Agenda Item 11

Item No:

PLANNING APPLICATIONS COMMITTEE 7 November 2013

UPRN **APPLICATION NO.** DATE VALID (A) 13/P1480 03/06/2013 03/06/2013 (B) 13/P1479 03/06/2013 03/06/2013 Address: 18 Commonside West, Mitcham, Surrey, CR4 4HA Ward: **Figges Marsh Proposal:** (A) Conservation area consent for the demolition of the existing bungalow and ancillary garage. (B) Planning permission for the demolition of the existing bungalow and ancillary garage and erection of a new two-storey building providing four self contained flats comprising 2 three-bedroom flats and 2 two-bedroom flats with four off street parking spaces and a new vehicular crossover on to Commonside West. Drawing No's: Site location plan and drawings E291-10 Rev E, E291-12 Rev D, E291-13 Rev E, E291-21 Rev E, E291-22 Rev E, E291-25 Rev E **Contact Officer:** Leigh Harrington [020 8545 3836]

RECOMMENDATION (A) GRANT CONSERVATION AREA CONSENT subject

to planning conditions.

<u>RECOMMENDATION</u> (B) GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106: Education.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes
- Archaeological Priority Zone: Yes
- Area at risk of flooding: No
- Controlled Parking Zone: No
- Conservation Area: Yes
- Trees: No Tree Preservation Orders.
- Number of neighbours consulted: 6
- External consultations English Heritage
- PTAL: 4 [TFL Planning Information Database]
- Density 171 habitable rooms per hectare [site area of 0.07 hectares 12 habitable rooms].
- Number of jobs created: N/A

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. <u>SITE AND SURROUNDINGS</u>

- 2.1 The application site [0.07 hectares] is located on the west side of Commonside West in area known as Three Kings Piece. A detached twobedroom bungalow and detached ancillary garage are currently located on the application site. The site is within the Mitcham Cricket Green Conservation Area and the existing building has been identified as making a positive contribution to the appearance of the conservation area.
- 2.2 A two storey detached property is located to the south of the application site with a short terrace of two storey houses located to the north. The rear of the site backs onto the rear gardens of houses in Langdale Avenue. Mitcham Common is located opposite the site on the east side of Commonside West.
- 2.3 The site has a high Public Transport Accessibility Level of 4 with a bus stop located outside the site. The site is not within a Controlled Parking Zone and not in an area at risk from flooding. The site is located within an Archaeological Priority Area and Mitcham Common on the opposite side of Commonside West is designated as Metropolitan Open Land.

3 CURRENT PROPOSAL

- 3.1 The current proposal involves the demolition of the existing bungalow and ancillary garage and the construction of a new a new two-storey building. The proposed building has an irregular footprint but has a maximum width of 15.5metres and the maximum depth of 14 metres. The maximum roof height is 6.9metres. The new building provides four self-contained flats comprising 2 three-bedroom flats and 2 two-bedroom flats.
- 3.2 The contemporary building design includes a covered front entrance with an entrance lobby providing access to two, three bedroom flats on the ground floor. The ground floor flats have direct access to garden space through sliding doors at the rear of the building.
- 3.3 A stairwell from the lobby leads up to the first floor of the building that provides two, two bedroom flats. The two first floor units each have a private amenity areas in the form of balconies to the front of the building with these balconies provided with 1.8 metre high privacy screens.
- 3.4 The building would incorporate two offset flat roofs with photovoltaic panels and the design includes overhanging floors and would be finished in a mixture of materials including white render, two different styles of

timber cladding, exposed red brickwork, grey aluminum panels and grey framed UPVC fenestration including opaque glass panels.

- 3.5 The proposed development includes four off street parking spaces with two designed to allow use by people who have disabilities. The parking spaces located to the front of the site and screened from the ground floor units by box hedging have access on to Commonside West with a new vehicular crossover.
- 3.6 The development includes secure pedestrians access to the rear of the site through a gateway either side of the new detached building. Cycle storage for the ground floor units is provided in the rear gardens. The cycle storage for the upstairs accommodation is provided under the stairs and alongside the southern site boundary. The submitted plans also show waste and recycling storage next to the cycle storage.

Unit	Floor	Bedrooms	Bed spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity space [Sq. M]	UDP standard [Sq. M]
1	ground	3	4	74	74	110	40
2	ground	3	4	80	74	136	40
3	first	2	3	63	61	8.5	30
4	first	2	4	72	70	10	30

Table 1: Bedrooms, bed spaces, floor areas and amenity space.

3.7 The above table sets out the location of the flats within the proposed building, the number of bedrooms provided within the proposed four flats, the gross internal areas, and the standards set out in the London Plan. The table also set out the external amenity space that is provided and the relevant standard of 10 square metres per habitable room that is set out in Unitary Development Plan policy HS1.

4. PLANNING HISTORY.

Application site at 28 - 32 Tramway Path.

- 4.1 In December 1973 an application [LB Merton reference MER61/73] for 8 three storey, 4 bedroom houses was withdrawn.
- 4.2 In October 2012 conservation area consent was refused [LB Merton reference 12/P2069] under delegated authority for the demolition of the existing bungalow and garage. Conservation area consent was refused for the following reasons:

"The demolition of the existing bungalow would result in the loss of a property that makes a positive contribution to the character of the Mitcham Cricket Green Conservation Area and the applicant has failed to demonstrate, in the absence of an approved scheme to redevelop the site, that there are planning benefits that outweigh the harm that would arise from the loss of this property. The proposed demolition would therefore be premature and would detract from and fail to preserve the character of the Mitcham Cricket Green Conservation Area and would be contrary to policy 7.8 of the London Plan (2011), policy CS.14 of the Merton LDF Core Planning Strategy and policy BE.2 of the Merton Unitary Development Plan (2003)".

- 4.3 In October 2012, planning permission was refused [LB Merton reference 12/P2066] for the demolition of the existing bungalow and the erection of 3 four-bedroom dwelling houses with associated parking. Planning permission was refused for the following reasons:
 - 1) The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).
 - 2) The proposals by reason of design, materials, bulk and siting, and the removal of trees from the site would: i) Be unduly dominant and result in the loss of garden space and space around the existing building where this contributes to the more open character of this part of the street scene and the Conservation Area to the detriment of visual amenity; ii) Result in the loss of trees of amenity value and detract from the green setting of the site which contributes to the character of the area and the backdrop to the adjoining Metropolitan Open Land and fail to encourage biodiversity; iii) Fail to achieve a high standard of design that would complement the character of the area; iv) Result in cramped and unsatisfactory accommodation for future occupiers by reason of a ground floor living room and first floor bedrooms that would fail to meet minimum floorspace standards, and the absence of storage space.
 - 3) The proposals would be contrary to policies BE 1, BE.15, BE.16, BE.22, NE.11 and NE 2 of the Merton UDP (2003), policies CS 13 and CS 14 of the Merton Core Strategy 2011, policy 3.5 of the London Plan 2011, the London Housing Design Guide 2010 & the Draft Mitcham Cricket Green Conservation Area Appraisal and Management Plan 2010.

5. <u>CONSULTATION</u>

5.1 The submitted planning application was publicised by means of a site notice, a press notice and individual consultation letters sent to 6 neighbouring properties. There have been no responses to this consultation with neighbours.

Mitcham Cricket Green Community and Heritage group

- 5.2 An objection was received to revised drawings raising the following concerns:
 - Light pollution over Three Kings Piece due to the glazing in the front elevation;
 - Need to further minimise impact of clutter on the balconies on the front elevation through conditions.
- 5.3 <u>English Heritage</u> There is no objection to the development. English heritage records show that the proposal is unlikely to have any significant effect on heritage assets of archaeological interest and therefore archaeological planning conditions are not necessary in this instance.
- 5.4 <u>LB Merton Tree and Landscape officer</u> There is no objection to the development subject to planning conditions that seek to protect existing retained trees and to seek suitable replacement landscaping
- 5.5 <u>LB Merton Transport Planning officer</u> There is no objection to the development subject to planning conditions relating to the setting out of the vehicle access as well as the removal of a redundant crossover.
- 5.6 <u>LB Merton Environmental Health officer</u> There is no objection to the development.
- 5.7 <u>LB Merton Design Review Panel</u> The panel considered the original proposal in May 2012. The following comments were made:
- 5.8 The Panel noted the completely different architectural approach taken by the applicant and felt that it was, in general, an improvement. It was considered that, despite the proposal needing much further thought, the applicant should not 'start again' for a second time. It was felt that the building sat better on the site and that the small ground-floor wings worked well.
- 5.9 The Panel supported the contemporary approach in this location, but it was not clear whether the building was trying to make a singular and individual architectural statement, or whether it was trying to create a contemporary building based on cues from surrounding buildings. If the latter then it was felt that this was simply not evident, but wouldn't require much change to make it so.

- 5.10 Previously the Panel criticised the building for being flats pretending to be houses. Now it felt that it was flats that looked more like a single large villa it needed to look like what it is flats. This led to a discussion about elements of the appearance of the building. Currently it looked a bit too low and monumental and the elements of the frontage lacked rigour, felt disjointed and did not hang together well.
- 5.11 It was felt that the building would benefit from a vertical element to help reinforce its predominantly horizontal form. It was felt that the purported vertical element to the south simply did not work as it was in two different planes. It was considered that the stairwell was the obvious element of the form to express vertically and could extend beyond the roof height.
- 5.12 At the ground floor the entrance could be improved to reduce the overlooking directly into living rooms either side. The landscaping approach was felt to be poor, with the use of conifers there was too little space on the sides and they could become a leylandii hedge. The routes to the rear cycle stores were not sufficiently paved and the stores were too small. Internally, cycle stores underneath stairs were not considered appropriate and were again, too small.
- 5.13 The Panel felt that any references to the existing bungalow on the site in the proposal would be erroneous and irrelevant and should not be attempted. The quality of the buildings facing the common in the vicinity was varied, not exceptional, and the bungalow was itself of no particular note and out of scale with surrounding development. There was no justifiable rationale to perpetuate this in a new building. Design cues should not be taken from this to-be-demolished building.
- 5.14 It was considered that in terms of form, scale and massing and in order to help in the expression of the front elevation the building would benefit from an additional storey, albeit set back from the main building line. This would aid the composition of the building and better relate to the scale and roof forms of the buildings either side. The proposed building was described as 'wide and low slung', 'something missing' and 'not quite finished'. It was felt that the cue for its height had been taken from the eaves level of adjacent buildings, rather than some balance between their eaves and ridge lines.
- 5.15 The front parking area needed further work. The parking was too tight for successful manoeuvring of vehicles. If the building was set back by about 2 metres this would allow for more space and allow space for landscaping on the front boundary. It was felt the red 'spring' feature was not really doing anything of note and that the oversail on the south side would lead

to a dry area not suitable for planting and darken the interior of the ground floor room.

5.16 Overall the Panel felt that considerably more work was required to develop the proposal into good building, but that it had the beginnings of something that had the potential to be very good. 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; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 3.12 Negotiating affordable housing on individual sites. 3.13 Affordable housing thresholds. 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]; 5.15 (Water use and supplies) 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tacking 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]; 7.8 [Heritage assets]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

6.2 The following supplementary planning guidance is considered relevant to the proposals: The Housing Supplementary Planning Guidance (2012).

Policies retained in Adopted Unitary Development Plan [October 2003]

6.3 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE 1 [Conservation areas]; BE 2 [Conservation areas, demolition]; 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]; PE7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; NE 2 [Development in proximity to Metropolitan Open Land]; NE 11 [Tree protection]; PE 2 [Pollution and amenity] and RN3 [Vehicular access].

Merton Supplementary Planning Guidance

6.4 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006]. The Mitcham Cricket Green Conservation Area Appraisal and Management Plan 2010 is also relevant

Policies within Merton LDF Core Planning Strategy [adopted July 2011]

6.5 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS 2 Mitcham Sub Area; CS.8 [Housing choice]; CS.9 [Housing provision]; CS 13 [Open Space and nature conservation]; 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]

- 6.6 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'.
- 6.7 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.
- 6.8 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 including the loss of the existing buildings on the application site; the impact of the development on the surrounding conservation area and the street scene including in terms of design and scale; the standard of the proposed residential accommodation; and the impact on residential amenity; access and parking.

Loss of the existing buildings

- 7.2 Retained adopted Unitary Development Plan policy BE.2 states that proposals for the demolition of properties that make a positive contribution to the conservation area will not be permitted unless it can be demonstrated that there will be substantial planning benefits for the community from the redevelopment that will outweigh the loss from the resulting demolition and that acceptable and detailed plans for a replacement scheme are provided.
- 7.3 The Mitcham Cricket Green Conservation Area appraisal has identified the area around the application site as being characterised by the cluster of older individual buildings close to the Three Kings Pond and the rows of mainly two storey cottages facing onto the Green and Common land.
- 7.4 Whilst it is noted that the existing bungalow makes a positive contribution to the surrounding conservation area, this building is not highlighted within the character appraisal as a significant building that forms part of the character of the area. It is considered that subject to the assessment of the standard of the proposed replacement building the loss of the existing building is considered acceptable in principle.
- 7.5 The Council's Conservation Officer has advised that a high quality building on this site that also positively contributes to the character of the conservation area may be a satisfactory replacement for the original building.

Scale, height and siting of the development

- 7.6 Retained adopted Unitary Development Plan policies BE.15, BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the scale, design and materials of a development relate to the urban setting in which the development is placed.
- 7.7 Whilst the flats at 23 Commonside West are three storeys in height and the Air Training Corps building is single storey, the buildings in this part of the conservation area are primarily two storeys in height. The current proposal has been designed so that the height of the proposed two-storey building respects the height of the adjacent 1930s houses.
- 7.8 The scale of the development is considered in keeping with and respecting the surroundings leaving acceptable separation distances between the new building and neighbouring buildings. The massing of the development is considered in keeping with the conservation area. During the course of the application the footprint of the building has been amended to more closely respect the existing building line along this section of Commonside West.

Design, appearance, materials and impact on the conservation area.

- 7.9 Policy CS8 within the Council's Adopted Core Strategy [July 2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity.
- 7.10 Retained adopted Unitary Development Plan policy BE.1 states that a proposal for a new development within a conservation area should preserve or enhance the character or appearance of that conservation area. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. The London Plan at paragraph 7.29 identifies the desire to sensitively manage London's heritage assets in tandem with the promotion of the highest standards of modern architecture in order to maintain the blend of old and new and provide a unique character.
- 7.11 The buildings within the conservation area use a wide variety of different building materials. The listed Park Place uses yellow stock brick, while the smaller residential buildings are a mix of yellow stock, red brick, render, pebble dash and timber boarding. The Three Kings public house has distinctive Tudor style timber work to its upper floors whilst the Sea Cadets building is finished in a contemporary smooth render. A number of buildings near the pond use weatherboarding. Roof finishes are a mixture of clay tiles; slates and concrete tiles, with no particular finish dominating.
- 7.12 The conservation area appraisal notes that the mix of facing materials contribute to the character of the area stating that "The architecture, which like the conservation area as a whole, reflects changes which have occurred in popular domestic architecture over five centuries." Whilst the building is of a contemporary design the choice of building materials has been chosen to reflect existing nearby development.
- 7.13 The materials include black timber cladding as found on no.3 Commonside East and Prospect House, white render as found bay windows on terraced properties, red brick band referenced with red brick end panels and red columns and a protruding timber box forming balcony overlooking the common. It is considered that the materials create visual interest in the building. To ensure that that the materials are of the necessary standard a planning condition is recommended seeking the submission and approval of these facing materials.
- 7.14 The construction materials have been carefully selected to respond to local character from the original historic buildings to the later, more contemporary development. The conservation officer feels that the

resulting scheme will make a high quality, positive contribution to the varied, but cohesive, townscape around the common and will be an asset to the conservation area.

- 7.15 Whilst it is noted that the design and appearance of the proposed building is radically different from other buildings in the vicinity, the design and appearance of the proposed building is considered to enhance the character and appearance of the conservation area. It is considered by officers that whilst the existing bungalow makes a positive contribution to the conservation area it is considered that the merits of the current proposal outweigh the loss of the bungalow. The proposed development has been well considered and detailed.
- 7.16 In conclusion, it is considered that the current proposal will provide a good example of well-designed contemporary architecture that will enhance the character of the conservation area and improve the appearance of the street scene. The design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy CS8, CS14 within the Council's Adopted Core Strategy [July 2011] Retained adopted Unitary Development Plan policies BE.1; BE.16; BE.22
- 7.17 As set out in the submitted design and access statement in addressing the comments from Council's Design Review Panel and comments from officers the design and appearance of the proposed development has altered significantly. These changes also included increasing the separation distance form neighbouring properties, reducing the size of the rear wings and reducing the overall height of the building.

Need for additional housing, residential density and housing mix. Need for additional housing

- 7.18 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.19 Core Strategy policies CS8 and CS9 seek to encourage proposals for well designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. Policy 3.3 of the London Plan 2011 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 in areas with good public transport accessibility.

- 7.20 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of additional 1550 to 1850 new dwellings to be provided within the Mitcham area where the proposal site is located.
- 7.21 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.
- 7.22 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 high access to public transport and other local facilities.
- 7.23 The proposal will provide two three bedroom units suitable for family occupation as well as two units with two bedrooms which would be suitable for a small family or a couple and thereby providing an acceptable mix of housing types that would benefit the local area and make more effective and efficient use of the site than the existing small and vacant bungalow. The design of the proposal is considered to be acceptable and the location of the site within easy walking distance of Mitcham town centre results in a scheme that is considered to accord with these relevant housing provision policies and therefore the principle of using the site for additional residential accommodation is considered acceptable.
- 7.24 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Housing mix

7.25 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 types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

7.26 The application site is located in an area, which is predominately family housing with relatively large terraced two storey properties. The proposed development includes four residential units with a mixture of two and three bedroom units with three and four bed spaces. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Residential density

- 7.27 The London Plan states that in areas such as the application site with a Public Transport Accessibility Level of 4 the residential density should be within a range of 200 to 450 habitable rooms per hectare.
- 7.28 With the application site covering a site area of 0.07 hectares and provision of 12 habitable rooms the residential density of the development is 171 habitable rooms per hectare. Whilst the residential density is below the specified density range set out in the London Plan, the development is considered acceptable in other aspects that are considered elsewhere within thus report.

Neighbour amenity.

- 7.14 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.
- 7.15 The previously refused scheme involved a terrace of four houses and there were concerns raised by neighbours regarding the impact on adjacent residential properties. The current proposal has been designed to minimise the impact on neighbouring occupiers through a reduction in roof heights use, the sensitive positioning of the building as well as the use of privacy screening along sensitive sections of the relevant boundaries. The public consultation on the current planning application has not resulted in any comments from neighbouring occupiers.
- 7.16 In conclusion it is considered that as a result of the design and orientation of the proposed building and the separation distances from adjacent buildings the proposed development is considered acceptable in terms of visual intrusion, daylight and sunlight, overlooking and privacy

Standard of residential accommodation.

7.17 The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in

table 3.3 of 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].

7.18 Policy HS.1 and BE.15 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. 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.

Internal space standards

7.19 The proposed residential units provide internal residential floor space in accordance with the London Plan and in excess of minimum floor space standard. The layout of the accommodation makes good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.

External Amenity Space

- 7.20 Saved UDP Policy HS1 requires that the minimum private amenity area provided for flats should be 10 square metres per habitable room and ideally this should be provided as private external space. Where it is not possible to provide private external space a larger area of communal space should be provided.
- 7.21 The proposed development provides 110 square metres and 136 square metres of garden space for ground floor flats 1 and 2 respectively. The minimum standard for these three bedroom units is 40 square metres. The standard for the two, two bedroom flats 3 and 4 at first floor level is 30 square metres however the flats are provided with 8.5 square metres and 10 square metres respectively
- 7.22 It is a matter of planning judgment as to the relative weight that should be attached to the failure to meet external amenity space standards set out in Unitary Development Plan policy HS.1. The site is also located directly opposite Mitcham Common with the amenity area for the upstairs accommodation overlooking this open space. In terms of general standard of the accommodation it is considered by officers that the proposed residential accommodation is of a good general standard and that this overall assessment should be given greater weight. It is also highlighted that the London Housing Supplementary Planning Guidance 2012 sets a minimum requirement of 5 square metres of private outdoor space for each one or two person unit.

Lifetime Homes

7.23 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. The submitted design and access statement confirms that the development has been designed to Lifetime Home Standards. A planning condition is recommended to ensure that the development is constructed to these standards.

Servicing, refuse and site contamination.

7.24 Core Strategy Policy CS 20 provides guidance in relation to facilities for refuse storage and collection. Core strategy policy CS 17 requires well designed recycling facilities to be incorporated in all new developments where appropriate. The submitted plans show refuse storage located to the front of the site and a planning condition is recommended to seek further details of this refuse and recycling storage and to ensure that this facility is retained.

Car parking, servicing and access.

Car parking

- 7.25 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use.
- 7.26 The current 'maximum' off street car parking standards are set out within the London Plan at table 6.2 and allow for a maximum of one off street car parking space for properties with one or two bedrooms. In areas of good public transport accessibility the London Plan advises that residential developments should aim for significantly less then one on street car parking space per unit. The development provides an off-street parking space for each flat, two of which will be suitable for people with disabilities. Officers consider that the site has been well laid out with sufficient off road parking for future occupants in this area with a good level of access to public transport.

Servicing and access

7.27 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.

- 7.28 The proposed development shows parking for cycles to the front and rear of the proposed building. A planning condition is recommended to seek further details of this cycle storage and to ensure that this parking is retained.
- 7.29 Policy CS20 of the Core Strategy [July 2011] requires developers to incorporate safe access to and from the public highway. A vehicle crossover currently exists to the front of the application site and to improve the environment for pedestrians planning conditions are recommended in relation to the construction of the vehicle access as well as dealing with any reinstatement of redundant crossovers
- 7.30 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy [July 2011].

Trees and landscaping and Metropolitan Open Land

- 7.31 Policy CS 13 within the Adopted Core Strategy [July 2011] states that the Council will expect development to maintain landscape features such as trees. The Council will protect and enhance biodiversity and where appropriate require development to integrate new or enhanced habitat design and landscaping that encourages biodiversity. Saved UDP Policy NE 2 considers development in proximity to Metropolitan Open Land stating that development will only be permitted where the visual amenities of the Metropolitan Open Land will not be injured by reason of siting, materials or design of visually intrusive proposals.
- 7.32 The proposed development includes replacing an existing bungalow with a two-storey building. It is considered that the design of the development including its massing will complement this setting including views from Mitcham Common which is designated as Metropolitan Open Land.
- 7.33 The proposal involves the loss of five trees on the site and a notwithstanding the landscaping shown on the submitted plans a planning condition is recommended seeking details of new landscaping. A further condition is recommended to protect the retained trees on the site.

Archaeology

- 7.34 The application site is located within an archaeological priority zone as designated by the Unitary Development Plan. English Heritage have commented that based on their records the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 7.35 English Heritage have raised no objection to the proposal and advised that it is considered that there is no requirement for any archaeological planning conditions.

Sustainable design and construction.

- 7.36 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.37 The submitted design and access statement sets out that the development will incorporate grey water recycling for WC's; passive ventilation; solar panels; and the use of recycled materials for sub structure ground works. A planning condition is recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum 25% improvement in the dwelling emissions rate in accordance with Policy 5.2 of the London Plan.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 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. <u>LOCAL FINANCIAL CONSIDERATIONS</u> <u>Mayor of London Community Infrastructure Lev</u>

- 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 provisional CIL charge that would be payable, for the proposed development, [providing additional floor space of 226 square metres], under the Mayor of London Community Infrastructure Levy would be £7,910.

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.

Financial contribution towards education provision;

- 9.5 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.
- 9.6 The nearest primary school is St Thomas of Canterbury which has recently been expanded and as a result it is considered that a contribution towards primary school education is not justified in this instance.
- 9.7 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.
- 9.8 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 planning obligation consisting of a financial contribution of £1,714 is sought towards secondary school education provision.

Financial contribution towards provision of affordable housing;

9.9 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.

9.10 As part of the planning application the applicant has supplied a financial viability report that states that the scheme would be unable to provide an affordable housing contribution and still deliver a viable outcome for the developer. An independent assessment of the applicant's viability report has confirmed that the development is unable to support any contribution towards affordable housing and remain viable. A review mechanism is recommended to require a further assessment following the commencement of construction work.

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

9.11 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution. Legal fees for the preparation of the s106 agreement would need to be agreed at a later date.

10. <u>CONCLUSION</u>

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

<u>RECOMMENDATION</u> (A) GRANT CONSERVATION AREA CONSENT subject to planning conditions.

1. <u>Standard condition</u> [No demolition until contract signed] The works of demolition hereby permitted shall not begin until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into for the implementation of the works for which planning permission has been granted. <u>Reason for condition</u>: To safeguard the appearance of the Conservation Area and to comply with policy BE.2 of the Adopted Merton Unitary Development Plan 2003.

<u>RECOMMENDATION</u> (B) GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement with the following heads of terms:

- 1. Provision of a financial contribution towards secondary education provision [£].
- 2. A further assessment of the viability of the development and the ability to support a contribution towards affordable housing;
- 3. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
- 4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

And the following conditions:

- 1. <u>Standard condition</u> [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. <u>Reason for condition</u>: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
- Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and drawings E291-10 Rev E, E291-12 Rev D, E291-13 Rev E, E291-21 Rev E, E291-22 Rev E, E291-25 Rev E <u>Reason</u> for condition: For the avoidance of doubt and in the interests of proper planning.
- 3. <u>Standard condition</u> [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. <u>Reason for condition</u>: 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. <u>Amended standard condition</u> [Construction phase impacts] No development shall commence including demolition 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. <u>Reason for condition</u>: 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. <u>Standard condition</u> [External 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 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. <u>Non standard condition</u> [Details of walls and fences] Prior to first occupation of the proposed new dwellings walls and fences or other means of enclosure shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclose retained in accordance with the approved details permanently thereafter. <u>Reason for condition:</u> To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
- 7. 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 3 has been submitted to and approved in writing by the Local Planning Authority together with a minimum 25% improvement in the dwelling emissions rate. 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.
- 8. <u>Amended Standard condition</u> [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 3 level for Sustainable Homes together with confirmation that a minimum 25% improvement in the dwelling emissions rate has been achieved <u>Reason for condition:</u> 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.

- 9. <u>Amended Standard condition</u> [Lifetime homes] Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. <u>Reason for condition</u>: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
- 10. <u>Standard condition</u> [New vehicle access] No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. <u>Reason for condition</u>: In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
- 11. <u>Standard condition</u> [Redundant crossover] Prior to first occupation of the proposed new dwellings the existing redundant crossover shall be removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. <u>Reason for condition</u>: 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.
- 12. <u>Amended Standard condition</u> [Obscured Glazing] Prior to first occupation of the proposed new dwellings the bathroom and shower windows on all floors in the west elevation shall be fitted with obscure glass and fixed shut with these windows permanently maintained as such thereafter. <u>Reason</u> <u>for condition</u>: 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.
- 13. <u>Non Standard condition</u> [Landscaping] Prior to first occupation of the proposed new dwellings and notwithstanding details on the submitted plans landscaping shall be in place that is accordance with a landscaping plan that have previously been submitted to and approved in writing by the Local Planning Authority, with the submitted plan including full details of the size, species, spacing, quantities and location of plants, 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. <u>Reason for condition</u>: To enhance the appearance of the development in the interest of the amenities of the area and to

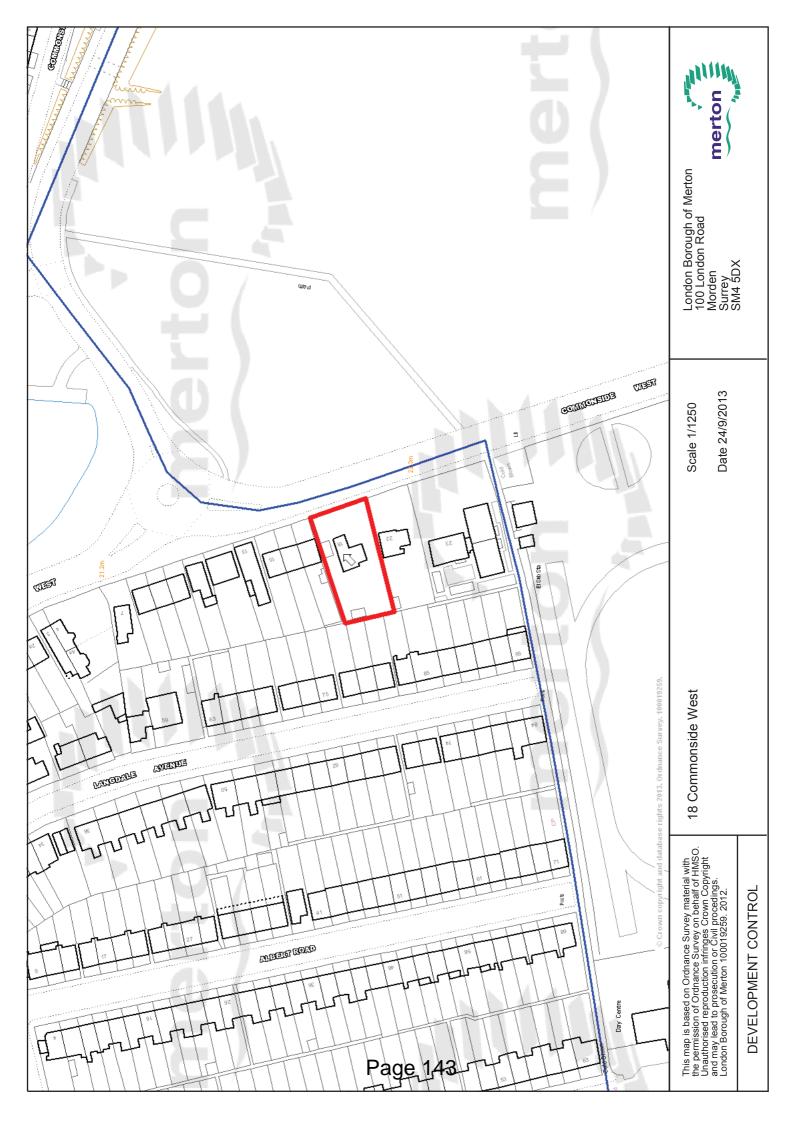
comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

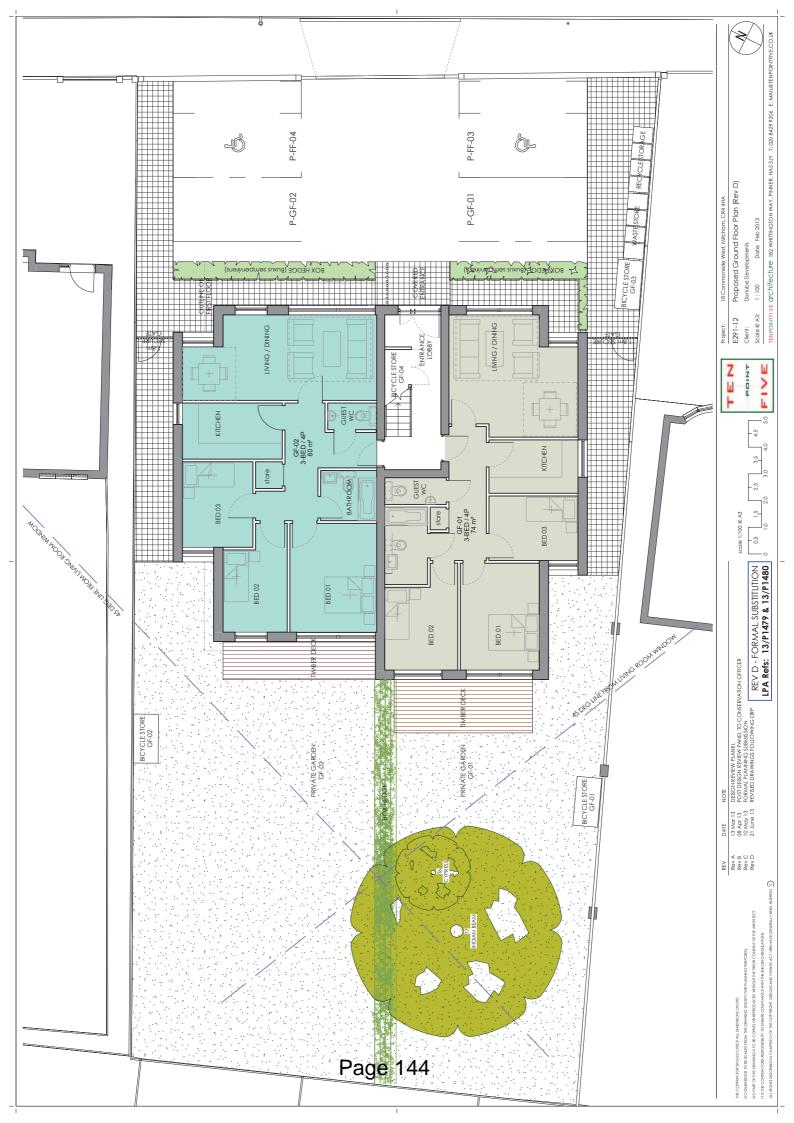
- 14. <u>Standard condition</u> [Tree survey approved] The trees (including any hedges and other landscape features) shown on the deposited plan numbered E291-12 Rev D as to be retained shall be retained and maintained unless otherwise agreed in writing by the Local Planning Authority. <u>Reason for condition</u>: 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.
- 15. <u>Amended Standard condition</u> [Site supervision and tree protection] An arboricultural expert is required to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree protection measures throughout the course of the demolition and site works. The works shall be carried out strictly in accordance with the approved 'Arboricultural Assessment and Protection Method Statement' report dated 9 May 2013. <u>Reason for condition</u>: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
- 16. <u>Non standard condition</u> [Cycle storage] Prior to first occupation of the proposed new dwellings cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage retained in accordance with the approved details permanently thereafter. <u>Reason for condition</u>: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
- 17. <u>Non standard condition</u> [Refuse and recycling facilities] Not withstanding the details shown on the approved plans E291-21 Rev E, E291-10 Rev E and E291-12 Rev D prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. <u>Reason for condition</u>: 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.

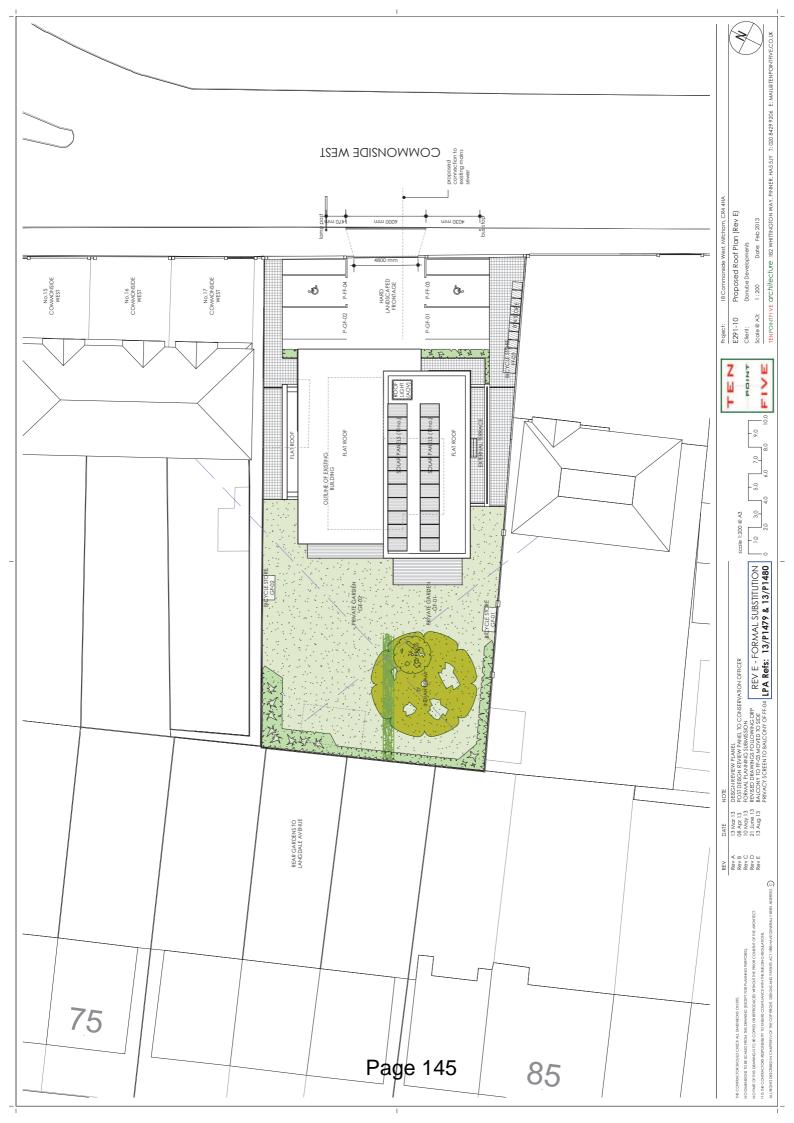
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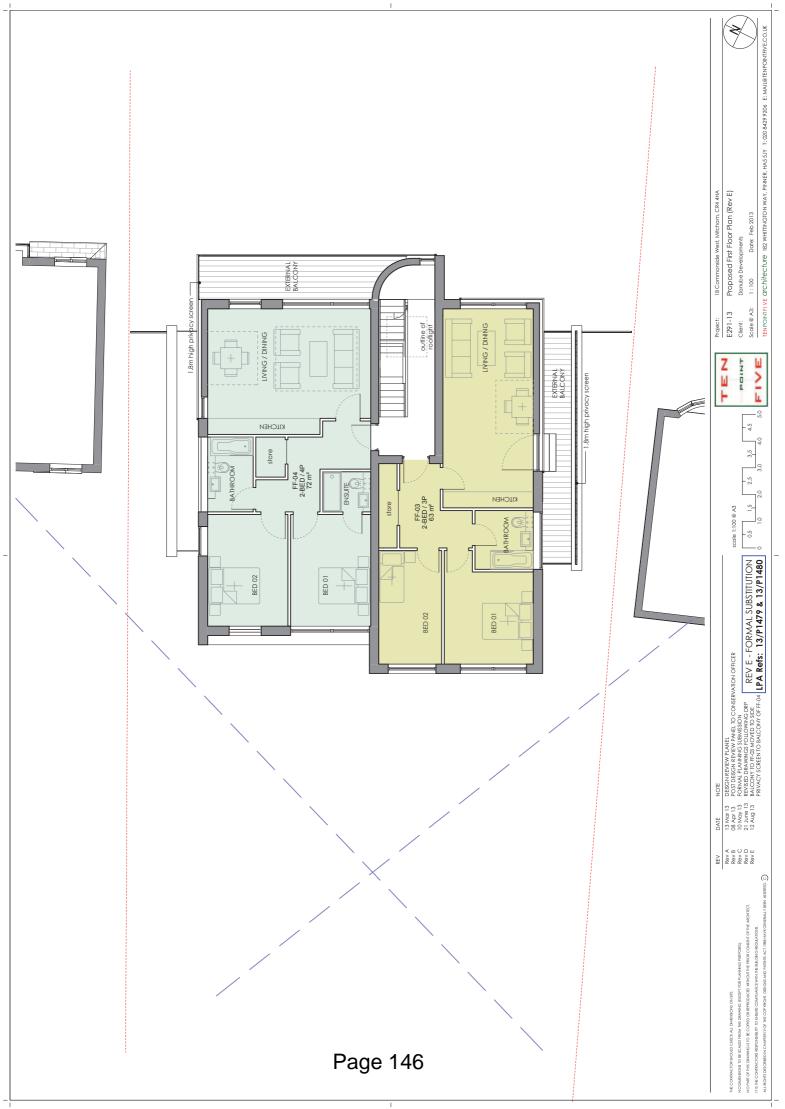
a) The applicant is advised that details of Lifetime Homes standards can be found at <u>www.lifetimehomes.org.uk</u>

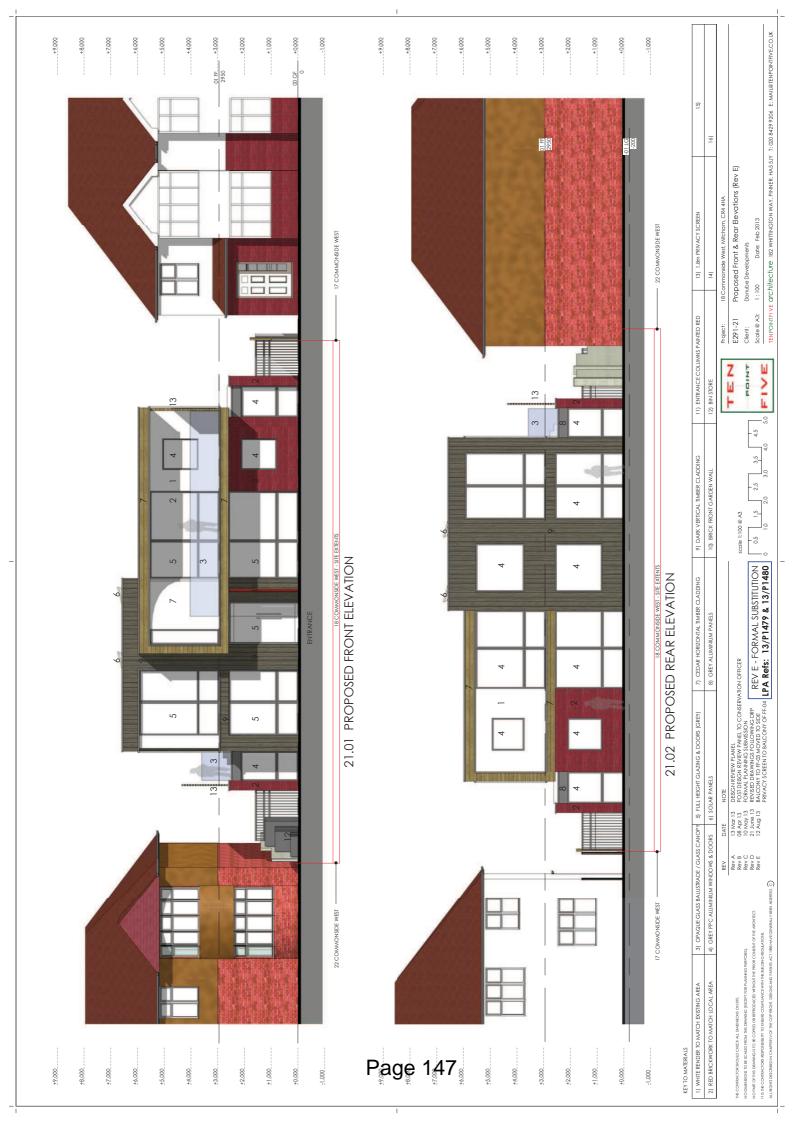
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a 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.
- c) The applicant is advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. The applicant is advised that the location in a Controlled Parking Zone may result in a licence application taking 6 to 12 months and may result in additional expense.
- d) The applicant is advised that the development hereby approved is liable to the Community Infrastructure Levy (CIL). The provisional chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £7,910.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. For more information regarding CIL visit www.merton.gov.uk/CIL or email <u>cilevy@merton.gov.uk</u>.



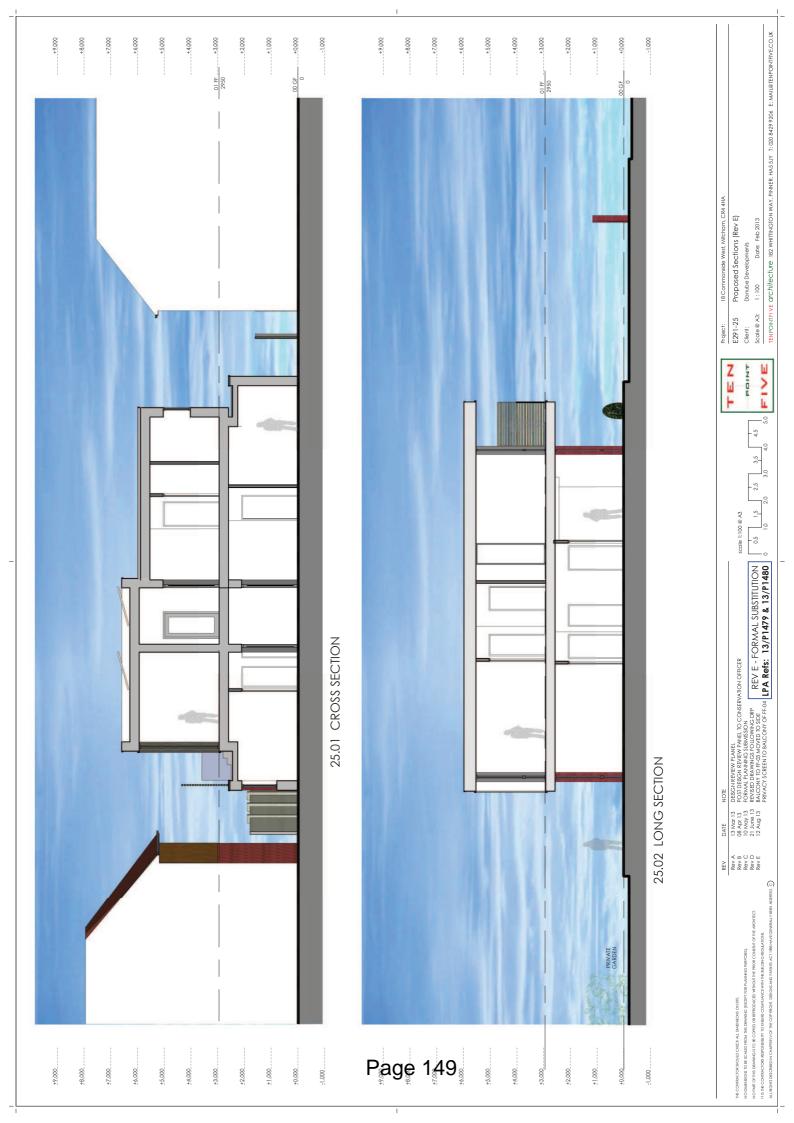




















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