

PLANNING APPLICATIONS COMMITTEE
7 November 2013

Item No:xx

UPRN

APPLICATION NO.

DATE VALID

13/P1838

06/08/2013

Address/Site:

28 - 32 Tramway Path, Mitcham, CR4 4BD

Ward:

Ravensbury

Proposal:

Erection of a three storey residential building comprising 7 two bedroom flats and 1 one bedroom flat with associated cycle and bin storage.

Drawing No's:

1094/P/1250/001; 1094/P/100/001A; 002A; 003B; 004A; 006B; 007B; 008B and a Design and Access Statement.

Contact Officer:

Tony Ryan [020 8545 3114]

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106:
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Archaeological Priority Zone: Yes
- Area at risk of flooding: No
- Controlled Parking Zone: Yes (Zone MT).
- Conservation Area: No
- Trees: No Tree Preservation Orders or trees of particular amenity value.
- Number of neighbours consulted: 30
- External consultations – None
- PTAL: 3 [TFL Planning Information Database]
- Density – 433 habitable rooms per hectare [site area of 0.053 hectares 23 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. SITE AND SURROUNDINGS

- 2.1 The application site [0.05 hectares] comprises a vacant piece of land located on the south side of Tramway Path. Tramway Path is a cul-de-sac accessed from London Road Mitcham. A large two-storey building located to the rear of the application site is occupied by the private Fieldway Nursing and Residential Centre at 40 Tramway Path. This building provides accommodation for up to 68 residents who are frail, elderly or have dementia.
- 2.2 The side elevation of the two storey, end of terrace residential property at 42 Tramway Path [located to the east] is separated from the application site by a 22 metre wide plot of land. This plot of land forms part of the Fieldway Nursing and Residential Centre at 40 Tramway Path providing the main pedestrian access and a private car park for staff and visitors. To the west of the application site is the side elevation of the two-storey semi detached residential building at 24 and 26 Tramway Path.
- 2.3 The Tramlink line and Mitcham Tramlink station run parallel with Tramway Path with the boundary marked by a fence immediately to the north of the Tramway Path carriageway. Trees and shrubbery are located on tramlink land along this boundary providing screening of Mitcham Tramlink station.
- 2.4 Whilst currently vacant, the application site was previously occupied by a part single/part double storey industrial building (Class B2/B8) with an overall height of 8.2 metres and a floor area of 394 squares metres. The building had been in use as a workshop and for warehousing up until 1999 when it became vacant. The vacant building had been subjected to vandalism and arson attacks and a structural survey carried out in December 2004 described it as being “beyond economic refurbishment”. The building was subsequently demolished.
- 2.5 The historic ordnance survey map from 1989 shows a building on the application site that reflects the building line in Tramway Path but also extends to the side and rear site boundaries, with this building annotated as ‘Engineering Works’. The ordnance survey map from 1989 also shows buildings to the rear of the application site annotated as ‘Engineering Works’ and Photographic Laboratories; Fieldway Nursing and Residential Centre at 40 Tramway Path now occupies this land.
- 2.6 The site has medium Public Transport Accessibility Level rating of 3 located adjacent to Mitcham Tramlink station. The site is located within a controlled parking zone. The application site is not in an archeological priority area and not within an area at risk from flooding [June 2012].

3 **CURRENT PROPOSAL**

- 3.1 The current application involves the erection of a three storey residential building comprising 7 two bedroom flats and 1 one bedroom flat with associated cycle and bin storage.
- 3.2 The footprint of the proposed building forms an 'L' shape with the ground floor providing two, two bedroom flats at the front of the building and one two bedroom unit at the rear of the building. An open courtyard at the rear of the building and separating the front elevation of the building from Tramway Path provides amenity space and cycle storage.
- 3.3 A central staircase provides access to the first floor of the building that provides three two-bedroom units with external balconies to the front and side elevations providing external amenity space. At third floor level the building has been designed with two units [one and two bedrooms] in the two parts of the building roof space with access by a glazed walkway link. The second floor accommodation has balconies to the front elevation.

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

| 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 | 2 | 4 | 81 | 70 | 151 shared courtyard | 30 |
| 2 | ground | 2 | 4 | 72 | 70 | 151 shared courtyard | 30 |
| 3 | ground | 2 | 4 | 76 | 70 | 151 shared courtyard | 30 |
| 4 | first | 2 | 4 | 88 | 70 | balcony of 4.9 and 151 shared courtyard | 30 |
| 5 | first | 2 | 4 | 78 | 70 | balcony of 4.9 and 151 shared courtyard | 30 |
| 6 | first | 2 | 4 | 91 | 70 | balcony of 2.4 and 151 shared courtyard | 30 |
| 7 | second | 1 | 2 | 61 | 50 | balcony of 2.4 and 151 shared courtyard | 20 |
| 8 | second | 2 | 4 | 89 | 70 | balcony of 2.4 and 151 shared courtyard | 30 |

- 3.4 The above table sets out the location of the flats within the proposed building, the number of bedrooms provided within the proposed eight 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 February 2013 an application [LB Merton reference 13/P0364/NEW] was made to the Council for pre-application planning advice for a new building providing 9 flats.
- 4.2 In February 2006 planning permission was granted following an earlier committee resolution [LB Merton reference 05/P1692] for the demolition of existing building and the erection of a part two, part three storey building incorporating business units (Class B1) on the ground floor (350 square metres) and 9 flats on the first and second floors, including provision of a drop off space in front of the proposed building. This planning permission has not been implemented.
- 4.3 In June 2005 a planning application was withdrawn [LB Merton reference 05/P0662] for the erection of new building incorporating Class B1 at ground floor and 9 flats above. The applicant withdrew this application after the Council had raised a number of concerns about the height, bulk and massing of the proposed building and the impact on the immediate area.

Land at the rear of the application site - 40 Tramway Path

- 4.4 Planning permission was approved in April 1997 [LB Merton reference 96/P1296] for the demolition of existing light industrial/storage buildings and redevelopment of the site involving the erection of a two-storey building containing a 68 bedroom nursing home for the elderly together with associated parking provision for 16 spaces.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 5 neighbouring properties. As a result of this consultation responses have been received from two neighbours objecting to the proposal on the following grounds:
- The provision of nine flats is too much for this site;
 - The development will cause structural damage to neighbouring properties;
 - It is not acceptable to have cooking facilities on the upper levels;
 - The development will lead to a loss of sunlight and daylight to nearby properties;
 - The development will lead to a loss of privacy and overlooking to neighbouring properties.
- 5.2 LB Merton Transport Planning There is no objection to the development subject to a planning obligation preventing future residents from obtaining on street parking permits and planning conditions relating to the reinstatement of the redundant vehicle crossover, further details of cycle

parking, management of construction vehicles and an informative relating to the need for separate approval for any works affecting the public highway.

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 tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 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.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]; E6 [Loss of employment land outside a designated industrial area]; 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]; 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].

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

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of the development including the loss of the previous employment use, the provision of residential accommodation and the impact of the development 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 employment floor space

- 7.2 Whilst currently vacant, the application site was previously occupied by a part single/part double storey industrial building (Class B2/B8). The building had been in use as a workshop and for warehousing up until 1999 when it became vacant. The vacant building had subsequently been subjected to vandalism and arson attacks and a structural survey carried out in December 2004 described it as being “beyond economic refurbishment”. The building on the site was subsequently demolished.
- 7.3 A key objective of the development plan [including the Council’s Unitary Development Plan, Core Strategy and the London Plan] is to promote sustainable communities by balancing the need for housing with the need for employment and other social and community facilities. This includes seeking to maximise the provision of viable employment floor space across the borough.
- 7.4 Unitary Development Plan policy E.3 states that proposals for uses within use classes B2 [general industrial] or B8 [storage or distribution] will be expected to locate in designated industrial areas. This location of B2 and B8 uses in designated industrial areas seeks to avoid the potential adverse impact upon neighbour amenity that would arise if these uses were located in residential areas.
- 7.5 Whilst it is highlighted that the previous building on the application site provided B2 and B8 floorspace, the application site is not located in a designated industrial area. With the potential for B2 and B8 to cause nuisance to adjacent residential occupiers, including the nursing home at the rear, the application site is not considered suitable for future B2 and B8 floor space.
- 7.6 Tramway Path is residential in character and is a relatively narrow road with marked on-street residential parking bays further reducing the available road width. It is considered that these factors with the likely requirement for access by large vehicles and the potential for disturbance reduces the viability of the application site for employment uses.
- 7.7 The guidance in the NPPF states that 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. In light of this guidance and noting that the site has been unoccupied for at least 10 years, officers consider that subject to compliance with other key adopted policies the use of the site for residential use would be appropriate. It is considered that a new residential building would be more likely to make a positive contribution towards regeneration of the area than a mixed use or industrial building.

Need for additional housing, residential density and housing mix.

Need for additional housing

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'. The current application site is a 'windfall site' and is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to public transport and other local facilities.
- 7.12 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.

Residential density

- 7.13 The London Plan states that in areas such as the application site with a Public Transport Accessibility Level of 3 the residential density should be within a range of 200 to 450 habitable rooms per hectare. With the application site covering a site area of 0.053 hectares and provision of 23 habitable rooms the residential density of the development is 433 habitable rooms per hectare. This density is within the density range set out in the London Plan.

Housing mix

- 7.14 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.
- 7.15 The application site is located in an area, which is predominately family housing with relatively large terraced two storey properties. The proposed development includes eight residential units with a mixture of 7 two bedroom, 1 one bedroom flat. It is considered that the proposed accommodation providing smaller units of accommodation in this area with good public transport accessibility will increase the range and choice of residential accommodation available locally. 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.

Layout, scale and design

- 7.16 Retained adopted Unitary Development Plan policies BE.16 and BE.22 require proposals for development to be compliment with 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. Retained adopted Unitary Development Plan policy BE.23 requires extensions to be sympathetic to the form, scale, bulk and proportions of the original building.
- 7.17 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. 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.
- 7.18 The application site is located at the end of Tramway Path, which is occupied by terraced properties in a variety of styles constructed in the 1950's. The buildings in Tramway Path are finished in hanging tiles, red brickwork, painted brickwork and coloured render with a variety of features including front gable roofs, bay windows and recessed and external porches. The large nursing home building to the rear of the application site although with a pitched roof and front gable roof has a more contemporary appearance.

- 7.19 The general scale of surrounding development is two storey development and the scale of the proposed buildings with accommodation over two floors and the roofs space of the building is considered in keeping with existing surrounding development. The proposed building although of a contemporary design is considered in keeping with the local area that currently provides some variety in building design including the nursing homes and the different designs of 1950's properties. With the separation of the application site from adjacent buildings and the variety of design that currently exists locally this design is considered acceptable.
- 7.20 The demolished commercial building on the application site as shown on historic maps occupies the all of the current application site land behind the front building line of adjacent residential properties. The building currently proposed also follows the front building line in Tramway Path but has been designed with an 'L' shaped footprint. The side of the building closest to the adjacent property at 24 and 26 Tramway Path mirrors the depth of this adjacent building.
- 7.21 The submitted design and access statement lists the proposed facing materials for the new building. The walls will be in a grey stock brick with interest provided through use of a stretcher bond with soldier bond detailing between ground and first floor levels and in the gable walls. Horizontal cedar cladding will be used within infill panels at ground floor level with metal windows and doors and the roof and dormer windows constructed in Zinc.
- 7.22 In conclusion 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 BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

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.

Fieldway Nursing and Residential Centre - 40 Tramway Path

- Visual intrusion, daylight and sunlight
- 7.15 Industrial buildings previously occupied the land to the rear of the application site. After planning permission was approved, these industrial

buildings were demolished and the current Fieldway Nursing and Residential Centre subsequently constructed in the late 1990's.

- 7.16 At the time that the internal layout for the nursing home was designed, a separate industrial building also occupied the adjacent land that comprises the current planning application site. This industrial building on the application site was in use as a workshop and for warehousing up until 1999 and had an overall building height of 8.2 metres.
- 7.17 The internal layout of the nursing home was designed to account for the adjacent industrial building with non-habitable uses provided adjacent to the application site. At ground floor level the windows to the rear of the application site are for a laundry room, plant room, bin store, electric meter room and managers office and at first floor level for a kitchen, storage and nurse's office.
- 7.18 In February 2006 planning permission was granted [LB Merton reference 05/P1692] for the demolition of the existing building on the application site and the erection of a part two, part three-storey building. Whilst this planning permission was not implemented, this development included a building at a height of 6 metres across the whole 14.5 metre wide rear boundary of the application site.
- 7.19 The footprint of the building currently proposed forms an 'L' shape with the rear wing of the building only 8 metres wide and set back one metre from the rear boundary with the nursing home. A total distance of 4.5 metres separates the rear elevation of the proposed building from the front elevation of the adjacent nursing home. The remaining part of the rear boundary provides a 6.5 metre wide courtyard amenity space. The proposed building has a roof eaves height of 6.6 metres and a roof ridge height of 9.5 metres.
- Privacy and overlooking
- 7.20 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out a minimum separation distance between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing residential windows at first floor level.
- 7.21 There are no windows proposed on the rear elevation of the proposed building closest to the boundary with the nearby nursing home. The windows on the main rear elevation of the proposed building are separated from the windows on the front elevation of the nursing home by a distance of 21 metres.

24 and 26 Tramway Path

- 7.22 The adjacent two storey residential building numbered as 24 and 26 Tramway Path is divided into two maisonettes. This adjacent residential building is set back by two metres from the side boundary with the application site.
- Visual intrusion, daylight and sunlight
- 7.23 There are currently windows at ground and first floor levels to the side elevation of 24 and 26 Tramway Path that face towards the application site; these appear to be secondary residential windows.
- 7.24 The demolished industrial building on the application site that aerial photographs show was present in 2006 had an overall building height of 8.2 metres. This industrial building extended to the entire length of the side boundary of the application site and in front of the windows to the side elevation of 24 and 26 Tramway Path.
- 7.25 The building currently proposed forms an 'L' shape with the front section of the building extending to the side boundary with 24 and 26 Tramway Path. The rear section of the proposed building that extends past the rear elevation of 24 and 26 Tramway Path will be set back by 6.5 metres from this side boundary.
- 7.26 At the front of the application site the proposed new building will be located in the same position as the former demolished industrial building. With a building historically present in this location, the two metre separation distance and the secondary nature of the adjacent windows the impact of the proposed development on 24 and 26 Tramway Path in terms of visual intrusion, daylight and sunlight is considered acceptable.
- Privacy and overlooking
- 7.27 The side [west] elevation of the proposed building includes bathroom windows at ground and first floor levels. A planning condition is recommended to ensure that these windows are fitted with obscure glass and fixed shut.
- 7.28 Where the proposed building extends past the rear of the property at 24 and 26 Tramway Path it will be set back away from the side boundary with provision of a rear courtyard garden next to the boundary. The side windows in the rear part of the building that overlook the courtyard garden will be set back from the side boundary with 24 and 26 Tramway Path by a distance of 6.5 metres. With this separation distance it is considered that the development will not lead to a loss of privacy or overlooking to the rear garden of 24 and 26 Tramway Path.

42 Tramway Path

- 7.29 There are existing windows at ground and first floor levels to the side elevation of 42 Tramway Path. The side elevation of 42 Tramway Path is separated from the side [east] elevation of the proposed new building by a distance of 24 metres across the adjacent Fieldway Nursing and Residential Centre car parking area.
- 7.30 It is considered that due to the separation distance between the proposed building and the side elevation of 42 Tramway Path, the current proposal would not result in any visual intrusion or loss of privacy, overlooking, daylight or sunlight to 42 Tramway Path.
- 7.31 The responses to public consultation included a concern that the development would lead to structural damage to nearby properties. There is no evidence to suggest that the development could lead to any structural issues to nearby properties.
- 7.32 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.

- 7.33 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].
- 7.34 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 layout and room sizes

- 7.35 The proposed residential units provide internal residential floor space in accordance with the London Plan and in excess of minimum floor space standards.
- 7.36 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

- 7.37 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers.
- 7.38 The proposed development provides a total of 168 square metres of external amenity space. This external space includes ground floor courtyards covering a total of 151 square metres, including a rear external courtyard covering 86 square metres and an external courtyard to the front of the site covering 65 square metres. On the first floor, balconies are provided overlooking the front and rear courtyards, with further balconies provided to the front elevation at second floor level. The Council's normal standards require a total of 230 square metres of external space.
- 7.39 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 gross internal areas for the proposed flats are on average 12 square metres above normal minimum standards and 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.

Lifetime Homes

- 7.40 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.

- 7.41 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.
- 7.42 Unitary Development Plan policy PE.8 states that the Council will encourage the recycling of derelict or vacant land and brownfield sites for appropriate development subject to the need to treat polluted or contaminated sites. With the previous industrial use on the application site and to ensure the safety of future residential occupiers planning conditions are recommended that seek testing of the ground on the application site and remedial works should any contamination be found.

Car parking, servicing and access.

Car parking

- 7.43 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.
- 7.44 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 than one on street car5 parking space per unit.
- 7.45 The application site is located adjacent to Mitcham Tramlink Station with the tram providing access to mainline railway services at Mitcham Junction station and Wimbledon railway stations. There are also bus routes running along London Road at the end of Tramway Path. With this good access to public transport the proposed development of 7 two-bedroom flats and 1 one-bedroom flat without any off street car parking is in accordance with London Plan maximum standards.
- 7.46 With this access to public transport and the location in controlled parking zone a planning obligation is recommended to prevent future residents from obtaining on street parking permits.

Servicing and access

- 7.47 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. The proposed development shows parking for cycles within the front and rear courtyards. A planning condition is recommended to seek further details of this cycle storage and to ensure that this parking is retained.
- 7.48 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 a planning condition is recommended to seek the reinstatement of the pavement in this location.

- 7.49 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

- 7.50 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.

- 7.51 The submitted drawings indicate landscaping within the front and rear courtyards, however a planning condition is recommended to seek further details of this landscaping and for the landscaping to be retained for the benefit of future occupants.

Sustainable design and construction.

- 7.52 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.

- 7.53 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. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

- 9.2 The provisional CIL charge that would be payable, for the proposed development, [providing additional floor space of 640 square metres], under the Mayor of London Community Infrastructure Levy would be £22,400.

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 to the application site is St Peter and Paul Catholic Primary School [0.2 miles away]. After assessing the possibility of expanding this school the Council's Children Schools and Families section concluded that the site was 'tight for further expansion' and that there were 'other local options'. As a result of this conclusion a financial contribution towards primary education provision is not sought 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 £6000 is sought towards secondary school education provision.

Financial contribution towards open space;

9.9 The nearest open space to the application site is London Road Playing Fields [0.2 miles away].

9.10 In terms of the route to London Road Playing Fields from the application site and the relatively low level of deficiency in open space [62 square metres] it is not considered that there is sufficient justification to request an off site financial contribution towards open space in this instance.

Financial contribution towards provision of affordable housing;

9.11 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.

9.12 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. A head of term is recommended seeking a financial contribution of £139,607 towards affordable housing provision.

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

9.13 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be 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. CONCLUSION

10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring

amenity. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

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

1. Provision of a financial contribution towards secondary school places [£6,000].
2. Provision of a financial contribution towards off site affordable housing provision [£139,607].
3. Restriction removing the eligibility of future occupants of the proposed residential accommodation to receive on street car parking permits;
4. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 1094/P/1250/001; 1094/P/100/001A; 002A; 003B; 004A; 006B; 007B; 008B and a Design and Access Statement. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Amended standard condition [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried

- out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Non standard condition [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), and submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
 6. Standard condition [Land contamination – construction phase] If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect To protect groundwater and the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
 7. Standard condition [Land contamination – validation] No residential unit hereby approved shall be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. Reason for condition: In

order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

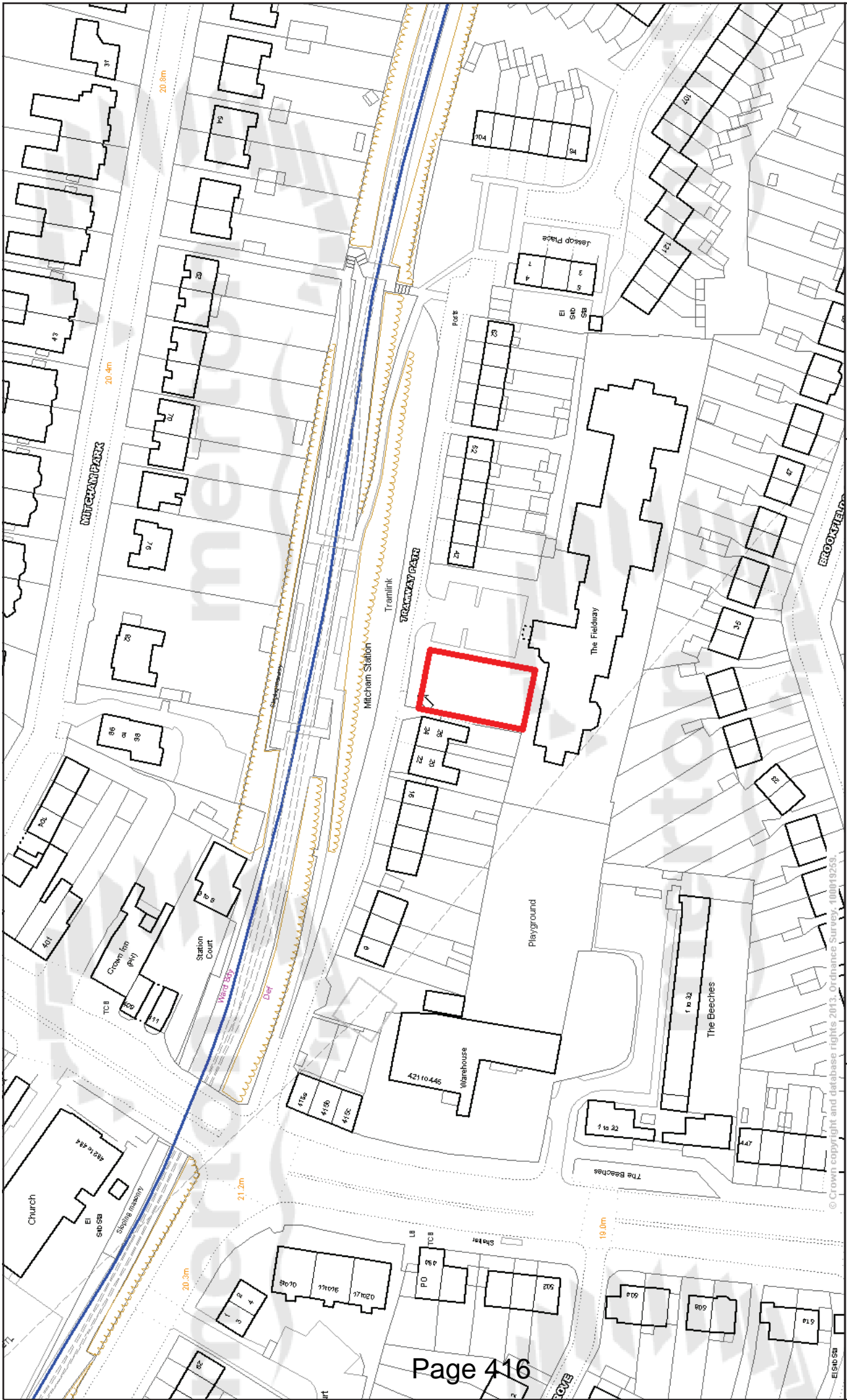
8. Non standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings walls and fences or other means of enclosure shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
9. Standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 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.
10. Amended Standard condition [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 Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

11. Amended Standard condition [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. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
12. Standard condition [Redundant crossovers] 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. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
13. Amended Standard condition [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. Reason for condition: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan 2003.
14. Non Standard condition [Landscaping] Prior to first occupation of the proposed new dwellings 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. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
15. Non standard condition [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. Reason for condition: 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].
16. Non standard condition [Refuse and recycling facilities] 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. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.
- 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 £22,400. 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 cilevy@merton.gov.uk.



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

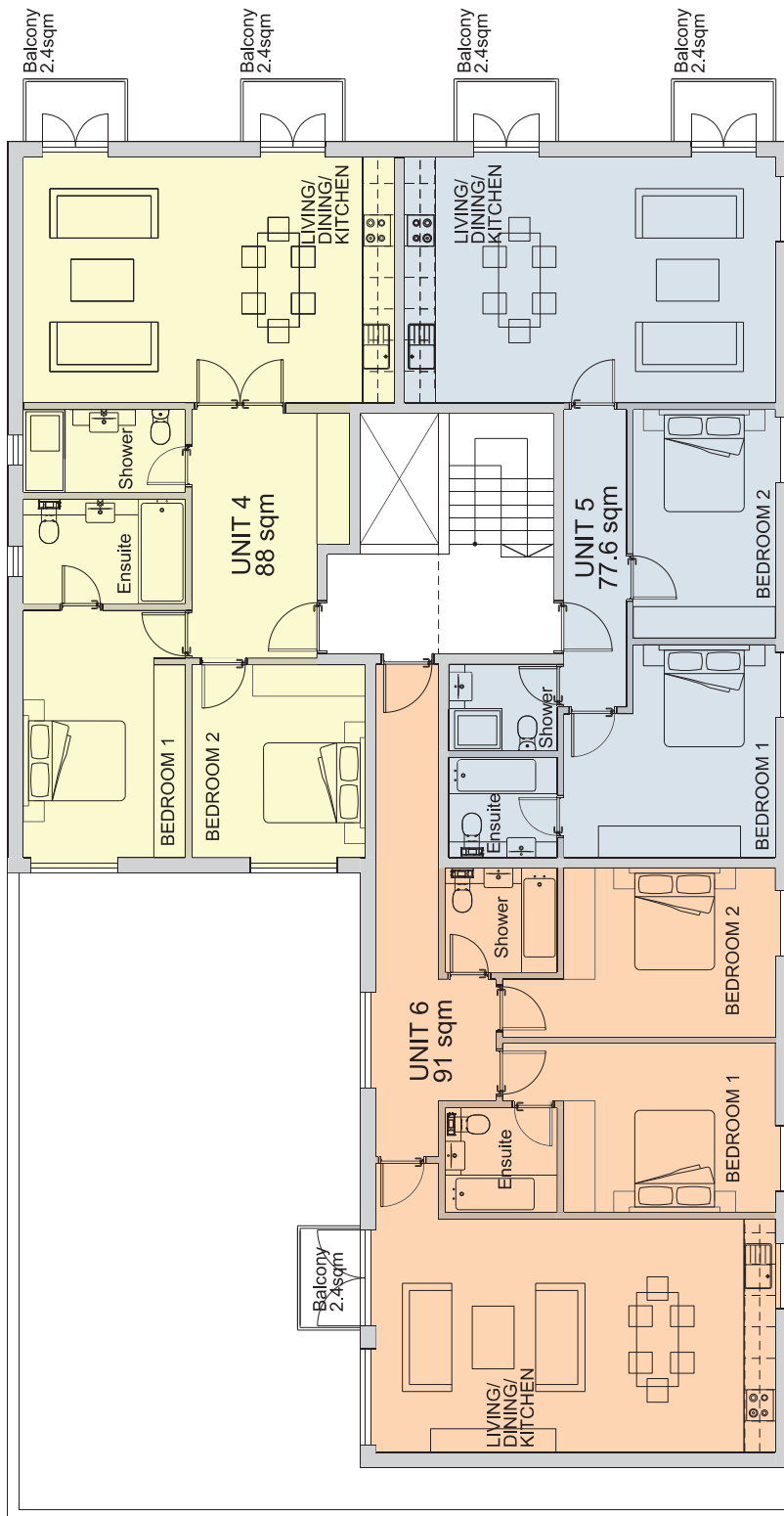
Scale 1/1250

Date 23/10/2013

28-32 Tramway Path

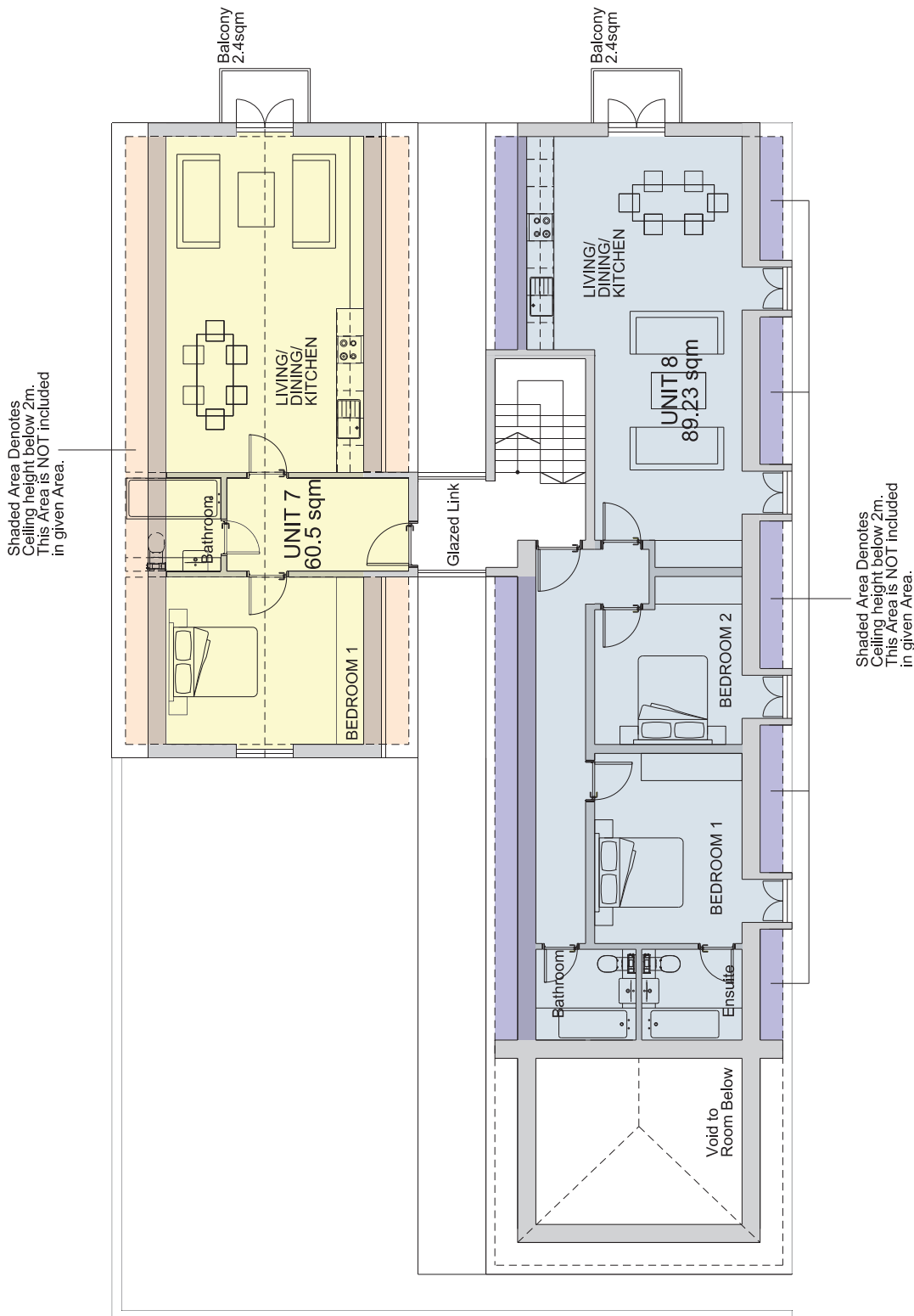
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DEVELOPMENT CONTROL



Revisions:
A. Balcony Areas added. 22.10.13

| | | | | | | | |
|---------------------|--|----------------|--|-----------------------|--|--|--|
| Issue Status | | Scale | | Drawn By | | Project | |
| FOR PLANNING | | 1:100 @ A3 | | | | 28-32 Tramway Path Mitcham CR4 4BD | |
| Date | | Drawing No | | Revision | | Drawing Title | |
| March 2013 | | 1094/P/100/002 | | A | | Proposed First Floor Plan | |
| | | | | Client | | Verify all dimensions on site | |
| | | | | RS London Estates Ltd | | GROVES NATCHEVA ARCHITECTS | |
| | | | | | | 6 Kensington Court Mews London W8 5DR T 020 7937 7772 F 020 7937 4838 | |

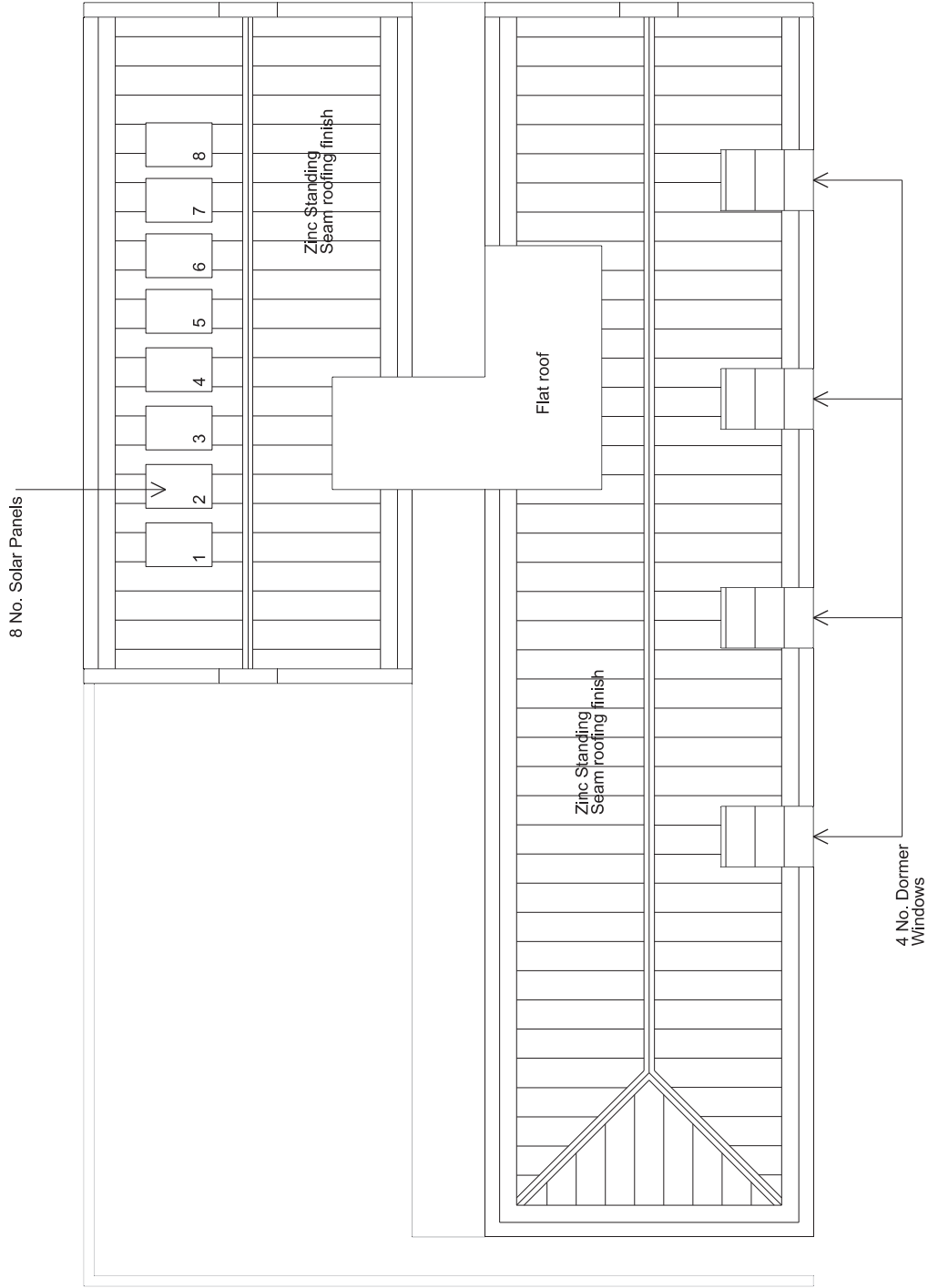


Shaded Area Denotes Ceiling height below 2m. This Area is NOT included in given Area.

Shaded Area Denotes Ceiling height below 2m. This Area is NOT included in given Area.

Revisions:
 A. Third Floor Omitted. 16.05.13
 B. Balcony Areas added. 22.10.13

| | | | | | | | | |
|--------------|--------------|------------|----------------|------------|------------------------------------|--------|--|--|
| Issue Status | FOR PLANNING | | Project | | 28-32 Tramway Path Mitcham CR4 4BD | | GROVES NATCHEVA ARCHITECTS | |
| | Date | March 2013 | Scale | 1:100 @ A3 | Drawn By | | This drawing is not to be scaled. Verify all dimensions on site. | |
| | | Drawing No | 1094/P/100/003 | Revision | B | Client | RS London Estates Ltd | 6 Kensington Court Mews London W8 5DR T: 020 7937 7772 F: 020 7937 4838 |



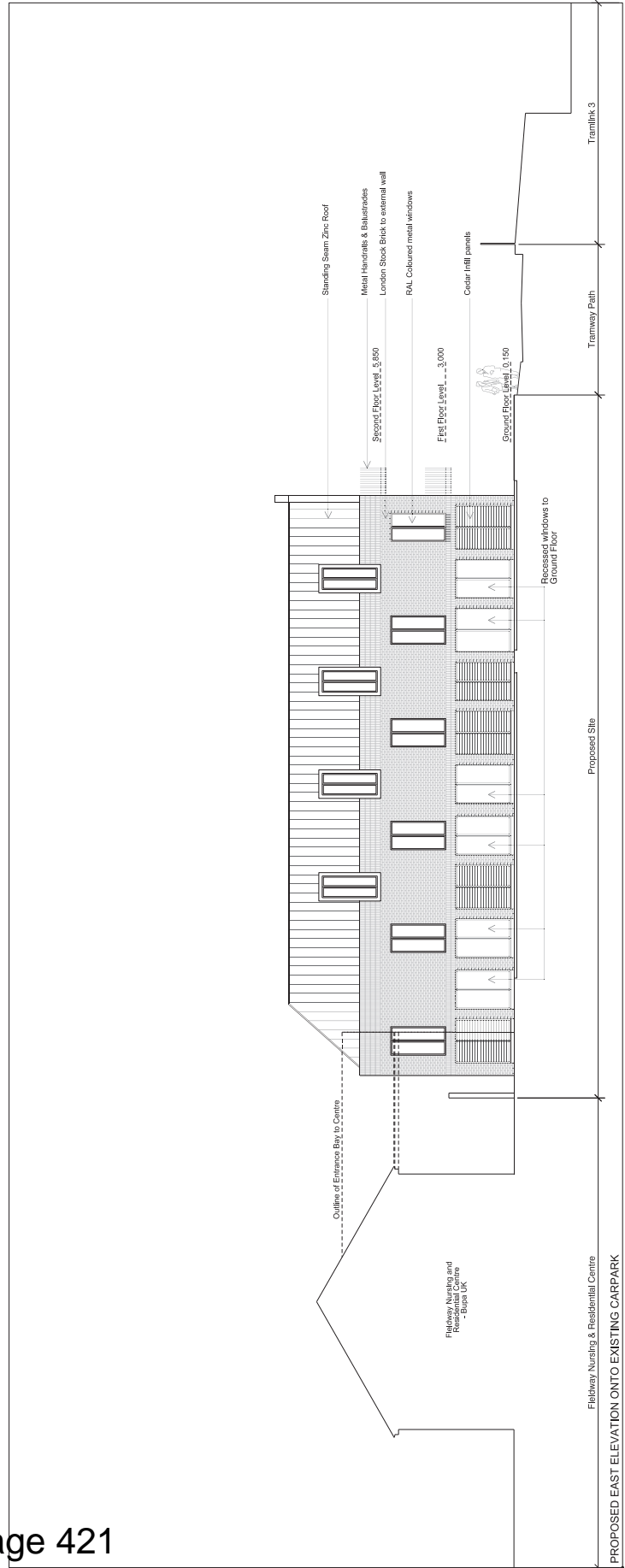
Revision A - Third Floor Omitted - 16.05.13

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|--------------|---------------------|------------|----------------|---------------|----------|--------------------|--|----------------------------|
| Issue Status | FOR PLANNING | | Scale | 1:100 @ A3 | Drawn By | Project | 28-32 Tramway Path Mitcham CR4 4BD | GROVES NATCHEVA ARCHITECTS |
| | Date | March 2013 | | Drawing Title | | Proposed Roof Plan | This drawing is not to be scaled. Verify all dimensions on site. | |
| | | Drawing No | 1094/P/100/004 | Revision | A | Client | | RS London Estates Ltd |

This drawing is not to be scaled
Verify all dimensions on site



PROPOSED NORTH ELEVATION ONTO TRAMWAY PATH



PROPOSED EAST ELEVATION ONTO EXISTING CARPARK



B Ground Floor Level revised 15.05.13
 A Third Floor Created 15.05.13
 Rev No. Description Date
 1 15.05.13
 2 15.05.13
 3 15.05.13

NORTH
 EAST
 FOR PLANNING

Client: RS London Estates Ltd
 Project: 32 Tramway Path
 Name: CR4 4BD
 Drawn by: Proposed
 North and East Elevations

1084/P/1000006
 06/05/2013/06/11/06/13
 14.02.2013/17.2
 05.03.2013/15.06

06/05/2013/06/11/06/13
 W/S DP
 14.02.2013/17.2
 05.03.2013/15.06





