

**PLANNING APPLICATIONS COMMITTEE  
18 JULY 2017**

**APPLICATION NO.**            **DATE VALID**  
16/P2971                      21.07.2016

**Address/Site**                260 Church Road, Mitcham, CR4 3BW

**Ward**                         Lavender Fields

**Proposal:**                    DEMOLITION OF EXISTING BUILDING AND THE  
ERECTION OF A PART 3 STOREY, PART 4 STOREY  
(WITH SETBACK) RESIDENTIAL BLOCK  
COMPRISING 14 X RESIDENTIAL UNITS,  
PROVISION OF 8 ON-STREET CAR PARKING  
SPACES (SUBJECT TO TRAFFIC MANAGEMENT  
ORDER) AND 20 CYCLE PARKING SPACES

**Drawing No's:**            D1000 REV 00; D1100 REV 00; D1700 REV00; D4100  
REV21; D4101 REV12; D4103 REV 12; D4104 REV03;  
D4500 REV 03; D4700 REV 14; D4701 REV 29; D4702  
REV 00; CGI 03; CGI 04; Existing & Additional Revised  
Car Parking – Figure 3.1 REVD;

**Documents:**                Design & Access Statement; Affordable Housing  
Viability Assessment; Community Involvement  
Statement; Marketing Report; Letter dated 24<sup>th</sup> March  
2016; Letter dated 26<sup>th</sup> May 2016; Local Community  
Infrastructure Report; Pre-Demolition Ground  
Investigation Report; Daylight/Sunlight and  
Overshadowing Report; Planning Statement; Transport  
Statement;

**Contact Officer:**        John Vale (020 8545 3296)

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**RECOMMENDATION**

GRANT PERMISSION SUBJECT TO THE COMPLETION OF A SECTION  
106 AGREEMENT AND CONDITIONS.

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**CHECKLIST INFORMATION.**

- S106 Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted – No
- Number of neighbours consulted – 101

- Press notice – Yes
  - Site notice – Yes
  - External consultations: Metropolitan Police, Thames Water
  - Number of jobs created – n/a
  - Public Transport Accessibility Level (PTAL): Level 2 TFL Information Database (On a scale of 1a, 1b, and 2-5, 6a, 6b where zone 6b has the greatest accessibility)
  - Flood Risk Zone 1
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## **1. INTRODUCTION**

- 1.1 The application is being brought back before PAC following the deferral of the application at PAC in April 2017 and the request that the application is deferred pending comments from the Design and Review Panel. Members are also advised that the application was originally brought before PAC due to the level of objection to the proposal and for authority to enter into a section 106 agreement.
- 1.2 Following the decision of members of the PAC, the applicant requested that the application was withdrawn from the agenda for the Design and Review Panel. The applicant has subsequently submitted amended plans and elevations that have been the subject of re-consultation. The Council's Urban Design officer has considered the revised plans and elevations and is broadly supportive of the changes.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located at 260 Church Road, which is on the north east corner of the junction of Church Road and Hawthorne Avenue. The site has approximately a 32m frontage along Church Road and an 18m frontage along Hawthorne Avenue.
- 2.2 The site is regular in shape and has an area of approximately 575sq.m. The site is currently occupied by a single storey light industrial factory building (Use Class B1(c)), that contains 8 x industrial units and ancillary offices; one of the units is in active use. The factory building is characterised by a series of pitched roofs with a central flat section of roof linking them. The existing building occupies the majority of the site, with a small gap retained on its northern boundary adjoining 272 Church Road. A 1.2m gap exists between the eastern site boundary and the western boundary of properties on Hawthorne Avenue. The building has existing vehicle access from a vehicle crossover on Hawthorne Avenue. An existing loading bay and 8.9m long parking bay are situated to the front of the site on Church Road.
- 2.3 The area is largely characterised by residential development with a parade of ground floor shops immediately to the south of the site with residential above. To the north of the site is a pair of semi-detached residential dwellings. To the east of the site are terraces of two storey buildings with pitched roofs. To the west of the site, on the opposite

side of Church Road, are modern three storey blocks of flats with steep sided pitched roofs.

- 2.4 The closest bus stop to the site is Mount Road/Church Road (approximately 140m to the north) which offers a single regular service (route no. 200). Additional bus stops are located approximately 1.1km to the north and 1.3km to the south of the site. In terms of railway accessibility, the nearest Tramlink service is Phipps Bridge Tramlink approximately 850m to the west. Colliers Wood underground station is approximately 1.1km to the north and national rail station Mitcham Eastfields station is approximately 1.9km to the southeast of the site. Given this the site has a public transport accessibility level (PTAL) of 2 which is defined as a poor level of access to local public transport infrastructure.
- 2.5 The site is not located within a Conservation Area. The site lies in Flood Zone 1 as defined by the Environment Agency. The site is located within the Wandle Valley Regional Park 400m buffer.

### **3. PROPOSAL**

- 3.1 Planning permission is sought for the redevelopment of the site to include the demolition of 260 Church Road and the erection of 14 residential units in one block. The following table provides the breakdown of units:

<b>Type</b>	<b>No. of bedrooms per unit</b>	
	<b>1-bed</b>	<b>2-bed</b>
Private flats	5	6
Affordable rent		
Intermediate		3
<b>TOTAL</b>	<b>5</b>	<b>9</b>

- 3.2 The single block on Church Road/Hawthorne Avenue would read as part three/part four stories in height (maximum height of approximately 13.1m to the lift overrun). The block would be set back from its northern boundary by 1.4m and eastern boundary by a maximum of 5 m.
- 3.3 Private amenity space for each unit would be provided in the form of balconies and private terraces. The private amenity spaces to the ground floor will be surrounded by an approximately 2.2m high boundary wall. At first and second floor levels, it is proposed that windows on the rear elevation would be obscured glazed, this would be secured by condition. The first, second and third floor units would be accessed via the central core with an open walkway providing access to individual units. In response to the position of the walkway, part of the rear elevation would consist of cast glass privacy screens. The

detailing of the privacy screens on the rear elevation would be secured by condition. The third floor units would have access to private terraces. It is proposed that the terrace serving unit 3.1 (top floor flat nearest to the northern boundary) will incorporate a privacy screen on its north and east facing sides.

- 3.4 The scheme would involve the demolition of the existing building and its replacement with a building with street frontage onto Church Road and Hawthorne Avenue. The main entrance into the residential units would be provided from Hawthorne Avenue. A secure, dedicated residential refuse and recycling storage area would be provided with key fob access direct from Hawthorne Avenue, the detailing of which would be secured by condition.
- 3.5 The front elevation would consist of metal railings screening views into the flats from Church Road. At ground floor level, the metal railings would be divided by metal gates. The metal gates would provide a secondary form of access into the ground floor flats.
- 3.6 The block would be of a modern design. The proposed material palette would be a mixture of red and dark brick interspersed with aluminium framed windows and private amenity spaces framed by metal cladding. The roof would be flat and finished in metal cladding and would incorporate solar panels into the roof.
- 3.7 The proposals have no on-site parking. However, the scheme proposes 9 (7 new) on street parking bays on Church Road and Hawthorne Avenue. The parking bays would be delivered by altering the existing parking arrangements around the site, to be for the use of all, delivered as follows:
  - Four spaces outside the development on Church Road achieved by removing the existing loading bay and altering the curb;
  - Four spaces on the southern side of Hawthorne Road achieved by removing the waiting restriction (this would be subject of public consultation); and,
  - An existing parking bay on Church Road at the junction with Hawthorne Road extended to provide an additional parking bay.
- 3.8 As detailed in the supporting Transport Statement, twenty six cycle spaces would be provided at ground floor level within the site. Four visitor cycle spaces would be required at ground floor level on Church Road, the details of which would be secured by condition.
- 3.9 The applicant has submitted a statement of community involvement to accompany the application which, following a mail shot to 223 neighbouring addresses, elicited concerns regarding views, height and parking.

The submitted Local Community Infrastructure Report (July 2016) is considered to have demonstrated that the existing community facilities and services surrounding the site are capable of sustaining the current population and potential future demand (including from the application site).

The applicant has provided evidence of marketing of the site for over twelve months and shows no interest in the site for continued employment or community uses.

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

4.1.1 MER117/71: USE FOR PANEL BEATING, SPAYING, AND LIGHT ENGINEERING – Planning Permission Refused.

4.1.2 MIT312/71: EXTENSION TO FACTORY – Planning Permission Refused.

4.1.3 MER1132/71: SECTION 43 DETERMINATION FOR USE FOR LIGHT INDUSTRIAL PURPOSES WITHIN CLASS III OF T AND C – Planning Permission not required.

4.1.4 MER65/72: ALTERATIONS TO ELEVATIONS TO EXISTING FACTORY PREMISES – Planning Permission Granted.

4.2 The above are various historic decisions relating to the current light industrial use of the site.

#### **4.3 PREAPPLICATION**

4.3.1 15/P3945 – PREAPPLICATION ADVICE FOR THE DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF 12 X RESIDENTIAL UNITS COMPRISING OF 5 X 1 BEDROOM FLATS, 6 X 2 BEDROOM FLATS AND 1 X 3 BEDROOM FLAT. ADVICE PROVIDED MAY 2016.

#### **5. CONSULTATIONS**

5.1. The planning application was publicised by means of site and press notices, together with individual letters to 101 nearby addresses. One consultation and a reconsultation was undertaken following receipt of amended plans. In all 43 responses were received and a petition signed by 157 signatories. The letters and petition received raised the following issues:

- Concern that proposal would have a detrimental impact on number and quality of employment opportunities in the area;
- The proposal would be overdevelopment/over intensification
- Amended scheme did not mention affordable housing.
- Concern that the scheme does not include 3 bedroom units.

- Height, mass, scale, density of the proposed development is excessive and out of character with the nature of surrounding development and street patterns.
- The overall appearance and orientation is out of character.
- Lack of amenity space in the amended scheme designs.
- Proposal will lead to loss of daylight and sunlight and overshadow neighbouring properties.
- Proposal will result in an unacceptable loss of privacy and overlooking, and will create an unacceptable sense of enclosure to neighbouring residential property and existing private amenity spaces.
- Concern regarding impact of construction works on surrounding properties from noise, dust, vibration, traffic management, visual unsightliness and to pedestrians who use nearby pedestrian crossing.
- Errors in the submitted Daylight and Sunlight Report
- Concern about lack of car parking spaces as part of the proposal and that proposal will exacerbate lack of on street and off street car parking in the area.
- Proposal will result in an overall increase traffic and parking demands. The car parking survey is inadequate and concerns raised that there is no ability to limit car ownership of new residents.
- Proposed new parking spaces will affect visibility of crossing pedestrians.
- No contamination report submitted with the planning application.
- Lack of adequate consultation by the developer.

The application has been the subject of a further 14-day consultation on the amended plans and drawings submitted by the applicant. In all 11 responses have been received that raise the following issues:

- Concerns in relation to the consideration of the position of the main entrance on Hawthorne Avenue.
- The proposed development is a tall building and should be subject to an assessment on the basis of the Council's tall building policies
- The impact on Hawthorne Avenue and the wider terraces not properly considered.
- The original officer's report fails to address daylight and sunlight loss and there are errors.
- No mention of independent assessment report of applicant's daylight and sunlight report.
- The site was not properly advertised for renting.

#### External consultees.

- 5.2. Metropolitan Police (Designing out crime unit): Advised that the following matters should be considered: Installation of lockable gate to

the front elevation; installation of dividing fences between front gardens; passive surveillance through positioning of active rooms on the front elevation; communal entrance video access controlled; cycle storage details; position of refuse door re-orientated; all lighting should be to British Standards. All of the matters raised have been addressed by the applicant.

5.3 Environment Agency: The site is in Flood Risk Zone 1 and no requirement to consult the Environment Agency.

5.4 Thames Water: No objection. Advised conditions required relating to piling.

#### Internal Consultees

5.5 Transport/Highways officers: The highway proposals (for on street parking bays) will mitigate the future impact of over spill parking generated by the development. Subject to the provision of 9 on street parking bays, the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users. Refuse storage is appropriately located (both for residents and Council). Advised the parking provisions represent an increase in parking opportunities. Cycle parking provision in line with London Plan minimum levels.

5.6 Flood Risk Engineer: No objection. Advised that the site is at low risk of flooding, however surrounding roads are at medium risk of surface water flooding. The application was submitted with a drainage strategy that identifies sustainable drainage system (SuDS) measures. The final drainage scheme, identifying SuDS measures, should be secured by planning condition.

5.7 Environmental Health Officer: No objection. Advised conditions to mitigate the impact of noise, light spill/pollution, odours, impacts during construction and highlighted the need for contamination investigations and remediation strategies.

5.8 Urban Design Officer: The following comments were made on the original design: , the officer comments in bold ?? respond to amended drawings submitted by the applicant:

- i) The main amenity space for ground floor units at the front elevation would be improved if it was moved to the rear. Associated raised planter requires further consideration.
- ii) Design and appearance of the southern and northern elevations requires further consideration.

consider that whilst there could be improvements to the appearance of the southern elevation, the overall design is supported.

- iii) The building has a top-heavy appearance. The ground floor front elevation appears squat and the second floor too tall. The key is the weak definition between the changes in brick colour from ground to first floors.
- iv) The rear of the building is suitable for a form of deck access in order to create dual aspect units, however needs to be balanced with this site's particular overlooking issues.

Following receipt of further plans and elevations the following comments have been made:

- The north elevation is improved and the changes strengthen the vertical feel and give better coherence to the elevation
- A number of architectural changes have been made and collectively these effectively change the visual emphasis from horizontal to vertical
- There are minor improvements that could be made to the front elevation at ground floor level, including the provision of a lower boundary wall and improving the spacings between the railings

5.9 Waste Management (refuse): No objection.

5.10 Climate Change Officer: No objection. Advised the proposed development should achieve a 35.7% improvement on CO2 emissions on Part L 2013 requirements which meets relevant policy requirements. Recommended a condition requiring evidence that the proposed improvements, along with relevant water consumption standards, are achieved prior to occupation. The scheme was validated prior to 1<sup>st</sup> October and therefore Zero Carbon target (introduced by the London Plan on major application received after that date) is not applicable.

## **6. POLICY CONTEXT**

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

The following principles are of particular relevance to the current proposals:

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and



thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities;
- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Others sections of NPPF of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design.
10. Meeting the challenge of climate change/flooding

6.2 London Plan (2016) relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction

- 5.7 Renewable energy
  - 5.9 Overheating and cooling.
  - 5.10 Urban greening
  - 5.11 Green roofs.
  - 5.13 Sustainable drainage
  - 5.15 Water use and supplies.
  - 5.17 Waste capacity
  - 6.3 Assessing the effects of development on transport capacity
  - 6.9 Cycling
  - 6.11 Smoothing traffic flow and easing congestion
  - 6.12 Road network capacity
  - 6.13 Parking
  - 7.1 Lifetime neighbourhoods
  - 7.2 An Inclusive environment
  - 7.3 Designing out crime
  - 7.4 Local character
  - 7.5 Public realm
  - 7.6 Architecture
  - 7.7 Location and design of tall and large buildings
  - 7.14 Improving air quality
  - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
  - 8.2 Planning obligations
  - 8.3 CIL
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy) relevant policies include:
- CS 8 Housing choice
  - CS 9 Housing provision
  - CS 12 Economic development
  - CS 13 Open space, leisure and nature conservation
  - CS 14 Design
  - CS 15 Climate change
  - CS 18 Transport
  - CS 19 Public transport
  - CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan – 2014 (SPP) relevant policies include:
- DM H2 Housing mix
  - DM H3 Support for affordable housing
  - DM D1 Urban Design
  - DM D2 Design considerations
  - DM E1 Employment areas in Merton
  - DM E3 Protection of scattered employment sites
  - DM E4 Local employment opportunities
  - DM O1 Open space
  - DM O2 Trees, hedges and landscape features
  - DM EP2 Reducing and mitigating noise
  - DM T1 Support for sustainable travel and active travel
  - DM T2 Transport impacts of development

DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure

- 6.5 Supplementary guidance.  
DCLG Technical Housing Standards - 2015  
London Housing SPG – 2016  
Merton Design SPG – 2004  
New Residential Development - 1999

## **7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations include assessing the following:

- Loss of existing scattered employment site
- Principle of redevelopment for residential land use
- Affordable housing
- Standard of accommodation
- Design, including layout, scale and massing and impact on locality and neighbouring amenity
- Housing Mix
- Access
- Transport
- Sustainable design and construction and energy
- Technical issues including flooding, air quality, and contamination.
- Planning obligations

### Demolition of existing building and loss of existing scattered employment site

7.2 SPP policy DM E3 is concerned with the protection of scattered employment sites. The policy defines those employment uses to be those with Use Class B1 (a), (b) & (c) B2 & B8 as well as appropriate sui generis uses. The light industrial use of the site, being B1 (c) would therefore fall within this policy.

7.3 Sites and Policies Plan policy DM E3 Protection of scattered employment sites seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough.

7.4 Applications proposing a loss of a scattered employment site will have to show that full and proper marketing has been undertaken to demonstrate that employment uses are no longer viable on the site. Applicants will have to demonstrate that:

- the site has been marketed for 30 months unless otherwise agreed with the council;
- Site is in a predominantly residential area;
- Size, configuration and access make it unsuitable and financially unviable for whole site employment use;

- the site has been marketed using new (on the internet) and traditional marketing tools available; and
  - the site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).
- 7.5 The site applicant has provided the following information to demonstrate that they have been marketing the site on their website, via open days and an advertising board since April 2016 for a commercial use (ongoing):
- Marketing Report – Goodsir Commercial
  - Market Analysis - Goodsir Commercial
  - Marketing Report – Hubert Rex & Partners
- 7.6 The supporting information also documents that the site was marketed prior to 2008. Since April 2016, despite limited interest (75 enquiries) there have been no offers for the site for a commercial use.
- 7.7 In addition, the applicant has assessed existing supply and demand for community uses to ascertain whether an alternative use of the site for a community use is a realistic prospect. The submitted Local Community Infrastructure Report (July 2016) is considered to have demonstrated that the existing community facilities and services surrounding the site are capable of sustaining the current population and potential future demand (including from the application site).
- 7.8 Further representations have been received regarding the marketing of the site. Officers have considered these representations and still consider that on the basis of the information submitted the applicant has complied with policy DM E3. Furthermore, the existing building has no statutory or local protection and is considered to be of little architectural merit or worthy of retention. The principle of the loss of this scattered employment site is therefore consistent with the Council's planning policies.

#### Principle of redevelopment for housing

- 7.9 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

- 7.10 The site has a PTAL rating of 2 which is considered to be poor; however, the site is a 6 minute bus trip or a 13 minute walk from Colliers Wood Underground Station, thus the rating may not be representative of the true accessibility level at this location. The site is an underutilised brownfield site which is considered to be suitable for redevelopment. It is further noted that the site is surrounded by residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.

#### Residential density

- 7.11 The area has a public transport accessibility level (PTAL) of 2 which is considered to be a poor level of accessibility. It is considered that the site is located within an urban area.

- 7.12 The resultant density is calculated to be as follows:

Units per hectare:

$1/0.06 \text{ ha (site area)} \times 14 \text{ (number of units)} = 241 \text{ units per hectare.}$

Habitable rooms per hectare:

$1/0.06 \text{ ha (site area)} \times 38 \text{ (assumed No. of habitable rooms)} = 633 \text{ habitable rooms per hectare.}$

- 7.13 Table 3.2 of the London Plan 2016 advises that sites with a PTAL rating of 2 within a suburban setting should provide for a density range of between 50-95 units/ha and 150-250 habitable rooms/ha.

- 7.14 The figures above illustrate that the proposed development would provide for a density that far exceeds the recommended density range provided in the London Plan, for both units and habitable rooms. However, in terms of PTAL, the closest bus stop to the site is Mount Road/Church Road (approximately 140m to the north) which offers a single regular service. Additional bus stops are located approximately 1.1km to the north and 1.3km to the south of the site. In terms of railway accessibility, the nearest Tramlink service is Phipps Bridge Tramlink approximately 850m to the west. Colliers Wood underground station is approximately 1.1km to the north and national rail station Mitcham Eastfields station is approximately 1.9km to the southeast of the site. Thus the rating may not be representative of the true accessibility of this location.

- 7.15 In addition, while density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.

Design and impact upon the character and appearance of the area

- 7.16 The NPPF, London Plan policies 7.4, 7.6 and 7.7, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. Policy 7.7 of the London Plan relates to the location of a tall or large buildings. Tall and large buildings are defined as those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor.

Massing and height.

- 7.17 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed toward the western side of the site (Church Road), away from residential properties on Hawthorne Avenue, with similar heights to the buildings directly opposite the site, taking advantage of the wide streetscape, corner position, no established building line and the meeting point of two distinct street frontages. The applicant was advised at the pre-application stage that the distinct site characteristics provide a degree of flexibility in the footprint and orientation of the building; however they were also advised to include setbacks from the northeast and southeast corners (setback from the rear elevation), to ensure sense of enclosure as viewed from the rear of No. 2 Hawthorne Avenue is reduced and to reduce the apparent bulk when travelling westward along Hawthorne Avenue.
- 7.18 The approach to the massing of the building results in a building that has a maximum height in alignment with the height of buildings immediately opposite the site (No. 261 Church Road – Noble Court) (existing height of 12.7m vs proposed 12.3m or 13.1m if lift overrun is included) that are three storeys with steeply pitched roofs. Specific concerns have been raised that the proposal has not been assessed in accordance with the development plan policies relating to tall and large buildings. Officers consider that whilst these policies are relevant to the assessment of a tall and large building, defined as one that is substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor, they are not considered to be relevant to the assessment of this proposal. As is defined above, the finished height (excluding lift overrun) would be lower than the existing height of buildings immediately opposite the site. Officers do not consider that the proposal building is substantially taller than its surroundings.

- 7.19 The fourth floor of the proposal has been specifically designed to lessen the visual impact of the bulk by setting it back from the front and both sides, using a different type of material and colour to appear subordinate, break up the bulk and more readily blend in with the sky. Given the separation distance between the buildings on Church Road and the reduced bulk of the recessed fourth floor, it is considered that the development constitutes an appropriate addition to the street scene and reflects the height of No. 261 Church Road (Noble Court) immediately to the west. Indeed, the proposal is approximately 0.6m lower in height (excluding lift overrun). It is noted that the lift overrun is located centrally within the site, set well back from the street elevations, and would not be visible from the street level.
- 7.20 The building would provide a suitable transition in height from four storeys (with setback) to the neighbouring two storey residential development on Hawthorne Avenue and Church Road by reinforcing the separation between buildings. The proposed building would have a maximum separation distance of approximately 6.3m from the eastern boundary with Nos. 2a and 2b Hawthorne Avenue and terrace beyond, a distance of 4.8m to the side elevation of No. 262 Church Road and 12.8m to the side elevation of properties on the corner of Church Road and Hawthorne Avenue. Concerns have been raised with respect to the impact of the development on those properties on Hawthorne Avenue and the wider surrounding 'grid iron' terrace. The 'grid iron' terraces to which the representations refer are situated to the south of Hawthorne Avenue whilst the application site itself is considered to present different characteristics and positioned in a different character area. The massing of the building has been designed to ensure that it is concentrated towards Church Road, with which it shares a long boundary, and away from properties on Hawthorne Avenue. Officers consider that in conjunction with the separation distance the height is considered to be acceptable and the building is positioned sufficiently far away from the 'grid iron' terrace to the south of Hawthorne Avenue that it would have no significant impact.
- 7.21 Given the under-utilised nature of the site, the presence of 3 storey buildings with steep sided pitched roofs directly opposite the site on Church Road, the width of Church Road, recessed fourth floor, and separation from residential properties to the east of the site, it is considered that the maximum height of the building would be acceptable in townscape terms..

#### Layout

- 7.22 The footprint is considered to make effective use of the site, utilising the ground floor level whilst retaining appropriate separation distances to adjoining boundaries. The proposal takes a perimeter block approach and provides generous active frontage to Church Road and Hawthorne Avenue. Whilst there is no consistent building line, the footprint is an opportunity to introduce a new building footprint that introduces direct overlooking onto Church Road from recessed

balconies and overlooking from secondary windows and active frontage from the communal entrance on Hawthorne Avenue.

- 7.23 The main entrance into all of the residential units is provided from the communal entrance on Hawthorne Avenue, near the junction with Church Road. The placement ensures the entrance is positioned away from traffic of Church Road, while still being highly visible.
- 7.24 The ground floor units have secondary access direct from Church Road via gates. The ground floor units would incorporate a suitable setback providing defensible space, which creates an important delineation between public realm and private property; this would be further enforced by the presence of a metal gate and railing. The entrance doors into units 1.1, 1.2, 2.1, 2.2, 3.1 and 3.2 on the first, second and third floors respectively, are accessed from a 1.7m wide corridor on the eastern side of the building, open on one side. To ensure that there is no direct overlooking into neighbouring gardens from the corridor, the open side would be screened by glass privacy screens, the details of which would be secured by condition.
- 7.25 It is considered that the proposed layout is well thought out and based on sound urban design principles, the layout provides an inclusive design and promotes natural surveillance; when compared the current extensive length of inactive frontage along Church Road and Hawthorne Avenue it is considered the approach will enhance the character and vitality of the area.

#### Design and appearance

- 7.26 As has been outlined, the applicant has made further amendments to the scheme. The changes are considered to have effectively changed the visual emphasis of the building from horizontal to vertical and addressed concerns that the building had too strong a horizontal emphasis.
- 7.27 Concerns were previously raised by officers in respect of the appearance of the western, northern and southern elevations. The applicant has made further minor changes to the western and northern elevations and officers consider that the further changes are an improvement and can be supported. In terms of the southern elevation, the applicant has made further minor changes to the appearance by increasing the area of blue tiling, removing the semi-open brick grille to the amenity space serving the ground floor unit and integrating building signage, officers welcome these changes. Officers consider that this is an important corner and have encouraged the appearance to be amended. Given the diverse appearance of buildings in the locality it is considered that on balance delaying determination any further or refusing the scheme on this basis alone would be unreasonable.
- 7.28 The design approach to the external appearance of the development,



which includes the use of a pallet of materials influenced in part by the character of the wider area is supported, although as has been identified, the appearance of the ground floor front and side (southern) elevations could be improved. The use of textured and coloured bricks, textured metal, glass privacy screens, recesses and horizontal separation between floors, and false windows have improved the appearance of individual facades. However, the success would be very much dependant on the exact materials used; therefore, a condition is recommended requiring samples of materials to be submitted for approval prior to the commencement of the development.

- 7.29 It is considered that whilst the development would introduce a modern design, the replacement of a dilapidated industrial building is supported, and would successfully harmonise with, and enhance the character of the surrounding area.

#### Unit size, mix and affordable housing

- 7.30 The development proposed 14 residential units with the following size mix: 5 x 1 bed 2 person, 1 x 2 bed 3 person and 8 x 2 bed 4 person which equates to 36% 1 bed and 64% 2 beds. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range to dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.31 2011 Census data for the Merton area identifies the following unit size mix 7.1% 1 bed, 14.4% 2 bed and 78% 3 bed. There is a very high proportion of larger dwellings in Merton, thus the proposal would contribute to balancing the housing choice in Merton as a whole.
- 7.32 Policies 3.5 and 3.8 of the London Plan 2015 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016). Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

Unit Number	GIA Floorspace (sqm)	Policy Standard	Amenity Space (sqm)	Policy Standard	Compliant
G.1 (WA)	79	70	40	7	Yes
G.2 (WA)	91	70	16	7	Yes
G.3	74	61	32	6	Yes
1.1	75	70	8	7	Yes
1.2	51	50	5	5	Yes
1.3	51	50	5	5	Yes
1.4	75	70	8	7	Yes
2.1	75	70	8	7	Yes
2.2	51	50	5	5	Yes
2.3	51	50	5	5	Yes
2.4	75	70	8	7	Yes
3.1	72	70	34	7	Yes
3.2	51	50	12	5	Yes
3.3	72	70	34	7	Yes

- 7.33 As demonstrated by the table above, all units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants.
- 7.34 Dual aspect units are encouraged given the higher standard of living they offer, which includes better ventilation, increased daylight, increased sunlight hours and the ability to choose which side of the unit to open windows (when noise, odour or other nuisance is being generated on a particular side). Ten of the 14 units would offer dual aspect units. This is a very high proportion of dual aspect units for a scheme of this size. Of the remaining four units, two units (G.2 and 3.2) would offer private amenity space in excess of the minimum standards.
- 7.35 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which all meet or exceed the relevant standards. The scheme does not provide communal amenity space. Following negotiation with the applicant, it was considered that the location was more appropriate for 1 and 2 bedroom flats, as opposed to family sized accommodation. As such, it was not felt necessary to provide on-site amenity space. Rather, officers have secured the provision of generous private amenity space for the ground floor, shared ownership units.
- 7.36 It is noted that a lift serves all floors providing step free access and that 10% of units meet M4(3) of the building regulations in accordance with

London Plan policy 3.8. The two wheelchair accessible units will be provided at ground floor level (units G.1 and G.2).

- 7.37 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.
- 7.38 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels and affordable housing targets adopted in line with policy.
- 7.39 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.40 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site. The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.41 The developer has provided a financial viability appraisal (FVA) with the application which finds that the scheme as proposed would be unable to deliver both the target (40%) affordable housing contribution and a reasonable profit margin. An independent assessment of the FVA was undertaken which agreed that the scheme could not support an onsite affordable housing provision of 40% while achieving a suitable profit margin, albeit it found that the scheme could provide 3 x on-site shared ownership units (21% affordable housing) if the developer accepted a small loss. The developer has confirmed that they will accept a small loss and officers welcome the offer of the provision of 3 x on-site shared ownership units. Following further discussion with the applicant, officers have accepted that in the event a registered housing provider has not purchased the affordable units within six months of at least 75% of the market units being occupied, a cash in lieu payment shall be provided.

Impact upon neighbouring amenity

- 7.42 London Plan policies 7.14 and 7.15 along with SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in

terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.

Light spill

- 7.43 Light spill from the proposal is not expected to be significant given the scheme is residential. However, there are external amenity spaces at ground floor which would likely require lighting, this space is adjacent to the rear gardens of the dwellings to the east and could impact upon their rear windows. As such, it is recommended to include a condition which would require details of external lighting to be submitted to, and approved prior to occupation.

Visual intrusion and loss of light

- 7.44 Given the building would be a maximum of four storeys in height (with setback) and would be replacing single storey structures, visual intrusion and loss of light are of particular concern. To mitigate these affects, the proposal has been designed to shift the massing toward Church Road, away from the dwellings to the east and north.
- 7.45 The developer has provided a detailed daylight/sunlight and overshadowing report in support of the proposal which has been undertaken in accordance with BRE guidelines; the methodology used is the vertical sky component (VSC) and no sky line (NSL) for daylight and annual probable sunlight hours (APSH) for sunlight. In addition a sun on the ground analysis has been undertaken in accordance with BRE guidelines. Habitable rooms from all immediately surrounding dwellings have been assessed, including Nos. 2 and 2A Hawthorne Avenue, No.262 Church Road, and Noble Court (No. 261 Church Road), the blocks of flats located opposite the site.
- 7.46 The daylight and sunlight assessment finds the following:
- In relation to the daylight assessment, the effect on VSC is within the 80% guidance value in 99% of cases (159 out of 160 windows assessed), thus the impact will be minimal. In terms of the No Skyline form of daylight assessment 100% of the rooms assessed meet the BRE guidelines recommendations.
  - In relation to sunlight 100% (99 out of 99) of the individual windows relevant for sunlight assessment meet the BRE guidelines recommendations.
  - The impact on the amenity space of surrounding properties will be negligible.
- 7.47 As identified above, following a VSC daylight analysis only one window, a ground floor, south facing window of No.262 Church Road demonstrates a technical breach of the BRE guidelines. However, the analysis presented considers that the window is a secondary window in a room that retains very good daylight potential. The sunlight analysis for this property also shows compliance with the guidelines recommendations.

- 7.49 In conclusion, the daylight and sunlight assessment is considered to be robust and reasonable; as such, it is not considered the proposal would unduly impact upon neighbouring amenity in terms of loss of light.
- 7.50 In addition to the above, particular attention should be paid to No.2a Hawthorne Avenue and 262 Church Road in terms of overshadowing as these are the dwellings closest to the development.

No. 2a Hawthorne Avenue

- 7.51 In accordance with BRE guidelines, at least 50% of any amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. In respect of No. 2a Hawthorne Avenue, the analysis shows that 50% of the garden will receive at least two hours of sunlight, and would meet the BRE guidelines.
- 7.52 The existing garden of Nos. 2a and 2b Hawthorne Avenue has a separation distance of 1.2m from the existing one storey building. Where the rear garden runs parallel with the proposal building, an increase in the separation distance to 6.3m is proposed. This separation distance is maintained along the shared boundary for approximately 14m. At fourth floor (setback) level, the building has been setback on the north eastern and south eastern corners and this has reduced the height to 9.7 m. Officers consider that these mitigation measures, set against a proposed building height of 12.3m (including set back) along the shared boundary, would ensure the proposal is not unduly visually intrusive.

No. 262 Church Road

- 7.53 In accordance with BRE guidelines, at least 50% of any amenity area should receive at least two hours of sunlight on 21<sup>st</sup> March. In respect of No. 262 Church Road the analysis shows that 6.23% of the garden will receive at least two hours of sunlight, and would meet the BRE guidelines.
- 7.54 As the building approaches No. 262 Church Road from the south it steps down in height from four to three storeys and the whole building would set back from the shared boundary by approximately 1.5m. A 2.2m high boundary fence would be positioned along the shared boundary. The stepped massing of the building and setback from the shared boundary is such that officers consider the proposals would not appear unduly intrusive.

Privacy

- 7.55 The Merton SPG New Residential Development (1999) states that the design and layout of residential development should ensure that adequate privacy is provided for the residents of the new development and for the residents or occupiers of existing properties adjoining the site. In order to achieve satisfactory privacy between the windows of habitable rooms and all kitchens, it is normal to rely on distance

separation. The minimum distance required for this purpose is 20 metres for two-storey dwellings. Where either or both dwellings facing each other are three or more storeys, the distance separation should be greater.

- 7.56 The front (western) elevation is directed towards the eastern elevation of Noble Court (261 Church Road). There is a separation distance of approximately 21 m between the windows and this meets Merton's separation distance standards.
- 7.57 The side elevation (northern) is directed towards part of the side elevation of 262 Church Road, there would be no direct overlooking into the rear garden. There are no windows in the ground floor units on the northern elevation. At second and third floor levels, the proposed windows serve bedrooms and provide a secondary window to living room. At setback roof level, overlooking from the proposed outdoor amenity space would be addressed by the introduction of a privacy screen, the details of which have not been supplied. As such, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.
- 7.58 The rear elevation (eastern) is directed towards the rear gardens of properties on Hawthorne Avenue. The applicant has considered the potential for overlooking from this elevation and has set back the northeast corner of the building at third floor level. At setback roof level, overlooking from the proposed outdoor amenity space would be addressed by the introduction of a privacy screen, the details of which have not been supplied. It is considered that the proposed methods could suitably address any overlooking concerns. As such, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.
- 7.59 Open walkways have been proposed to facilitate dual aspect units in the middle of the building on the eastern elevation. This part of the building has been set back from the shared boundary with Nos. 2a and 2b Hawthorne Avenue by a maximum of 6.3m. The applicant has proposed the use of cast glass privacy screens at all levels to ensure that overlooking is addressed. Furthermore, the two windows serving the halls of flats 1.1 and 2.1 will be obscure glazed. It is considered that the proposed methods could suitably address any overlooking concerns. To ensure compliance, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.
- 7.60 It is not considered the proposal would unduly impact upon the privacy of neighbouring properties.

Noise

- 7.61 There is the potential for noise from construction and it is recommended to include a suitable condition. It is considered that the impact of noise from the residential use is expected to be comparable to the surrounding development and as such can be suitably addressed by way of conditions.

Construction phase

- 7.62 The development has the potential to adversely impact neighbouring residents during the construction phase in terms of noise, dust and other pollutants. As such, it is recommended to include conditions which would require a detailed method statement to be submitted to, and approved by, Merton Council prior to the commencement of the development.

Transport, highway network, parking and sustainable travel

- 7.63 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management; in addition, there is a requirement to submit a Transport Assessment and associated Travel Plan for major developments. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.

Vehicle parking provisions

- 7.64 No off street parking is proposed in connection with the development. However, the applicant proposes that by altering the existing parking arrangements around the site a maximum of 9 on street parking bays can be provided which will be for the use of all.
- 7.65 Four of the nine on street parking bays can be achieved by removing the existing loading bay and altering the curb outside the development on Church Road. The works to alter the existing curb will be the subject of a condition and an agreement under the Highways Act.
- 7.66 It is considered that by altering the waiting restrictions on the southern side of Hawthorne Road a further 4 on street parking bays could be provided. Finally, an additional on street parking bay could be provided by extending the existing parking bay to the south of the site on the western side of Church Road at its junction with Hawthorne Avenue. The altering of the waiting restrictions would be the subject of public consultation. The costs of the public consultation and altering of waiting restrictions will be paid for by the applicant via a condition and an agreement under the Highways Act.
- 7.67 Officers acknowledge that while there is some capacity locally to accommodate extra parking pressure any parking pressure generated

by the proposals is likely to be displaced into neighbouring roads thereby impacting on existing residents. Officers therefore consider that it would be prudent given the major nature of the scheme to secure measures to increase on street capacity in the immediate vicinity of the site so as not to increase pressure that might impact more noticeably on existing parking in side roads.

- 7.68 In terms of further initiatives to improve parking stress in the area, typically free car club membership would be requested for a development of this nature to reduce the likelihood of car ownership by future residents. However the nearest car club bay is approximately 1100m away and it is considered unreasonable to request a contribution from the developer on this basis.

#### Delivery, servicing and the highway network

- 7.69 The Transport Assessment suggests that in terms of service and refuse generation, there would be 1 vehicle movements associated with the residential component these would be predominantly light goods vehicles. It is considered that the highway network can comfortably accommodate these vehicles. Where possible, deliveries for the residential component would take place via the kerbside around the site. Refuse stores are considered to be suitably located to allow collection.

- 7.70 Given the above, it is considered the development would be acceptable in terms of its impact upon the highway network.

#### Sustainable Travel

- 7.71 In accordance with London Plan policy 6.9 and table 6.3, 26 long term cycle storage spaces have been proposed for the residential component, as confirmed in the submitted Transport Statement. Four short term visitor cycle spaces are also required to ensure compliance with London Plan minimum standards. The provision of visitor cycle spaces (although not identified on plan), in addition to details of short term cycle spaces shall be secured by condition.

#### Refuse storage

- 7.72 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the CS.

- 7.73 The location of the refuse storage is considered to be appropriate and easily accessible by residents and Council (for collection). The developer has confirmed that the storage area proposed for refuse can accommodate the storage capacity requirements of Merton Council. As such, it is considered the a condition could reasonably be added requiring details of refuse storage to be submitted to, and approved by, Merton Council prior to occupation.



### Sustainability

- 7.74 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, whereas non-residential development remains at a 35% improvement on Part L of the Building Regulations 2013.
- 7.75 The developer has submitted an Energy and Sustainability Statement (revised and dated December 2016) in support of the application which states the development could achieve a 35.7% improvement on Part L 2013, incorporating SUDS and solar panels, which is compliant with policies 5.2 of the London Plan and CS15; the statement is considered to be robust and reasonable.
- 7.76 It is recommended to include a condition which would require evidence to be submitted to, and agreed by, Merton Council which confirms that water consumption standards will not exceed 105 litres per person per day. Subject to compliance with the above condition, it is considered the proposal would be policy compliant in terms of sustainability.

### Other matters

#### Flooding and sustainable urban drainage

- 7.77 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.78 The site is not considered to be at risk of flooding; however Hawthorne Avenue and part of Church Road is at medium risk of surface water flooding. The scheme proposes to limit runoff rates to no more than 4.02 l/s, which is acceptable.
- 7.79 It is recommended to include a condition which requires details of drainage, attenuation and management to be submitted to, and approved by Merton Council prior to the commencement of development.

#### Site contamination

- 7.80 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.81 In light of the former commercial uses on the application site, there is a potential for the site to suffer from ground contamination. Planning

conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

#### Landscaping/Open Space

- 7.82 NPPF section 11, London Plan policies 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity, where appropriate within the Wandle Valley Regional Park, to incorporate physical connections that will encourage pedestrian and cycle accessibility, and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.83 The application proposal includes the provision of private balconies /terraces at all levels and defensible space on the ground floor that would include space for planting. Furthermore, the application includes the provision of 26 cycle parking spaces and 4 visitor cycle spaces on Church Road (not shown on plan). It is considered that this will encourage the use of bicycles thereby improving cycle accessibility.
- 7.84 The works to extend the existing parking bay and repositioning /extension of the kerb in front of the site on Church Road will be in close proximity to the existing tree at the southern end of the site on the pedestrian footway. It is recommended that street tree protection measures are covered under the condition requiring changes to existing parking bays under the Highways Act.

#### Developer contributions

- 7.85 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).
- 7.86 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.
- 7.87 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.
- 7.88 In this instance the delivery of affordable housing would be secured via a S106 agreement.

- 7.89 The developer has agreed to meet the Council's reasonable costs of preparing and monitoring the Section 106 Obligations. S106 monitoring fees would be calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance (2006) and legal fees would need to be agreed at a later date.
- 7.90 Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by Merton's Community Infrastructure Levy.
8. CONCLUSION
- 8.1 The proposals have been developed reflecting both engagement by the applicant with local residents and from discussions between the applicant and Council officers. The application presents opportunities in the form of the delivery of much needed housing and affordable housing on a site where evidence would suggest little interest in continued use for employment generating purposes.
- 8.2 Overall it is considered that the scheme responds positively to the surrounding context in terms of massing, heights and layout, although officers consider that the design of the southern and western elevations could be improved upon. This does not amount to a reason for refusal on its own however and it is considered that the proposal makes a positive contribution to the streetscene.
- 8.3 The financial viability appraisal determined that the development would generate a marginal deficit but that a developer would still proceed with the development on this basis. The developer has offered approximately 21% of units as affordable housing units, which would be delivered on the basis of the developer conceding a reduced profit margin; this offer is welcomed by officers as is the delivery of 14 residential units.
- 8.4 The proposal has been sensitively designed to ensure it would not unduly impact upon neighbouring amenity. It is acknowledged that the scheme has not been presented to the DRP as requested by PAC, however it must also be acknowledged that the applicant has made significant design changes in an effort to improve the scheme's visual appearance. The proposal would offer good living standards for prospective occupants. The proposal would not unduly impact upon the highway network and it would promote and facilitate sustainable travel. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

- 8.5 The application is therefore recommended for approval subject to appropriate conditions and s106 agreement.

#### RECOMMENDATION

Grant planning permission subject to s106 agreement and the following conditions.

#### S106 legal agreement:

1. The provision of 3 (2 x 2 bed and 1 x 1 bed) 'shared ownership' affordable housing units on-site OR a cash in lieu payment of £312,000 to provide affordable housing elsewhere in the borough. The applicant shall provide the council with the cash in lieu payment in the event a registered housing provider has not purchased the affordable units within six months of at least 75% of the market units being occupied, during that period the units identified as affordable units shall not be let, sold or otherwise occupied unless to a registered housing provider;
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

#### And the following conditions:

##### Time Limits

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 and Section 51 of the Town and Country Planning Compulsory Purchase Act 2004.

##### Approved Plans

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. Reason: For the avoidance of doubt and in the interests of proper planning

##### Design

- 3 Standard condition [materials to be approved]: No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted,

including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4 No development above ground shall take place until drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details.
- i) metal, glass and wood work including private amenity spaces, balustrades to balconies showing glass to flats;
  - ii) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths);
  - iii) copings and soffits and junctions of external materials;
  - iv) rain water goods (including locations, fixings, material and colour)

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 5 Non-standard condition [Security measures]: Prior to first occupation of any part of the development details of the positioning and operational management of any associated on site security system shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational and shall thereafter be retained and maintained.

Reason: To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015.

#### Highways

- 6 Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

- 7 Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the 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 take place that is not in full accordance with the approved method statement.

Reason: 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 and policy DM D2 of Merton's Sites and Policies Plan.

- 8 Standard condition [Construction logistic plan]: Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 9 No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to safeguard the existing retained trees to comply with the following Development Plan policies for Merton: policies 6.13 and 7.21 of the London Plan 2015, policies CS18 and CS13 of Merton's Core Planning Strategy 2011 and policies DM T1 and DM O2 of Merton's Sites and Policies Plan 2014.

- 10 No flat shall be occupied until the applicant has entered into an agreement under the relevant provisions of the Highways Act in order to provide for changes to loading and unloading restrictions and parking restrictions on Church Road and Hawthorne Avenue and to provide 4 x visitor cycle parking spaces on Church Road, including any traffic management orders and any associated highways works to reinstate and/or remodel kerbs, along with street tree protection measures. No flat shall be occupied until the changes as may be provided for under such an agreement are implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to ensure that the implementation of the development does not give rise to additional parking pressure and a harmful impact on the operation of the surrounding highway and to ensure the safety of pedestrians, cyclists, vehicles and others using the highway and to comply with policy CS.20 of the Merton LDF Core Planning Strategy (2011) and policy DM.T2 of the Merton Sites and Policies Plan (2104).

### **Amenity**

- 11 Non-standard condition [Details of external lighting]: Prior to first occupation of the development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 12 Amended standard condition [Screening]: Before the development hereby permitted is first occupied, details of screening of the balconies, windows, terraces and walkways shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 13 Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the windows and balconies on the north and east facing elevations to be obscure glazed

as shown on the approved plans shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 14 Prior to the commencement of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

### **Refuse and Recycling**

- 15 Amended standard condition [Details of refuse]: Prior to first occupation of the development a scheme for the storage of refuse and recycling shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

### **Surface Water/Drainage/Contamination**

- 16 No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the



National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site to no more than 4.02l/s and 19m<sup>3</sup> of attenuation. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

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

- 17 Non-standard condition [Contamination investigations]: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 18 Non-standard condition [Contamination construction phase]: If, during development, contamination not previously identified is found to be

present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 19 Non-standard condition [Contamination verification]: Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 20 Non-standard condition [Piling] Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

## INFORMATIVES

- 1 No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 2 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.
- 3 The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 6 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can

gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).

- 7 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 10 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

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

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