

## PLANNING APPLICATIONS COMMITTEE

5 September 2013

Item No:06

UPRN

APPLICATION NO.

DATE VALID

13/P1383

06/06/2013

**Address:**

**Building at 21 Eastfields Road and garages between 21-27 Eastfields Road, Mitcham, CR4 2LS**

**Ward**

Figges Marsh

**Proposal**

Demolition of the existing two-bedroom property at 21 Eastfields Road and the adjacent 40 domestic garages and construction of a new three-storey building providing 21 flats [9 three bedroom maisonettes and 12 one bedroom flats] with 14 off street car parking spaces with vehicular access on to Eastfields Road, landscaping and a freestanding building providing cycle and bin storage.

**Drawing No's**

Ecological Evaluation and Impact Assessment; Arboricultural Survey and Constraints Report; Arboricultural Implication Study; Design and Access Statement; Sustainability Report; Transport Statement; Planning Impact Statement; Community Infrastructure and Planning Obligations Report A011212 - PA-001; PA-002; PA-003; PA-004; PA-005; PA-006; PA-007; PA-008; PA-009; PA-010; PA-102; 3D -001 and W030109 - PL-101.

**Contact Officer**

Tony Ryan [020 8545 3114]

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and an s106 legal agreement.**

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**CHECKLIST INFORMATION.**

- S106: dedication of land to facilitate the widening of the Public Right of Way Affordable housing and sustainable transport.
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted – No
  - Press notice – Yes
  - Site notice – Yes
  - Design Review Panel consulted – No
  - Number of neighbours consulted – 72
  - External consultations – Police Crime Prevention Design Advisor.
  - PTAL: 3 [TFL Planning Information Database]
  - Density – 222 habitable rooms per hectare [60 hab. rooms 0.27 hectares].
  - Number of jobs created: N/A
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**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration as the building at 21 Eastfields Road that forms part of the application site is in the Council's ownership and due to the need for authority to enter into an s106 legal agreement.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site [0.3 hectares] is located on the north side of Eastfields Road [A217] to the east of the junction with Lansdell Road and at the location where Eastfields Road turns into Locks Lane. On the opposite side of Eastfields Road are the Eastfields Road allotments. The surrounding area is residential in character made up of two storey terraced dwellings.
- 2.2 The site is approximately 250 metres walking distance from Mitcham Eastfields Rail Station and 380 metres walking distance from Mitcham Town Centre [London Road]. The site has a Public Transport Accessibility Level rating of 3 (average access to public transport services). The site is located outside a controlled parking zone. The application site is not in an archeological priority area, and not in an area at risk from flooding [June 2012].
- 2.3 The application site is an awkward shape; with a frontage of 13 metres on to Eastfields Road opening up measuring 56 metres at the widest point in the centre of the site and then tapering to a width of 3.5 metres at the rear of the site. The building at 21 Eastfields Road at the front of the site is a part one, part two storey detached building constructed at an angle of 30 degrees to the 13 metre long Eastfields Road site frontage. This building has been vacant for 12 years. The front part of the ground floor was previously in use as an estate agents office, with the rear part of the ground floor and the first floor previously in residential use.
- 2.4 The remaining part of the site frontage adjacent to 19 Eastfields Road provides vehicle access to 40 single storey garages located to the side and rear of 21 Eastfields Road. These garages are arranged in four blocks. The application site also includes a triangular shaped piece of open land separated from the garages by a row of mature trees and behind the existing nearby properties at 63 to 81 Fernlea Road. The entrance to a pedestrian footpath [Public Right of Way 147] is located between the building at 21 Eastfields Road and the adjacent residential property at 27 Eastfields Road. This footpath running to the side of 27 Eastfields Road and behind properties in Guyatt Gardens and Ormerod Gardens provides pedestrian access to Slade Way.
- 2.5 The Council currently owns the building at 21 Eastfields Road after it was the subject of a Compulsory Purchase Order. It was found that this

building and the adjacent forty garages were in a poor condition and as a result were having a detrimental impact on local amenity. The aim of the Compulsory Purchase Order was to bring the property at 21 Eastfields Road into the Council's ownership and subsequently to facilitate the redevelopment of the land at the rear of the property. The Compulsory Purchase Order was obtained and the ownership of 21 Eastfields Road transferred to the Council on 17 December 2009.

### **3 CURRENT PROPOSAL**

3.1 The current application involves the demolition of the detached two-bedroom house at 21 Eastfields Road and the adjacent 40 garages and the redevelopment of the site. The redevelopment of the site will provide a new three-storey terraced building providing 21 flats [9 three bedroom maisonettes and 12 one bedroom flats].

**Table 1: Floor areas for the 9 maisonettes, amenity space and tenure.**

	<b>Floor area</b> [Sq. M]	<b>London Plan standard</b> [Sq. M]	<b>Amenity space</b> [Sq. M]	<b>SPG standard</b> [Sq. M]	<b>Tenure</b>
<b>Unit 1</b>	116	96 [three bed five person]	121	40	Affordable social rent
<b>Unit 2</b>	114	96 [three bed five person]	70	40	Affordable social rent
<b>Unit 3</b>	114	96 [three bed five person]	64	40	Affordable social rent
<b>Unit 4</b>	117	96 [three bed five person]	58	40	Affordable social rent
<b>Unit 5</b>	114	96 [three bed five person]	53	40	Affordable social rent
<b>Unit 6</b>	117	96 [three bed five person]	51	40	Affordable intermediate
<b>Unit 7</b>	114	96 [three bed five person]]	41	40	Affordable intermediate
<b>Unit 8</b>	114	96 [three bed five person]	46	40	Affordable intermediate
<b>Unit 9</b>	114	96 [three bed five person]	53	40	Affordable intermediate

3.2 The ground floor of the building provides 9 maisonettes with individual entrance doors to the front elevation at ground floor level. These units are laid out with a combined living and dining area at the rear of the ground floor, with a separate kitchen and toilet at the front of the unit. An internal staircase provides access to the first floor of these units where three bedrooms and a bathroom are provided. These units are provided with ground floor amenity space at the rear of the building. The rear gardens of the existing properties at 85 and 87 Fernlea Road directly adjoin the rear

gardens of the proposed maisonettes, with an access footpath separating the rear gardens of the properties at 63 to 83 and 89 to 95 Fernlea Road from the rear boundary of the maisonettes.

**Table 2: Floor areas for the 12 flats, amenity space and tenure.**

	<b>Floor area</b> [Sq. M]	<b>London Plan standard</b> [Sq. M]	<b>Amenity space</b> [Sq. M]	<b>SPG standard</b> [Sq. M]	<b>Tenure</b>
<b>Unit 1 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 2 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 3 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 4 - second floor</b>	58	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 5 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 6 - second floor</b>	58	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 7 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 8 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 9 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 4.3	20	General market
<b>Unit 10 - ground floor</b>	50	50 [one bed two person]	Communal 340 Private 44	20	General market
<b>Unit 11 - first floor</b>	57	50 [one bed two person]	Communal 340 Balcony 5.8	20	General market
<b>Unit 12 - second floor</b>	57	50 [one bed two person]	Communal 340 Balcony 5.8	20	General market

- 3.3 Above the maisonettes, at second floor level the proposed building provides 9 one bedroom flats. Entrance doors in the front elevation of the building at ground floor level and five staircase cores provide access to these 9 flats. These units are provided with private balconies to the front elevation and a shared communal area at ground floor level. A sixth entrance in the front elevation at the northern end of the proposed building and a further staircase provides access to a further three one bedroom flats located on the three floors of the building. The ground floor one bedroom unit is provided with a private external space at the rear of the building. The flats at first and second floor level are provided with a balcony at the rear of the building.
- 3.4 The proposed development includes 14 off street car parking spaces with two spaces for people with disabilities with a relocated vehicular access on to Eastfields Road. The maisonettes are provided with a shed in the rear garden that includes cycle parking, with cycle parking for the flats provided in a storage area accessed from the ground floor lobby area. A new freestanding building at the entrance to the site provides refuse storage for the development. As part of the development the pedestrian footpath [Public Right of Way 147] located to the eastern boundary of the site will be widened to provide a consistent width of three metres.
- 3.5 The description of the earlier proposal that was refused planning permission is given below in paragraph 4.1 of this report. The main differences between the proposals are the change from, two three storey blocks to the provision of a terrace and a reduction in the number of flats from 26 flats [9 three bedroom flats, 9 two bedroom flats and 8 one bedroom flats] to 21 flats [9 three bedroom maisonettes and 12 one bedroom flats].

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

- 4.1 Planning permission was refused in November 2012 [LB Merton Ref 12/P1576] for the demolition of the existing two-bedroom property at 21 Eastfields Road and the adjacent 40 domestic garages and construction of two, three-storey buildings providing 26 flats [9 three bedroom flats, 9 two bedroom flats and 8 one bedroom flats] with 22 off street car parking spaces with vehicular access on to Eastfields Road, landscaping and a freestanding building providing cycle and bin storage. Planning permission was refused on the following grounds:

- 1. The design of the proposed development fails to respect the character and appearance of the local area with a layout that makes poor and inefficient use of this site contrary to the policy requirements in UDP policies BE.16 and BE.22 and policy CS.14 within the Council's Adopted Core Strategy [2011] and policies 7.4 and 7.6 of the London Plan.**

- 2. The proposed development in terms of the general layout of residential accommodation and lack of any private external amenity space fails to provide an acceptable standard of residential accommodation contrary to policy CS8 of the adopted Core Strategy; UDP policy HS.1 of the Unitary Development Plan Supplementary Planning Guidance New Residential Development and policy 3.5 of the London Plan.**
- 3. The proposed development will have a detrimental impact on the amenities of existing adjacent residential occupiers in terms of loss of daylight, loss of sunlight, loss of privacy and overlooking to adjacent properties and their rear gardens contrary to the objectives of UDP policies BE.15 and HS.1 and Supplementary Planning Guidance on Residential Development.**
- 4.2 An appeal to the Secretary of State against the Council's refusal of planning permission for this development was dismissed on the 8 August 2013.
- 4.3 In September 2007 the Planning Applications Committee resolved to approve planning permission [LB Merton Ref 07/P2048] subject to a s106 legal agreement for the redevelopment of the site involving the demolition of all existing buildings and erection of 10 one bedroom, 11 two bedroom and 4 three bedroom flats in 2 three storey blocks with an access road and associated car parking (25 spaces). As the applicant chose not to proceed with the legal agreement there was no final decision taken on this application and it was withdrawn in June 2010.
- 4.4 Outline planning permission was refused in July 2003 [03/P1070] for the redevelopment of the site involving the demolition of all existing buildings and erection of 2 three storey buildings to provide 12 two bedroom and 21 one bedroom flats with access road and associated car parking. Planning permission was refused on the grounds that the development would represent an over-intensive development which fails to reinforce locally distinctive patterns of development, detrimental to the character and visual amenities of the area, and which would result in an unacceptable loss of open space in an area designated deficient in open space provision. The proposed buildings were considered to provide substandard accommodation for future occupiers and represent an unneighbourly and intrusive form of development, likely to give rise to overlooking and loss of privacy for neighbouring residential occupiers.
- 4.5 Planning permission [96/p1087] was approved in March 1997 for the alteration and extension of the building at 21 Eastfields Road including a part single/part two storey rear extension and a front porch extension in

connection with the use of the property as a four bedroom dwelling house involving the change of use of the ground floor estate agents office (class A2). This planning permission was never implemented and the vacant building is still laid out with an estate agents office on part of the ground floor with the remaining space in residential use.

- 4.6 Planning permission was granted in March 1954 for the erection of 40 lock up garages on part of the current application site.

## 5. **CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 72 neighbouring properties. As a result of this consultation 3 letters have been received objecting to the proposal on the following grounds:

### Density, design and standard of accommodation

- There is no need for this development;
- The development will put strain on local infrastructure;
- The development will decrease local property values;

### Parking and Traffic

- The development will lead to additional traffic in this area.

### Nuisance and amenity.

- There are concerns about disruption caused by the construction phase of this development.
- The development will lead to visual intrusion.
- The development will lead to a loss of sunlight and daylight.
- The removal of the garages would reduce the security of adjacent back gardens.
- The development will have an adverse impact on the privacy of adjacent properties.
- The development will have an adverse impact on the health of a disabled elderly adjacent occupier causing her major anxiety and depression.
- There is a concern about the maintenance of the rear access to properties in Fernlea Road as this has in the past attracted ‘...undesirable people performing illegal acts’.
- The application site is “...regularly used by drinkers and drug users who litter the area with empty containers and human excrement”. As a result a lockable gate is requested to the access to the rear of 63 to 79 Fernlea Road.
- Whilst the revised application is “...a much better design” it would still overlook adjacent properties, take away privacy and block light.

- 5.2 LB Merton Transport Planning The proposed site is located outside a Controlled Parking Zone and has a Public Transport Accessibility Level of 3. The application includes evidence that indicates that the loss of the existing garages would not have any significant impact on the public highway with many of the existing garages used for general storage rather than for parking a vehicle.
- 5.3 LB Merton Climate Change Officer The development design has been assessed to Code for Sustainable Homes level 4 in line with the minimum requirements of Core Strategy policy CS15.
- 5.4 Environment Agency The development has been assessed as having a low environmental risk and as a result the Environment Agency have no comments to make.
- 5.5 Metropolitan Police Crime Prevention Design Advisor There are no adverse observations to the design and layout of the buildings. The gate leading onto the adjacent public footpath on the communal garden boundary should be removed; or if a gate is essential then it should be positioned to be within natural surveillance from active rooms of the development. The incorporation of Secured by Design principles are recommended as a minimum standard for security in this development.

## **6 POLICY CONTEXT**

### The London Plan [July 2011].

- 6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 7.21 [Trees and woodlands] and 8.2 [Planning obligations].

### Policies retained in Adopted Unitary Development Plan [October 2003]

- 6.2 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design]; BE.21 [Important local views, panoramas and prospects]; BE22 [Design of new development]; BE25 [Sustainable development]; C1 [Location and access of facilities]; C13 [Planning obligations for



- educational facilities]; E2 [Access for disabled people]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; L9 [Children's play facilities]; NE11 [Trees protection]; PE7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN3 [Vehicular access].
- 6.3 The application site is proposals site 41P within the adopted Unitary Development Plan that allocates the site covering 0.27 hectares for residential use. A planning brief was adopted for the site in March 2001.
- 6.4 The brief (appended to this report) sets out the following aspirations:
- Site developed for residential purposes, part of which should be affordable (up to 30%).
  - A height limitation of 3 storeys and the provision of approximately 60-90 habitable rooms.
  - An area of local open space incorporating an equipped children's play area be provided.
  - Public right of Way No. 147 is upgraded as a shared use pedestrian/cycle path.
  - The incorporation of the property at 21 Eastfields Road within the development site.
- Merton Supplementary Planning Guidance
- 6.5 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].
- Policies within the Merton LDF Core Planning Strategy [July 2011]
- 6.6 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].
- National Planning Policy Framework [March 2012]
- 6.7 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.8 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster

the delivery of sustainable development, and not to hinder or prevent development.

- 6.9 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of the development in terms of housing need, the impact of the development including in terms of design, scale and layout, the standard of the proposed residential accommodation; and the impact on residential amenity; impact on access and parking.

### **Principle of proposed development**

- 7.2 The Council's development brief for the application site published in March 2001 established the principle of a residential development on this land. The development brief described the site as an under used resource that could be redeveloped for housing and local open space requirements.
- 7.3 In terms of current planning policy, policy CS9 within the Council's Adopted Core Strategy [2011] states that the Council will support the provision of well-designed housing located to create socially mixed and sustainable neighbourhoods. The Council will work with housing providers to provide a minimum of 4,800 additional homes between 2011 and 2026 including 1550 to 1850 homes in the Mitcham area. The proposed development will provides twenty one new residential units that will help meet the Council's housing targets in line with policy CS 9 of the Council's Adopted Core Strategy [2011].
- 7.4 In terms of local open space provision, the Planning Applications Committee in May 2005 [04/p1401] and again in September 2007 [07/p2048] resolved to approve planning permission for two separate developments without any public open space provision. In the context of these earlier decisions it is considered that the current proposed development on this site does not require provision of public open space. It should also be highlighted and as set out in consultation responses the current open land that forms part of the application site has attracted anti social behaviour and nuisance for adjacent residents. The provision of

private open space as part of the proposed development is considered later in this report.

7.5 With the changes in planning policy that have occurred since the publication of the development brief, the advice provided by the brief in many areas is now out of date, including in relation to car parking standards, cycle parking standards, density and affordable housing requirements. These matters and current planning policy are considered later within this report.

7.6 In conclusion it is considered that the principle of a residential development on this land is in line with the objectives of the Core Strategy; the London Plan and UDP policies and it is considered acceptable subject to compliance with other planning policy objectives.

**Density, layout, design and scale.**

7.7 Policy CS8 within the LDF Core Strategy [2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 within the Council's Adopted Core Strategy [2011] states that development should respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. Policies BE.16 and BE.22 of the adopted Unitary Development Plan [October 2003] require proposals for development to complement the character and appearance of the wider setting with consideration of density, scale, design and materials in relation to the setting.

**Design and scale**

7.8 The scale and height of the proposed new buildings needs to be considered in the context of existing surrounding development. The adjacent building to the application site at 19 Eastfields Road is 9 metres high at the roof ridge and 5 metres at the roof eaves. The existing buildings at Fernlea Road to the rear of the site are 8.5 metres at the roof ridge and 6 metres to the roof eaves.

7.9 The bottom section of the existing wall along the eastern boundary of the application site that is adjacent to the public right of way is a retaining wall with the two storey buildings in Ormerod Gardens located on ground higher than the application site. The existing building on the application site at 21 Eastfields Road is 8 metres to the roof ridge and 6 metres to the roof eaves. The proposed flat roof building with a roof height of 8.6 metres is considered acceptable in the context of the height and scale of adjacent development.

7.10 The application site is an awkward shape; with a frontage of 13 metres on to Eastfields Road with the site opening up to measure 56 metres at the widest point in the centre of the site and then tapering to a width of 3.5

metres at the rear of the site. The layout of the proposed development seeks to make efficient use of the land that is available with a terrace that is located across the widest part of the application site.

- 7.11 The footprint of the terrace generally follows the site boundaries with the step back towards the rear of the site with this step back also providing interest to the front elevation. Further interest to the front elevation is provided by the balconies at first and second floor levels and the use of different facing materials. The proposed facing materials include a red stock brick, a grey brick and white painted render with glazed door canopies to highlight the staircase entrances.
- 7.12 With the awkward shape of the application site and the need to protect residential amenity the layout of the development seeks to reflect the orientation of buildings to the rear in Fernlea Road. The maximum separation distance has been achieved between existing and proposed buildings by locating the new buildings in the centre of the application site with proposed rear gardens located adjacent to existing rear gardens in Fernlea Road. The location of the car parking and service area to the front of the site and the step back in the building footprint maximises the separation distance from properties in Eastfields Road.
- 7.13 The density of the development on this site should have regard to the characteristics of the area [typically 100 habitable rooms per hectare], as well as the density range provided in the current London Plan [150 to 250 habitable rooms per hectare]. The density of the submitted proposal has been calculated as 222 habitable rooms per hectare [60 habitable rooms 0.27 hectares]. Whilst this density is within the density range in the London Plan other considerations such as design, standard of accommodation, impact on residential amenity and impact on traffic and parking are considered as part of this report.
- 7.14 In conclusion it is considered that the proposed development will respect local character and complement the character and appearance of the area. The layout and alignment of the development is considered to make efficient use of this site, with the layout compatible with the character and appearance of the surrounding area in line with the policy requirements in UDP policies BE.15, BE.16 and BE.22 and policies CS.8 CS.14 within the Council's Adopted Core Strategy [2011].

**Impact on residential amenity**

- 7.15 Policy BE.15 of the adopted Unitary Development Plan [2003] states that the orientation and design of new buildings will be expected to provide for levels of sunlight and daylight to adjoining buildings and land to ensure proper living conditions of all residents and enjoyment of amenity spaces;

to ensure good levels of privacy for occupiers of adjoining properties; and protect amenities from visual intrusion.

- 7.16 Policy HS.1 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties in terms of maintaining adequate daylight and sunlight and the protection of privacy.

Loss of privacy and overlooking

- 7.17 In order to protect privacy and avoid overlooking the Council's Supplementary Planning Guidance on Residential Development sets out a minimum recommended separation distance of 20 metres between directly facing habitable room windows on upper floor levels.

- 7.18 The rear gardens of adjacent properties are 20 metres long and the proposed new building at the closest point is 8.5 metres from the rear boundary of these gardens. With these separation distances it is considered that the development will not result in a loss of privacy to these properties. In terms of adjacent properties in Eastfields Road and Ormerod Gardens there are no new windows that directly oppose windows in these adjacent properties. In order to avoid potential loss of privacy and overlooking to rear gardens a planning condition is recommended to ensure that the non habitable and secondary windows on the south west elevation adjacent to 19 Eastfields Road and the east elevation running parallel with the public right of way are fitted with obscure glazing and fixed shut.

Visual intrusion, loss of sunlight and daylight

- 7.19 In order to protect daylight and sunlight to existing properties the Council's Supplementary Planning Guidance on Residential Development sets out a recommended separation distance of 12.5 metres (for 3 storey buildings] between the new building and the site boundary.

- 7.20 The proposed new building is set back from the rear boundaries of the six neighbouring properties at 77 to 87 Fernlea Road by distances of between 9 metres and 10 metres. In terms of loss of loss and daylight as the separation distance is below the 12.5 metres specified in planning guidance the applicant has conducted a more detailed daylight and sunlight test that is set out in BRE guidance on daylight and sunlight. The development was found to have passed this test that involves assessing whether the new development would break a 25° angle measured from the nearest residential window. It is also highlighted that there are other existing garden buildings in adjacent gardens that would screen the proposed development.

7.21 The rear elevation of the adjacent property at 19 Eastfields Road is angled slightly towards the side boundary of the application site. The property has a single storey rear extension that has patio doors on the rear elevation and windows to the side elevation. The proposed new building will be separated from the boundary by a distance of 1.7 metres, with the window in the side elevation of the single storey rear extension separated from the boundary by a distance of 1.2 metres. It is considered that as a result of the separation distance and the orientation of the buildings that the proposed development will not harm the amenities of occupiers of this dwelling.

7.22 In conclusion, it is considered that the development will be acceptable in terms of the impact on the provision of daylight and sunlight to adjacent residential properties and their rear gardens and will maintain privacy to adjacent properties and their rear gardens. The proposal is considered contrary to the objectives of UDP policies BE.15 and HS.1 and Supplementary Planning Guidance on Residential Development.

**Standard of the proposed new accommodation.**

7.23 Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed. Policy HS.1 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants.

**Internal layout and room sizes**

7.24 The London Plan was published on the 22 July 2011 and minimum gross internal area [GIA] floor space standards for new residential units are set out at table 3.3 within the plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999]. Supplementary draft advice on internal layout is provided within the London Housing Design Guide [interim edition].

7.25 As shown in the tables provided earlier in this report the proposed 21 units have internal floor areas in excess of the minimum floor space standards provided in the London Plan. The internal layout of the dual aspect accommodation is considered acceptable providing good levels of daylight and sunlight and making efficient use of the space available.]

**Amenity space**

7.26 The relevant amenity space standards are set out in UDP policy HS.1 and these standards seek a minimum of 10 square metres of private garden

space per habitable room for all new flats or maisonettes. The proposed 9 three bedroom maisonettes are provided with ground floor amenity space in line with policy HS.1.

- 7.27 The proposed one bedroom flat at ground floor level is provided with a private rear garden of 44 square metres also in accordance with policy HS.1. The remaining 11 proposed one bedroom flats on the upper floors are provided with private balconies or roof terraces covering 4.3 square metres and 5.8 square metres respectively and a ground floor communal amenity space of 340 square metres, if this communal space were divided it would provide an additional 30 square metres of space for each of the 11 one bedroom units with a standard in the Council's guidance of 20 square metres.
- 7.28 In conclusion it is considered that the proposed development provides a good standard of residential accommodation with an acceptable internal layout of dual aspect accommodation with good areas of external space.

#### **Traffic, transport, access and servicing**

- 7.29 The application site is located on the north side of the classified Eastfields Road [A217] to the east of the junction with Lansdell Road and at the location where Eastfields Road turns into Locks Lane. On the opposite side of Eastfields Road are the Eastfields Road allotments. The site is approximately 250 metres walking distance from Mitcham Eastfields Rail Station and 380 metres walking distance from Mitcham Town Centre [London Road]. The site has a PTAL rating of 3 (average access to public transport services). The site is located outside a controlled parking zone.

#### **Traffic, servicing and access**

- 7.30 Policy CS 19 of the adopted Core Strategy [2011] states that the Council will support and enhance the public transport network by ensuring that the proposals do not have an adverse effect on transport within the vicinity of the site. Policy CS 20 of the adopted Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developments to incorporate safe access to and from the public highway as well as on-site parking, refuse storage and collection, and for service and delivery vehicles and by seeking planning obligations to mitigate the impact of development proposals and provide improvements to the highway network/public realm.
- 7.31 With the existing 40 garages on the application site and the previous mixed use of the two storey building located on a classified road it is considered that traffic generated by the development can reasonably be accommodated on the local road network without any negative impacts. A planning obligation is recommended towards sustainable transport order to promote sustainable transport choices locally

7.32 Whilst it is acknowledged that the application site is located on a bend in Eastfields Road, it is considered that there is still adequate visibility in both directions for vehicles associated with the proposed development exiting and accessing the site from Eastfields Road. The vehicle access has been assessed and found to be acceptable in terms of highway safety and the flow of traffic along Eastfields Road.

#### Car parking

7.33 Policy 6.13 of the London Plan [July 2011] states that a maximum of two car parking spaces per residential unit should be provided. The standards for car parking are set at maximum levels rather than minimum levels with the aim of discouraging the use of the private car.

7.34 The development includes the loss of 40 existing garages and the applicant has provided information on the current use of these garages. This information confirms that the majority of the garages are currently used for general storage rather than for the parking of a motor vehicle. Whilst at least two of the garages are rented to local residents, the users of the garages also come from a wide area and include two businesses.

7.35 The proposed development providing 14 car parking spaces [including two for those with disabilities] for the proposed 21 residential units is in line with London Plan standards. After assessment of the nature of the area this car parking provision is considered acceptable and it is considered that the development would not have any significant impact on the public highway with this confirmed by the Council's Transport Planning Team

#### Cycling and walking

7.36 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.

7.37 Cycle parking standards that are set at minimum levels are provided within the London Plan and proposed development would need to adhere to these standards. The submitted plans show the provision of cycle storage in sheds in the rear garden of the maisonettes, with a room of the ground floor lobby providing cycle storage for flats 10, 11 and 12. A planning condition is recommended seeking details of suitable storage for the remaining third floor flats and to ensure that all the storage is provided for the benefit of future occupiers.



7.38 In order to provide improvements to the environment outside the site for pedestrians and cyclist and to promote sustainable travel patterns the submitted plans show improvements to the public right of way that is included within the application site boundary. These improvements include resurfacing and widening the footpath to a consistent width of three metres. A planning obligation is also sought from a developer through a Section 106 legal agreement to provide a financial contribution towards initiatives promoting sustainable transport in accordance with Merton's Planning Obligations SPD.

7.39 In conclusion with the location on a classified road and the nature of proposed development it is considered that traffic generated by the development can be reasonably accommodated on the local road network without any negative impacts. After consideration of issues relating to traffic, access, servicing, parking, cycling and walking the submitted proposal is considered acceptable with no objections to the development raised by the Council's Transport Planning team.

#### **Trees and Wildlife**

7.40 Policy CS 13 within the Adopted Core Strategy [July 2011] states that the Council will improve access to open space and expect development to maintain appropriate elements of open space including landscape features such as trees. The Council will protect and enhance biodiversity and where appropriate require development to integrate new or enhanced habitat design and landscaping that encourages biodiversity.

7.41 The application site includes a number of trees that are located adjacent to the existing garages and along the site boundary. The submitted Arboricultural Implications Report found these trees to be of poor quality. In exercising planning judgement it is considered that the quality of this revised development would outweigh the loss of these trees. It is recommended as part of a planning condition to request full details of replacement landscaping on the site.

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

#### **Sustainability**

8.1 Policy CS 15 of the adopted Core Strategy [2011] states that proposals will be required to demonstrate how resources have been used effectively. Proposals would also need to demonstrate how they make the fullest contribution to minimising carbon dioxide emissions. Residential development should achieve Code for Sustainable Homes level 4 certification. Proposals should meet the CO2 reduction targets in line with the London Plan. Policy 5.2 of the London Plan [2011] states that development proposals should make the fullest contribution to minimising carbon dioxide emissions.

- 8.2 As part of the application the applicant has submitted a 'Sustainability Report' that confirms that the development would meet Code for Sustainable Homes level 4 certification in line with policy CS 15 of the adopted Core Strategy [2011]. The Sustainability Report sets out that development will use building materials with enhanced thermal performance reducing the amount of energy used. The development will use gas condensing boilers that have low Nitrogen Oxide emissions. The development will use a photovoltaic panels to deliver a proportion of the electricity required by the new dwellings.

**Environmental Impact Assessment**

- 8.3 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

**9. LOCAL FINANCIAL CONSIDERATIONS**

**Mayor of London Community Infrastructure Lev**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The CIL charge that would be payable, for the proposed development, [providing additional floor space of 275 square metres], under the Mayor of London Community Infrastructure Levy would be £9,618.

**Planning Obligations**

- 9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

**Provision of affordable housing:**

- 9.5 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including

provision for those unable to compete financially in the housing market sector. Core Strategy policy CS 8 states that for developments providing over ten residential units affordable housing provision should be on site and provide 40% of proposed housing as affordable accommodation.

- 9.6 The applicant has stated that 43% of the proposed accommodation will be provided as affordable accommodation consisting of nine 3 bedroom maisonettes with five social rent or affordable rent properties and four intermediate units. A planning obligation is recommended seeking this on site provision of affordable housing.

Financial contribution towards education provision;

- 9.7 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development.

- 9.8 The requirement to provide sufficient school places is a key statutory requirement on Local Education Authorities. In terms of primary school provision the closest school to the application site is Gorrington Park Primary School [0.39 km], this school has recently been expanded with the 2011/ 2012 school year the first year of an additional reception year. As a result of this fully funded expansion it is not considered appropriate to seek a contribution towards primary education provision in this instance.

- 9.9 In relation to secondary school places, planning has commenced in order to meet the predicted demand in 2016/2017 across the whole borough that will arise from growth within the existing population. The Council in its Business Plan for 2013-17 has identified a requirement for projects to meet this need with new classrooms required from 2017/2018. There are no funding commitments from the Department for Education to help meet this need and therefore there is a funding gap. In addition to the need from the existing population the new family sized dwellings within the proposed new development will exacerbate the need for secondary school places within the schools that would serve this development site. There are no formal catchment areas for secondary schools as travel distance is greater.

- 9.10 In order to meet the need from the existing population and new developments the Council is planning projects for which there is a shortfall of funding. Given this situation a financial contribution towards the provision of secondary school places would normally be considered necessary as part of the proposed development and this accords with Regulation 122 of the Community Infrastructure Regulations 2010 and the NPPF.

9.11 In calculating the contribution towards secondary school places the Planning Obligations SPD 2006 sets out that the contribution towards education provision is not payable for affordable accommodation and not payable for non family accommodation. In this instance the proposed general market accommodation provides one bedroom units and as a result a financial contribution towards education provision is not applicable in this instance.

Financial contribution towards sustainable transport.

9.12 In line with the Council's Supplementary Planning Advice note on Planning Obligations a planning obligation is recommended seeking a financial contribution of £6,000 towards sustainable transport order to promote sustainable transport choices locally.

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

9.13 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £1050 calculated on the basis of 5% of the monetary contribution [£300] and £750 for the non monetary obligation. Legal fees would need to be agreed at a later date.

**10. CONCLUSION**

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

**RECOMMENDATION**

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

1. Financial contribution towards sustainable transport;
2. Provision of the nine three bedroom units as affordable housing;
3. The dedication of land within the ownership of the applicant to facilitate the widening of the Public Right of Way adjacent to the site to a minimum width of 3 metres.
4. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [to be agreed].
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£].

**And the following conditions:**

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3

- years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: Ecological Evaluation and Impact Assessment; Arboricultural Survey and Constraints Report; Arboricultural Implication Study; Design and Access Statement; Sustainability Report; Transport Statement; Planning Impact Statement; Community Infrastructure and Planning Obligations Report A011212 - PA-001; PA-002; PA-003; PA-004; PA-005; PA-006; PA-007; PA-008; PA-009; PA-010; PA-102; 3D -001 and W030109 - PL-101.. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
  3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
  4. Non standard condition [Demolition dust and noise] No development [including demolition] shall commence until a method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted to and approved in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
  5. Amended standard condition [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
  6. Amended standard condition [External materials to be approved] No development shall take place until details of the facing materials to be to

be used on the walls of the development hereby permitted, (notwithstanding any materials specified in the application form and/or the approved drawings), and the surfacing materials for the wider pavement at the front of the site 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 for condition: To ensure a satisfactory appearance of the development and to comply with policy BE.23 of the Adopted Merton Unitary Development Plan 2003.

7. Non standard condition [Public right of way] Prior to the occupation of the development the public right of way widened to a width of three metres will be constructed and ready for use in accordance with details that were submitted to and approved in writing by the Local Planning Authority. Reason for condition: In the interests of the safety of pedestrians and cyclists and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003 and policy CS18 of the Adopted Merton Core Planning Strategy 2011.
8. Amended standard condition [Obscured glazing and fixed windows) Before the development hereby permitted is first occupied, the windows in the elevations facing 21 Eastfields Road and towards 20 Ormerod Gardens running parallel with the public right of way shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter. Reason for condition: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan 2003.
9. Standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 has been submitted to and approved in writing by the Local Planning Authority. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
10. Standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning

Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

11. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
12. Non standard condition [Cycle storage] Prior to occupation of the development hereby permitted further details of the cycle storage facilities shown on the submitted plans and details of storage for the remaining third floor flats shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policies comply with policy CS18 of the Adopted Core Strategy [July 2011].
13. Standard condition [Parking Management Strategy] Development shall not commence until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
14. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted and notwithstanding the submitted information further details of the refuse and recycling facilities including the height of any enclosure and measures to reduce visual impact shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained

permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

15. Amended standard condition [Landscaping] Details of proposed landscaping [including species, size and girth of any trees ] shall be submitted to and approved in writing to the Local Planning Authority with all landscape works carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased or are dying shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied. Reason for condition To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
16. Standard condition [External lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
17. Non standard condition [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
18. Standard condition [Land contamination – construction phase] If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative



works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

19. Standard condition [Land contamination – validation] No residential unit hereby approved shall be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
20. Amended standard condition [Details of walls and fences] Prior to occupation of the development hereby permitted details of all boundary walls or fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The residential units shall not be occupied until the approved walls and fences or other means of enclosure have been erected in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.

**INFORMATIVES:**

- a) INF2 Lifetime Homes
- b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

- c) The development hereby approved is liable to the Community Infrastructure Levy (CIL). The chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £9,618. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). For more information regarding CIL visit [www.merton.gov.uk/CIL](http://www.merton.gov.uk/CIL) or email [cilevy@merton.gov.uk](mailto:cilevy@merton.gov.uk).
- d) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway.
- e) The applicant is advised that the demolition works 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 (telephone: 020 7831 6922).
- f) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.
- g) The applicant is advised that the highway works to the Public Right of Way will need to be undertaken by way of a Section 278 Agreement, or an alternative appropriate agreement. It is anticipated that the works will comprise of widening, resurfacing, the repositioning / upgrade of existing lamp columns and / or the introduction of new lamp columns, changes to street furniture and signage alterations.