u> Demolition of existing buildings and erection of a part 5, part 4 storey building comprising 56 residential units (Class C3) and commercial units (470sqm), including an internal courtyard podium above servicing areas; and communal amenity space, refuse storage, cycle storage and landscaping. Undetermined
- 4.1.2 <u>17/P0068</u> Pre-application advice for re-development of existing public house, light industrial works and car park on Kingston Road to create a retail unit with residential courtyard behind. Pre-app complete.
- 4.1.3 <u>05/P1508</u> Installation of a 12.5 metre telecommunications antenna and associated external equipment cabinets containing radio equipment (application for determination as to whether the prior approval of the local planning authority will be required for the siting and appearance of the development) Prior Approval Granted 06/10/2005
- 4.1.4 <u>03/P2109</u> Alterations and extension to the existing building in connection with the proposed use as mot testing station together with the existing use as car repairs garage Grant Permission subject to Conditions 29/12/2003
- 4.1.5 <u>01/P2181</u> Display of 4 x externally illuminated fascia signage and 1 x free standing totem sign Grant Advertisement Consent 05/11/2001
- 4.1.6 <u>01/P2195</u> External alterations to the building with new boundary treatments, new external lighting and modification to car park Grant Permission subject to Conditions 23/11/2001
- 4.1.7 <u>96/P0323</u> Retention of externally illuminated logo sign, fascia signs and double sided hanging sign Grant Advertisement Consent 24/05/1996
- 4.1.8 <u>92/P0157</u> Erection of single storey and rear extensions involving demolition of existing side extension Grant Permission subject to Conditions 14/04/1992
- 4.1.9 <u>92/P0163</u> Display of externally illuminated fascia sign and externally illuminated signs on the flank and splay elevations at first floor level - Grant Permission subject to Conditions 22/05/1992

## 5. <u>CONSULTATION</u>

5.1.1 The application has been advertised by major application notice procedure and letters

of notification to the occupiers of neighbouring properties (325).

5.1.2 In response to the consultation, 21 letters of objection have been received.

The letters of objection raise the following points:

## Land Use

- A pub use should be retained. The students provide a strong case for retention of a drinking establishment.
- Retain space is not required in this location and would not likely be successful.

## Visual impact

- Building is too tall and would appear out of keeping and overly dominant.
- Other large buildings referred to are setback from the road much more.
- The tram stop is not so significant as to warrant such a tall building.
- Rooftop plant would add to the overall height.
- The view from Hartfield Road would be totally blocked by this proposed building.
- Building line stands forward of neighbouring properties
- The additional height on the North West corner is to create a "Townscape Focus" and a marker for the Merton Park Tram Stop. This is the closest point to the adjacent Conservation Areas and is unnecessary, out of context with the area and is not necessary to mark the Tram Stop in this way.
- Concern that brickwork would be brick slips.
- Adverse impact on nearby Conservation Areas.
- The UAL halls of residence in Peckham is 4 storeys tall and more sympathetic to its surroundings.
- In Plan the building is a U with the very narrow courtyard space facing south, away from the public. This orientation excludes any sense of community between students and Old Merton Park residents. If the courtyard were orientated east it would reduce street "loom" in Rutlish Rd and more visually belong to the community.
- Shopfront design is generic and boring.
- Further landscaping needed to Rutlish Road side.

## **Construction Process**

- Concerned at impact of construction process on residents of Rutlish Road.
- Concern that pre-fabricated modules will need large vehicles (16m+ in length) to be delivered and the erection of cranes to position them.

## Sustainability

- All other buildings by UAL have been BREEAM Outstanding, whereas this is the lower level of Excellent why is this?
- There is no harvesting of rainwater and no reuse of grey water in the building which is an unexpected surprise and a disappointment for a modern building.

## Transport/Highways

• Swept path analysis shows that vehicles would stop in the middle of Kingston Road and reverse into Rutlish Road – this could create congestion. A limitation

on the hours of construction vehicles accessing the site should be imposed. Also shows vehicles mounting the kerbs to make the manoeuvres.

- Access should be from Kingston Road not Rutlish Road.
- Traffic Marshalls will start their working day at 7am to ensure that no vehicles are parked or stacked in the vicinity of the scheme. And how will they do this?
- How will they prevent stacking when vehicles arrive to say they will do so without a plan on how is meaningless.
- Access points will be designed to avoid queuing traffic adjacent to access points. – How?
- There will be rigid control of vehicles entering and leaving the compound to prevent congestion on the approach and exit roads. How will they be prevented from entering and required to continue along Kingston Road?
- If the footpath is closed, then it should not be necessary for vehicles to be unloaded from the roadside by Forklift and this should be banned.
- Construction vehicle movements should occur on site.
- Concerns over parking pressure.
- No parking for the retail unit would cause problems.
- The scheme is described as Car Free with no on site parking areas provided but no acceptable attempt has been made to deal with deliveries, disabled and visitor vehicle movements and parking which will put immense pressure on the local road network with very limited additional capacity
- Blue Badge (disabled), delivery and service station bays should be included onsite.
- There will be 14 accessible studio units for wheelchair users (5% of the total units) which is good to see but, if they have a need for a vehicle, then they will park on the street.
- 33 vehicle movements will require to undertake a U-turn into Charles Rd or, even worse, proceed to the south end of Rutlish Rd in order to move in a forward direction out of the area. This will increase the risks to pedestrians and cyclists
- Trees and on-street cycle parking bays are proposed which will affect visibility for pavement, tram and road users. Also building may be too close to the trees to maintain them in the future.
- No benefit from the proposal towards local cycle network.
- The site is being marketed as "car-free" but the reality is that the students will be frequented by car drivers and delivery vans will be in abundance.
- Suggestion that improvements to the highway by way of addition cycle paths on Kingston Road should be secured.

## Neighbour amenity

- Loss of privacy.
- Loss of light.
- The light assessment focuses on the acceptability of the resultant light levels but does not focus on the huge reduction in light levels that neighbours would experience
- Concern that students may return late at night and disturb residents.

## Other Matters

- A number of comments welcomed the use as student accommodation and the widening of the footpath.
- Query whether Abbey Recreation Ground would be available to future occupants.

- Very similar to previous applications for the site that were rejected and opposed by local residents.
- Concerns over additional flooding
- Other more suitable sites could be used.
- Concern over impact on local infrastructure
- Increased building height would trap air pollution.
- 5.1.3 2 letters have been received expressing support for the following reasons:
  - It meets a local need for student housing
  - It deals satisfactorily with the issue of parking, which was a concern with previous developments
  - We like the overall design, so that the storeys increase towards Kingston Road (for the record, we have no problems with the height, because of the staggered storeys and the fact that storeys themselves are slightly lower than standard height)
  - The landscaping (although we would like to see more of this)
  - The potential for sound dampening of traffic on Kingston Road and the tram line (although that's not particularly noisy)
  - The fact that the entrance is on Kingston Road rather than Rutlish Road
  - The fact that prefabrication work for much of the building will take place off site.

## 5.1.4 The John Innes Society (16/03/2023)

This site is in the John Innes Society's Area of Benefit and although we wish to see it brought back into use, we do have some reservations about these proposals.

1) Changes to the NPPF are giving greater weight to preserving the character of an area. There is anxiety within the community that the bulk, massing and design of the taller part of the block will present as a landmark which overwhelms the approach to John Innes' Merton Park Garden Suburb. It will certainly look very different, but the question is will it be sufficiently in sympathy with its surroundings to preserve and enhance them.

2) Thames Water lodged detailed requirements on the previous application 21/P2565, because they said the proposals were located within 5m of their strategic water main, and within 15m of their stragetic sewer. They also said there were water mains crossing or in close proximity to the site and they do not permit construction within 3m of water mains. They asked for a number of investigations and conditions about piling and construction methods. As at the time of writing we cannot see that Thames Water have sent in any representations on the current proposals so do they expect their requirements to be carried forward to this application? There is no point in granting permission for a development which cannot be built without substantial amendment. JohnInnesSociety.org.uk In receipt of donations from

3) Although the Air Quality officer has given his approval, the fact remains that air quality monitoring near this site shows it to be one of the Borough's worst blackspots. Looking at the internal layout of the bedrooms, those fronting onto Kingston Road will have only one aspect and window, directly over the road. We would respectfully suggest that only bathrooms and kitchens should be located on this frontage, to safeguard the health and wellbeing of the future occupants.

4) We agree with the Urban Design Officer that using up so much of the small courtyard space with cycle racks, is poor planning. The site is at a busy traffic

junction, making the sheltered outdoor space especially valuable for the wellbeing of the students.

## 5.1.5 The Wimbledon Swift Group

Highlighted that this development provides a golden opportunity for local Swifts but sets out that the number of Swift bricks proposed (20), should be increased: In order to fully utilise the potential of buildings to support endangered bird species, it is imperative that installation of swift bricks should follow best practice guidance on quotas and arrangement of swift bricks (1:1, swift bricks to residential units, and one swift brick per six square metres on commercial buildings).

## 5.1.6 Campaign for Real Ale (04/03/2023)

Summary of comments

- No objection to the building but the public house use should be preserved.
- There has been historic pub use on the site, as there has been a White Hart pub here since at least the start of the 18th Century, and possibly even the 17th Century.
- The current building dates from only 1958, the previous incarnation having been destroyed during WWII.
- There are no other pubs within walking distance.
- The fact that a business that operated the pub over eight years failed, does not make public house use on the site unviable.
- It is open to the Council to commission an independent viability report, at the applicant's expense, into pub use on the site.
- In short, this application does not meet the requirements of either Policy DMR5 of the Merton Plan, nor the requirements of Policy HC7 Paragraph 7.7.7 of the adopted London Plan. If you approve this change of use as it stands, it will give the green light to any developer to play the long game by allowing them to close a pub that it has bought and leave it to deteriorate for a number of years in order play the non-viability card to get change of use agreed.

# 5.2 <u>Internal Consultees</u>:

## 5.2.7 LBM Transport Planning (16/03/2023):

## <u>Proposal</u>

This planning application relates to the demolition of existing buildings and construction of part 4/part 5/part 6 storey building comprising a 271-bedroom purposebuilt Halls of Residence to support Wimbledon College of Arts ("WCA") which is part of the University of the Arts London ("UAL") (sui generis) and 275sqm Class E floorspace on ground floor.

The site is bounded by Kingston Road to the north, Rutlish Road to the east and the Tram lines to the west. Kingston Road forms part of the Strategic Road Network (SRN) for which TfL is the traffic authority.

## Controlled Parking Zone (S1)

The site is located within the Merton Controlled Parking Zone (CPZ), Subzone S1, where restrictions operate between 08:30 and 18:30, Monday to Saturday. Rutlish Road adjacent to the site nearby provides a mix of permit holder bays and pay & display.

The site has a Public Transport Accessibility Level (PTAL) rating of 6a which indicates excellent accessibility to public transport routes.

#### Car Parking

#### Halls of Residence

The Proposed Development is car-free. It is a strict condition of the tenancies which the students enter into when they take their accommodation that they are not entitled to bring a car into the area surrounding the accommodation. This restriction will be set out in the Student Management Plan that is submitted with the planning application and compliance with this plan can either be controlled by condition or the S106 Agreement. Notwithstanding this legal restriction there should be no need whatsoever for any students to make use of cars given the very close proximity of the Halls of Residence to WCA and the excellent public transport connectivity with the rest of London.

#### <u>Retail</u>

As the site is located in an area of high PTAL level 6b the Retail element would be car free.

#### Cycle Parking

Student Accommodation - Long Stay – 204 ; Short stay – 7 Retail – Long stay – 2; Short Stay 12 The cycle parking provision satisfies the London Plan Standards.

#### **Trip Generation**

The trip generation assessment indicates that the proposed development would be expected to generate 337 reduced two-way vehicle movements across the day, with 23 reduced two-way vehicle movements in the AM peak hour period and 12 reduced two-way vehicle movements within the PM peak hour period.

The trip generation exercise has demonstrated that traffic generation resulting from the proposed scheme will be less compared with the existing uses. It is concluded that the proposed development will have a positive effect on the local highway network.

#### Student Travel Plan

A Framework Student Travel Plan (TP) has been submitted with the application and the targets and measures proposed to promote sustainable and active travel are acceptable.

The final TP should be secured, enforced, monitored and reviewed by the applicant as part of the s106 in line with LP Policy T4.

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.

Recommendation: Raise no objection subject to:

- Student management plan secured vis section 106 process.
- Cycle parking (secure & undercover) as shown maintained.
- A sum of £2,000 is sought to meet the costs of monitoring the travel plan over five years, secured via section 106 process.
- 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.

In addition, a condition limiting service vehicles to be no more than 8m in length has been requested.

## 5.2.8 LBM Highway Officer (27/02/2023)

Highways comments are

H1, H2, H3, H5, H10, H13 INF8, INF9, INF12

Whilst they have produced a CLP we would still require one under conditions. The Transport Planning Team will confirm regarding their proposal that delivery or construction vehicles to reverse from Kingston Road, as highways view is that no reversing will be allowed from Kingston Road, also note that Kingston Road has a 20mph speed limit.

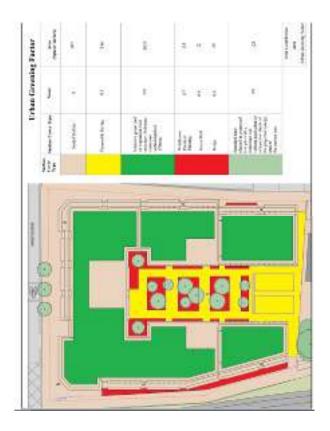
## 5.2.9 LBM Tree & Landscape Officer (28/03/2023)

The matter of green walls was raised by the Greater London Authority in their comments on the current planning application 22/P3620:

99. London Plan Guidance on Fire Safety restricts the use of combustible materials, limiting the use of green walls where they form part of the external wall of a building. The proposed urban greening should therefore be reviewed against this guidance and updated as appropriate. Where this review finds it necessary to remove a green wall, opportunities should be sought to make up any reduction in the UGF by improving the quality or quantity of greening across the wider masterplan. For further information on combustible materials see <u>here</u>.

We need to be sure of the calculations and that the UGF is at least 10%.

The Preliminary Ecological assessment does not include the solar panels and any maintenance paths under or around the panels:



The roof space is shown as solid green which is incorrect. Both the now missing 12m2 and the roof space have to be recalculated to accurately show what is being offered as the minimum 10% biodiversity net gain on this site.

## 5.2.10 LBM Tree and Landscape Officer (15/03/2023):

The landscaping is all internalised and therefore there is no wider public benefit. I would suggest that the applicant provide street trees where possible around the proposed development. The Preliminary Ecological Assessment (PEA) should form one of the approved documents. The PEA informs us that the proposals include the provision of 12m2 of green wall, but I can't see any signs of the green wall in the elevational drawings. This is important because of the claimed biodiversity gain on the site.

I would recommend attaching the following planning conditions:

Landscaping: full details of a landscaping and planting scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved 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. Details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. Any trees which die within a period of 5 years from the completion of the development, or removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the local planning authority gives written consent to any variation.

Reason: to enhance etc.,

Green wall: full details of 12m2 of green wall, including the location, design, method of construction and a planting scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the completion and occupation of the development.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

Schwegler insect house: full details of the location of a minimum 10no. Schwegler insect houses shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policies G5 and G6 of the London Plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

Green roofs: full details of a planting scheme, and the design and method of construction of the intensive green roof shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London Plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

Swift bricks: full details of the type and location of the 20 no. Swift bricks around the building as recommended in the in the 'preliminary ecological assessment' shall be submitted to and approved in writing by the local planning authority and shall be installed as approved prior to the completion of the development, and shall be permanently retained in-situ and be maintained to a satisfactory condition thereafter.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development plan policies for Merton: policies G5 and G6 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

The ecology report discusses the use of an intensive green roof, whereas the landscape report discusses this and an extensive green roof. Extensive green roofs offer much less in terms of biodiversity, and it would be good if the applicant could stick to using an intensive green roof. However, they are proposing to use green roofs with PV panels. It would be good if the roof plan could be updated to show which

green area is which in order that we may have a better understanding of the proposed areas.

The landscape strategy does mention green walls, but then mentions a modular system or climbers rooted in soil. All a bit vague. I think there are greater biodiversity benefits to be had with a green wall, particularly since this is referred to in the ecological assessment and their calculations for the Urban Greening factor. Climbers can be easily added to the general planting across the site.

## 5.2.11 LBM Urban Design Officer (28/03/2023)

This is an improvement. It is essential we keep our eye on the ball with the quality of the detailing right through to completion as this is a student hall of residence and not a prestige office building so there may be more pressure to cut costs along the way.

## 5.2.12 LBM Urban Design Officer (24/02/2023)

- There is disparity in the quality of the CGI images relating to the colour of the brickwork. A higher contrast between the two shades of brick is necessary from experience to ensure it is easily distinguishable. Therefore, this needs to be conditioned that samples need to be agreed on site.
- There is also some disparity as to whether there are 4 or 5 levels of soldier course bricks as part of the ground floor fascia. Four courses is better and less heavy. This should be clarified.
- Whilst the overall look is of a good quality, the longer views do show the building as possibly rather plain. Up close, the angled vertical bricks and the soldier course bricks simply add to the mass of bricks and it likely to become overbearing - look at the St. Georges office buildings in Wimbledon from the 1980s (almost LEGO like).
- Whilst this proposal certainly does not look like LEGO, I feel there needs to be more relief to the brickwork to complement the panels adjacent to the windows
   which also need to be approved prior to installation.
- I would like to see the adding of more texture and possibly variety in the brick colour, and/or some limited introduction of another material glazed tiles are an obvious choice but there may be other alternatives.
- The architect needs to address this, and there remains more scope to make the building more of a landmark on the corner in this respect too.
- Internally it is very important to maximise active frontage to the tram line and there is a long element of dead frontage for the water tanks/sprinklers, yet the most of the cycle store is outside. I know this was discussed at DRP, but I feel this balance is not right. More space in the courtyard for relaxation and more of the cycles under cover with appropriate lighting, visibility and security, and a slight rethink on a more efficient use of space for this element of the plant.

## 5.2.13 LBM Waste Management (17/03/2023)

I note the transport assessment have dealt with the access issues. As this is a commercial unit, I believe the waste collection arrangement are more flexible and will utilise services that meets available access/space. No further concerns from me.

## 5.2.14 LBM Waste Management (02/03/2023)

LBM does not offer waste collection as part of Business rates, we only advise or recommend waste management arrangement for commercial premises.

Proposal for a commercial unit development/ conversion, LBM recommends for applicants to identify the type of business(es) intended and identify quantity of proposed waste generation – <u>this has been satisfied</u>

LBM would recommend for a planned waste storage and collection arrangement to be in place – <u>this has been satisfied.</u>

An obvious concern with the waste management proposal is with access for an average standard sized waste collection vehicle – clarity is required. Applicant has proposed the collection of 32x 1100L bins per week or 16x 1100L bins biweekly. There are no concerns with the storage arrangement, noting the restricted access on Rutlish Road clarity is required with access management of a standard sized waste collection vehicle.

## 5.2.15 LBM Environmental Health (Air Quality) (13/03/2023):

## Air Quality

The applicant has submitted an Air Quality Assessment report ref: J10/13967A/10/1/F3, dated 10 January 2023 and produced by Air Quality Consultants.

Air quality conditions for future student residents of the proposed development have been shown to be acceptable, with concentrations below the air quality objectives throughout the site.

Heating and hot water for the development will be provided by Air Source Heat Pumps (ASHPs). These do not produce emissions to atmosphere. As such, the proposals are considered air quality neutral from a building emissions perspective.

The assessment has demonstrated that emissions from the routine testing of the proposed emergency diesel generator within the development, will have a negligible impact on air quality conditions at existing receptors, and at receptors within the development itself.

The building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments in London should be at least air quality neutral.

Demolition and construction activities can result in temporary effects on dust. The assessment has defined appropriate mitigation measures to reduce the level of dust.

The applicant has submitted a Construction Environmental Management Plan prepared by Hollybrook (dated 9/01/2023). The report included a Dust and Air Pollution

Management Plan that has highlighted mitigation measures to control fugitive dust emission during the demolition and construction phases.

Based on the information above, I have no objections subject to the following conditions:

#### Condition -

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

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policies GG3 and SI1, and NPPF 181.

## 5.2.16 LBM Environmental Health (potentially contaminated land) (20/02/2023)

With regards contaminated-land we recommend three conditions, the first two, subject to prior agreement:

No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

## 5.2.17 LBM Environmental Health (noise and disturbance) (20/02/2023)

Further to your consultation in relation to the above planning application and having considered the information submitted I make the following comments and observations regarding noise and nuisance.

1) Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any external plant/machinery across the site shall not exceed LA90-10dB at the boundary with the closest residential property.

2) Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the residential dwellings as specified in the RBA Acoustics, Noise Impact Assessment Report Reference 12179.RP01.EBF.1, dated 19 January 2023 shall be implemented as a minimum standard for the development. A post construction compliance noise survey shall be conducted and any remedial measures implemented should the submitted criteria fail to be achieved.

3) Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary and in accordance with Institution of Lighting Professionals, The Reduction of Obtrusive Light Guidance Note 01/21.

4) The construction environmental management plan, produced by Hollybrook dated 9th January 2023 shall be adhered to for the duration for the development.

## 5.2.18 LBM Flood Risk and Drainage Officer (14/04/2023):

The submitted drainage strategy by Walsh Engineers (ref: 5648-WAL-RP-C-0300-04) is acceptable and we have no objections to the scheme on basis the development is implemented in accordance with this.

While the site is not at high risk of flooding, it should be noted that historically there has been some surface water ponding issues directly fronting the site on Rutlish Road and at the junction with Kingston Rd. The final levels and layout should consider this issue and look to improve matters.

The drainage design and modelling has been undertaken using MicroDrainage software, for a site area of 2620m<sup>2</sup> (with 2557m<sup>2</sup> being impermeable) and a 1 in 100-year storm with an allowance of 40% for climate change it is estimated that 165m<sup>3</sup> of storage will be required in order to reduce the peak flow runoff to 1.3l/s.

The proposed development will implement a sustainable drainage strategy that will include green roofs, below ground storage tanks and permeable paving designed to the required standards.

## Condition:

The development hereby permitted shall not commence until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the London Plan, Merton's SuDS policies and SPD and the national Non-Statutory Technical Standards for SuDS, and the NPPF. The required drainage details shall include:

 a) The final solution should follow the principles set out in the approved drainage strategy by Walsh Engineers (ref: 5648-WAL-RP-C-0300-04).
 Where infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.3I/s which is equivalent to the pre-development Greenfield run-off and provide storage/attenuation of no less than 165m3.

- b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Where infiltration is proposed, confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

Details shall be provided of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the appropriate standards for Surface Water Drainage SuDS and to ensure that the final drainage design does not increase flood risk on or off site in accordance with NPPF 167&169, London Plan (2021) policy SI 12, SI 13, Merton CS (2011) policy CS16 and Merton SPP (2014) policies DMF1 and DMF2.

## Condition:

Prior to the occupation of the final phase of development, a Site-wide Sustainable Drainage Management and Maintenance Plan for the lifetime of the development (including a management and maintenance plan for on-site watercourses, SuDS and culverts) shall be submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage management and maintenance plan shall include as a minimum:

- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company;
- b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development with NPPF (2021) paras 167&169, London Plan (2021) policy SI 12, SI 13. Merton CS (2011) policy CS16 and Merton SPP (2014) policies DMF1 and DMF2.

## Informative:

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

## 5.2.19 LBM Planning Policy (Green infrastructure) (16/03/2023):

#### **Protected Species**

I have reviewed the submitted Preliminary Ecological Appraisal and the methodology, findings and recommendations of the survey works described, are sound.

I would recommend that suitably worded planning conditions and/or informatives are attached to any planning permission, to ensure that the mitigation and enhancements recommended in part 7 of the submitted Preliminary Ecological Appraisal, are delivered.

#### Urban Green Factor (UGF)

In page 22 of the submitted Landscape and Public Realm Strategy it is demonstrated that the proposals will achieve the UGF target score of 0.4.

A suitably worded planning condition should be attached to any planning permission to ensure the delivery and maintenance of the landscaping features that contribute to the UGF score.

#### **Biodiversity Net Gain (BNG)**

The government's statutory 10% target on BNG is due to come into force in November 2023 but the current Development Plan policies and the NPPF (and the council's draft Local Plan) currently encourage the enhancement biodiversity.

The submitted documents are silent on this matter but, as the landscaping features in the Landscape and Public Realm Strategy, that would be secured via a planning condition, would result in BNG and therefore the proposals successfully address this policy matter.

## 5.3 External Comments

## 5.3.20 Metropolitan Police – Secured by Design (24/02/2023)

## Design considerations

Having given due consideration to the design of this development, I recommend the following security features be addressed / included:

#### Measures already discussed

• The clients preference would be to have the main entrance door as an automatic opener during daytime hours (to assist with cycle access) and locked

at night with fob controlled access for those wishing to gain access after these hours.

- The secondary door leading to the courtyard area should be fob controlled at all times. Access to each core should also be fob controlled and limited to only those residing 0 50 100 150 200 250 300 350 308 246 109 75 66 63 42 36 27 27 Abbey Ward within that specific core. This will provide two layers of security and prevent tailgating into the residential areas.
- The communal doorset to be SBD approved, tested and certificated or an agreed equivalent. It should have an audio/visual access control panel. No Trade button is permitted.
- All doorsets allowing direct access into the flats, e.g. front and patio doors, as well as easily accessible windows and balcony doors should be SBD approved, tested and certificated or an agreed equivalent.
- With the huge rise in parcel thefts, the parcel room is welcomed.
- The concierge should ideally be 24 hours.
- Windows facing the courtyard to have grills to prevent objects being thrown out.
- Doors that access the roof are for maintenance only and will be locked at all times.
- The gates to the south of the development should be designed to prevent them being left open and misused, allowing unwanted access into the courtyard.
- Any perimeter fencing should be a minimum of 2.1 metres in height.
- Any metal louvered doors should be steel not aluminium. Aluminium is easily bent or forced. Wire mesh should be attached to the rear of the door to reinforce and prevent rodents gaining access.
- Residential cycle and bin stores should be restricted to residents only by means of encrypted access control but have a thumb turn exit to prevent being accidentally locked in. The doors should be tested and certified to a minimum of PAS24: 2022, outward opening with self-closing and locking mechanisms, and preferably single leaf complemented by the correct lighting and CCTV.
- All retail and residential areas should be kept separate.

## Further recommendations

- 'Hit and Miss' or 'Dog Toothed brickwork' which protrudes should be avoided on the ground floor as this provides a climbing aid to the upper floor balconies and provides areas to conceal weapons or drugs.
- I would recommend a CCTV system to cover at least the entry and exit points and the cycle parking areas. This should be designed and installed by be a contractor and a certificate confirming that the CCTV installation is compliant with BS 7958:2015 CCTV management and operation and meets the requirements of GDPR. The contractor will also be required to issue an NSI or SSAIB certificate of compliance.
- Lighting across the entire development should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. The lighting should also meet the current council requirements.
- A crucial factor in the success of any development will be the ongoing management and maintenance implemented by the managing agent especially the shared communal areas.

As with any development these recommendations are not exhaustive and further consultation would be encouraged once the detailed design stage is reached. I believe this development could achieve SBD accreditation when completed, providing the above SBD security requirements have been met.

## **Conclusion**

In conclusion this development has a complex design with a mixed use where crime prevention measures should be unitised to the full. I have had a positive input from the applicant and would look forward to working with them on this project.

#### **Recommendations**

Crime Prevention and community safety are material considerations. If The London Borough of Merton are to consider granting consent, I would seek that the following conditions be attached. This is to mitigate the impact and deliver a safer development in line with the Merton New Local Plan (Stage 3), the London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

Suggested two part condition wording:-

A. 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 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: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

B. Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

## 5.3.21 Thames Water

No comments received. However, comments in relation to the previous application 21/P2565 were as follows:

Recommend conditions in relation to:

- Piling method statement
- No construction within 5m of water main

Informative in relation to:

• groundwater risk management.

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.

## 5.3.22 Transport for London

## Site Location and context

The site is bound by Rutlish Road to the east, The A238 Kingston Road to the north, Tramway network to the west and residential buildings to the south. The site of the proposed development is on the A238 Kingston Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN. The closest section of the Transport for London Road Network is the A24, approximately 600 metres east. The proposal is adjacent to the London Trams network. Merton Park Tram Stop is accessible within 50m of the site, providing 12 trains per hour westbound to Wimbledon and 12 trains per hour eastbound to Beckenham Junction and Elmers End. The site has a Public Transport Access Level (PTAL) of 6b, on a scale ranging from 0 to 6b where 6b represent the highest access to public transport.

## Healthy Streets

TfL strongly supports the proposal to improve the footway width on Kingston Road in line with London Plan policies T2 (Healthy Streets) and D8 (Public realm). Trees are proposed on the A238 Kingston Road by the pedestrian crossing. The provision of additional greening on the SRN is supported in line with TfL's Healthy Streets indicators and London Plan policies G1 (Green infrastructure) and GG3 (Creating a healthy city). As set out in TfL's pre-application advice letter, the final design of public realm works on the A298 Kingston Road should be secured by condition and discharged in consultation with TfL and London Trams (LT) to agree on sightlines, and should include the tree types proposed.

The existing low wooden knee fencing on the northern section of tram path is likely to be insufficient to protect path users/residents or the tramway. A Section 106 contribution will need to be secured to cover the cost of replacement fencing in line with London Plan policies T3 (Transport capacity, connectivity and safeguarding) and T4 (Assessing and mitigating transport impacts). The detail of the replacement fencing should be included as part of the public realm design works to be secured by condition and discharged in consultation with TfL to ensure the replacement fence will not impact the operation of the Tramway in line with London Plan policies T3 (Transport capacity, connectivity and safeguarding) and T4 (Assessing and mitigating transport impacts). The responsibility of this path and maintenance requirements going forward needs to be discussed and agreed between LT and the Council.

#### Infrastructure protection and construction

There must be no adverse impact on tram operations, customers or assets as a result of the development or construction. The path between the site and the tram line provides an important link from Kingston Road to Merton Park Tram stop. This access will need to be maintained during construction with appropriate public protection measures in place to ensure pedestrian safety. TfL's pre-application advice letter set out that new windows (internal lighting) and external lighting at ground/first floors on north and north-eastern face of building could affect Croydon-bound tram drivers' ability to properly see the signals. This may require design changes or planning conditions such as requiring permanent matte glazing. A glare and glint study will be required to understand whether the windows, metalwork etc. could cause the signal to be unreadable at various times of day / year / weather conditions. TfL requests this is secured by condition and discharged in consultation with TfL prior to construction commencing in line with London Plan policies T3 (Transport capacity, connectivity and safeguarding) and T4 (Assessing and mitigating transport impacts. This is necessary to ensure the provision of any mitigating measures that may be reasonably needed to ensure visibility of the signal head.

A Demolition Management Plan and Construction Method Statement/Construction Logistics Plan should be secured by condition and discharged in consultation with TfL prior to demolition commencing in line with London Plan policy T7 (Deliveries, servicing and construction).

The developer must continue to liaise with London Trams and TOL prior to works commencing.

#### Cycle parking

206 long stay and 7 short-stay Cycle parking spaces will be provided in accordance with London Plan policy T5 (Cycling) minimum standards.

The long stay cycle store is proposed within the site's internal public realm space. Cyclists will enter the site via the main entrance on Kingston Road, which is supported in line with TfL's London Cycling Design Standards (LCDS) guidance. A further 2 longstay and 12 short stay spaces will be provided for the retail unit proposed. London Plan and LCDS compliant cycle parking should be secured by condition.

#### Car parking

The development is proposed to be car free except for one disabled bay in line with London Plan policy T6 (Car parking), which is welcome. The disabled parking bay is proposed on Rutlish Road. This should be secured by section 278 agreements with the Council. In addition, occupiers of the development should be prevented from accessing on street parking permits.

#### Servicing

On-street servicing is proposed from Rutlish Road with existing parking bays on Rutlish Road re-organised to provide an extended length of double yellow line suitable for servicing. The proposal to service the site entirely from Rutlish Road rather than Kingston Road is supported in line with London Plan policy T7 (Deliveries, servicing and construction).

A full Delivery and Servicing Plan (DSP) should be secured by condition in line with London Plan policy T7 (Deliveries, servicing and construction).

## 5.3.23 Historic England (Archaeology)

I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a 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.

I therefore recommend attaching a condition as follows:

### **Condition**

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 London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

# 5.3.24 London Fire and Civil Defence Authority

No comments received

## 5.3.25 Design Review Panel (DDRP)

The proposal went before the DRP in August 2022 and was given a unanimous green verdict. The detailed comments on the DRP are below:

#### Item 1: 144 Kingston Road

The Panel were impressed with both the presentation and how the proposals had progressed for the site and felt that the current design and uses sat better with the site and context than previous schemes. The Panel were comfortable with the scale, massing and height and how the building sat within the townscape. The set-backs from the Kingston Road side and tram line side were welcomed. It was felt that the architecture was well developed and the brick modelling good. The Panel raised a number of points where the design would benefit from further consideration to further enhance what they felt was already a good scheme.

The Panel were uncomfortable about the gabled parapets and their 'fake' nature, especially as the PV panels behind would sit on a flat roof but at the same angle as the gables. The implication being that they should be removed or be genuine roofs that the PV panels would sit upon. There was also some concern that the gables might not fully conceal the plant on the roof.

There was some divergent opinion on whether the different coloured brick was necessary to pick out the vertical elements of the building – this being liked by some and was felt unnecessary by others as the articulation of massing and brick detailing was considered enough to provide architectural variety.

The entrance sequence was liked and considered well thought out. The applicant was however, encouraged to consider out-of-term use of the studio space so that it didn't become dead frontage and was well used and successful. Some form of community use was suggested.

There was a lot of discussion about the courtyard and landscape design. The maintenance strategy for these spaces was unclear and must be considered. The design for the courtyard was welcomed and it was felt to have the potential to work well. However, it was suggested that only one line of trees might be necessary and the proposed species may benefit from reconsideration away from silver birch to an alder or robinia to get taller fastigiate growth. It was also suggested that more seating would be beneficial. It was felt that the free-standing cycle parking should not initially be included and this would allow for more flexibility in the use of the space. Concerns were also raised over how the courtyard links with the route to the south. Overall, further work was needed on landscaping, particularly regarding the courtyard.

The cycle parking was also discussed and the Panel felt it was important that the applicant investigate further how the design can encourage better use of the covered cycle parking. Clear views into the parking area were considered very important and it was suggested that glazing was used on the courtyard facing elevation.

The boundary between the tram path and elevation was considered a little fussy with a raised planter and this may make maintenance difficult. A simpler approach should be considered that maintained some form of defensible space.

The Panel felt that the applicant might struggle to achieve the required Urban Greening Factor with the number of trees proposed and that there was more potential for tree planting around the site and on the street, though understood the limitations posed by underground utilities. The panel asked whether there had been an embodied carbon calculation.

They felt that the main corner entrance area had potential for more tree planting and seating to reinforce its focal point role. On the other corner it was felt that the servicing strategy for the retail unit needed more clarity as well as there needing to be a strategy for how students belongings etc. were to be dropped off/collected at the beginning and end of term/year as this was likely to generate vehicular traffic, there being no on-site parking at all.

Internally the layouts were felt to be generally well thought out however it was felt that there could be better separation between the communal and private areas regarding the positioning of the bathrooms. Whilst the stair cores seemed to have good amounts of natural light, the corridors were long and not well lit. The applicant was encouraged to explore means of getting natural light into these corridors. Finally the Panel recommended the applicant produce street-level CGI images to demonstrate the new

building in its context. The Panel were unanimous in giving the proposals a GREEN verdict.

Verdict: GREEN

# 6. POLICY CONTEXT

List of relevant planning policies

## National Planning Policy Framework (2021)

- Chapter 2 Achieving sustainable development
- Chapter 7 Ensuring the vitality of town centres
- Chapter 8 Promoting healthy and safe communities
- 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 15 Conserving and enhancing the natural environment
- Chapter 16 Conserving and enhancing the historic environment

## London Plan 2021

- Policy SD6 Town centres and high streets
- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D3 Optimising site capacity through the design-led approach
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D6 Housing quality and standards
- Policy D8 Public realm
- Policy D9 Tall buildings
- Policy D11 Safety, security and resilience to emergency
- Policy D12 Fire safety
- Policy D13 Agent of Change
- Policy D14 Noise
- Policy H2 Small sites
- Policy H15 Purpose-built student accommodation
- Policy S3 Education and childcare facilities
- Policy E9 Retail, markets and hot food takeaways
- Policy E11 Skills and opportunities for all
- Policy HC1 Heritage conservation and growth
- Policy HC7 Protecting public houses
- Policy G5 Urban greening
- Policy G6 Biodiversity and access to nature
- Policy G7 Trees and woodlands
- Policy SI 1 Improving air quality
- Policy SI 2 Minimising greenhouse gas emissions
- Policy SI 3 Energy infrastructure
- Policy SI 4 Managing heat risk
- Policy SI 5 Water infrastructure
- Policy SI 7 Reducing waste and supporting the circular economy

- Policy SI 8 Waste capacity and net waste self-sufficiency
- Policy SI 12 Flood risk management
- Policy SI 13 Sustainable drainage
- Policy T1 Strategic approach to transport
- Policy T2 Healthy Streets
- Policy T3 Transport capacity, connectivity and safeguarding
- Policy T4 Assessing and mitigating transport impacts
- Policy T5 Cycling
- Policy T6 Car parking
- Policy T6.1 Residential parking
- Policy T6.3 Retail parking
- Policy T7 Deliveries, servicing and construction

## Merton Core Strategy (2011)

- Policy CS 7 Centres
- Policy CS 11 Infrastructure
- Policy CS 12 Economic Development
- Policy CS 13 Open space, nature conservation, leisure and culture
- Policy CS 14 Design
- Policy CS 15 Climate Change
- Policy CS 16 Flood Risk Management
- 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 R2 Development of town centre type uses outside town centres
- DM R6 Culture, arts and tourism development
- DM H5 Student housing, other housing with shared facilities and bedsits
- DM C1 Community facilities
- DM C2 Education for children and young people
- DM E3 Protection of scattered employment sites
- DM E4 Local employment opportunities
- 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 D7 Shop front design and signage
- DM EP1 Opportunities for decentralised energy networks
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants
- DM F1 Support for flood risk management
- 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 T4 Transport infrastructure
- DM T5 Access to the Road Network

## Supplementary planning considerations

- National Design Guide October 2019
- Draft Merton Local Plan
- GLA Guidance on preparing energy assessments 2018
- London Environment Strategy 2018
- Mayor's Air Quality Strategy 2010
- Mayor's SPG Sustainable Design and Construction 2014
- Mayor's SPG Character and Context 2014
- LB Merton Air quality action plan 2018-2023.
- LB Merton Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018
- LB Merton Local Development Framework Tall buildings Background Paper 2010
- Merton's Waste and Recycling Storage Requirements A Guidance for Architects

# 7. PLANNING CONSIDERATIONS

- 7.1.1 The key issues in the assessment of this planning application are:
  - Principle of development
    - Loss of public house
    - Loss of employment land
    - Proposals for new retail shop/commercial Class E floor space
    - Contribution towards housing targets
    - o Small Sites
    - *Merton's five year land supply*
    - Provision of student accommodation
    - Conclusion on principle of development
  - Affordable Housing
  - Design (character and appearance)
    - Massing and heights
    - o Layout
    - Design and appearance
    - o Design Review Panel comments
  - Urban Greening Factor and trees
  - Impact on neighbouring amenity
    - Daylight and Sunlight
    - Privacy and overlooking
    - Noise/disturbance
    - Conclusion on impact on neighbouring amenity
  - Standard of accommodation
  - Inclusive design and accessible accommodation
  - Transport, parking and cycle storage
    - Conclusion on impact on neighbouring amenity
    - Car Parking
    - Cycle Parking
    - Deliveries and servicing
    - Trip Generation
    - Construction process
    - Adjacent tram path

- TfL comments
- Conclusion on transport matters
- Sustainable design and construction
- Air Quality and potentially contaminated land considerations
- Flood risk and drainage
- Biodiversity
- Secure by Design considerations
- Fire Safety

# 7.2 Principle of development

7.2.1 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.

### Loss of public house

7.2.2 Policy HC7 of the London Plan sets out that:

"Applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future."

- 7.2.3 Policy DM R5 of Merton's Sites and Policies Plan 2014 states that proposals that will result in the loss of a public house will only be permitted where all the following are met:
  - The applicant can demonstrate to the council's satisfaction that the public house is no longer viable (clarified in the justification (para 1.86) that economic viability of the pub as a business is justified through marketing), and
  - There are alternative public houses located within the local area (clarified in the justification that this means the presence of another viable public house within 800metres).
- 7.2.4 This application submission proposes the loss of the White Hart pub. The application is accompanied by marketing information to set out that the existing building is not fit for reuse due to its condition and configuration.
- 7.2.5 Under the previous application on this site, 21/P2565, the submission set out that the rental value would be negative for several years and the loss of income suffered over the period would not be recoverable. The former public house had a long history of rent arrears, beginning in 2009 due to 'difficult trading conditions' and running until closure in 2012. At various points, the tenant was in rent arrears of up to £15,000. The licensee eventually initiated liquidation in May 2015.
- 7.2.6 The key issue is that the extent of refurbishment/rebuilding works to make the building lettable could not be recouped from the rental value, rendering the existing pub unviable.
- 7.2.7 In terms of alternative public houses in the local area, within the policy threshold of 800m, there are several other public houses, including:

- Prince of Wales, 98 Morden Road (500m);
- The Garratt and Gauge, 18 Hartfield Road (657m)
- the Wibbas Down Inn, 6-12 Gladstone Road (534m);
- the Old Frizzle, 74-78 the Broadway (608m);
- The Horse and Groom, 131 Merton High Street, (692m)
- The Leather Bottle, 277 Kingston Road (637m)
- O'Neill's Wimbledon, 66 the Broadway (604m).
- 7.2.8 Whilst it is noted that the majority of these pubs are in Wimbledon Town Centre, it does demonstrate that there are other alternative public houses in the locality. The submission is considered to have met the policy requirements in this regard.
- 7.2.9 The application sets out that justification for the pub's loss can be summarised as follows:

• Eight years vacancy and thus no contribution to the community for a significant period of time;

• Historic poor revenue sales and high costs of refurbishment making it unattractive to the market;

· General subdued and suppressed market across the licensed pub industry;

• History of anti-social behaviour associated with its use; Hibernian Developments Wimbledon Ltd The White Hart Pub, Wimbledon

• Significantly high supply of public houses in the local area;

• Proposed provision of employment generating uses meaning a higher net number of jobs which will benefit the local economy; and

• Optimisation and best use of a grossly underutilised area of land in a PTAL 6b area.

- 7.2.10 The submitted information sets out that bringing the building back into use would not be financially viable. Officers conclude that the reuse of the existing building as a pub would not likely be feasible given these circumstances.
- 7.2.11 Officers note that the pub is not listed as an Asset of Community Value and has not traded for a number of years (approx. 9 years) and Officers consider that the application has sufficiently demonstrated that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 7.2.12 The loss of the public house is considered to be reasonably justified against the policy framework. Therefore, it is not necessary or justified to insist on the reprovision of a public house use in the proposed development.

#### Loss of employment land

7.2.13 In considering the principle of the proposed development it is necessary to acknowledge Policy DM E3 of the Council's SPP which seeks to protect scattered employment sites. The existing MOT Centre and workshops would be considered a scattered employment site as it is an employment generating use which is located

outside of a designated town centre and employment area. In this instance, the proposal would result in the complete loss of the existing employment use on the site. This 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 ( $2\frac{1}{2}$  years).

- 7.2.14 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').

7.2.15 Officers consider that the proposed commercial use proposed on the site, which would provide employment, would be acceptable under the requirements of Policy DM E3. In addition, the halls of residence itself would provide some employment.

Proposals for new retail shop/commercial Class E floor space

- 7.2.16 In line with national policy, Merton's Core Planning Strategy policy CS7 Centres and Merton's Sites and Policies Plan policy DM R2 prioritise town centre type uses within or on the edge of town centres. Policy SD7 of the London Plan supports the sequential approach in order to direct retail uses to town centres in the first instance.
- 7.2.17 The scheme proposes a new unit on the ground floor, which could be used for retail purposes, or any other use within the new Class E specifically, flexible commercial space (Use Class E excluding E(e), E(f), E(g)(ii) and E(g)(iii)).
- 7.2.18 Merton's local policies set out that a sequential test approach is required for retail units over 280sqm where sites are not within a Town Centre. The proposed retail space is 275sqm and therefore falls below this threshold
- 7.2.19 Notwithstanding that the current proposal does not require a Retail Impact assessment (RIA), Officers note that the previous application, 21/P2565 was accompanied by a RIA which confirmed that the site is in an accessible location and it has been demonstrated that there is a "locationally specific" need for the proposed retail component of the scheme, which would not be met by locating it in or on the edge of nearby town centres, such as Wimbledon which is the nearest.
- 7.2.20 However, in any event, the end use may not be retail under the new wider Class E, which will allow the commercial space to more flexibly respond to local demand in the future.
- 7.2.21 The proposal is considered to be acceptable in regards to the provision of commercial Class E uses on site, which may include retail.

Contribution towards housing targets

7.2.22 Policy H1 of the London Plan 2021 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. 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.

- 7.2.23 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. The proposal would make a valuable contribution to meeting that target.
- 7.2.24 London Plan paragraph 4.1.9 states that "net non self-contained accommodation for students should count towards meeting housing targets on a basis of 2.5:1 ratio". The proposal will provide 271 student beds, providing the equivalent of 108 self-contained residential units, making a significant contribution towards LB Merton's housing target.

### Small Sites

7.2.25 The application site has a site area of just over 0.25 hectares. The application site therefore does not fall under planning policy H2 (Small Sites) of the London Plan 2021. However, the site area, at approx. 0.26 hectares is close to this threshold and therefore the guidance in policy H2 is still relevant to an extent. Following on from the housing targets set out above, small sites are expected to deliver 2,610 new homes over the 10 year period (2019/20 - 2028/29). Policy H2 sets out that for London to deliver more of the housing it needs, small sites (below 0.25 hectares in size) must make a substantially greater contribution to new supply across the city. Therefore, increasing the rate of housing delivery from small sites is a strategic priority. Achieving this objective will require positive and proactive planning by boroughs both in terms of planning decisions and plan-making.

### Merton's five year land supply

- 7.2.26 Merton currently does not have a five-year supply of deliverable housing. It is therefore advised that members should consider this position as a significant material consideration in the determination of planning applications proposing additional homes.
- 7.2.27 Where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, relevant decisions should apply the presumption in favour of sustainable development. This means that for planning applications involving the provision of housing, it should be granted permission unless:

• the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

• any adverse effect of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole

7.2.28 In real terms, if Merton continues to not meet its housing supply, then greater weight will need to be given to delivering more housing in the planning balance. Therefore, it is important that the Council seeks to deliver new housing now and make the most efficient use of sites to deliver new homes with appropriately designed buildings. The scheme is considered to make efficient use of the site with a good quality development that respects the character and appearance of the area without being harmful. The additional accommodation created on the site will make a valuable contribution towards Merton meeting its housing targets.

## Provision of student accommodation

- 7.2.29 London Plan Policy H15 (Purpose-built student accommodation) states that Boroughs should seek to ensure that local and strategic need for purpose-built student accommodation is addressed. Boroughs, student accommodation providers and higher education providers are encouraged to develop student accommodation in locations well connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes.
- 7.2.30 The Mayor of London's Housing SPG, in Section 3.9, states that specialist student accommodation makes an essential contribution to the attractiveness of London as an academic centre of excellence. This is reiterated within paragraph 4.15.1 of the London Plan which states "London's higher education providers make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation".
- 7.2.31 Merton's Policy DM H5 (Student housing, other housing with shared facilities and bedsits) states that the development of student housing is supported provided it:
  - i. will not involve the loss of permanent housing;

ii. will not compromise capacity to meet the supply of land for additional selfcontained homes;

iii. meets an identified local need;

iv. will not result in an overconcentration of similar uses detrimental to residential character and amenity;

- v. complies with all relevant standards for that use;
- vi. is fully integrated into the residential surroundings.
- 7.2.32 There is no current residential use on the site currently and as such there would be no loss of permanent housing.
- 7.2.33 The site is not allocated for residential development but in any event, the provision of student accommodation would contribute towards the London Plan housing targets.
- 7.2.34 There is not other dedicated student accommodation within the vicinity.
- 7.2.35 The proposal would comply with relevant guidance for student accommodation.
- 7.2.36 Officers conclude that the new use would be fully integrated into the residential surroundings.
- 7.2.37 Officers consider that the proposal would comply with the requirements of London Plan policy H15 and Local Plan policy DM H5.

#### Conclusion on principle of development

7.2.38 The proposal is considered to respond positively to London Plan and Core Strategy planning policies to meet increased housing targets and optimising sites. The principle of development is considered to be acceptable subject to compliance with the relevant policies of the Development Plan.

# 7.3 <u>Affordable Housing</u>

7.3.1 Policy H15 (Purpose Built Student Accommodation) of the London Plan seeks to ensure that local and strategic needs for purpose-built student accommodation is addressed provided that the use of accommodation is secured for students; at least 35% of the accommodation is secured as affordable student accommodation; and the accommodation provides adequate living space and layout.

- 7.3.2 Policy H15 sets out, in relation to affordable student accommodation that:
  - 3) the majority of the bedrooms in the development including all of the affordable student accommodation bedrooms are secured through a nomination agreement for occupation by students of one or more higher education provider
  - 4) the maximum level of accommodation is secured as affordable student accommodation as defined through the London Plan and associated guidance:

a) to follow the Fast Track Route, at least 35 per cent of the accommodation must be secured as affordable student accommodation or 50 per cent where the development is on public land or industrial land appropriate for residential uses in accordance with Policy E7 Industrial intensification, co-location and substitution.

b) where the requirements of 4a above are not met, applications must follow the Viability Tested Route set out in Policy H5 Threshold approach to applications, Part E

c) the affordable student accommodation bedrooms should be allocated by the higher education provider(s) that operates the accommodation, or has the nomination right to it, to students it considers most in need of the accommodation.

- 7.3.3 The applicant has set out that "It is anticipated that the rents at Wimbledon will be in the order of about £50-£100 per week lower than average private sector room rate across London. It is proposed that a restriction be placed in the S106 agreement that all of the rooms have to be rented at a similar rate to other halls of residence within the UAL portfolio."
- 7.3.4 The proposal will provide accommodation which is secured for students through a nominations agreement for occupation by students by University of the Arts London, a higher education provider, with all rents provided at an affordable level whilst providing adequate functional living space and layout, as required by London Plan H15. As such the proposal complies with all the relevant standards for that use, as required by Part (v) of Policy DM H5. The provision of at a minimum of 35% rooms as affordable student accommodation would avoid the need for a viability tested route. This provision would need to be secured by way of legal agreement.
- 7.3.5 Subject to legal agreement, the affordable element of the student accommodation would be acceptable in planning terms.

# 7.4 <u>Design (character and appearance)</u>

- 7.4.1 The NPPF, London Plan policies D3 and D4, Core Strategy policy CS 14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context. Thus, development proposals must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.
- 7.4.2 Policy DM D4 of Merton's Sites and Policies Plan seeks to ensure that development which affects the setting of Conservation Areas either preserves or enhances their character and also seeks to protect heritage assets. Core Planning Policy CS14 supports these SPP Policies.
- 7.4.3 The site does not contain any designated heritage assets nor does it lie within a Conservation Area, however, to the west of the site lie two Conservation Areas: the

John Innes Merton Park Conservation Ares to the west of the site on the other side of the tramline, and the John Innes Wilton Crescent Conservation Area to the north-west. There are a few designated and non-designated heritage assets around the site.

- 7.4.4 The site includes the former White Hart public house, originally of early 18th century date but substantially rebuilt following bomb damage during the Second World War, as well as other poor-quality garage units. Around the existing buildings are large areas of hard landscaping.
- 7.4.5 The removal of the existing buildings on site and the provision of a good quality replacement building, along with the improvements to the public realm to the frontage of the site is considered to have a positive impact on the character and appearance of the area and would generally enhance the setting of the Conservation Area, notwithstanding the overall height of the proposed building.

### Massing and heights

- 7.4.6 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.
- 7.4.7 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'.
- 7.4.8 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.
- 7.4.9 Taller buildings can be an efficient use of land and if designed well at the ground level can contribute positively to the streetscene. Tall buildings can make a positive contribution to city life, be excellent works of architecture in their own right, can affect the image and identity of a city as a whole, and can serve as beacons for regeneration and stimulate further investment.
- 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 In policy terms, higher density development is directed towards centres and those areas that are well serviced in terms of public transport and infrastructure, and those areas that can accommodate the increase in density without having a detrimental impact on the character of the locality, including the historic environment
- 7.4.12 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".
- 7.4.13 The proposed building at six storeys (although with the height more akin to a 5 storey residential building), would be higher than other buildings in the immediate vicinity of the site. However, for the reasons set out later in this letter, officers consider that the proposed development would not result in an adverse impact on this valued suburban character.

- 7.4.14 The Tall Buildings paper sets out that 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 London Plan and the fact that the existing site is under-used and does not contribute positively to the character of the area.
  - Public transport in the vicinity of the site is excellent.
  - Whilst the area is generally one of low to medium rise, there are buildings along Kingston Road of a similar scale to that currently proposed.
- 7.4.16 Therefore, Officers consider that the proposal would not conflict with the spirit and intention of the Tall Buildings Paper or Policy D9 of the London Plan.
- 7.4.17 The concept of the highest point on the building forming a focal point is supported and the treatment of the corner onto Kingston Road is considered to work well.
- 7.4.18 The scale of the proposal could be considered to fit within the local context, given its location, adjacent to a transport interchange and in the context of the surrounding built form which already includes buildings of a similar height opposite on Hartfield Road (albeit 4 storeys as opposed to six) and slightly further afield along Kingston Road. The building would be set back further from the frontage than the existing building and would deliver improvements to the public realm to the frontage of the site and to the neighbouring tram path.
- 7.4.19 In addition, Officers note that the scheme has received a unanimous green verdict from the DRP, where the Panel were comfortable with the scale, massing and height and how the building sat within the townscape.

## <u>Layout</u>

- 7.4.20 The layout, with a central courtyard and commercial frontage to Kingston Road is considered to be a sound urban design approach, ensuring an active frontage onto Kingston Road, a more private amenity area to the rear and the applicant has made efforts to ensure that the tram path elevation provides an active frontage.
- 7.4.21 It is noted that the requirements of TfL, in relation to the land adjacent to the tram line, are restrictive to the proposed development. TfL requires a 5m setback from the tram line. TfL have previously indicated that they support efforts to activate the frontage along the tram line but would have concerns regarding openings from the proposed building on the elevation facing the tram line. This significantly reduces the potential of the scheme to provide an active edge along this frontage.
- 7.4.22 The central courtyard is considered to be an innovative approach to providing good quality amenity space.
- 7.4.23 The layout of the retail areas would provide for workable units with reasonably controlled servicing arrangements in place.
- 7.4.24 The widening of Kingston Road pavement is a benefit of the proposal, particularly given the narrow pavement width currently. Conditions are proposed to ensure that the proposed works to the street do not to disrupt the free flow of pedestrians and avoid

creating a physical barrier to the shopfronts.

- 7.4.25 The widening of the tramline path is also a benefit of the proposal, and would create a route with natural surveillance, which is absent entirely presently.
- 7.4.26 In general, officers consider that the proposed layout is well thought out and based on sound urban design principles. It is considered that there are wider public realm benefits with the approach taken which would enhance the character and vitality of the area.

## **Design and Appearance**

- 7.4.27 Paragraph 130 of the NPPF advises 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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 7.4.28 The proposal would have no harmful effects on any designated heritage assets or any protected views. Officers acknowledge that there would be an impact on views from streets in the surrounding area. However, Officers do not consider this change in outlook to be harmful. Officers note that the building would be taller than the nearby buildings. However, it is concluded that the architectural detailing and form has been well-informed by a robust character appraisal and has the potential to positively contribute towards the character and appearance of the area.
- 7.4.29 The vertical rhythm of the proposed building has been carefully considered and officers note that the design has responded to comments made by the Council's Urban Design Officer. The approach proposed, in relation to vertical rhythm and fenestration, is considered to be a suitable solution for the proposed building.
- 7.4.30 Good quality facing materials and window reveals can be secured by condition, to ensure good design detailing is carried through post planning to completion.
- 7.4.31 In terms of impact on adjacent Conservation Areas and listed buildings, the proposed building would sit outside (opposite side of tram tracks) of the John Innes Wilton Crescent/Merton Park CA and well away from Grade II listed buildings (Manor House and Dorset Hall) to the east and west respectively of the application site. The level of separation, landscaping, existing buildings and transport infrastructure offers some breathing space between the application site and these protected areas. As set out above, the proposed design is considered to be high quality and in many respects would enhance the street scene. The main contentious part of the proposal, which impacts on the adjacent conservation areas and viewed from nearby listed buildings is the proposed building height respecting the context of the site and its surrounding (not appearing too large), it is considered that the proposal would meet the policy requirement of at least preserving the setting of the Conservation Areas and listed buildings.

#### **Design Review Panel comments**

7.4.32 The scheme has gone before the DRP and received a unanimous green verdict. However, there were some minor concerns and queries set out by the DRP Panel.

• The Panel were uncomfortable about the gabled parapets and their 'fake' nature, especially as the PV panels behind would sit on a flat roof but at the same angle as the gables. The implication being that they should be removed

or be genuine roofs that the PV panels would sit upon. There was also some concern that the gables might not fully conceal the plant on the roof.

### Response:

The design of the pitched parapets were formulated through detailed discussions with the Council's Urban Design Officer and Head of Policy. Officers consider they would add visual interest and variety and would assist with concealing rooftop plant. In addition, including pitched roofs behind would have reduced the area for PVs and would have prevented the use of a bio-solar roof

• There was a lot of discussion about the courtyard and landscape design. The maintenance strategy for these spaces was unclear and must be considered.

### Response:

The applicant has set out that maintenance would be from ground level, as is carried out at other UAL facilities. Windows would be cleaned from roof level so as not to interfere with the courtyard level landscaping.

 However, it was suggested that only one line of trees might be necessary and the proposed species may benefit from reconsideration away from silver birch to an alder or robinia to get taller fastigate growth. It was also suggested that more seating would be beneficial. It was felt that the free-standing cycle parking should not initially be included and this would allow for more flexibility in the use of the space. Concerns were also raised over how the courtyard links with the route to the south. Overall, further work was needed on landscaping, particularly regarding the courtyard.

### Response:

The landscape design was altered following the DRP meeting to include more seating and trees planted in a less regimental layout. In addition, some of the cycle parking has been moved to be inside the building to free up the courtyard space.

• The boundary between the tram path and elevation was considered a little fussy with a raised planter and this may make maintenance difficult.

#### Response:

The raised planter has been removed and replaced with ground level planting.

• They felt that the main corner entrance area had potential for more tree planting and seating to reinforce its focal point role. On the other corner it was felt that the servicing strategy for the retail unit needed more clarity as well as there needing to be a strategy for how students belongings etc. were to be dropped off/collected at the beginning and end of term/year as this was likely to generate vehicular traffic, there being no on-site parking at all.

#### Response:

An extra tree was added on Kingston Road in response to this comment, the amount of planting and seating that can be provided here is subject to maintaining adequate sight lines for tram drivers – this was a key point which was raised during our pre-application discussions with TfL Trams. The three trees proposed on the Kingston Road elevation have been strategically positioned to ensure adequate sight lines are retained.

In terms of servicing a retail service entrance with refuse storage was added on Rutlish Road close to the double yellow line area for ease of servicing from the Class E unit.

The issue of beginning/end of year student drop offs/collections is outlined with the accompanying Student Management Plan and based on UAL's experience of what has proved successful at their other halls of residence. It states:

"Our presence within residential neighbourhoods means that we take this aspect of our operation very seriously. A methodical approach (as outlined below), achieved through considerably increasing our level of staff presence ensures minimal disruption to neighbouring residents.

- The main move in period for new students at the beginning of every academic year will be spread over a weekend, and local residents advised of this date in advance.
- Upon reserving a room and completing their tenancy agreement, students will be advised of a date and time for arrival to take up occupancy of their new room. If students and parents choose to ignore these timings UAL reserve the right to refuse access until we are able to accept them.
- This 'appointment' type approach ensures the lowest possible level of disruption for the surrounding occupiers, as student/parents are not all converging on the locality at one time.

Supporting information is sent in advance of each residents move in date detailing public transport routes and nearby parking locations in a specific document we refer to as 'Guide to Living in Halls'.

• Internally the layouts were felt to be generally well thought out however it was felt that there could be better separation between the communal and private areas regarding the positioning of the bathrooms.

## Response:

Following the DRP the shared bathrooms were relocated so that the number of students who had to walk past the communal kitchen door to get to the WC would be minimised.

• Whilst the stair cores seemed to have good amounts of natural light, the corridors were long and not well lit. The applicant was encouraged to explore means of getting natural light into these corridors.

## Response:

Following the DRP, windows have been added to the ends of these corridors where possible (obscurely glazed to the south elevation).

## Layout of DRP scheme:

7.4.33 Latest landscaping scheme on right to address Urban Design Officer's comments.



# 7.5 <u>Urban Greening Factor and trees</u>

- 7.5.1 Policy G5 of the London Plan sets out that Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential.
- 7.5.2 Policy G6 of the London Plan sets out that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain, including sites not within areas of special protection.
- 7.5.3 Urban greening covers a wide range of options including, but not limited to, street trees, green roofs, green walls, and rain gardens. It can help to meet other policy requirements and provide a range of benefits including amenity space, enhanced biodiversity, addressing the urban heat island effect, sustainable drainage and amenity.
- 7.5.4 The existing site has a negligible UGF, due to the extensive hard surfacing across the site. The proposal includes soft landscaping and planting within the central courtyard area, a green buffer to the boundary with the tram path, green roofs and the planting of street trees.
- 7.5.5 There are existing trees on site but these are of limited value both visually and from an ecological perspective. The new trees to the courtyard and on the Kingston Road frontage will be high quality replacements, secured by the landscaping condition.
- 7.5.6 In terms of urban greening the submitted Landscaping Strategy demonstrates that an Urban Greening Factor (UGF) score of 0.43 has been achieved, above the target score for residential schemes of 0.4. The development would comply with policy and will be a very significant improvement over the existing situation on site.

# 7.6 Impact on neighbouring amenity

- 7.6.1 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 7.6.2 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new developments does 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.
- 7.6.3 Policy DM EP2 (Reducing and mitigating noise) states that development which would have a significant effect on existing or future occupiers or local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.

## Daylight and Sunlight

7.6.4 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).

7.6.5 The application is accompanied by a Sunlight and Daylight Analysis. The report states that:

"All of the existing neighbouring residential properties in close proximity of the site have been modelled and tested in order to assess the potential impact on the Daylight & Sunlight amenity they presently enjoy.

As the existing site is largely undeveloped and comprises large open areas of car parking and hardstanding, the outlook from the various neighbouring properties is almost completely unobstructed and those neighbouring buildings therefore receive exceptionally high levels of natural daylight and sunlight under "existing" conditions. This means that they can experience a relatively large percentage reduction of Daylight and Sunlight without any detrimental or harmful effect on "amenity". In view of this fundamental factor, in determining the acceptability of the impact of the proposed development, the key measure of adequacy is not the percentage reduction factor taken from the current high starting points, but to ensure that the absolute residual VSC values remain adequate, as this is a true and more accurate measure of the actual amount of daylight that will continue to be received by existing neighbouring buildings.

Taking the guidance from the GLA and Planning Inspectorate, the typical

acceptable absolute residual VSC value in an urban environment should remain around mid-teens. All of the windows serving habitable rooms in the various neighbouring residential buildings will continue to receive well above this absolute target, demonstrating that all of those rooms will continue to receive an adequate, and in most cases, good, level of natural daylight once the development is built.

All rooms/windows that fall within the BRE Sunlight Criteria have been tested for Annual and Winter Sunlight APSH, and the results show that all rooms will continue to receive very good levels of Annual and Winter Sunlight well in excess of the BRE recommendations.

In overall conclusion, the occupiers of all of the neighbouring residential properties will continue to enjoy adequate levels of Daylight and Sunlight amenity commensurate with the area in general and it should therefore follow that the Council's policy objectives have been satisfied."

- 7.6.6 The assessment confirms that the properties opposite the Kingston Road façade should be the main consideration. The results show that they will still receive values in excess of the mid-teens (the majority are in excess of 20%) and as such will retain reasonable levels of natural daylight.
- 7.6.7 There are other exceptions such as 1A Rutlish Road which will experience a minor shortfall against the guidance in Annual Probable Sunlight Hours (APSH), however, this is due to the existing projecting wall of 14-20 Charles Road which projects and blocks sunlight until mid/late afternoon.
- 7.6.8 All other residential windows tested will continue to receive well above the BRE guidance levels, and in the majority of cases be above 20% VSC which is considered a good level of natural daylight. All rooms tested within the BRE criteria for APSH have demonstrated that they will continue to receive very good levels. It is considered therefore the proposal suitably protects the daylight and sunlight of surrounding properties.

## 7.6.9 The Daylight and Sunlight analysis focuses on the following neighbouring properties:

- 148 Kingston Road
- 173 to 193 Kingston Road (odd numbers)
- 140 Kingston Road
- 1A, 1B and 1C Rutlish Road and 14-20 Charles Road
- 140a, 140b and 140c Sinclair Court
- 32 Rutlish Road

#### 148 Kingston Road

7.6.10 There is a fair separation distance to the development as the outlook from those windows is across the full width of the tramway and notwithstanding the band of mature trees, there is a virtually totally unobstructed view of the sky. This gives rise to very high "existing" VSC values. As such, the windows can experience a relatively large percentage loss of direct daylight but still remain adequately daylit. The absolute residual VSC values for the nine windows in the flank wall range from 24.46% VSC and 25.02% VSC at ground floor level, 25.56% VSC to 27.21% VSC at first floor level and 22.79% VSC to 29.29% VSC at second floor level. This demonstrates that very good levels of natural daylight will remain. These VSC results were calculated with the effect of the current mature trees omitted in accordance with the advice in the BRE Guidelines, but in practice, those trees largely obscure view of the Site in any event.

## 173 to 193 Kingston Road (odd numbers)

- 7.6.11 All of the absolute residual VSC values at the western end of the terrace will however continue to remain well in excess of mid-teens and the properties at the eastern end of the terrace will continue to receive absolute VSC values in excess of 20% VSC thereby demonstrating that these properties will continue to receive very good levels of natural daylight.
- 7.6.12 As these properties face within 90° of due south, they fall within the BRE Sunlight Criteria and although there will be an inevitable reduction in Annual and Winter Sunlight, all of the windows will continue to comfortably satisfy the BRE Annual and Winter Sunlight Standards.

### 140 Kingston Road

7.6.13 140 Kingston Road has a blank gable end flank wall facing onto the site. The windows in the rear elevation do however have an oblique view of the site and although the general outlook from those windows will remain unaffected, they have nonetheless been tested. The results show that there will be full compliance with the BRE VSC standards with no window experiencing a material reduction in daylight.

### 1A, 1B and 1C Rutlish Road and 14-20 Charles Road

- 7.6.14 All windows bar one will continue to receive a residual VSC value in excess of 20% VSC. The one window which is below 20% is the ground floor window, labelled W1 in 1B Rutlish Road, where the absolute residual VSC value will be 17.73%. This is however still well above mid-teens (which the applicant argues is generally held to be acceptable having regard to planning appeal decisions).
- 7.6.15 In terms of sunlight, the one window which did not fully comply is the ground floor window in 1A Rutlish Road labelled W2 where the residual Annual Sunlight percentage will be 19% APSH against a target of 25%, and the Winter Sunlight APSH reading was 2% APSH against the target of 5% APSH. That minor shortfall is however due to the projecting wall of 14-20 Charles Road as that building projects further forward of the building line of 1A Rutlish Road and effectively blocks all sunlight until mid to late afternoon.

#### 140a, 140b and 140c Sinclair Court

7.6.16 The results show that there will be full and comfortable compliance with the BRE VSC daylight standards and the Annual and Winter Sunlight APSH standards. These properties will therefore continue to receive a good level of natural daylight and sunlight and there will be no material impact on "amenity".

#### 32 Rutlish Road

- 7.6.17 The results show full compliance with the BRE VSC standards with all of the windows in the principal front and rear elevations continuing to receive very good levels of natural daylight well above the BRE recommendations. Equally, in terms of sunlight, all windows tested would meet BRE guidance.
- 7.6.18 There would be a reduction to the north facing side windows but these are not habitable areas.

#### Conclusion on light impact

7.6.19 The existing site is relatively open and properties enjoy exceptionally high light levels. Therefore, any development of the site would have an impact on neighbouring properties. The proposed development would have some impact on neighbouring properties, with levels of light loss beyond a 20% reduction but, importantly, the retained light levels are typical of an urban setting and the impact is considered to be acceptable in planning terms

## Privacy/overlooking/visual intrusion

- 7.6.20 As a matter of judgement officers consider the separation distances between the front facing windows of the properties opposite the site on Kingston Road and Rutlish Road to be such that it would not harm the privacy of occupiers of these properties. Whilst there would be an increase in building height and windows facing each other, the application site is separated from neighbouring properties by a public highway, offers a reasonable level of separation and would be a standard relationship within an urban setting.
- 7.6.21 The proposal would project forward of the building line of the flats to the south at no.32 Rutlish Road. Whilst the proposed building would also project beyond the rear elevation of this neighbour, the proposed building has been spilt into two sections and would be inset away from the boundary to offer a degree of breathing space. 32 Rutlish Road itself also benefits from being set away from the boundary with the application site and has an expansive sized rear garden area (so the proposed building would not appear too imposing/overbearing). There would be the potential for some additional overlooking of the rear gardens of the properties to the south of the site. The applicant has included obscured glazing to windows on the southern elevation and projecting fin screens to the windows facing into the courtyard, to avoid any overlooking to this neighbouring property.
- 7.6.22 It is noted that there would be a degree of intervisibility between the proposed windows of the student accommodation. Whilst there is a degree of tension here, with some windows positioned relatively close to each other, it is considered that a degree of intervisibility is unavoidable. The separation distances of windows on either side of the courtyard varies from 19.5m to 13.5m (13.5m towards the southern part of the site). The arrangements would be acceptable in planning terms.
- 7.6.23 Officers acknowledge that there would be some marginal adverse impact on some neighbouring properties by reason of the increased bulk and massing across the site. However, it is noted that the existing built form on site is very low profile and therefore any redevelopment of the site would result in an increase in built form over what exists currently and the proposal is considered to have struck a reasonable balance in terms of optimisation of the site whilst minimising and mitigating for the impact on neighbouring amenity.

#### Noise/disturbance

- 7.6.24 The existing lawful use of the site as a pub and motor repair garage has the potential to generate noise. The proposed use would not involve significant noise from machinery or plant and given it is largely a residential use, the impact is not considered to be significant.
- 7.6.25 The main access to the proposed accommodation would be located on Kingston Road which would include a 24 hour manned entranced, with a fob requiring access to the building. The terms of students' leases would help enforce noise limitations in terms of student behaviour if required. Access onto Rutlish Road or the tram path would be limited to emergency exits only.
- 7.6.26 The application is accompanied by a Noise Impact Assessment, which concludes that acceptable internal noise levels can be achieved through acoustically enhanced double glazing.

Conclusion on impact on neighbouring amenity

- 7.6.27 The proposal would result in some noticeable reduction in light levels to neighbouring properties, however, the impacts are limited and Officers consider them to be within justifiable ranges.
- 7.6.28 Overlooking is limited to front windows only, which would be normal in suburban locations.
- 7.6.29 Overall, the impact of the proposed development, in terms of the impact on neighbouring amenity, is, on balance, considered to be acceptable.

# 7.7 Standard of accommodation

- 7.7.1 Policy H15 of the London Plan sets out that purpose-built student accommodation should provide adequate functional living space and layout. SPP Policy H5 sets out that the student accommodation should comply with all relevant standards for that use.
- 7.7.2 In total, 5.2% of the total student bedrooms will be wheelchair accessible (a total of 14), meeting the accessible space standards set out in Building Regulation required M4(3) 'wheelchair user dwellings'. All accessible rooms will include an accessible shower room and kitchenette and will be accessible via stairs and a lift
- 7.7.3 Each student bedroom will have sizeable windows providing natural light with an opening section, behind a perforated panel, to provide natural ventilation to the rooms. Whilst there will be the ability to open the window, the fixed perforated panel will prevent any items falling or being thrown onto the adjoining tramline, which could potentially disrupt the service, as requested by TfL.
- 7.7.4 A Noise Assessment has been prepared by RBA Acoustics in support of the application to assess the levels of noise likely to be incident on the building facades and establish a suitable noise criteria to achieve for different parts of the development. Given the potential for noise from the adjoining Kingston Road and tramline balanced with the potential for overheating, comfort cooling will be provided within each of the student bedrooms to ensure ambient noise levels for occupants during night-time hours.
- 7.7.5 In terms of internal light levels to the proposed development, the Daylight and Sunlight Analysis confirms that when tested against the new BRE methodology introduced in 2022, only 3% (10 rooms) are shown to fall short of the recommended targets, with 96% of the rooms proposed fully meeting the target standards under the new more stringent test. The rooms which do not meet the target are recessed into the courtyard facades; despite this they only fall slightly short of the target 50% threshold, with 7 exceeding 40% and only 3 falling slightly below. Officers acknowledge that it is uncommon for a high-density scheme to achieve full 100% compliance and the pass rate of over 96% is considered a very good performance. It is confirmed therefore the majority of the bedrooms proposed will achieve good levels of internal daylight, with only a very small number falling marginally below the target levels but still receiving good levels of daylight.
- 7.7.6 The standard of accommodation is considered to be acceptable.

# 7.8 Inclusive Design and Accessible Housing

7.8.7 Policy D5 (Inclusive Design) of the London Plan 2021 states that development proposal should achieve the highest standards of accessible and inclusive design. Inclusive design creates spaces and places that can facilitate social integration, enabling people to lead more interconnected lives. Development proposals should help to create inclusive neighbourhoods that cumulatively form a network in which people can live and work in a safe, healthy, supportive and inclusive environment.

- 7.8.8 Planning Policy D7 (Accessible housing) of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings. However, this requirement does not extend to purpose built student accommodation and therefore the provision falls to be determined by the Building regulations.
- 7.8.9 The proposed layout provides 14 wheelchair accessible studio rooms (5.2% of the total), meeting the accessible space standards set out in Building Regulation required M4(3) 'wheelchair user dwellings'. All accessible rooms will include an accessible shower room and kitchenette and will be accessible via stairs and a lift.
- 7.8.10 The proposal would be acceptable in terms of inclusive design and accessible housing.

# 7.9 Transport, parking and cycle storage

7.9.1 Planning Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policy T5 seeks to ensure that adequate cycle parking is provided. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.

# Car Parking

- 7.9.2 The proposal does not provide for any car parking on site, being a short (less than 10 minute) walk from the Wimbledon College of Arts campus, Wimbledon Town Centre, South Wimbledon Station and adjacent to the Merton Park tram stop. No disabled car parking spaces are provided on site as it is considered very unlikely students will require a car parking space, given the type of use and the public accessibility of the site which has the highest PTAL rating (6b).
- 7.9.3 As part of their tenancies, students will be strictly prohibited from taking cars to the site or main WCA campus, those that do not adhere to this risk forfeiting their room. As such, the proposal will not result in an increase in onstreet car parking and indeed will have a significant net benefit in terms of its impact on the local transport network when compared with the existing uses on site.
- 7.9.4 The site is within a Controlled Parking Zone and therefore, in order to minimise the impact on the local highway network and to minimise impact on parking pressure, officers advise that the application should be subject to a s.106 agreement to preclude the issuing of parking permits to future occupiers.

# Cycle Parking

- 7.9.5 London Plan Policy T5 (Cycling) stats that proposals should be designed and laid out in accordance with the London Cycling Design Standards. Purpose Built Student Accommodation should provide 0.75 long-stay spaces per bedroom, with 1 short-stay space per 40 bedrooms
- 7.9.6 The proposal provides 204 long stay spaces which will be split between external covered stands within the secure courtyard and an internal store room. The majority of spaces use two tier racks although there are 10 accessible Sheffield Stands. 7 Visitor spaces to the student use are provided via Sheffield Stands in the courtyard. For the

retail use, there are 12 no. visitor spaces located between the trees on Kingston Road and 2 long stay spaces located internally. The student cycle parking will be located predominantly within the courtyard and will be both covered and secure. The cycle parking would exceed the London plan standards and this will ensure the development encourages the use of sustainable transport modes.

### **Deliveries and servicing**

- 7.9.7 Policy CS20 of Merton's Core Planning Strategy states that the Council will require developments to incorporate safe access to and from the public highway as well as onsite parking and manoeuvring for emergency vehicles, refuse storage and collection, and for service and delivery vehicles.
- 7.9.8 Following discussions with the Council's Highways team, all servicing will be carried out from Rutlish Road. The proposal will therefore include the relocation of four shared use parking bays on Rutlish Road and amendments to the curb to remove existing vehicle crossovers to provide an extended double yellow line (25.6m) on the western side of the carriageway.
- 7.9.9 The application is accompanied by Swept Path analysis drawings which demonstrate that servicing vehicles can adequately access the site. The Council's Transport Planner has reviewed the proposed arrangements and raises no objection. A condition limiting the length of servicing vehicles has been recommended in order to ensure that vehicles are able to manoeuvre and turn in Rutlish Road.

## Trip Generation

- 7.9.10 The Transport Assessment sets out that the proposed development will generate 23 less vehicle trips (in comparison to the existing lawful use of the site) and 8 less person trips in the morning peak hour and 12 less vehicle trips and 44 less person trips in the evening peak hour. It is concluded that the proposed development will generate less peak hour and daily vehicle and person trips on the surrounding highway network when compared with the existing land uses
- 7.9.11 The trip generation exercise has demonstrated that traffic generation resulting from the proposed scheme will be less compared with the existing lawful uses (it is noted that the site is not currently in operation). However, the last lawful use of the site is the baseline for this assessment. It is concluded that the proposed development will have a positive effect on the local highway network, compared to the existing lawful use of the site.

#### Construction process

- 7.9.12 The submission includes a Construction Logistics Plan (CLP), which shows swept path analysis drawings for construction vehicles. The CLP confirms that construction related deliveries would avoid the high peak periods.
- 7.9.13 The maximum length vehicle that would be required to access the site is 16.4m (articulated lorry). A number of mitigation measures, such as providing Banksman are proposed. However, both the Highway Authority and the Council's Transport Planners have raised concern in regards to vehicles reversing into Rutlish Road. Therefore, an alternative solution may need to be formulated through the submission of a Construction Logistics Plan.
- 7.9.14 A number of conditions are recommended to minimise impacts of the construction process, such as the submission of a Demolition/Construction Logistics Plan, to ensure that impacts are minimised as far as reasonably practicable.

## Adjacent tram path

- 7.9.15 The proposal includes the upgrading and widening of the adjacent tram path. TfL trams have been consulted but no comments have yet been received. However, fairly extensive comments were provided under the previous application 21/P2565. To summarise, no objection was raised. The following matters were raised:
  - Need to replace fence between tram line and tram path as the existing is not sufficiently high.
  - Need to physically stop vehicles entering the tram path accidently.
  - Concern that proposed trees and cycle parking may block tram driver sight lines.
  - Concern that there would be glare or glint from windows which may affect tram drivers.
  - Dedication of land along trampath to one single ownership.
  - Condition restricting opening windows over tram path
  - Fire rating of the building
  - Condition to ensure no adverse communications systems impact on the tram way.

# TfL comments

- 7.9.16 TfL has commented on the application and incorporates the response from TfL Trams.
- 7.9.17 TfL supports the improvements to the footway width on Kingston Road in line with London Plan policies T2 (Healthy Streets) and D8 (Public realm). A glare and glint study is recommended. Other transport matters are concluded to be acceptable by TfL.
- 7.9.18 The development includes the resurfacing and widening of the tram path adjacent to the site. The benefits of this, in terms of activating the elevation facing the tram path are dealt with elsewhere in this report. However, this enhanced path will provide improved access to the tram stop, which would be a significant public benefit of the scheme.
- 7.9.19 The tram path would be restricted by way of retractable bollards proposed to ensure that vehicular access is limited to maintenance and emergency vehicles only. This is considered a reasonable and proportionate measure to prevent road users attempting to access the tram path and would not unduly hamper the movement of pedestrians.
- 7.9.20 TfL has stipulated certain restrictions, such as no balconies to the elevation fronting the tram path and restricted opening to windows to this elevation. TfL has also recommended more substantial fencing along the boundary with the tram line (although it is noted that the tram path is currently divided from the tram line with the low level fencing that TfL has raised concern with, so this would be a benefit of the application given that the fencing exists currently).
- 7.9.21 In terms of tram driver sight lines, an issue raised by TfL, it is noted that the crossing is a controlled crossing and therefore there is no conflict with traffic. However, notwithstanding this and noting that there are no standard guidelines for sight lines from trams, the setting back of the proposed building, in comparison to the existing would create wider sight lines than currently exist.
- 7.9.22 Whilst it is unlikely that the proposed development would raise safety issues in terms of glare and glint from windows, given that the junction is a controlled crossing, a

condition is recommended in line with TfL's comments.

7.9.23 The applicant is considered to have reasonably addressed all the issues set out by TfL in relation to the trampath arrangements and a legal agreement is recommended to deal with associated issues of land transfer, highway adoption and maintenance.

## Conclusion on transport matters

- 7.9.24 The proposed use would not generate a significant number of traffic movements, other than during drop off and pick up arrangements at the beginning and ending of term/semesters. This would be controlled by way of a pre-booking system to minimise congestion. Students would not be permitted access to a car and public transport at the site is excellent, with good levels of cycle parking provided also.
- 7.9.25 The issue of servicing and deliveries has been carefully considered and formulated through discussions with the transport planning team. Construction related traffic is considered to be acceptable and deliveries would be restricted to vehicles no longer than 8m in length. Overall, the proposal would encourage alternative modes of transport and would be acceptable in transport planning terms.

# 7.10 Sustainable design and construction

- 7.10.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.10.2 The application is accompanied by an Energy Statement, a Sustainability Statement, an Overheating Assessment and details of the heat pumps to be used. The Energy Statement concludes that the proposed development at Kingston Road will achieve a 35% improvement over Part L1A 2021 of the Building Regulations. This meets the requirement of Policy SI 2 of the London Plan 2021.
- 7.10.3 The Climate Change Officer has concluded that a carbon offset contribution of £71,429 is required and will be secured by legal agreement.
- 7.10.4 Subject to suitably worded conditions and legal agreement to secure the carbon offset contribution, the proposal is considered to be acceptable in terms of climate change and sustainability.

# 7.11 <u>Air Quality and potentially contaminated land considerations</u>

- 7.11.1 The whole of Merton is within an Air Quality Management Area. The site is within one of the Greater London Authority's (GLAs) air quality focus areas.
- 7.11.2 The air quality assessment sets out that a number of receptor locations have been identified to assess the likely range of exposure to nitrogen dioxide, along with PM10 and PM2.5 particulates. The assessment confirms that with appropriate mitigation the effects of construction dust will be 'not significant' and that the "building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments in London should be at least air quality neutral"
- 7.11.3 During the construction works, a range of best practice mitigation measures will be implemented to reduce dust emissions and the overall effect will be 'not significant'
- 7.11.4 The proposal is car free and would therefore generate fewer vehicle movements than the existing lawful use of the site. Heating would be by way of air source heat pumps as opposed to gas boilers.

- 7.11.5 The Air Quality Assessment demonstrates that the development would be air quality neutral.
- 7.11.6 The Council's Air Quality Officer has considered the arrangements and raises no objection subject to condition.
- 7.11.7 In terms of potentially contaminated land, the site has a commercial history and therefore the requirement for land contamination assessments is recommended to be secured by way of condition.

## 7.12 Flood risk and drainage

- 7.12.1 Policy SI 13 of the London Plan (Sustainable drainage) sets out that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features.
- 7.12.2 The site is within Flood Zone 1 (low probability of flooding) and is not within a critical drainage area.
- 7.12.3 The scheme includes details of a Sustainable Urban Drainage System and demonstrates a sustainable approach to the management of surface water on site, with green roofs, below ground storage tanks and permeable paving designed to the required standards. It is proposed that the surface water runoff will discharge via gravity at a restricted rate of 1.3I/s to the existing public surface water sewer adjacent to the site in Kingston Road through a new connection to the Thames Water sewer system. This matter can be satisfactorily addressed by way of condition and officers raise no objection in this regard.
- 7.12.4 The Council's Flood Risk and Drainage Officer raises no objection subject to conditions relating to surface water drainage and on-going maintenance. Subject to these conditions, Officers raise no concern in relation to drainage or flooding issues.

# 7.13 <u>Biodiversity</u>

7.13.1 The London Plan sets out at Policy G6 that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. The package of planting, soft landscaping, green roofs and mitigation measures such as bat boxes is such that the proposal would represent an overall net biodiversity gain.

## 7.14 <u>Secure by Design considerations</u>

- 7.14.2 Policy DMD2 of Merton's Sites and Policies Plan sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.
- 7.14.3 Overall, the proposal provides a significant benefit in terms of safety and security. The existing tram path is not welcoming, it is narrow, the alignment is such that there are concealment spots and the poor quality boundary enclosure to the site, damaged by graffiti, with minimal lighting all result in a poor built form environment in terms of the perception of safety. The proposed development would ensure that the trampath is well lit, removes concealment opportunities and provides natural surveillance to the tram path.
- 7.14.4 The concerns of the Secure by Design Officer in relation to hit and miss brickwork is noted, however, the corbelled cornice feature would deter climbing.
- 7.14.5 The courtyard area would be private to students and therefore there is no need for planting to be a minimal height to maximise natural surveillance.

- 7.14.6 CCTV can be included and secured by condition.
- 7.14.7 Officers recommend a Student Management Plan be submitted and agreed through the s.106 process, which will ensure that reasonable management measures are put in place and maintained thereafter.
- 7.14.8 Officers recommend that a secured by design final certificate is controlled by way of condition.

# 7.15 Fire Safety

- 7.15.1 Planning Policy D12 (Fire safety) of the of the London Plan 2021 highlights that fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using.
- 7.15.2 Planning Policy D12 (Fire safety) of the London Plan 2021 states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

1) identify suitably positioned unobstructed outside space: for fire appliances to be positioned on appropriate for use as an evacuation assembly point.

2) are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire; including appropriate fire alarm systems and passive and active fire safety measures

3) are constructed in an appropriate way to minimise the risk of fire spread

4) provide suitable and convenient means of escape, and associated evacuation strategy for all building users

5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.

6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

7.15.3 All major development proposals should be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor. The statement should detail how the development proposal will function in terms of:

1) the building's construction: methods, products and materials used, including manufacturers' details

2) the means of escape for all building users: suitably designed stair cores, escape for building users who are disabled or require level access, and associated evacuation strategy approach

3) features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans

4) access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these 5) how provision will be made within the curtilage of the site to enable fire appliances to gain access to the building

6) ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

- 7.15.4 The application is accompanied by a detailed Fire Strategy by Liam Doherty Bsc (Hons), AIFireE, ACABE (a Director at B-First Fire Safety), which sets out that the building has been designed and constructed in accordance with relevant fire safety standards and regulations and includes features such a Category 4 residential sprinkler system, Category L2 fire detection and alarm system in all student accommodation, adequate refuge provisions, and reasonable means of escape, including three escape stairs. In the event of a fire, a simultaneous evacuation policy will be in place to ensure that all occupants are safely evacuated in a timely manner. This building shall achieve 60 minutes fire resistant structural frame.
- 7.15.5 The Strategy goes on to set out that the proposed building is not defined as a "Relevant Building" in accordance with Regulation 7(2) as it is less than 18m in height to the top floor from ground floor level. However, as the building is greater than 11m in height all construction methods and materials proposed for the construction of the external walls shall be constructed to achieve Class A2-s1, d0 or better from Ground level.
- 7.15.6 Matters of fire safety would also be controlled by the Building Regulations. However, the submission demonstrates that matters of fire safety have been taken into account in the design and provides a satisfactory level of assurance that measures of fire safety will be addressed.

# 8. ENVIRONMENTAL IMPACT ASSESSMENT

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

# 9. LOCAL FINANCE CONSIDERATIONS

- 9.1.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The weight to be attached to a local finance consideration remains a matter for the decision maker. The Mayor of London's CIL and Merton CIL are therefore material considerations.
- 9.1.2 On initial assessment this development is considered liable for the Mayoral and Merton CIL.

## 10. CONCLUSION

- 10.1.1 The existing site is underused and provides an opportunity for redevelopment. The balance of commercial and residential uses is considered to be acceptable in principle.
- 10.1.2 The proposal would provide student accommodation which is positive in terms of educational benefits and also contributes towards the Council's housing targets, along with an improved pedestrian environment along Kingston Road and the tram path.
- 10.1.3 The proposal would provide a policy compliant level of affordable accommodation on site, which is a benefit to the scheme.
- 10.1.4 The building would be large in its context but Officers consider that a landmark building

would be suitable to this corner site, which marks a transport node.

- 10.1.5 There would be some marginal impact on neighbouring amenity but not amounting to material harm.
- 10.1.6 Issues relating to transport impacts have been resolved through discussions with Officers and other development control issues are considered to be acceptable as outlined above in the report.
- 10.1.7 Officers consider that the proposal is acceptable in planning terms, subject to conditions and a legal agreement and therefore the recommendation is for approval.

# 11. <u>RECOMMENDATION</u>

- 11.1 **GRANT** planning permission subject to conditions and s106 agreement securing the following:
  - Provision of 35% affordable student housing accommodation
  - <u>Tram path provision of new fence, widening and re-paving, lighting, land</u> <u>transfer, highway adoption and maintenance.</u>
  - <u>Provision of on-street landscaping, cycle parking and street trees. Provision of new public realm including paving and landscaping on Kingston Road and Rutlish Road site frontages, including ongoing maintenance costs.</u>
  - <u>Relocation of parking bays on Rutlish Road and associated changes to road</u> <u>markings.</u>
  - Details and provision of employment initiatives during construction to be provided on-site by Hollybrook
  - <u>Student Management Plan.</u>
  - £2,000 to meet the costs of monitoring the travel plan over five years
  - <u>Car free and permit free agreements future occupants, with exception of those eligible for a blue badge, will be restricted from applying for resident's car parking permits.</u>
  - <u>Carbon offset contribution of £71,429.00.</u>
  - <u>The applicant covering the Council's reasonable costs of all work in</u> <u>drafting S106 and monitoring the obligations.</u>

And the following conditions:

1 The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 01 LOCATION PLAN 02 EXISTING SITE PLAN 03 EXISTING KINGSTON ROAD ELEVATION 04 EXISTING RUTLISH ROAD ELEVATION 05 EXISTING TRAM LINE ELEVATION 06 PROPOSED SITE PLAN 07 PROPOSED KINGSTON AND RUTLISH RD SITE ELEVATIONS 08 PROPOSED TRAMLINE SITE ELEVATION AND SITE SECTION 09 PROPOSED KINGSTON RD ELEVATION 10 PROPOSED RUTLISH RD ELEVATION **11-A PROPOSED TRAMLINE ELEVATION** 12 PROPOSED SOUTH ELEVATION 13 PROPOSED LONG SECTION EAST 14 PROPOSED LONG SECTION WEST **15 PROPOSED CROSS SECTION** 16 PROPOSED BAY ELEVATION 1 - KINGSTON RD 17-A PROPOSED GROUND FLOOR PLAN **18 PROPOSED FIRST FLOOR PLAN** 19 PROPOSED SECOND FLOOR PLAN 20 PROPOSED THIRD FLOOR PLAN 21 PROPOSED FOURTH FLOOR PLAN 22 PROPOSED FIFTH FLOOR PLAN 23 PROPOSED ROOF FLOOR PLAN 24 PROPOSED ROOM PLANS 1 25 PROPOSED ROOM PLANS 2 26 PROPOSED ROOM PLANS 3

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

**3** Prior to commencement of above ground works, full details and samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Details must include a detailed schedule of materials, physical examples of materials from the manufacturer where appropriate, a photographic sample board, sample panels where appropriate and notwithstanding the submitted drawings, rendered drawings, elevations and sections at a scale of 1:20, showing details of window reveals, glazing type, framing, glazing bars, cills, soffits and brickwork detailing. The development shall be carried out only in accordance with the agreed details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4 Prior to the commencement of above ground works, details of 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 submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been

approved and works to which this condition relates have been carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policy D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

5 The development shall not be occupied until the existing redundant crossover/s have been be removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;
- (iv) Wheel cleaning facilities
- (v) Control of dust, smell and other effluvia;
- (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

7 Prior to the commencement of the development hereby permitted, a Demolition and 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, 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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

8 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.

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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.

**9** Prior to the commencement of above ground works, a glare and glint study, and provision of any mitigating measures that may be reasonably needed to ensure visibility of the tram signal head, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

**10** Landscaping: full details of a landscaping and planting scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved 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. Details shall include on a plan, full details of the size, species, quantities and location of the proposed plants. Any trees which die within a period of 5 years from the completion of the development, or removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the local planning authority gives prior written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

**11** Green wall: full details of 12m2 of green wall to the cycle storage area, including the location, design, method of construction and a planting scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the completion and occupation of the development.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

**12** Schwegler insect house: full details of the location of a minimum 10no. Schwegler insect houses shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policies G5 and G6 of the London Plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

**13** Green roofs: full details of a planting scheme, and the design and method of construction of the intensive biosolar roof shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London Plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

**14** Swift bricks: full details of the type and location of the 20 no. Swift bricks around the building as recommended in the in the 'preliminary ecological assessment' shall be submitted to and approved in writing by the local planning authority and shall be installed as approved prior to the completion of the development, and shall be permanently retained in-situ and be maintained to a satisfactory condition thereafter.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development plan policies for Merton: policies G5 and G6 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

**15** Urban Greening Factor - The development hereby permitted shall not be occupied until the Urban Greening factors set out in the Landscape and Public Realm Strategy (dated January 2023) have been fully implemented and shall be permanently maintained as such thereafter to the satisfaction of the Local Planning Authority.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development policies for Merton: policy G5 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

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

Reason: To manage and prevent further deterioration of existing low quality air across London in accordance with London Plan policies GG3 and SI1, and NPPF 181.

**17** No development, excluding demolition, shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

**18** No development, excluding demolition shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

**19** Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

20 Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any external plant/machinery across the site shall not exceed LA90-10dB at the boundary with the closest residential property.

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: policies D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

21 Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the residential dwellings as specified in the RBA Acoustics, Noise Impact Assessment Report Reference 12179.RP01.EBF.1, dated 19 January 2023 shall be implemented as a minimum standard for the development. A post construction compliance noise survey shall be conducted and any remedial measures implemented should the submitted criteria fail to be achieved.

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: policies D4 and D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

22 Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary and in accordance with Institution of Lighting Professionals, The Reduction of Obtrusive Light Guidance Note 01/21.

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: policies DM D2 and DM EP4 of Merton's Sites and Polices Plan 2014.

**23** The construction environmental management plan, produced by Hollybrook dated 9th January 2023 shall be adhered to for the duration for the development.

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 D14 of the London Plan 2021 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

24 BREEAM - New build non-residential (Pre-Commencement) - No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM - Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a 'standard' BREEAM or a 'bespoke' BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent).

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: polices SI 2, SI 3 and SI 5 of the London Plan 2021 and policy CS15 of Merton's Core Planning Strategy 2011.

**25** The mitigation and enhancements recommended in part 7 of the submitted Preliminary Ecological Appraisal shall be carried out prior to the first occupation of the development hereby approved and maintained thereafter.

Reason: to protect and enhance the biodiversity of the development in the interest of nature conservation and to comply with the following development plan policies for Merton: policies G5 and G6 of the London plan 2021; policy CS13 of Merton's core planning strategy 2011 and policy DMO2 of Merton's sites and policies plan 2014.

26 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 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 superstructure 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: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF).

27 Prior to occupation a Secured by Design final certificate or its equivalent from the South West Designing Out Crime office 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 provide a safer environment for future residents and visitors to the site and reduce the fear of crime in accordance with Policy: Chapters 01B & 01C Merton New Local Plan, Policy D11 London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

28 No development, excluding demolition, 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: In order to provide the opportunity to record the history of the site and to comply with the following Development Plan policies for Merton: policy HC1 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D4 of Merton's Sites and Policies Plan 2014.

**29** Obscured Glazing - Before the development hereby permitted is first occupied, the windows in the south elevation of 'Cluster 1B' and 'Cluster 3B' 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: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

**30** Refuse & Recycling (Implementation) - The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

**31** No Use of Flat Roof - Access to the flat roof of the development hereby permitted 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: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

**32** Screening - The screening to the courtyard facing windows to 'Cluster 1B' and "Cluster 3B' 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: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

**33** Restriction on Music/Amplified Sound - No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policies D4 and D14 of the London Plan 2021, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014. **34** Fire Strategy - The development shall be carried out in accordance with the provisions of the Fire Safety Planning Statement prepared by B-First Fire Safety (dated 25th January 2023) and must fully comply with The Building Regulation 2010 (as amended) unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates the necessary fire safety measures in accordance with the Mayor's London Plan Policy D12.

**35** Cycle Parking to be implemented - The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- **36** Surface Water Drainage The development hereby permitted shall not commence until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the London Plan, Merton's SuDS policies and SPD and the national Non-Statutory Technical Standards for SuDS, and the NPPF. The required drainage details shall include:
  - e) The final solution should follow the principles set out in the approved drainage strategy by Walsh Engineers (ref: 5648-WAL-RP-C-0300-04). Where infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 1.3I/s which is equivalent to the pre-development Greenfield run-off and provide storage/attenuation of no less than 165m3.
  - f) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Where infiltration is proposed, confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
  - g) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
  - h) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- **37** Drainage Details shall be provided of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the appropriate standards for Surface Water Drainage SuDS and to ensure that the final drainage design does not increase flood risk on or off site in accordance with NPPF 167&169, London Plan (2021) policy SI 12, SI 13, Merton CS (2011) policy CS16 and Merton SPP (2014) policies DMF1 and DMF2. **38** Drainage maintenance - Prior to the occupation of the final phase of development, a Sitewide Sustainable Drainage Management and Maintenance Plan for the lifetime of the development (including a management and maintenance plan for on-site watercourses, SuDS and culverts) shall be submitted to and approved in writing by the Local Planning Authority.

The sustainable drainage management and maintenance plan shall include as a minimum:

- c) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company;
- d) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development with NPPF (2021) paras 167&169, London Plan (2021) policy SI 12, SI 13. Merton CS (2011) policy CS16 and Merton SPP (2014) policies DMF1 and DMF2.

**39** No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

<u>Reason: The proposed works will be in close proximity to underground strategic water</u> <u>main, utility infrastructure. The works has the potential to impact on local underground</u> <u>water utility infrastructure.</u>

**40** Deliveries to the site in the operational phase of the development shall only be carried out by vehicles with a maximum length of 8.0m.

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 T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

41 Wheelchair Accessible Homes - Not less than 5% of the purpose built student accommodation units hereby permitted shall be constructed shall be wheelchair accessible throughout or easily adaptable for residents who are wheelchair users and shall be retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the housing stock addresses the housing needs of disabled persons and to comply with the following Development Plan policies for Merton: policies D7 and H12 of the London Plan 2021, policy CS8 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

42 Sustainability (Water Consumption) - The development shall be carried out in accordance with the measures set out in the submitted Energy Statement and Sustainability Statement. In addition, 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 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 SI 2 and SI 3 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

## INFORMATIVE

1 This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

# 2 INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/current legislation/partywallact

# 3 INFORMATIVE

Details of the BREEAM assessment and a list of approved assessors can be found at www.breeam.org

# 4 INFORMATIVE

The survey and report in respect of land contamination must be formulated having regard to the Contaminated Land Exposure Assessment model (CLEA 2002), CLR10 and associated guidance developed by DEFRA and the Environment Agency. Where appropriate the survey shall include a conceptual site model and a full risk assessment of contaminants on the site.

# 5 INFORMATIVE

It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

# 6 INFORMATIVE

Demolition of buildings should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (tel: 020 7831 6922).

## 7 INFORMATIVE

This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

Street Naming and Numbering (Business Improvement Division) Corporate Services 7th Floor, Merton Civic Centre London Road Morden SM4 5DX Email: street.naming@merton.gov.uk

## 8 INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

## 9 INFORMATIVE

You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

# 10 INFORMATIVE

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

# 11 INFORMATIVE

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

## 12 INFORMATIVE

In accordance with paragraph 38 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

i) Offering a pre-application advice and duty desk service.

ii) Where possible, suggesting solutions to secure a successful outcome.

iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

i) The applicant/agent was provided with pre-application advice.

ii) The applicant was offered the opportunity to submit amended plans in order to make the proposal acceptable in planning terms.

iii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

# 13 INFORMATIVE

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 trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholsesale; Business customers; Groundwater discharges section.

# 14 INFORMATIVE

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.

# 15 INFORMATIVE

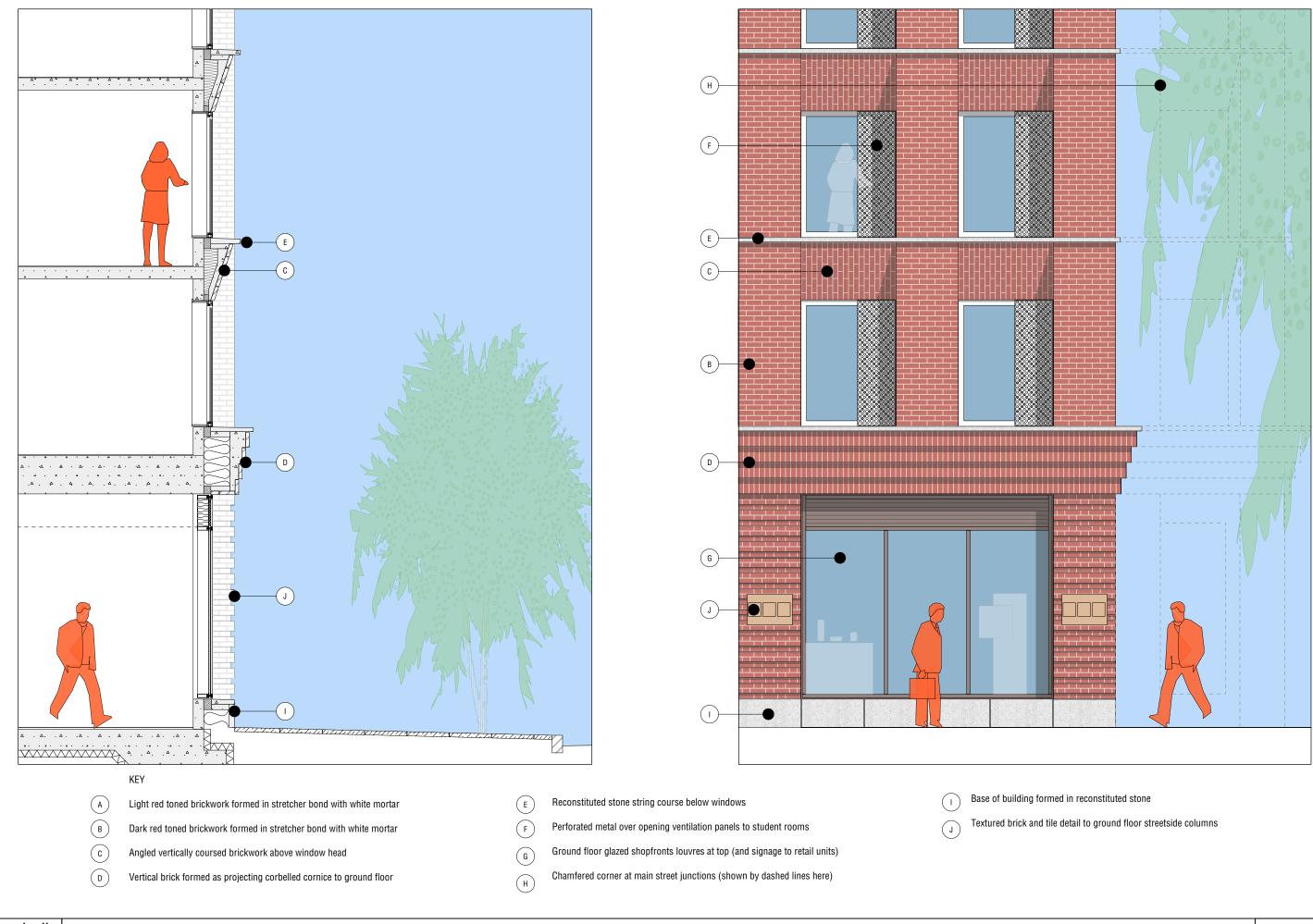
No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777.

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

# **NORTHGATE** SE GIS Print Template



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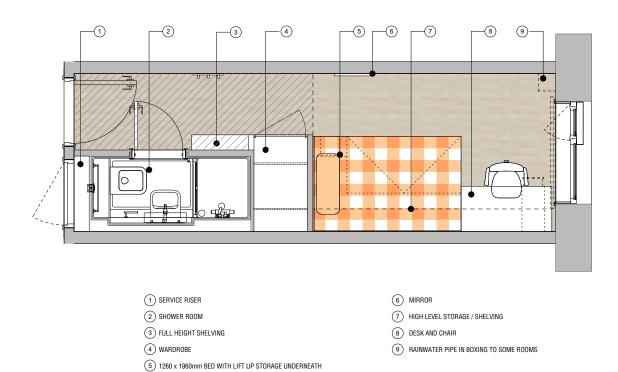


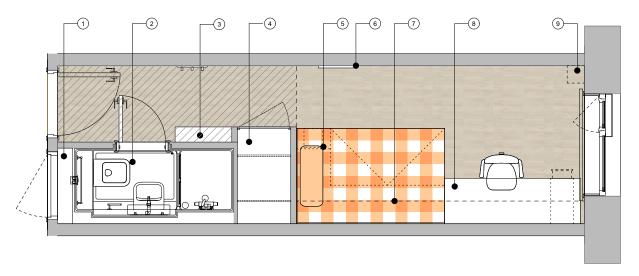
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# **KINGSTON ROAD BAY STUDY**

PROJECT: Kingston Road TITLE: Elevation DATE: January 2023 SCALE: 1:50 @ A3

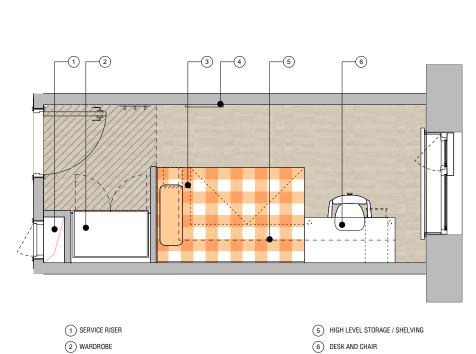
P16



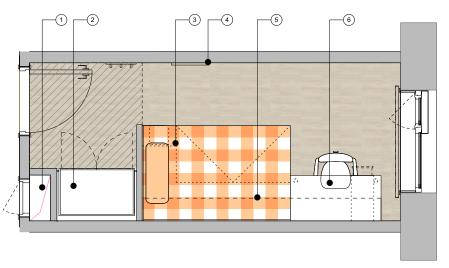


1) SERVICE RISER	6 MIRROR
2) SHOWER ROOM	(7) HIGH LEVEL
(3) FULL HEIGHT SHELVING	(8) DESK AND C
(4) WARDROBE	(9) RAINWATER
5 1260 x 1960mm BED WITH LIFT UP STORAGE UNDERNEATH	Q

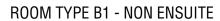
# **ROOM TYPE A1a - ENSUITE**

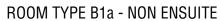


**ROOM TYPE A1 - ENSUITE** 

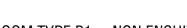


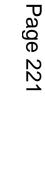












Stephen Marshall (Urbanism) Ltd North Building Gainsborough Studios 1, Poole Street London N1 5EB T :020 7033 3130

2 M

(3) 1260 x 1960mm BED WITH LIFT UP STORAGE UNDERNEATH

4 MIRROR

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Γ

# **TYPICAL STUDENT BEDROOM LAYOUT OPTIONS**

STORAGE / SHELVING

CHAIR

ER PIPE IN BOXING TO SOME ROOMS



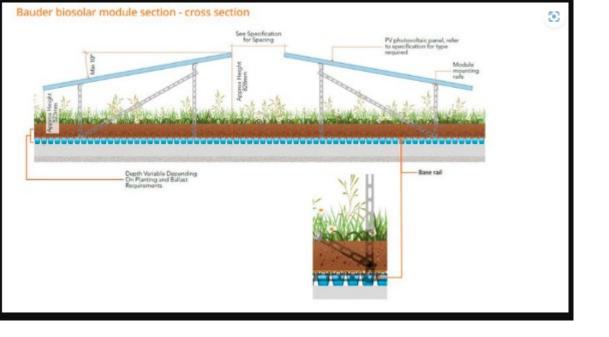
INDICATES CEILING BULKHEAD

5 HIGH LEVEL STORAGE / SHELVING 6 DESK AND CHAIR

# 144 Kingston Road

DATE: January 2023 SCALE: 1:25@A3

P24



Page 223	
Stephen Marshall (Urbanism) Ltd Gainsborough Studios 1 Poole Street, London N1 5EB T: 020 7033 3130 F: 020 7739 0607	<sup>0</sup> <sup>5</sup> <sup>10 M</sup> PROPOSED WEST (TRAM LINE) ELEVATION



23.03.10	BRICK TONES UPDATED, GROUND FLR GRILLES TO WINDOWS	REV A
	PROJECT: Kingston Road	
P11	TITLE: Elevation	
	DATE: March 2023	
REV A	SCALE: 1:200 @ A3	



Kingston Road Site Elevation Scale: 1:500

1



3 Rutlish Road Site Elevation Scale: 1:500

Stephen Marshall (Urbanism) Ltd Gainsborough Studios 1 Poole Street, London N1 5EB T: 020 7033 3130 F: 020 7739 0607

10 20 M

0

# PROPOSED SITE ELEVATIONS KINGSTON ROAD AND RUTLISH ROAD

PROJECT: Kingston Road TITLE: Elevation DATE: January 2023 SCALE: 1:500 @ A3

P07





1





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\_\_\_\_\_10 \_\_\_20 M

0

PROPOSED TRAM LINE SITE ELEVATION AND SITE LONG SECTION PROJECT: Kingston Road TITLE: Elevation DATE: January 2023 SCALE: 1:500 @ A3

P08



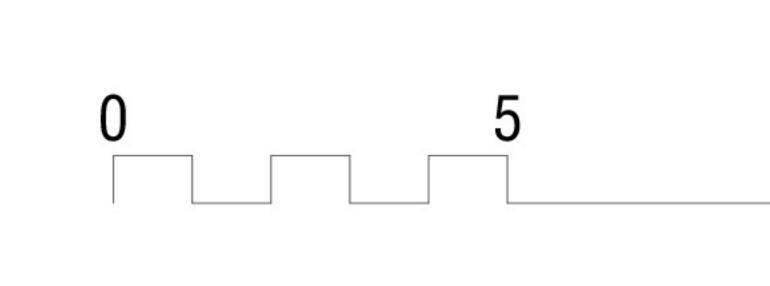
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SCALE: 1:200 @ A3



# Stephen Marshall (Urbanism) Ltd Gainsborough Studios 1 Poole Street, London N1 5EB

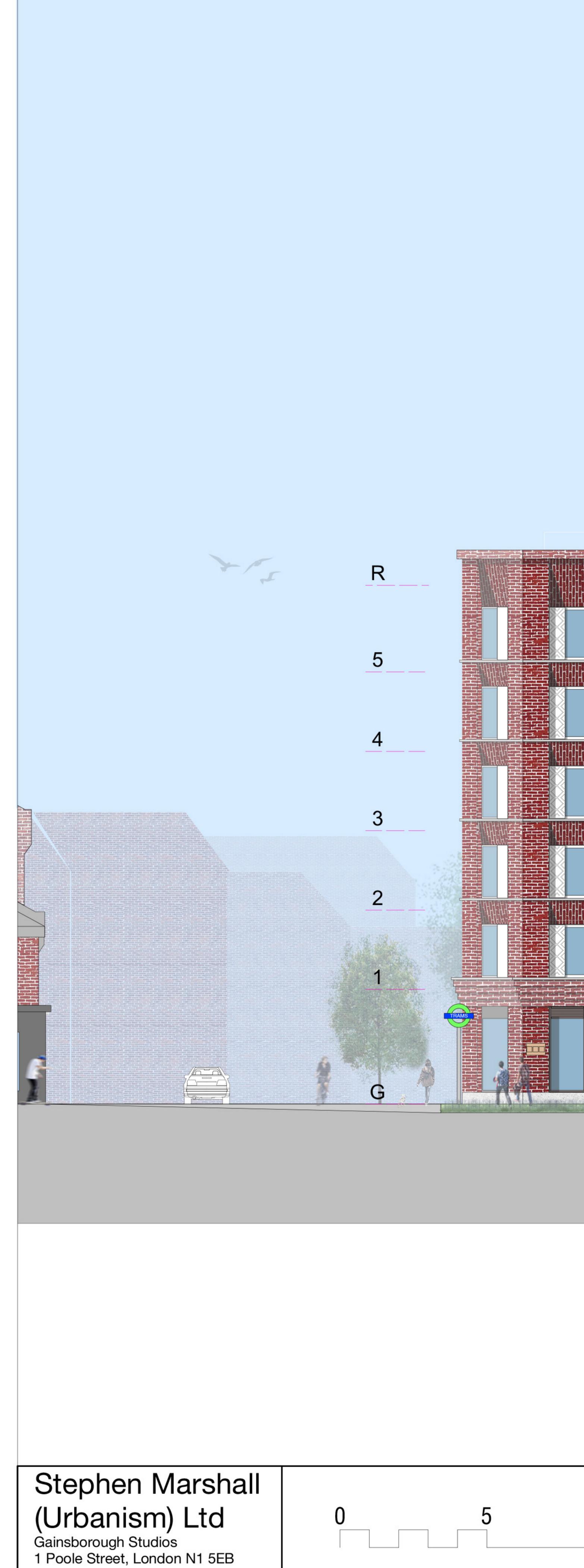
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# PROPOSED EAST (RUTLISH ROAD) ELEVATION

10 M

PROJECT: Kingston Road TITLE: Elevation DATE January 2023 SCALE: 1:200 @ A3



T: 020 7033 3130 F: 020 7739 0607

section and a support of the section		

# PROPOSED WEST (TRAM LINE) ELEVATION



PROJECT: Kingston Road TITLE: Elevation DATE January 2023 SCALE: 1:200 @ A3

D1



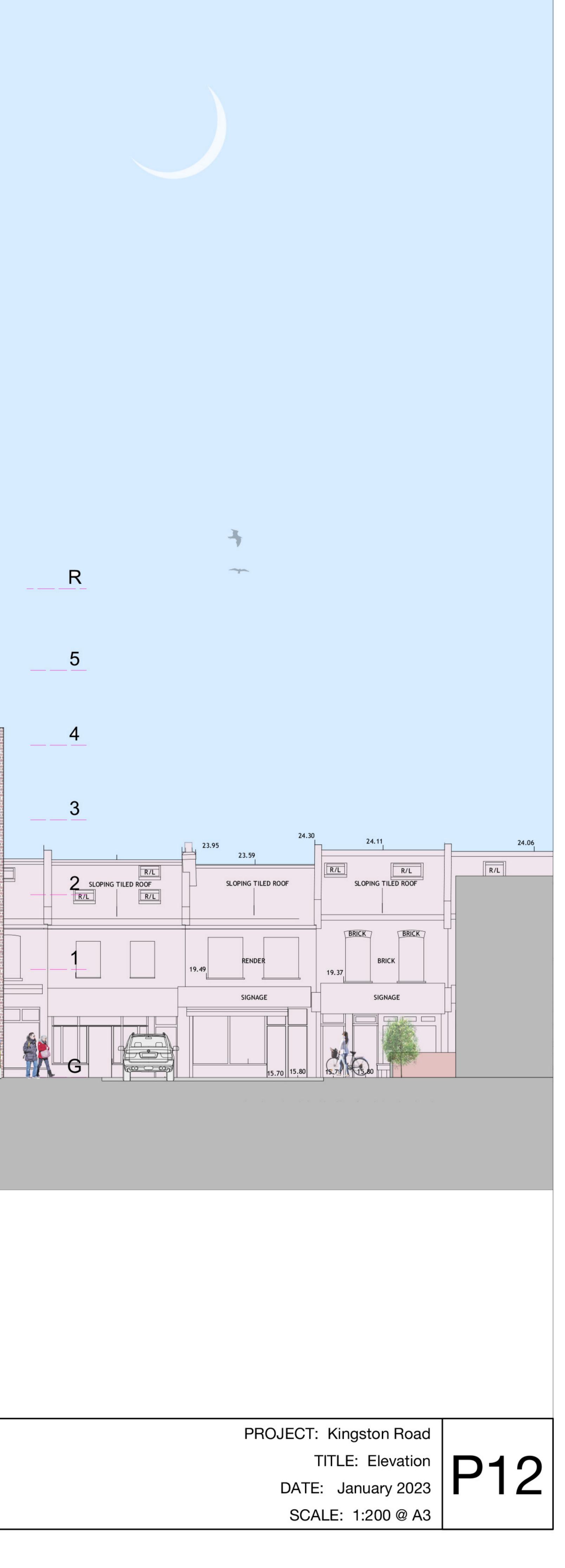
(Urbanism) Ltd Gainsborough Studios 1 Poole Street, London N1 5EB T: 020 7033 3130 F: 020 7739 0607

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# PROPOSED SOUTHERN ELEVATION

10 M





SCALE: 1:200 @ A3



# Stephen Marshall (Urbanism) Ltd Gainsborough Studios 1 Poole Street, London N1 5EB T: 020 7033 3130 F: 020 7739 0607

# PROPOSED ENTRANCE / COURTYARD SECTION - WEST FACING



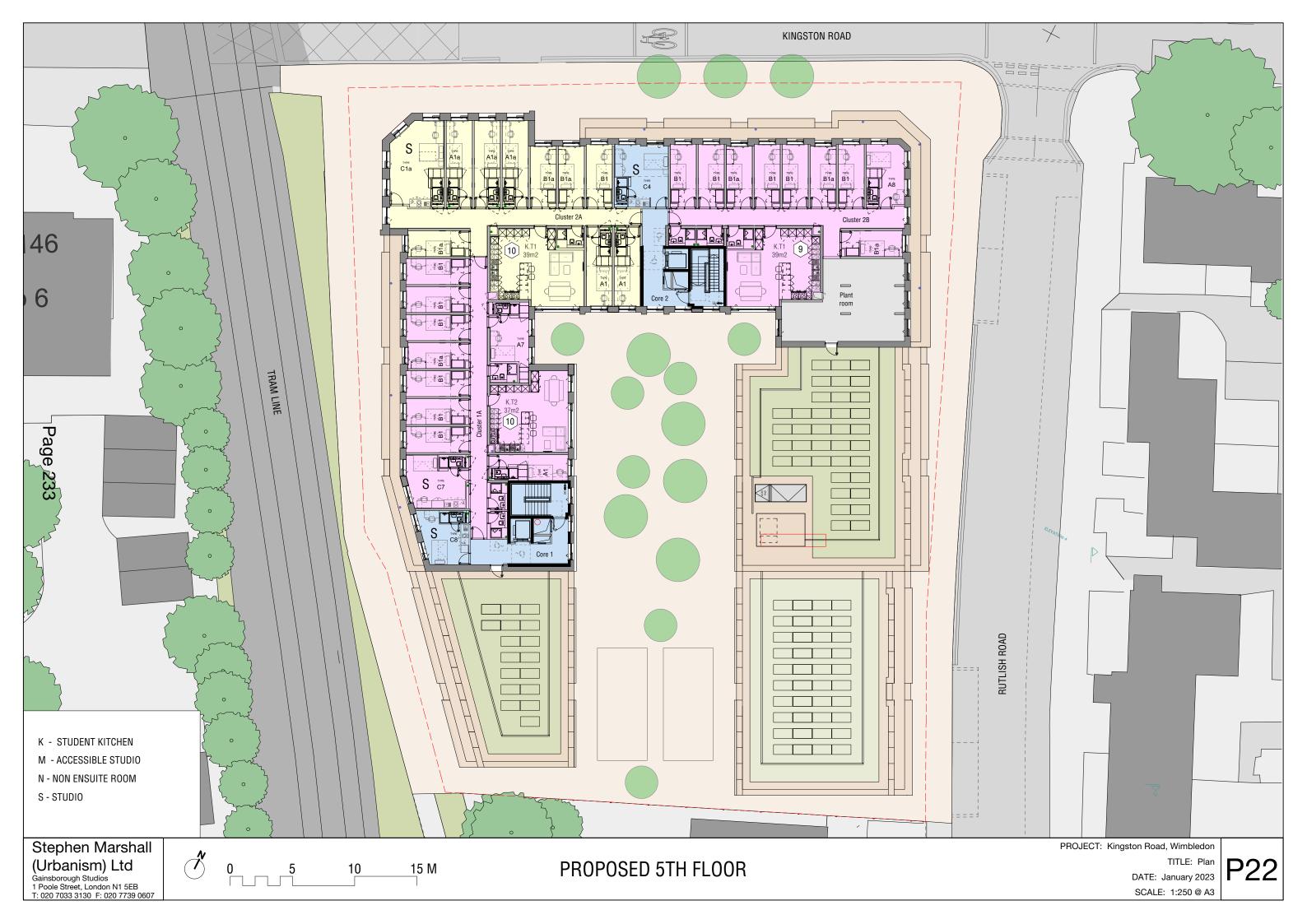
PROJECT: Kingston Road TITLE: Elevation DATE January 2023 SCALE: 1:200 @ A3

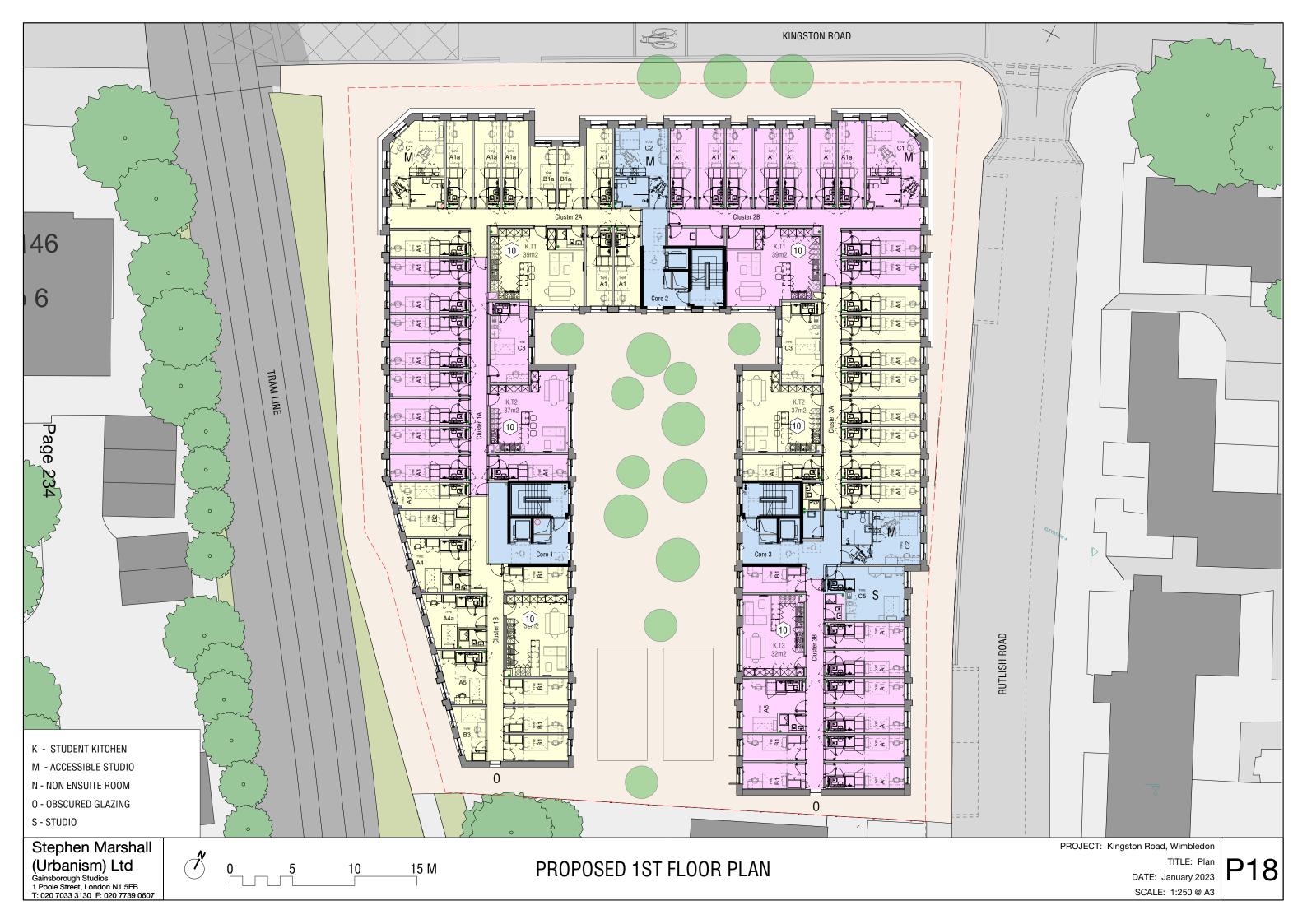
4

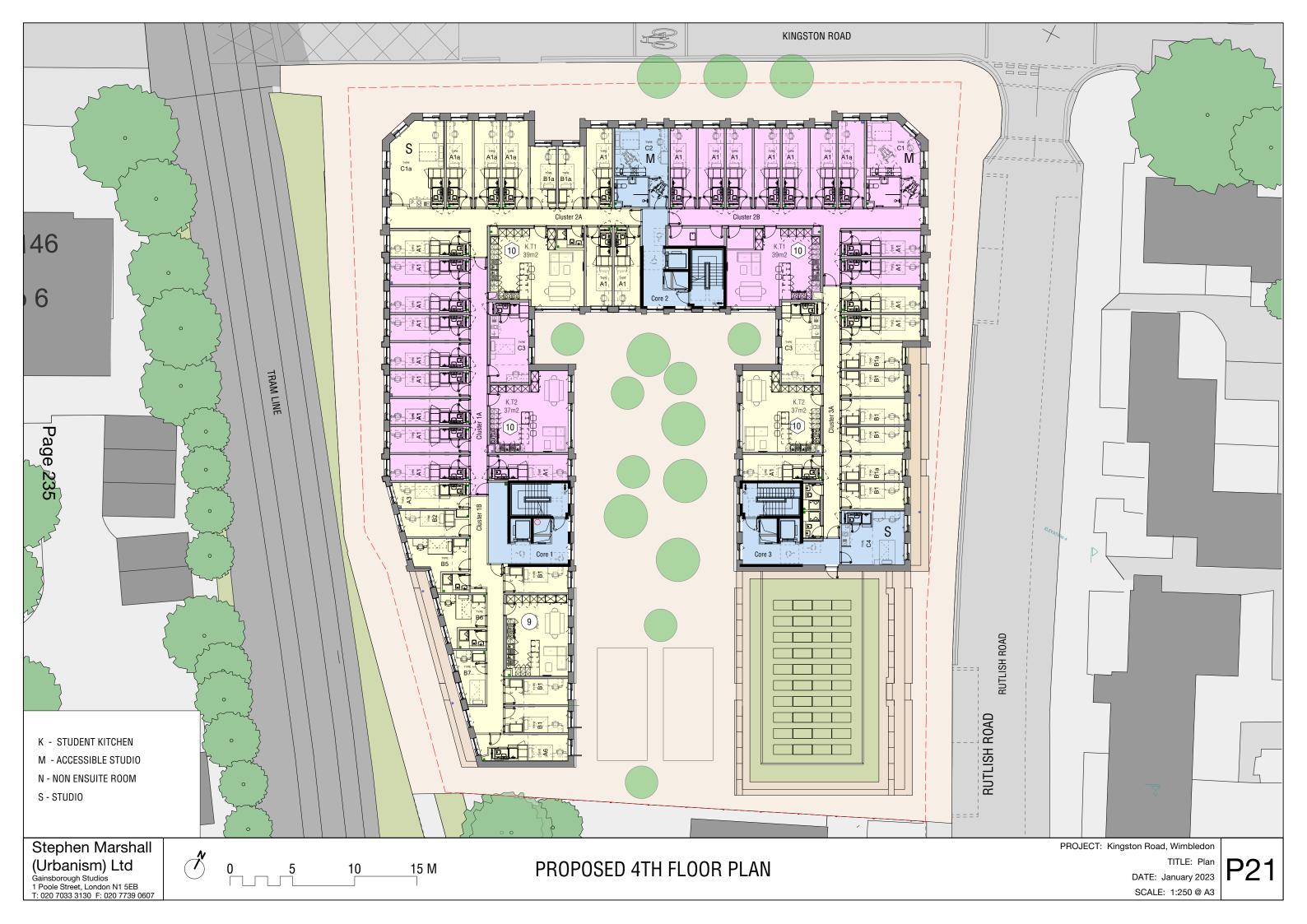


Gainsborough Studios 1 Poole Street, London N1 5EB T: 020 7033 3130 F: 020 7739 0607

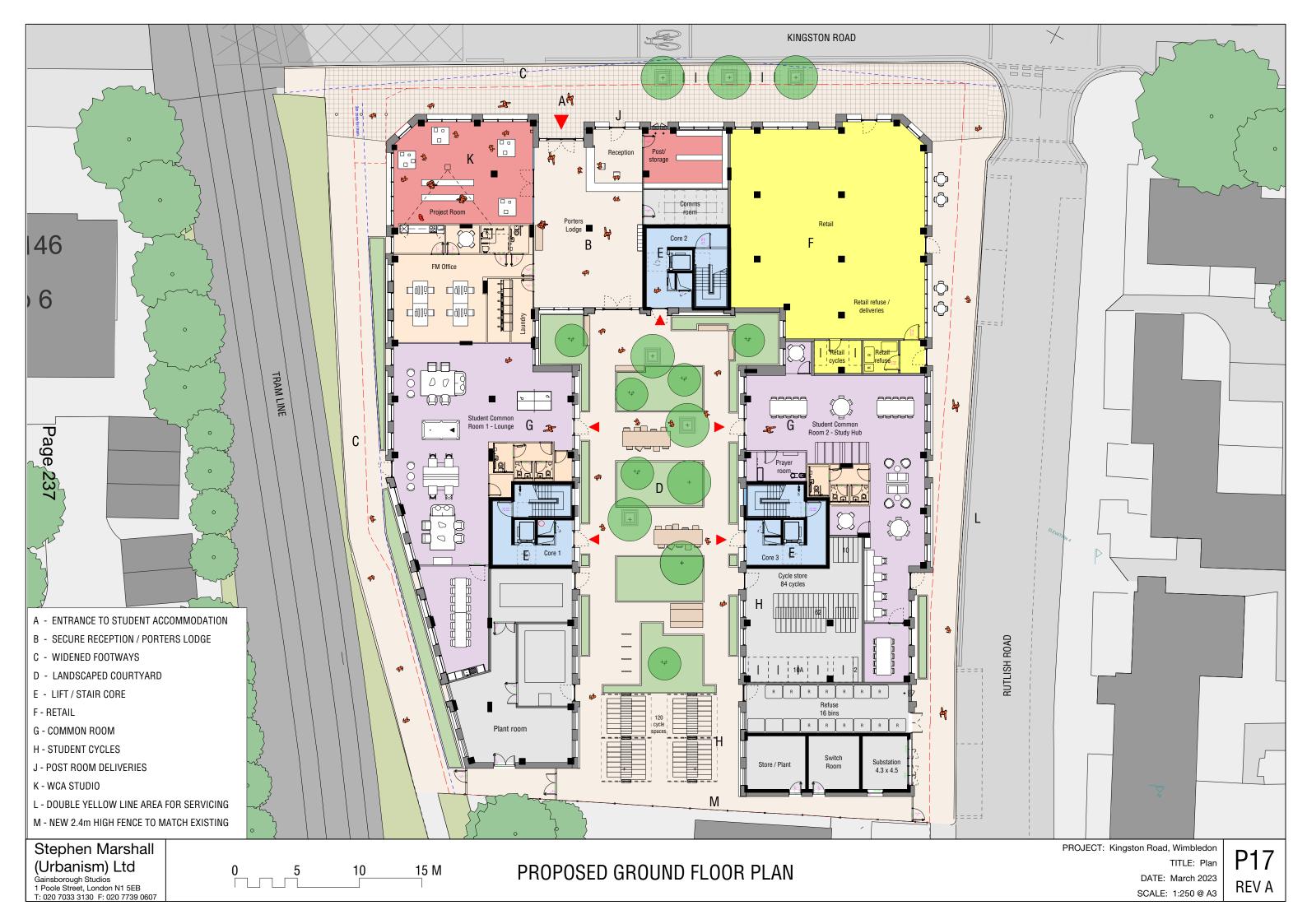
	1	

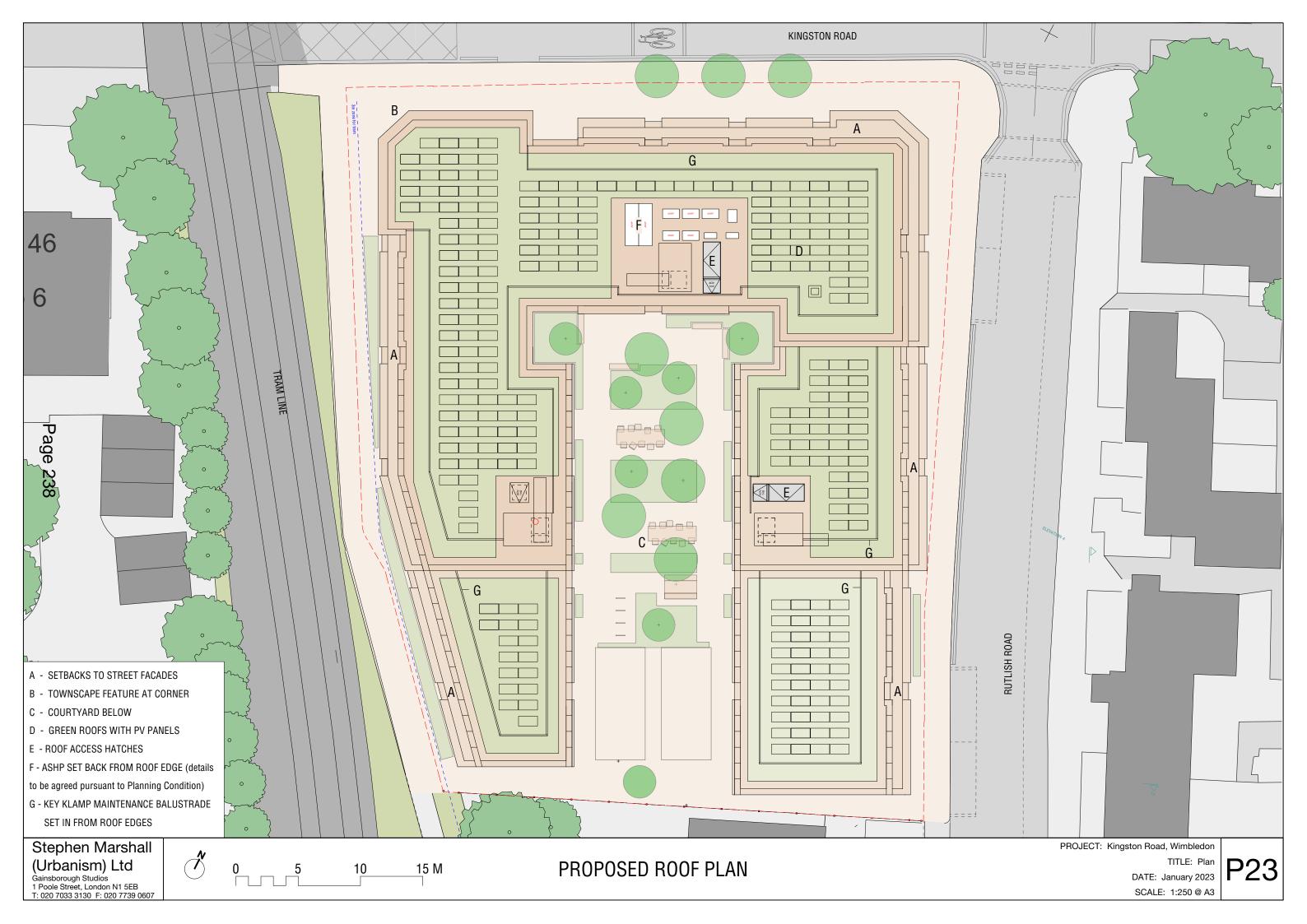






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# **Consultation on plans for**

# 144 Kingston Road

Former White Hart Public House





Site area

# **Dear Neighbour**

We are writing to let you know about plans being prepared for the redevelopment of 144 Kingston Road (the former White Hart public house) to provide a hall of residence for the nearby Wimbledon College of Arts, which is part of University of the Arts London (UAL).

We will be holding two public consultation events at the College - details of which can be found overleaf. We want to bring life and activity to this underutilised site and have been working with the Council and the local community to understand what our development should include.

# **Our vision**

Our plans for developing this site include:



# Join the conversation

We would like to hear your thoughts to help inform the proposals for 144 Kingston Road. We hope to see you at our public consultation events on:

Tuesday 6 December 3pm – 7pm

Wednesday 7 December 5pm – 8pm

Wimbledon College of Arts Merton Hall Road, London SW19 3QA

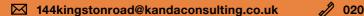
This venue is wheelchair accessible.

Alternatively, scan the QR code to visit our website where you will be able to view the materials we will share at the event, and fill out an online feedback form to let us know what you think of our plans.



# **Get in touch**

To speak to a member of the project team to request an information pack and feedback form via post, or share any questions or comments, please use our contact details below, and sign up to our mailing list on our website to be kept up to date on the consultation.



🖉 020 3900 3676

www.144kingstonroad.co.uk





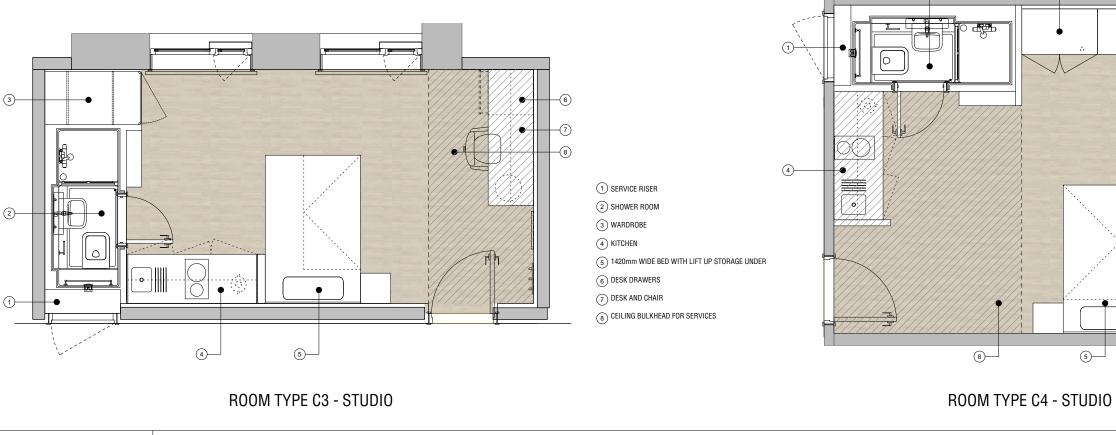
Stephen Marshall (Urbanism) Ltd North Building Gainsborough Studios 1, Poole Street London N1 5EB T :020 7033 3130

Page 245

2 M

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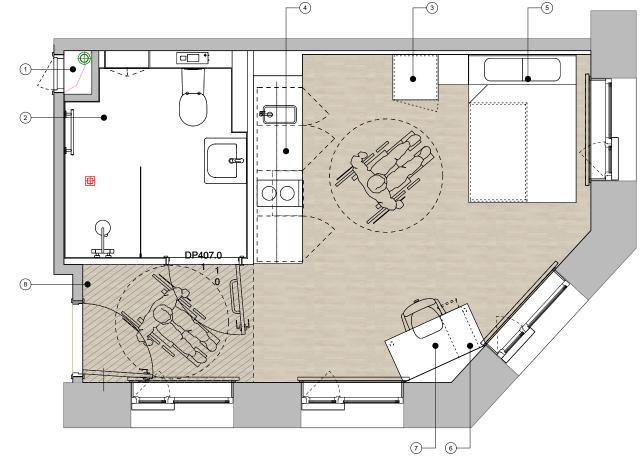
# **TYPICAL STUDENT STUDIO ROOMS**

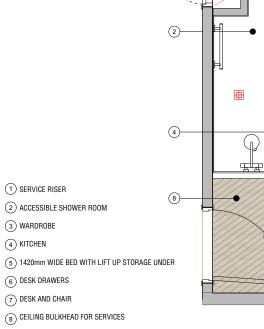


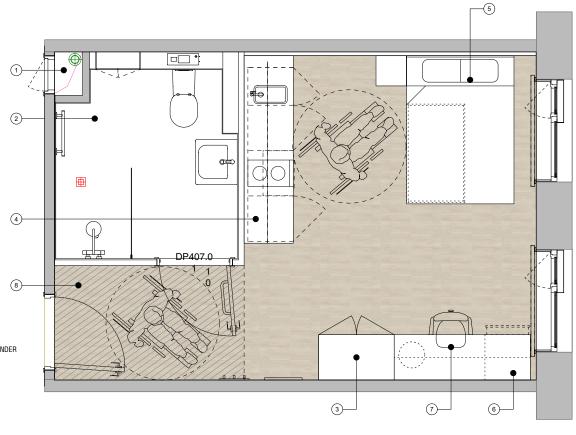
# ROOM TYPE C1 - ACCESSIBLE STUDIO (ADAPTED VERSION SHOWN)

# ROOM TYPE C2 - ACCESSIBLE STUDIO (ADAPTED VERSION SHOWN)

2







3

DATE: January 2023

SCALE: 1:25@A3

# 144 Kingston Road

1 SERVICE RISER

2 SHOWER ROOM

6 DESK DRAWERS 7 DESK AND CHAIR

3 WARDROBE

4 KITCHEN

INDICATES CEILING BULKHEAD

P25

 $\fbox{5}$  1420mm WIDE BED WITH LIFT UP STORAGE UNDER

8 CEILING BULKHEAD FOR SERVICES

6

- (8) CEILING BULKHEAD FOR SERVICES
- 7 DESK AND CHAIR
- 6 DESK DRAWERS
- 5 1420mm WIDE BED WITH LIFT UP STORAGE UNDER
- 4 KITCHEN
- 3 WARDROBE
- 2 ACCESSIBLE SHOWER ROOM
- 1 SERVICE RISER

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# Agenda Item 7

# **Committee:** Planning Applications Committee

# **Date:** 26<sup>th</sup> April 2023

Agenda item:

Wards: Cannon Hill

Subject:Objection to the Merton (No.784) Tree Preservation Order 2022<br/>at 12 Thurleston Avenue, Morden, SM4 4BW.

Contact OfficerRose Stepanek: 0208 545 3815rose.stepanek@merton.gov.uk

# **Recommendation:**

That the Merton (No.784) Tree Preservation Order 2022 be confirmed without modification.

# 1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must consider the objection before deciding whether or not to confirm the Order, with/without modification.

# 2. Planning History

- 2.1 On the 27 October, the Council received a request from the 'Friends of Cherrywood' for a tree preservation order to be made in respect of the Oak tree located in the rear garden of 12 Thurleston Avenue. The reason for the request was given as: 'Cherrywood is a protected nature reserve and a similar oak in a nearby garden has been felled.'
- 2.3 Cherry Wood is a small, mainly oak woodland lying in suburban Morden and within an area of housing developed in the 1930's with an additional small remnant of the wood now isolated within the grounds of Hillcross Middle School. Prior to the 1930's Cherry Wood covered a more extensive area and the Oak tree under consideration is thought to be an original tree belonging to that woodland, but has since been retained as part of the development of Thurleston Avenue.
- 2.4 The Oak tree is a mature specimen which is visible from Thurleston Avenue and Shaldon Drive. The Oak tree is positioned behind an outbuilding and the



majority of the canopy overhangs the roof of the structure. On the 17<sup>th</sup> November 2022, the Merton (No.784) Tree Preservation Order 2022 took effect. A copy of the plan is appended to this report.

2.5 The protection of the oak tree has the full support of the Council's Greenspaces Team.

# 3. Legislative Background

- 3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 9 reasons were given that include references to the visual amenity value of the tree to the area; that the tree has an intrinsic beauty; that the tree forms part of Cherry Wood; that the tree makes a significant contribution to the character and appearance to the local area; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and protects against climate change.
- 3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.
- 3.4 If the tree preservation order is not confirmed, the Oak tree can be removed.

# 4. Objection to the Order

- 4.1 The Council has received an objection to the Order from the resident of 12 Thurleston Avenue.
- 4.2 The objection has been summarised as follows:
  - That the tree has dead branches and these are regularly shed especially in windy conditions, and this causes a concern over risks to members of the family.
  - That the tree preservation order will present difficulties in being able to manage the tree.
  - That the tree preservation order will create a financial burden to maintain the tree at their expense.
  - The tree preservation order will devalue the property.
  - The tree preservation order will impose unnecessary restrictions severely limit their options to deal with the tree in timely manner.

# 5. Planning Considerations

5.1 The Tree Officer would respond to each of the objector's respective points as follows:

- The planning regulations do allow for certain exceptions to the Act and these include the removal of dead wood. The exceptions allow removal of dead branches from a living tree without prior notice or consent.
- As above
- As above
- The tree preservation order does not add any greater financial burden than if the tree were being managed without a tree preservation order. Any other work to the tree must be submitted using a Tree Works Application Form, and this is a free service. The timing of the submission of the form is entirely up to the resident or their agent and the consent is valid for 2 years.
- Research has shown that trees can add to the value of the property. Their presence promotes greenery that is appreciated by new homeowners. This Oak tree is located at the bottom of the garden, behind an existing outbuilding and therefore its location should not place any unreasonable limitations in terms of any future home improvements.
- This has been covered in the first point.

#### 6. Officer Recommendations

6.1 The Merton (No.784) Tree Preservation Order 2022 should be confirmed without modification.

#### 7. Consultation undertaken or proposed

None required for the purposes of this report

#### 8. Timetable

N/A

#### 9. Financial, resource and property implications

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

#### 10. Legal and statutory implications

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

#### 11. Human rights, equalities and community cohesion implications

N/A

## 12. Crime and disorder implications

N/A

## 13. Risk Management and Health and Safety implications.

N/A



# 14. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

#### 15. Background Papers

The file on the Merton (No.784) Tree Preservation Order 2022 Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

# Merton (No. 784) Tree Preservation Order 2022 - 12 Thurleston Avenue







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# Planning Application Committee decision log

Meeting date	Application	Development description	Issue	Decision taken	Determination
08/12/22	22/P1945 - Land r/o 4 Cavendish Road Colliers Wood SW19 2EU	Application for variation of condition 2 (position of building) attached to planning application 18/p2254 relating to the demolition of existing garages and erection of a two storey, 2 bed dwellinghouse.	Whether the application should be included in the Committee agenda or delegated	25/11/22	Application should be discharged under delegated powers <b>Chair's Comments:</b> New plan is first floor is 0.39m wider than the previously inspector approved application. It is noted that the site width has also been found to be 0.39m wider than the approved plan and therefore the relative distance is the same. The plan was deemed not materially different. The Chair noted that we would want to encourage good behaviours for developers to regularise their schemes if onsite conditions differ from reported.
16/03/23	22/P0641 - 47 Strathearn Road, Wimbledon	Erection of 1 x three storey detached dwelling house	Whether the application should be included in the Committee agenda or delegated	02/03/23	Application should be discharged under delegated powersChair's comments: The application is an example of the use of a small site to deliver a residential building. Concerns raised by neighbours for light and overlooking have been addressed by officers through condition. Balancing the value the committee could add to deliberations weighed against the scale, mass and number of objections it's the Chair's judgement the application should continue under delegated track.

Meeting date	Application	Development description	Issue	Decision taken	Determination
26/04/23	22/P2607 - Land Adjacent to Number 4 Ridgway Gardens Wimbledon London SW19 4SZ	Vacant plot of land to be developed to construct matching 6 bedroom new build family dwelling over 4 floors basement to second floor with off street car parking to the front and rear patio and garden areas to the rear.	Whether the application should be included in the Committee agenda or delegated	10/04/23	Application should be discharged under delegated powers <b>Chair's comments:</b> The application makes use of an empty plot adjacent to a large double fronted detached Edwardian dwelling and Wimbledon College. While the site is located within a conservation area there are no further constraints. The proposed house is in keeping with neighbouring properties. Balancing the value the committee could add to deliberations weighed against the scale, mass and number and nature of objections it's the Chair's judgement the application should continue under delegated track.
26/04/23	22/P1662 - 259 Queen's Road Wimbledon London SW19 8NY	Partial demolition of existing structures and erection of new building to provide five flats	Whether the application should be included in the Committee agenda or delegated	10/04/23	<ul> <li>Application should be discharged under delegated powers</li> <li>Chair's Comments: The application is an example of the use of a small vacant site to deliver a residential accommodation. Balancing the value the committee could add to deliberations weighed against the scale, mass and number and nature of objections it's the Chair's judgement the application should continue under delegated track.</li> <li>As part of the case record CIIrs Stringer and Kohler expressed interest in calling in this application. As no decision has been taken it's appropriate concerns raised are addressed in conditions. If concerns persist a call in request should be managed under the call in process.</li> </ul>

Committee:Planning ApplicationsDate:26th April 2023

# 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

#### DETAILS

Application Number	22/P1934
Appeal number:	APP/T5720/D/22/3313808
Site:	105 Dorset Road, Merton Park SW19 3HE
Development:	ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION OVER EXISTING FIRST FLOOR EXTENSION
Recommendation:	Refuse (Delegated)
Appeal Decision:	ALLOWED
Date of Appeal Decision:	30 <sup>th</sup> March 2023

# click LINK TO DECISION NOTICE

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Application Number	22/P0424
Appeal number:	APP/T5720/W/22/3305640
Site:	35 Pepys Road, Raynes Park SW20 8NL
Development:	ENLARGEMENT OF EXISTING REAR DORMER
Recommendation:	Refusal (Delegated)
Appeal Decision:	DISMISSED
Withdrawal Date:	29 <sup>th</sup> March 2023

# click LINK TO DECISION NOTICE

Application Number	22/P2024
Appeal number:	APP/T5720/W/22/3310925
Site:	9 Nelson Road, South Wimbledon SW19 1HS
Development:	ERECTION OF A FIRST FLOOR REAR EXTENSION
Recommendation:	Refusal (Delegated)
Appeal Decision:	DISMISSED
Withdrawal Date:	20 <sup>th</sup> March 2023

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# click LINK TO DECISION NOTICE

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Application Number	22/P2462
Appeal number:	APP/T5720/W/22/3311047
Site:	1 Avenue Road, Streatham SW16 4HJ
Development:	ERECTION OF PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSIONS (AMENDMENTS TO PLANNING PERMISSION 20/P2739).
Recommendation:	Refusal (Delegated)
Appeal Decision:	DISMISSED
Withdrawal Date:	3 <sup>rd</sup> March 2023

# click LINK TO 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.

# Page 257

#### 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.

# Agenda Item 10

# **Committee:** Planning Applications Committee

**Date:** 27<sup>th</sup> April 2023

Agenda item: Enforcement Report

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF RECENT WORK

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

COUNCILLOR Aidan Mundy, CHAIR of PLANNING APPLICATIONS COMMITTEE

Contact Officer Raymond Yeung: 0208 545 4352 Raymond.Yeung@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.

Current Enforcement Cases:	335	New Appeals: 2	
New Complaints	25	Existing Appeals 9	
Cases Closed	20	There is a high volume of backlog at the Inspectorates to determine appeals, the with them is several months, the existin not progressed with the inspectors.	e waiting time
New Enforcement Notices Iss	sued		
Breach of Condition Notices	0	Prosecutions: (instructed)	0
Enforcement Notices	2	New Instructions to Legal	1
S.215: <sup>3</sup>	1	Existing instructions to Legal	3
Others (PCN, TSN)	0		
Total	3		
		TREE ISSUES	
		Tree Applications Received	57
		% Determined within time limits:	93%
		High Hedges Complaint	0
		New Tree Preservation Orders (TPO)	) 1
		Tree Replacement Notice	0
		Tree/High Hedge Appeal	1
		5-Day notice	3

Note (figures are for the period from (from 3rd March 2023 to 17th April 2023).

<sup>1</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

It should be noted that due to the pandemic the Planning Inspectorate have over a year's backlog of planning enforcement appeals to determine. The Planning Inspectorate have recently stated that they are concentrating on the larger complexed schemes which take priority over householder and smaller cases.

## 2.0 Recent Enforcement Action

#### The Beeches -Broken fences and untidy land – Before and after

The council were notified about the state of the fences in this residential area, following contact made by officers, the fence was replaced immediately along with the clear up paving and repairing of patios slabs.



Before

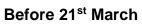


After

#### Market Square, Upper Green Mitcham –erection of stalls Before and After

Officers were notified about the stall erected against the trees, following a discussion with those responsible it was removed immediately.







After 27<sup>th</sup> March

# Land at 144 Central Road – Caravan untidy land -Before & After

Officers visited the car park and a warning letter was placed on the caravan, the results are below.



wPager262ov.uk



#### Land at 93 Montacute Road – Asbestos untidy land -Before & After

Officers visited the property and discussed with the developer, after negotiations, it was moved via informal enforcement action, the results are below.



Photo taken Wednesday 15th Feb 2023



Photo taken March 2023

#### 156 Merton Hall Road - Before and after -Advertisement -Before & After

An advert was placed on the side of a restaurant facing Kingston Road which is a designated **Merton Hall Road conservation area**, the advert had no consent .

Officers visited the property and discussed with the owner and staff of the restaurant, after negotiations, it was moved via informal enforcement action, the results are below.



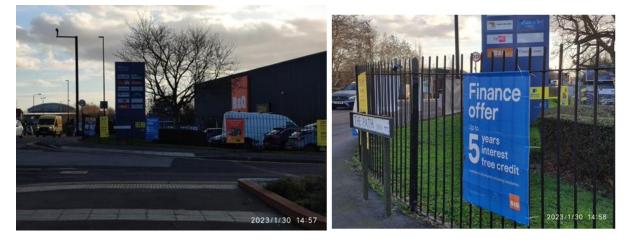
Before-Advertisement of restaurant



After advetisement removed

#### The Nelson trading estate Advertisement -Before and after

Advert banners were placed on the fencing of the trading/retial park, officer discussed with the land owner to remove the banners from the boundary fencing



Before -January 2023

#### After February 2023





#### Burn Bullock – 315 London Road

In March 2023, Planning enforcement notice was hand delivered at the site for the unauthorised material change of use of the public house main building and ancillary car parking to a large House of Multiple Occupation ("HMO"), car-repair and cleaning workshop, storage, scrapyard and installation of portacabins.

The requirements are to; 1. permanently cease the unauthorised material change of use of the former public house main building and ancillary car parking to a House of Multiple Occupation within the main building on the Land; 2. Permanently cease the unauthorised material change of use of the car park on the land for storage, car-repair & cleaning workshop, scrapyard and stationing of mobile homes for residential accommodation (sui-generis) on the Land; 3. Completely remove all of the vehicles stored on site for commercial purposes on the Land; 4. Completely remove all of the scrap car parts, sofas, pallets, waste, and general rubbish on the Land; 5. Completely remove all of the portacabins, non-functioning vehicles, trailers, forklift and caravans on the Land; 6. Completely remove the caravans, trailers, vans and trucks used for mobile homes on the Land and; 7. Completely remove from the Land all associated materials, fixtures, fittings and debris and take off site on the Land. They have 3 months from the April effective date to comply with the notice unless an appeal has come in before the effective date. Having tried to get the responsible persons to comply with the notice and arrange another visit, they have appealed against the notice, we are awaiting for the start date letter from the planning inspectorates.

#### 52-54 High Street, Wimbledon, London SW19 5AY

A noticed was served for the installation of roller shutters on the shopfront

The Subject site, is located on the east side of High Street, Wimbledon, SW19 in the Wimbledon Village Conservation. The property comprises of 5 storey buildings with commercial premises on the ground floor and residential accommodation above. The surrounding area comprises of commercial and residential mix of properties.

The case was served on the back of planning application ref: 21/P3884 for the retention of the shop front and the roller shutter was refused, it was considered harmful in the Wimbledon conservation area and to the street scene.

#### **Requirements of the Notice**

- 1. Permanently remove the roller shutters.
- 2. Remove all materials, fixtures, fittings and debris associated in compliance with the works (1) above and permanently take off site.

An appeal was submitted against this notice, enforcement officers have written up an appeal statement to defend their position on why it was served a notice, now awaiting for the planning inspector's appeal site visit and final decision. Concerns were raised with the vacant unit, it is not within the planning enforcement function to control or enforce on it to be occupied as it is not a breach of planning. As the property is private, the council may not have jurisdiction over its occupation nor can force the owner to be used.

#### Land at 129 Pelham Road Wimbledon London SW19 1NZ

A notice was served for the unauthorised material change of use of the Land from ancillary car parking for use class E to commercial car park (sui generis).

The breach relates to the change of use of the land from B1 storage and ancillary use car parking to offices and working of motor vehicles and garages to the current use as a commercial car park in a residential area.

The land rear of 129 Pelham Road, is in South Wimbledon within a residential area. The site is within walking distance to Central Wimbledon, where there are good transport links and access by train, bus, tubes and multi-storey car parking facilities.

As mentioned above, the land was used through various uses such as ancillary staff car parking for the surrounding offices or parking of cars relating to a workshop/garage car repairs and ancillary cars to those businesses. They are restricted to either staff users or customers relating to the local business.

The land is currently being used as an unattended commercial car park open to the all of the public, operating from 7am -7pm. The running of engines of vehicles entering and leaving the site results in noise disturbance and the increase of air pollution to those who reside, work, visit and go to school in the area.

The commercial car park is sited within a residential area, walking distance to central Wimbledon where there are good connections to public transport and car parks. The car park has changed from class B1 storage and light industrial with ancillary staff car park <u>(restricting car park access to staff only during office hours)</u> to a unrestricted and unattended commercial car park operating 7 days a week outside working hours of 8am to 6pm Monday to Friday This has an adverse impact in terms of noise, air pollution, road and crime safety on local residents, those who work, visit and go to school.

The land is left unattended and abuts residential units which are easily accessed from the car park and is open to crime and anti-social behavior.

By the virtue of the siting of the land within a residential area being used in a commercial capacity is unsympathetic to the locality.

The commercial car park (sui generis) by reason of opening hours, unrestricted and unattended vehicle movements, noise, disturbance and increased opportunities for potential anti-social behaviour and crime fails to protect the amenity of nearby residential occupiers.

The unattended new car park use leads to unrestricted vehicle movements, and limited visibility splay entering/leaving the site on Pelham Road compromises highway safety for pedestrians and road users.



Requirements of the Notice

- To permanently cease the use of the land as a commercial car park (suigeneris).
- Permanently remove all paraphernalia relating to the new car park such as (but not limited to) advertising boards and directional signs.
- Permanently remove all materials, fixtures, fittings and debris associated in compliance with the works (1) above and permanently take off site.

An appeal was submitted against the notice, enforcement officers have written up an appeal statement to defend their position on why it was served a notice, now awaiting for the planning inspector's appeal site visit and final decision.

# Broken telecoms cabinets Middleton Road/ Lilleshall Road Muchelney Road

A report was made with regards to Middleton Road/ Lilleshall Road Muchelney Road junction with regards to broken cabinets with a potential issue of s215 untidy land. Our officers went out on site to inspect to find the contact details to the telecommunications company Virgin Media who are responsible. The officer negotiated to fix these boxes without requiring any formal action. The matter resolved 2 months later as shown below and is a visual improvement to the streetscene and health and safety of the public.



#### Before

After



#### Land to the rear of 42 Tamworth Lane, Mitcham, CR4 1DA.

The council will re-served a notice but to reinstate the garage and rear boundary adjacent to Acacia Road.

The planning enforcement team have been working with the police and anti-social behaviour team to find a solution to board up the site, the process is ongoing.

To summarise:

A s215 notice was issued on 10<sup>th</sup> May 2021. This notice requires compliance at the end of July 2021 requiring the Land to be tidied up / cleared.

The Land is again being fly tipped a further s215 Notice was issued on February 2023 including enclosing and clearing the untidy / overgrown Land.

The land was fully secured with hoarding following collaboration with the anti-social behaviour team, but rubbish accumulating again. April 2023, the council issued another warning letter by the waste team.

#### 28 Oakleigh Way, Mitcham, CR4 1AL

This notice is intended to resolve the breach of planning control relating to the unauthorised conversion of the rear extension into a self-contained unit and rear canopy.

The conversion of rear extension to a self-contained unit would deliver one additional residential unit within the borough, which is a strategic objection of the Council. However, the local development framework also requires that development have a high quality design and form that responds to the local area, parking provisions should maintain the safe and efficient operation of the highway, and proposals should not adversely impact adjoining neighbours. Weighing

up the merits of the scheme the proposal is considered unacceptable due to the standard of accommodation, impact on the local highway and absence of cycle and refuse storage.

The rear canopy is not be sympathetic in terms of massing, form or overall design. Although it is at the rear, it is assessed not to be sympathetic to its surroundings. It is inappropriate in terms of scale and design. Therefore it is considered expedient to issue the notice. The notice requires to cease the self-contained residential unit and to remove the canopy.



An appeal is in for this notice, enforcement officers have written up an appeal statement to defend their position on why it was served a notice, now awaiting for the planning inspector's appeal site visit and final decision.

#### 8 Dahlia Gardens

On 16<sup>th</sup> August 2022 the Council issued an enforcement notice he unauthorised construction of an upper-floor extension to an existing detached outbuilding without the benefit of planning permission. This came immediately after the refusal of planning application for the same under ref no. 22/P1540.

What was single storey outbuilding was altered into a two storey outbuilding, and by reason of its design and form fails to blend and integrate well with its surroundings, is considered to be unduly dominant and visually intrusive, having a negative impact on the character and appearance of Dahlia Gardens and Hadley Road. It created unacceptable loss of light, privacy and outlook toward the adjoining properties along Dahlia Gardens and Hadley Road.

Officers conducted a Notice of Entry to visit in March to see works are not complied with the notice and a further letter of alleged offence in April 2023, the council will review next steps to potential prosecution for non-compliance of the said notice.

#### Successful Prosecution case-update

#### 7 Streatham Road, Mitcham, CR4 2AD- Summary of the prosecution:

The Council served two enforcement notices on 6th June 2019 for the unauthourised outbuilding and roof extension, the enforcement notice required the outbuilding to be demolished and to clear debris and all other related materials. Following the non-compliance of said notices, this is a criminal offence which lead to prosecution proceedings.

The plea hearing took 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 14th January 2020, and adjourned until 4th 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 21st May 2020. Due to the Covid-19 pandemic this has been postponed. The case has been listed for a 'non-effective' hearing on Tuesday 14 July 2020, where a new trial date will be set.

This was postponed until another date yet to be given. The Council has now instructed external Counsel to prosecute in these matters.

The next 'non-effective' hearing date is 2nd October 2020. This date has been rescheduled to 27th November 2020. This was again re-scheduled to 4th January 2021. Outcome not known at the time of compiling this report.

A trial date has now been set for 28th and 29th April 2021.

At trial the defendant changed his plea from not guilty to guilty on the two charges of failing to comply with the two Planning Enforcement Notices, however due to the current appeals with the Planning Inspectorate relating to two planning application appeals associated with the two illegal developments, sentencing was deferred until 7th October 2021 at Wimbledon Magistrates Court.

The two planning appeals were dismissed dated 5th October 2021.

Sentencing was again deferred until 16th December 2021 at Wimbledon Magistrates Court.

The result of the sentencing hearing was:

- 1. Fine for the outbuilding EN: £6,000, reduced by 10% so £5,400
- 2. Fine for the dormer EN: £12,000,reduced by 10% so £10,800
- 3. Surcharge: £181
- 4. Costs: £14,580

5. Total being £30,961. To be paid over a period of three years in monthly instalments.

The defendant was fined for the outbuilding and the dormer extensions due to non-

compliance with two enforcement notices.

#### <u>Latest</u>

Enforcement officers have written to the landowner to state that The Council is minded to take direct action to undertake the works to secure compliance with the enforcement notices, pursuant to section 178, Town and Country Planning Act 1990 (as amended). This would result in further costs that would be recoverable from them directly.

To date the notice still has not been complied with, in October 2022, a meeting was taken place with a contractor to get quotes for the removal of both outbuilding and roof extension and rebuilding of the roof.

Quotes were received in November 2022 and discussions were had internally in view to accept one of the tasks involved to do it in stages due to budget reasons (removal of outbuilding first and then dormer and rebuild later), it is understood that any agreement of such works needs approval by the council.

An appeal has come in for the refused certificate of lawfulness for the outbuilding to be permitted development, awaiting the planning inspectorates decision on this.

The council warned about direct action to the owner and responded back in February that they have not complied with the notice yet and not able to, the council are looking into going ahead with direct action having obtained quotes form a suitable contractor.

#### 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
- 10. Risk Management and Health and Safety implications.
- 11. Appendices the following documents are to be published with this report and form part of the report Background Papers

N/A

Agenda Item 11

Housing and Sustainable Development London Borough of Merton, Merton Civic Centre, London Road, Morden, SM4 5DX



Jeremy Pocklington Permanent Secretary of Department for Levelling up 2 Marsham Street London SW1P 4DF

Delivered by email: <u>correspondence@levellingup.gov.uk</u> From: <u>andrew.judge@merton.gov.uk</u> and <u>aidan.mundy@merton.gov.uk</u>

> Date: 16<sup>th</sup> January 2023 Our reference: 22/P2351 Your reference: PCU/RTI/T5720/3308167

Dear Jeremy,

We're writing to you in connection with the time it has taken for the department to recommend to either support or dismiss a third-party request to call-in Merton Council's Planning Committee approval of 22/P2351 (your reference: PCU/RTI/T5720/3308167): the building of 107 dwellings including over 40% affordable on ground vacant for two decades. Full background is attached for reference.

The enclosed documentation outlines the application has been meticulously and thoroughly examined and reviewed in depth by both our officers at Merton and the Greater London Authority before being presented, debated and approved by our cross-party Planning Committee on 22nd September 2022. The scheme achieves the objectives set out in the National Planning Policy Framework, as well as Merton's own emerging local plan, enabling the delivery of strong, vibrant, and healthy community. There cannot be any public benefit to devote further resources at the taxpayers' expense to re-examine the planning merits of this scheme. The planning balance is further set out in the Planning Committee's report included in the accompanying pack.

It has now been three months since Merton's planning Committee approved the application. The delay in proceeding has created uncertainty about the future of this site and the application, that would otherwise breathe new life into land that has been vacant for two decades to the benefit of over 100 families. A cause successive governments, including the current Secretary of State, has championed, and one Merton Council is working to deliver through high quality and affordable housing on behalf of current and future residents.

In view of the above, we welcome any effort to expedite the recommendation to the Secretary of State.

If you or your department require any further information or would like to meet to discuss this matter further our officers are at your disposal.

Yours sincerely,

Aidan Mundy

Cllr Aidan Mundy Chair, Planning Committee

ew Jui Andrew Judge (Jan 15, 2023 23:50 GMT)

Cllr Andrew Judge Cabinet Member for Housing and Sustainable Page 273



#### CC: Emran Mian, Director General, Regeneration

#### Attachments

- A: Extract from Merton Planning Committee meeting of 22<sup>nd</sup> September 2022 relating to 22/P2351
- B: Supplement Modifications sheet 22<sup>nd</sup> September 2022
- C: Minutes of Merton Planning Committee meeting 22<sup>nd</sup> September 2022
- D: Article 31 letter from Department for Levelling Up, Housing & Communities reference PCU/RTI/T5720/3308167 received 13 October 2022
- E: Savills response to Planning Casework Unit 16 November 2022

# **32 Glossary of terms**

#### **Glossary of Terms:**

A complete glossary of planning terms can be found at the Planning Portal website: <u>http://www.planningportal.gov.uk/</u> The glossary below should be used as a guide only and should not be considered the source for statutory definitions.

**Affordable Housing** - Affordable Housing addresses the needs of eligible households unable to access or afford market housing. Affordable housing includes social rented and intermediate housing and excludes low cost market housing. Affordable housing should be available at a cost low enough for eligible households to afford, determined with regard to local incomes and local house prices. Provision of affordable housing should remain at an affordable price for future eligible households or if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision. Further information can be found in Planning Policy Statement 3 (Housing)

**Area Action Plan (AAP)** – Area action plans are part of the Local Development Framework. They should be used when there is a need to provide the planning framework for areas where significant change or conservation is needed. Area action plans should deliver planned growth areas, stimulate regeneration, protect areas particularly sensitive to change, resolve conflicting objectives in areas subject to development pressures or focus the delivery of area based regeneration initiatives.

**Area for Intensification (AFI)** – As defined in the London Plan. Areas that have significant potential for increases in residential, employment and other uses through development of sites at higher densities with more mixed and intensive use.

**Brownfield land** - Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed-surface infrastructure. The definition covers the curtilage of the development. Planning Policy Statement Note 3 (Housing) has a detailed definition

**Community Plan** – refer to Sustainable Community Strategy (SCS).

**Comparison Retailing** - Comparison retailing is the provision of items not obtained on a frequent basis. These include clothing, footwear, household and recreational goods.

**Convenience Retailing** - Convenience retailing is the provision of everyday essential items, including food, drinks, newspapers/magazines and confectionery.

**Conservation Area** - An area of special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance.

**Core Strategy (CS)** - The Core Strategy is the key plan within the Local Development Framework. Every local planning authority should produce a core strategy which includes:

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- an overall vision which sets out how the area and the places within it should develop;
- strategic objectives for the area focusing on the key issues to be addressed;
- a delivery strategy for achieving these objectives. This should set out how much development is intended to happen where, when, and by what means it will be delivered. Locations for strategic development should be indicated on a key diagram; and
- clear arrangements for managing and monitoring the delivery of the strategy.

**Development Plan Documents (DPD)** – The statutory component parts of the <u>local</u> <u>development framework</u>. Core strategies, area action plans and site-specific allocations are all DPDs. The procedure for their creation is set out in <u>Planning Policy Statement 12</u>.

**District Centre** – District centres comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library.

**Floodplain** - Generally low lying areas adjacent to a watercourse, tidal lengths of the river or sea, where water flows in times of flood or would flow but for the presence of flood defences.

Floorspace (gross) - all floorspace enclosed within the building envelope

**Floorspace (net - for retail purposes)** - area of a shop that is accessible to the public: sales floor, sales counters, checkouts, lobby areas, public serving and in-store cafes. Excludes goods storage, delivery, preparation area, staff offices, staff amenity facilities, plant rooms, toilets and enclosed public stairwells and lifts between floors.

**Historic environment** – All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora. Those elements of the historic environment that hold significance are called heritage assets.

**Independent Examination** - The process by which a planning inspector may publicly examine a <u>development plan document</u> before issuing a binding report.

**Intermediate Housing** – housing at prices and rents above social rent but below market price or rents. This includes various forms of shared equity products. Homes provided by the private sector or without grant funding may be included for planning purposes as affordable housing, providing these homes meet the affordable housing definition as set out in Planning Policy Statement 3 (Housing).

**Issues, Options and Preferred Options** - The pre-submission/ pre-production consultation stages on a <u>development plan document (DPD)</u> with the objective of gaining public consensus before submission of documents for <u>independent examination</u>.

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**Listed Buildings** - These are buildings or other built structures included in the statutory list of buildings of special architectural or historic interest of national significance, which is compiled by the Secretary of State for Culture, Media and Sport. Buildings are graded and are protected both internally and externally. <u>Listed building consent</u> is required for almost all works to a listed building.

**Local Area Agreement (LAA)** - Local Area Agreement is normally a three year agreement, based on the Sustainable Community Strategy vision that sets out improvement targets for the priorities of a local area. The agreement is made between central government and local authorities and their partners on the Local Strategic Partnership.

**Local Centre** - Local centres include a range of small shops of a local nature, serving a small catchment. Typically, local centres might include services such as a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette.

**Local Development Framework (LDF)** - The Local Development Framework is the collection of local development documents produced by the local planning authority which collectively delivers the spatial planning strategy for its area.

**Local Development Scheme (LDS)** - This is the business plan for production of the <u>local</u> <u>development framework</u> (LDF). It identifies and describes the <u>development plan documents</u> (DPDs) and when they will be produced. It covers a three-year timespan and is subject to updating following production of an annual monitoring report to check progress.

**Local Planning Authority (LPA)** - The statutory authority (usually the local council) whose duty it is to carry out the planning function for its area.

**Local Strategic Partnerships (LSP)** - Local Strategic Partnerships are not statutory bodies, but they bring together the public, private and third sectors to coordinate the contribution that each can make to improving localities.

**London Plan** - the London Plan is the Spatial Development Strategy for London. Produced by the Mayor of London, it provides the overall spatial vision for the entire region, identifying the broad locations for growth, often by identification of sub-regions, and major infrastructure requirements, together with the housing numbers to be provided for in boroughs' LDFs. It is part of the development plan for Merton together with the borough's LDF documents and should be used to guide planning decisions across London. All LDF documents have to be in general conformity with the London Plan

**Major Centre** – Major Centres normally have over 50,000 square metres of retail floorspace and their retail offer is derived from a mix of both comparison and convenience shopping. Some Major Centres, which have developed sizeable catchment areas, also have some leisure and entertainment functions.

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**Neighbourhood parades:** convenience shopping and other services easily accessible to those walking or cycling or those with restricted mobility.

**Planning Application** - Administrative process by which permission to carry out development is sought from the <u>local planning authority</u>. The form and content of the application is laid down in guidance. Application can be made in outline or detailed form for some categories of development.

**Planning Permission** - The consent given by the <u>local planning authority</u> for building operations as defined in the Town and Country Planning Act that do not constitute permitted development as defined in the general permitted development order (GPDO) or uses permitted by the use classes order. Usually subject to conditions and sometimes a legal agreement.

**Planning Policy Guidance Notes (PPG)** - Former central government guidance on a range of topics from transport to retail policy giving advice to regional and local policy makers on the way in which they should devise their policies in order to meet national planning goals. Most PPGs have now been replaced by <u>Planning Policy Statements</u>.

**Planning Policy Statements (PPS)** - Planning Policy Statements set out the government's policies on different aspects of spatial planning in England.

**Public realm** - This is the space between and surrounding buildings and open spaces that are accessible to the public and include streets, pedestrianised areas, squares, river frontages etc.

#### Spatial Development Strategy - (see London Plan)

**Registered Social Landlords (RSLs)** - Technical name for independent, not-for-profit organisations registered with and regulated by the Housing Corporation. These organisations own or manage affordable homes and are able to bid for funding from the Housing Corporation.

**Sequential Test** - A planning principle that seeks to identify, allocate or develop certain types or locations of land before others.

**Scattered Employment Sites** - An employment site that is not a designated employment site (a site that is not a Strategic Industrial Location or Locally Significant Industrial Site) as detailed in Merton's adopted Proposals Map (as amended).

Sites of Importance for Nature Conservation (SINC) - Locally important sites of nature conservation adopted by local authorities for planning purposes and identified in the local development plan.

**Site of Special Scientific Interest (SSSI)** – A site identified under the Wildlife and Countryside Act 1981 (As amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of its plants, animals and natural features relating to the earth's structure.

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**Socially Rented Housing** - Planning Policy Statement 3 (Housing) states that this is rented housing owned and managed by local authorities and registered social landlords for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements (specified in Planning Policy Statement Note 3 ) as agreed with the local authority or the Housing Corporation as a condition of grant.

**Statement of Community Involvement (SCI)** - This sets out how, when and where the council will consult with local and statutory stakeholders in the process of planning for the local authority area, both in producing development plan documents and in carrying out the development control function.

**Strategic Environmental Assessment (SEA)** - A process of environmental assessment of certain plans and programmes which are likely to have significant effects on the environment. It is required by European Directive 2001/42/EC (the Strategic Environmental Assessment or SEA Directive)

**Supplementary Planning Documents (SPDs)** - Supplementary planning documents (SPDs) give further guidance on specific policy topic areas such as <u>affordable housing</u> provision, that have been identified in core policy in the <u>local development framework</u> (LDF), or to give detailed guidance on the development of specific sites in the form of a <u>master plan</u> framework plan or <u>development brief</u>.

**Sustainability Appraisal (SA)** - A form of assessment used in the UK, particularly for regional and local planning, since the 1990s. It considers environmental, social and economic effects of a plan and appraises them in relation to the aims of sustainable development. Sustainability appraisals that fully incorporate the requirements of the <u>SEA Directive (2001/42/EC)</u> are required for <u>local development documents</u> and <u>regional spatial strategies</u> in England under the Planning and Compulsory Purchase Act 2004.

**Sustainable Community Strategy (SCS)** – The overarching strategy for the local area, which sets out of the overall direction and vision for the borough over the next 10 years. It tells the story of a place, and what needs to be achieved for the local area and its residents, based on what is most important to them. It is also known as the Community Plan.

**Sustainable development** - Development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

**Town centre type uses** – In accordance with PPS4 Planning for Sustainable Economic Development, the main uses to which town centres policies can apply are:

• retail development (including warehouse clubs and factory outlet centres)

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- leisure, entertainment facilities, and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls)
- offices, and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)

**Unitary Development Plan (UDP)** - This is the former statutory development plan system and contains the framework to guide development in local areas. Under the Planning and Compulsory Purchase Act 2004 it was replaced by Local Development Frameworks. UDP policies will continue to operate for a time after the commencement of the new development plan system in 2004, by virtue of specific transitional provisions, though they should all be eventually superseded by LDF policies

**Use Classes Order** – Schedule of class of use for land and buildings under Town and Country Planning (Use Classes) Order 1987 as amended 2005:

A1	Shops
A2	Financial and Professional Services
A3	Restaurants and Cafés
A4	Drinking Establishments
A5	Hot Food Take-away
B1	Business
B2	General Industrial
B8	Storage or Distribution
C1	Hotels
C2	Residential Institution
C2A	Secure Residential Institution
C3	Dwelling Houses
D1	Non-residential Institutions
D2	Assembly and Leisure
Other	Sui Generis