

## PLANNING APPLICATIONS COMMITTEE

5 September 2013

Item No: 11

UPRN

APPLICATION NO.

DATE VALID

12/P3140

15/11/2012

**Address:**

**Land to the rear of the Nelson Arms Public House,  
15 Merton High Street [fronting Abbey Road],  
Colliers Wood, SW19 1DF**

**Ward**

Abbey

**Proposal**

Erection of a new three storey residential block fronting Abbey Road comprising 5 two bedroom flats and a one bedroom flat with a single storey building providing refuse and cycle storage.

**Drawing No's**

Site location plan and drawings 350/01 rev B, 350/02 rev B 350/03 rev B and 350/04A

**Contact Officer**

Leigh Harrington (020 8545 3836)

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

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**CHECKLIST INFORMATION.**

- S106: affordable housing [subject to viability]; education and permit free.
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted – No
  - Press notice – No
  - Site notice – Yes
  - Design Review Panel consulted –Yes [proposal amended following comments]
  - Number of neighbours consulted – 37
  - External consultations – English Heritage and UK Power networks.
  - PTAL: 4 [TFL Planning Information Database]
  - Density – 629 habitable rooms per hectare [17 hab. rooms 0.027 hectares].
  - Number of jobs created: N/A
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**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration due to the need for authority to enter into a s106 legal agreement.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site [0.027 hectares] is a rectangular plot of land that is located to the rear of the Nelson Arms Public House. The Nelson's Arms

Public House located on the corner of Merton High Street [A218] and Abbey Road has floor space at ground and first floor levels and within the building roof space.

- 2.2 The application site is gated along the Abbey Road frontage with a single storey building providing an electrical sub station to the side [south] of the site with access across the application site. Further to the south along Abbey Road is a development of three storey residential buildings managed by Merton Priory Homes with the closest block at 1-18 Hillsborough Close orientated towards the application site.
- 2.3 At the rear [west] of the application site is a single storey extension to the building at 17-19 Merton High Street that is occupied by a carpet retail business. The application site is currently leased to the owner of the carpet business and used for car parking [8 spaces] for staff and customers and for delivery access to these premises. The side [north] boundary of the application site is adjacent to open areas to the rear of buildings fronting Merton High Street that have commercial uses at ground floor and residential accommodation on the upper floors.
- 2.4 The site is not within a conservation area and has a Public Transport Accessibility Level of 4. The site is within a Controlled Parking Zone and an Archaeological Priority Area. The site is not within a flood risk zone.

### **3 CURRENT PROPOSAL**

- 3.1 The involves the erection of a three-storey building providing 6 flats [5 two bedroom flats and a one bedroom flat] on a plot of land at the rear of the Nelson's Arms public house. The building is set back from the front site boundary with a grassed area separating the building from the pavement in Abbey Road.
- 3.2 The one bedroom flat proposed at ground floor level has direct access with an entrance in the front elevation. An undercroft pathway to the side of the building provides access to a communal entrance in the side elevation. This entrance is shared between the two-bedroom unit at the rear of the building and the 4, two bedroom units on the upper floors of the building. The pathway to the side of the building also provides pedestrian access to the adjacent electrical sub station building and a self contained single storey building with a green roof providing refuse and cycle storage. The rear ground floor flat is provided with an amenity area to the rear of the building with the flats on the upper floors provided with balconies to the front and rear elevations.
- 3.2 The proposed building has been designed with a pitched tiled roof. The building will be 0.35 metres lower than the roof of the adjacent Nelson Arms Public House and 1.43 metres higher than the flats to the south in

Abbey Road. The exterior of the block will be finished in a mixture of materials including painted render, exposed brick and faience tiles in colours to match the colour scheme of the adjacent Nelson Arms Public House and an eternit slate roof covering.

**Table 1: Floor areas for the 6 flats, amenity space and tenure.**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	SPG standard [Sq. M]	Tenure
<b>Unit 1 Gd flr.</b>	61	61 [two bed three person]	41	30	General market
<b>Unit 2 Gd flr.</b>	50	50 [one bed two person]	23	20	General market
<b>Unit 3 1<sup>st</sup> flr.</b>	61	61 [two bed three person]	5	30	General market
<b>Unit 4 1<sup>st</sup> flr.</b>	61	61 [two bed three person]	5	30	General market
<b>Unit 5 2<sup>nd</sup> flr</b>	61	61 [two bed three person]	5	30	General market
<b>Unit 6 2<sup>nd</sup> flr</b>	61	61 [two bed three person]	5	30	General market

- 3.3 Following consultation responses and assessment of the original application, the scale and bulk of the proposed building has been amended with the height of the block reduced from 4 storeys to 3 storeys with an upper floor amenity area that overlooked the flats in Abbey Road removed. Other amendments related to a number of design revisions in terms the flat sizes, the colour scheme, internal layout and external appearance and configuration.

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

- 4.1 There is no planning history for this site.

#### **5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 37 neighbouring addresses. As a result of this consultation 4 letters were received objecting to the original proposal for a 'four' storey building on the following grounds:

- Bulk and size;
- Design and materials out of keeping with the area;
- Loss of privacy;
- Poor quality of accommodation provided and lack of amenity space
- Increased pressure on local parking provision

- Over development of the site
  - Unattractive building that should use a local colour scheme
  - Loss of light to houses opposite
  - Loss of access to the carpet shop will result in delivery vehicles parking on Merton High Street
  - Detrimental impact of the proposal on the carpet shop business
  - Proposal would prevent carpet shop owner building on land to the rear of those premises
- 5.2 Councillor Diane Neil Mills There is an objection to the development on the basis of bulk/size, design, materials, loss of privacy and poor quality of accommodation. The aim of the local authority should be to ‘...reinststate the area to its former glory’. The adjacent Nelson Arms Public House is an attractive period building and the aim should be to “...enhance the area not destroy it”. It is considered that “The proposed development is totally out of keeping with local design and will negatively impact both the site itself and the local area”.
- 5.3 LB Merton Transport Planning There is no objection to the development subject to following, a planning obligation preventing future residents from obtaining Controlled Parking Zone permits and planning condition relating to redundant crossovers and approval of the details of the design of the cycle storage.
- 5.4 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.
- 5.5 LB Merton Tree Officer The tree officer is supportive of the improvement in the appearance of the site but requests conditions relating to details of a landscaping scheme to be approved and for it to be implemented.
- 5.6 LB Merton Environmental Health officers had no objections to the proposal but requested planning conditions to protect the amenity of future occupants.
- 5.7 LB Merton Legal Services The Council’s Legal Services officer has confirmed that the covenant referred to by an objector is not relevant for the purposes of the planning application and any allegation of a breach of the covenant would be a separate issue that would need to be addressed by the applicant.
- 5.8 English Heritage English Heritage consider that heritage assets of archaeological value may survive on site and therefore requested conditions be imposed requiring a Written Scheme of Investigation be submitted and approved prior to the commencement of any works on site.

- 5.9 Metropolitan Police Crime Prevention Design Advisor After assessment of the original application concerns are expressed regarding the potential to climb up to the lower balconies and the design of the undercroft and roof terrace.
- 5.10 Design Review Panel The Council's Design Review Panel considered the application at the meeting on the 22 January 2013, with the minutes of this meeting recording the following comments:
- 5.11 *Overall the Panel were very enthusiastic and positive about this proposal, and applauded the architect for his architectural approach and willingness to use colour. There was a clear sense of ambition to build something good, which was applauded. It was felt however, that a bit more thought was needed on some of the detail to ensure that a higher degree of refinement and longevity would be achieved, before it could be fully endorsed by the Panel.*
- 5.12 *The concept of the articulated box form was welcomed, but it was felt that the lower front left element could be brought further forward beyond the building line to reinforce the concept of articulated boxes when viewed along the street. This would add a little more internal space that could aid internal planning.*
- 5.13 *Whilst the colour was welcomed, there needed to be a clear rationale for the choice of colour. Given that there was no architectural reference to the nearby pub, it was suggested the colour of the pub's glazed brickwork could be a reference. Given the façade was mostly render with minimalist detailing, it was important the quality was seen through to construction. Planning conditions on the details and type of render would be important in this respect. The few critical points related to the ground floor.*
- 5.14 *It was felt the front wall was too high and gave the building a fortress feel. A lower wall or railings would be suitable for a front garden where a rear one also was provided. The security of the undercroft was questioned. It was felt that the carpet shop did not need a retained access and the space would be better given over to rear gardens.*
- 5.15 *Whilst the sub station needed access, it was suggested this could be by key access, so the undercroft could be gated at the front of the building. It was felt the communal areas of storage, bins and cycle storage could be more efficiently arranged.*
- 5.16 *It was suggested the cycle parking be brought to the front, and made more efficient and flexible by having a single space (than can accommodate a range of items such as prams, buggies, scooters etc.) rather than*

*cubicles. If these issues were addressed then the Panel felt that it would be more supportive of the proposal. VERDICT: **AMBER***

## **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]; BE22 [Design of new development]; BE25 [Sustainable development]; 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.12 [Energy generation and energy saving]; RN3 [Vehicular access].

### Merton Supplementary Planning Guidance

- 6.3 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]

- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; 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]

- 6.5 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’.

- 6.6 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.
- 6.7 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 the loss of the existing car park, the impact on access and parking, the design, scale and layout of the development, the standard of the proposed residential accommodation; and the impact on residential amenity.

### **Principle of proposed development**

- 7.2 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 500 to 600 homes in the Colliers Wood and South Wimbledon area where the site is located.
- 7.3 The housing delivery trajectory set out in the latest Council’s Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan. The proposed development will provides six 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 The Core Strategy states that the Council will encourage housing in ‘sustainable brownfield locations’. The Core Strategy states that that it is

- expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'. The current application site is a 'windfall site' and is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to local facilities.
- 7.5 London Plan policies 3.3 and 3.5 also encourage the development of additional dwellings locations with good public transport accessibility and this proposal site has good levels of public transport accessibility. The area around the application site currently includes existing residential accommodation including the land directly adjacent to the south of the application site and above the commercial units on Merton High Street.
- 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.
- Residential density**
- 7.7 The density of the development on this site should have regard to the characteristics of the area as well as the density range provided in the current London Plan [200 to 700 habitable rooms per hectare]. The density of the submitted proposal has been calculated as 629 habitable rooms per hectare [17 habitable rooms 0.027 hectares].
- 7.8 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.
- Layout, design and scale.**
- 7.9 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.
- 7.10 The area surrounding the application site is characterised by a combination of commercial ground floor uses with residential accommodation above on Merton High Street and a mixture of houses and three storey flats along Abbey Road. The size, bulk and massing of the residential block is designed to fit between the public house and the



- adjacent flats and will replace what is currently a gap in the street scene providing a car parking area.
- 7.11 The revised proposal, with the reduction from four to three storeys, would step down from the height of the Nelson's Arms and the adjacent flats in Abbey Road. It is considered that this amendment and reduction in scale provides a building in keeping with adjacent development and is of a scale and massing that is suitable for this location.
- 7.12 The Council's Design Review Panel considered the proposal in January 2013. The minutes of this meeting record that "Overall the Panel were very enthusiastic and positive about this proposal, and applauded the architect for his architectural approach and willingness to use colour".
- 7.13 In giving an 'Amber' rather than a 'Green' verdict it was considered by the panel "that a bit more thought was needed on some of the detail to ensure that a higher degree of refinement and longevity would be achieved, before it could be fully endorsed by the Panel".
- 7.14 The Panel considered that "The concept of the articulated box form was welcomed, but it was felt that the lower front left element could be brought further forward beyond the building line to reinforce the concept of articulated boxes when viewed along the street. This would add a little more internal space that could aid internal planning". In response to these comments from the Panel the ground floor of the proposed building has been brought forward of the main front building line. This amendment has provided additional floorspace for the living area for the front ground floor unit with the roof of this bay used as external amenity space for a flat at first floor level.
- 7.15 The Abbey Road elevation of the adjoining public house building is constructed with faience tiles at ground floor level with a coloured render at first floor level; the rear elevation of the building facing towards the application site is a facing brick. The Panel considered that "Whilst the colour was welcomed, there needed to be a clear rationale for the choice of colour. Given that there was no architectural reference to the nearby pub, it was suggested the colour of the pub's glazed brickwork could be a reference".
- 7.16 In response to the comments from the panel, the choice of facing materials have been reconsidered by the applicant. The front elevation of the amended building uses facing brickwork, a coloured render and faience tiles to match the adjacent public house building. A planning condition is recommended to seek samples of the facing materials to be used. Subject to this condition, officers consider that the proposal will improve the appearance of the street scene and therefore it is considered

that this element of the proposal also accords with relevant planning policies.

7.17 The Panel considered that "...the front wall was too high and gave the building a fortress feel. A lower wall or railings would be suitable for a front garden where a rear one also was provided. The security of the undercroft was questioned". In response to the comments from the Panel the proposed front boundary of the development has been amended to railings.

7.18 Saved UDP policy BE 22 requires that proposals are safe and secure and take account of crime prevention. Following the comments from the Design Review Panel and concerns expressed by the Crime Prevention Design Advisor the design of the proposal has been revised. The entrances to the development are now provided off Abbey Road. In terms of improving security around the front entrance the undercroft has been provided with its own lighting source and to improve natural surveillance a window added in the side of the front protrusion overlooking the doorway. The design of the balconies has been amended to prevent it being possible to climb up from ground level. A planning condition is recommended to seek further details of all boundary treatments and for the potential for the existing open access in the front boundary to be gated to improve the security of the undercroft area.

7.19 The Panel suggested "...that the cycle parking be brought to the front, and made more efficient and flexible by having a single space (than can accommodate a range of items such as prams, buggies, scooters etc.) rather than cubicles". In response to the comments of the Panel the applicant has reconsidered the design of the cycle parking. The revised proposal includes a shared space that will provide refuse and cycle storage.

7.20 In conclusion it is considered that whilst the Council's Design Review Panel had general support for the development, the subsequent amendments to the development have satisfactorily addressed the concerns that were also expressed by the Panel. 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**

7.21 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.

- 7.22 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

- 7.23 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.
- 7.24 The proposed residential accommodation is orientated with the main windows to the front and rear elevations of the building. The rear elevation of the proposed building is set back from the rear boundary by a distance of 3.8 metres. The land adjacent to the rear of the site provides a wide single storey rear extension and rear yard to the retail carpet business fronting Merton High Street. There are no windows proposed in the elevation facing towards the rear of the Nelson Arms Public House and the windows in the front elevation overlook the public road.
- 7.25 The adjacent residential building at 1-18 Hillsborough Close is located 9 metres from the side elevation of the proposed new building. This side elevation of the new building has secondary windows to living accommodation on all floors of the building. On the upper floors of the building these openings are marked as high-level windows on the submitted plans. A planning condition is recommended to ensure that these windows are fitted with obscure glazing and fixed shut.
- 7.26 The proposal includes balconies to the upper flats to the front and rear elevations; the balconies that were originally on the side building elevation have been removed. The balcony on the front elevation will be separated from the blank side elevation of the property opposite at 1 Croft Road by a distance of 16 metres.
- 7.27 In conclusion, and in this context it is not considered that the proposal will lead to a loss of privacy or overlooking to nearby residential occupiers and that the proposal is in accordance with saved UDP policies BE.15 and HS.1.

Visual intrusion, loss of sunlight and daylight

- 7.28 In order to protect daylight and sunlight to existing properties the Council's Supplementary Planning Guidance on Residential Development sets out recommended separation distances between new buildings and the site boundary.
- 7.29 There are residential windows facing towards the application site located on the upper floor levels on the rear elevation of the Nelson Arms Public House and on the elevation of 1-18 Hillsborough Close. A distance of 9 metres separates the proposed building from the existing building at 1-18 Hillsborough Close. A distance of 12 metres separates the proposed new building from the main rear elevation of the Nelson Arms Public House.
- 7.30 In conclusion, as a result of these separation distances, and the height and design of the proposed building it is considered that the development will not give rise to a loss of sunlight, loss of daylight, or visual intrusion. The proposal is considered in accordance with the objectives of UDP policies BE.15 and HS.1 and Supplementary Planning Guidance on Residential Development.

**Standard of the proposed new accommodation.**

- 7.31 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

- 7.32 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 London Plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999].
- 7.33 As shown in the table provided earlier in this report the proposal would provide five 2 bedroom flats and a 1 bedroom flat that all meet or exceed the minimum gross internal area requirements of the London Plan 2011. The internal layout of the proposed dual aspect accommodation is considered acceptable providing good levels of daylight and sunlight and making efficient use of the space available

### Amenity space

- 7.34 The relevant amenity space standards are set out in UDP policy HS.1 and these standards seek a minimum of 10 square metres of garden space per habitable room for all new flats or maisonettes and ideally this should be provided as private external space.
- 7.35 The rear ground floor unit is provided with a rear amenity area of 41 square metres that is above the requirement for 30 square metres. Whilst it is highlighted that it is next to the public street the front ground floor unit is provided with 23 square metres of amenity space [standard of 20 square metres]. The remaining units are provided with balconies of 5 square metres [standard of 30 square metres].
- 7.36 Whilst it is acknowledged that amenity space provision is below the standard provided by policy HS.1 it is considered as a matter of planning judgement that the benefits of the proposed development outweigh the failure to comply with the normal external amenity space standards.
- 7.37 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 that are considered acceptable in the context of this development.

### **Traffic and transport, car parking**

#### Traffic and transport

- 7.38 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.
- 7.39 The proposed development will provide 6 residential units [a one bedroom flat and 5 two bedroom flats]; it is considered that any traffic generated by the development can be safely and adequately accommodated on the existing highway network.

#### Car parking

- 7.40 Core Strategy Policy CS 20 requires developers to demonstrate that their proposals will not adversely affect the safety and convenience of local residents nor increase pressure on on-street parking capacity. 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.
- 7.41 The development does not provide any off street car parking and involves the loss of the existing parking and delivery access to the adjacent retail

carpet use. The application site has a PTAL rating of 4 (good access to public transport services) and is located within a controlled parking zone. In the context of the good access to public transport, a planning obligation is recommended that will prevent future occupiers of the proposed accommodation from obtaining parking permits.

Cycling and walking and servicing

- 7.42 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 and encouraging design that provides, attractive, safe, and covered cycle storage. 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.
- 7.43 The submitted plans show the provision of storage for six cycles in a self-contained building with this storage generally in accordance with the London Plan. A planning condition is recommended seeking further details of this storage [including construction materials and access arrangements] and to ensure that the storage is maintained.
- 7.44 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 and refuse storage and collection. The submitted plans show the provision of refuse storage in a self-contained building. A planning condition is recommended seeking further details of this storage [including construction materials and access arrangements] and to ensure that the storage is maintained.
- 7.45 It is considered that the loss of the delivery access from Abbey Road to the rear of the adjacent carpet retail business and the loss of the 8 off street car parking spaces used by the adjacent carpet retail business will not have any significant impact on the road network and there are no grounds on which to refuse planning permission. Similar to nearby commercial uses this building has alternative access from the front elevation
- 7.46 In conclusion 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.

### **Archaeology**

- 7.47 The site is located within an Archaeological Priority Zone as designated by the Council's Unitary Development Plan. English Heritage has stated that heritage assets of archaeological value may survive on site. As a result archaeological conditions are recommended to ensure that the redevelopment of the site does not have a negative impact on any archaeological assets that may be buried on the application 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. Policies 5.1, 5.2 and 5.3 of the London Plan 2011 require that developments promote sustainable forms of design and construction and help London achieve a 60% overall reduction in carbon dioxide emissions and promote the more efficient use of energy.
- 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]. Planning conditions are recommended that seek the submission of Code for Sustainable Homes – Pre-Commencement (New build residential) and Pre Occupation documentary proof that the development achieves a minimum of Code Level 4.

### **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 434 square metres], under the Mayor of London Community Infrastructure Levy would be £15,190.

### **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 under ten residential units affordable housing provision should be equivalent to 20% of the new units with this provision achieved through an off site financial contribution, in seeking this off site financial contribution the Council will have regard to the economics of provision including financial viability issues.

- 9.6 The applicant has supplied a financial viability report based on the GLA Affordable Housing Development Control Toolkit. The financial viability report assessment found higher than average build costs because of a number of factors including the need for expensive foundation piling scheme due to the nature of the subsoil and the use of an in-situ reinforced concrete frame and floors. The financial viability report concludes that the scheme could not provide the affordable housing payments and still remain viable.

- 9.7 The applicant has confirmed that a more accurate estimate on the viability of the development will be available after the results of a competitive tender process for the construction work are known. As a result of further discussions with the applicant it is recommended to include a planning obligation that seeks a further development appraisal in relation to the viability of providing a contribution towards affordable housing at the end of a competitive tender process for the construction work.

### **Financial contribution towards education provision:**

- 9.8 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.

- 9.9 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 All Saints 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.
- 9.10 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.
- 9.11 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 is considered necessary as part of the proposed development and this accords with Regulation 122 of the Community Infrastructure Regulations 2010 and the NPPF. A financial contribution of £4,285 is sought towards secondary education.

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

- 9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £1714 calculated on the basis of 5% of the monetary contribution for the two non monetary obligations. Legal fees would also need to be agreed at a later date.

**10. CONCLUSION**

- 10.1 The National Planning Policy Framework 2012 has a presumption in favour of sustainable development whilst both the London Plan 2011 and the LBM Core Strategy 2011 seek increases in housing provision.
- 10.2 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.**

#### **S106 head of terms for the planning obligations**

1. Subject to a further financial appraisal after the competitive construction tender process a financial contribution towards affordable housing may be applicable;
2. Financial contribution towards secondary education provision (£4,285);
3. Planning obligation removing the ability of future occupiers to obtain CPZ on street parking permits;
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: Site location plan, drawings 350/01rev B, 350/02 rev B 350/03 rev B and 350/04A. 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. 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.

5. Amended standard condition [External materials to be approved] No development shall take place until details of the facing materials to be used on the walls of the development hereby permitted, (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 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.
6. 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.
7. 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.

8. Amended standard condition [Obscured glazing and fixed windows] Before the development hereby permitted is first occupied, the windows in the side elevation of the building at first and second floor levels facing towards 1-18 Hillsborough Close 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 [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].
10. Non standard condition [Cycle storage] Prior to occupation of the development hereby permitted and notwithstanding the submitted information on drawing 350/02 rev B further details of the cycle storage facilities 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].
11. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted and notwithstanding the submitted information on drawing 350/02 rev B, full details of the refuse and recycling facilities 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.
12. Amended standard condition [Landscaping] Details of proposed landscaping [including species, size and girth of any trees] together with any hard surfacing and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. 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 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.
13. 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.
  14. 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.
  15. Amended standard condition [Redundant Crossovers]The development shall not be occupied until the existing redundant crossover has been removed in Abbey Road by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
  16. Amended standard condition [Archaeology] No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority. No development shall take place other than in accordance with the Written Scheme of Investigation and nor should they commence until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the

approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of the results and archived deposition has been secured. Reason for condition: In order to provide the opportunity to record the history of the site and to comply with policy BE.13 of the Adopted Merton Unitary Development Plan 2003.

**INFORMATIVES:**

- a) The applicant is advised that details of Lifetime Homes Standards can be found at the following website: [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk).
- b) The applicant is advised that 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 applicant is advised that 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 £15,190. 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 to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with neighbouring buildings, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:  
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>