

**PLANNING APPLICATIONS COMMITTEE**  
**7 November 2013**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

13/P1641

31/07/2013

**Address/Site:**

**Picfare House, 197 London Road, Morden, SM4 5PT**

**Ward**

St. Helier

**Proposal**

Erection of a mansard roof extension and change of use from Planning Use Class B1a [office use] to Planning Use Class C3 with 9 residential units comprising 4 one bedroom, 2 two bedroom flats and 3 studio flats.

**Drawing No's**

Site location plan; DP/1944/RG-1; RG-2; RG-3; RG-4; RG-5 and Design and Access Statement.

**Contact Officer**

Tony Ryan [020 8545 3114]

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

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**CHECKLIST INFORMATION.**

- S106: Secondary school education and affordable housing
- 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: No
- Area at risk of flooding: No
- Controlled Parking Zone: No
- Conservation Area: No
- Trees: No Tree Preservation Orders or trees of particular amenity value.
- Number of neighbours consulted: 5
- External consultations – Transport for London
- PTAL: 4 [TFL Planning Information Database]
- Density – 400 habitable rooms per hectare [site area of 0.05 hectares 20 habitable rooms].
- Number of jobs created: N/A

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**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration due to the need for authority to enter into a S106 legal agreement.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site [0.05 hectares] is located on the east side of London Road [A24] that is dual carriageway in this location with London Road forming part of the Transport for London Road Network [red route]. The application site is located just to the north of the Morden Royal Mail sorting office and the London Road junction with Rosedene Avenue. The railway line and Morden South Railway Station are located to the east of the application site with the Baitul Futuh Mosque building located beyond on the other side of the railway line.
- 2.2 The application site includes an open yard with this yard benefiting from an existing vehicular access on to the slip road off the main London Road carriageway. This slip road running between London Road and Rosedene Avenue also provides access to the Royal Mail sorting office. A public footpath that separates the application site from the sorting office provides pedestrian access, via a subway under the railway line to Morden South Railway Station. The slip road provides an on street loading bay and two unrestricted on street car parking bays.
- 2.3 The application site currently consists of two adjacent self-contained two-storey buildings with separate front entrances on to Morden Road and two doors to the rear elevation. The front elevation of the second building is set back behind the frontage of the first building. The buildings are linked by a single internal door at ground floor level. The buildings are constructed in brick with pitched slate roofs with one part of the building with an apex roof and the other part of the building a central flat roof. The applicant has stated that the last use of these vacant buildings was as offices [Planning Use Class B1a] with Picfare International UK Ltd an import – export business.
- 2.4 The site has a Public Transport Accessibility Level rating of 4 and the site is located outside a controlled parking zone. The application site is not in an archeological priority area. The site is not in an area at risk from flooding [June 2012]. The open land to the north and east of the site is designated as a Site of Nature Conservation Importance, a Green Corridor and Green Chain land.

## **3 CURRENT PROPOSAL**

- 3.1 The current application involves the retention and alteration of the existing two storey buildings with the erection of a mansard roof extension and change of use from Planning Use Class B1a [office use] to Planning Use Class C3 with 9 residential units comprising 4 one bedroom, 2 two bedroom flats and 3 studio flats.
- 3.2 The proposed alterations include replacing the existing pitched roof on the application buildings with a mansard roof. The mansard roof will result in

an increase in the overall height of the building from an existing roof ridge height of 7.8 metres to a height of 8.4 metres at the top of the proposed mansard roof. The mansard roof will include new lead clad dormer windows to all elevations of the building with the main roof retaining the existing slate roof covering.

- 3.3 The other external changes to the application buildings include altering one of the two front entrance doorways to a window to match others on the elevation. On the side [south] elevation of the building two existing windows will be replaced with a new single taller staircase window. All of the security bars to all of the existing ground floor windows will also be removed.
- 3.4 The proposed layout of the proposed residential accommodation includes provision of two shared entrances and staircases one to the front elevation and one to the rear elevation. The ground floor of the building provides three flats with two [flats A and G] of the three flats accessed off two lobbies behind the two entrances. The third ground floor flat [flat D] has a separate access door to the rear of the building. The staircase at the front of the building provides access to flats H and E on the first floor and flat F and flat I within the building roof space. The staircase at the rear of the building provides access to flat B at first floor and flat C within the roof space.

**Table 1: Bedrooms, bed spaces and floor areas for the 9 flats.**

Unit - floor	Bedrooms	Bed spaces	Floor area [Sq. M]	London Plan standard [Sq. M]
<b>A - ground</b>	1	2	48	50
<b>B - first</b>	1	2	48	50
<b>C - loft</b>	Studio	1	37	37 * see para. 3.5
<b>D - ground</b>	1	2	48	50
<b>E - first</b>	1	2	50	50
<b>F - loft</b>	Studio	1	35	37 * see para. 3.5
<b>G - ground</b>	2	3	62	61
<b>H - first</b>	2	3	60	61
<b>I - loft</b>	Studio	1	45	37 * see para. 3.5

- 3.5 The above table sets out the size of the proposed nine flats with the gross internal areas and the standards set out in the London Plan. The supporting text to the London Plan space standards states that single person dwellings of less than 37 square metres may be permitted in certain circumstances including where a proposal contributes to achievement of other objectives and policies of the Plan.

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

- 4.1 The most recent entry on the planning history is a planning permission approved in December 2011 [LB Merton ref 11/p3324] for a change of use from Class D1 (non residential institutions) to Class B1 (a) (business - offices).
- 4.2 In June 2009 planning permission was approved [LB Merton ref 09/p1253] for the change of offices (use within class B1 - business purposes) to use for tuition and educational purposes with associated meeting hall, interview rooms and cloakrooms (use within class D1 - non residential institutions).
- 4.3 Advertisement consent was approved in December 1991 [LB Merton ref 91/p1083] for the erection of internally illuminated fascia signs on front elevation of building.
- 4.4 In June 1998 planning permission was approved [LB Merton ref 88/p0604] for the erection of two-storey office building and the provision of 11 car parking spaces.
- 4.5 In March 1987 outline planning permission was refused [ref 87/P0169] for the use for the erection of six flats together with associated car parking.

## **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. There has no response to this public consultation.
- 5.2 LB Merton Transport Planning There is no objection to this planning application. The site has a PTAL rating of 4 (Good) and is not located in a Controlled Parking Zone. London Road is a heavily trafficked route forming part of the Transport for London Road Network. A number of bus routes operate in this location and Morden South Train Station is located directly behind the site.
- 5.3 It is considered the effects will not have a significant effect on the highway. Due to the parking restrictions on the Transport for London Road Network and public highway it is likely there will be only minimal parking on the adjoining highway. 7 parking bays for this level of units is within London Plan parking standards.
- 5.4 Transport for London There is no objection to this planning application subject to the submission of a Construction Logistics Plan.
- 5.5 The Construction Logistics Plan is required to set out a construction methodology to include the following:

- measures that will be used to ensure that the construction works do not cause any blockage to the footway and carriageway;
  - measures to minimise any impact on the highway network;
  - measures to ensure the safety of pedestrians and cyclists;
  - measures to ensure that no skips of construction materials are kept on the footway or carriageway and;
  - measures to ensure that all vehicles adhere to the existing on street waiting restrictions.
- 5.6 The level of proposed cycle parking [six spaces] is below the minimum standard and this should be increased to a minimum of nine spaces. The six off street car parking spaces are considered acceptable.

## **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]; 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]; 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].
- Policies retained in Adopted Unitary Development Plan [October 2003]
- 6.2 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design; BE22 [Design of new development]; BE25 [Sustainable development]; C13 [Planning obligations for educational facilities]; E2 [Access for disabled people]; E6 [Loss of employment land outside designated industrial areas]; 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
- 6.3 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]
- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].
- National Planning Policy Framework [March 2012]
- 6.5 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.6 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.7 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 7. PLANNING CONSIDERATIONS**
- 7.1 The main planning considerations include assessing the principle of the development 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; impact on access and parking.
- Loss of employment floor space**
- 7.2 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.

- 7.3 Unitary Development Plan policy E.6 provides a detailed framework for assessing whether a site such as this, located outside the main industrial areas [a scattered employment site], should be released from employment use. This policy states that the loss of employment land in a predominantly residential area such as this will only be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for alternative employment or community use as confirmed by full and proper marketing for 5 years for employment or community purposes.
- 7.4 The application building has been vacant for a period of two years. The last tenant was European College Ltd who were evicted after a period of 18 months as they were unable to pay the rent. Marketing of the building has been conducted by Brinkleys with this marketing consisting of a brochure sent to contacts on their register. The property details were also displayed on the Brinkleys website and advertised in the Brinkley's magazine. The property has also been advertised on all the main property portals such as Rightmove, Zoopla, Primelocation, and Home & property. The advice provided from estate agents to the applicant has been that companies who require the large area of floor space are not attracted to this area. No serious offers have been received since the marketing began in April 2013
- 7.5 Whilst the application site has not been actively marketed for employment uses for five years, there are various physical factors that would dissuade prospective employment occupiers. The application building is located in an isolated location away from the supporting uses in a town centre location
- Relaxation of permitted development legislation.
- 7.6 On the 30 May 2013 the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 came into force as part of the Growth and Growth and Infrastructure Act 2013.
- 7.7 Class J of the Order permits office accommodation (Planning Use Class B1 (a)) subject to certain conditions to convert to residential accommodation without the need for planning permission. One of these conditions is that the building was used as office accommodation prior to 30 May 2013.
- 7.8 The applicant has stated that the existing building on the current application site was previously in use as office accommodation. As a result members are advised that the loss of the office accommodation could take place as permitted development under the prior approval system and without the need for full planning permission. The current



proposal requires full planning permission as the proposed external changes to the building are not permitted development.

**Need for additional housing and housing mix.**

Need for additional housing

- 7.9 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.
- 7.10 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 1450 to 1800 new dwellings to be provided within the Morden area where the proposal site is located.
- 7.11 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.
- 7.12 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.
- 7.13 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

- 7.14 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 on the edge of a residential area that includes roads such as Rosedene Avenue and roads linking London Road and Central Road such as Chalgrove Avenue. The existing residential accommodation is predominantly family housing with relatively large semi detached and terraced two storey properties. T
- 7.16 The proposed development includes nine residential units with a mixture of 4 one bedroom, 2 two bedroom flats and 3 studio flats. It is considered that the proposed accommodation providing smaller units of accommodation with high 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**

- 7.17 Retained adopted Unitary Development Plan policies 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. Retained adopted Unitary Development Plan policy BE.23 requires extensions to be sympathetic to the form, scale, bulk and proportions of the original building.
- 7.18 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.
- 7.19 The proposed works to replace the existing apex roof on the application buildings with a mansard roof are considered in keeping with the design and appearance of the existing building and the local area. The design, and proportions of the proposed dormer windows are in keeping with the existing building windows.
- 7.20 The proposed mansard roof will raise the overall height of the building from an existing roof ridge height of 7.8 metres to a height of 8.4 metres. A distance of 15 metres separates the application building from the closest other building which is a two storey flat roof building that houses the Royal

Mail sorting office. In this context the relatively small increase in the height of the building is considered acceptable.

7.21 The other external changes to the application buildings include altering one of the two front entrance doorways to a window to match others on the elevation. On the side [south] elevation of the building two existing windows will be replaced with a new single taller staircase window. A planning condition is recommended to ensure that this work is carried out in materials that match the existing building and in that context these alterations are considered acceptable.

7.22 In conclusion the design and scale of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22, policy BE.23 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.

7.15 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 minimum separation distances 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.

7.16 A distance of 39 metres and the Royal Mail sorting office building separates the application building from the nearest residential property at 1 Rosedene Avenue. In this context it is considered that the proposal including the new dormer windows will not harm the amenities of local residential occupiers.

7.17 In conclusion it is considered that with the separation distances from neighbouring properties and the scale of existing development it is considered that the proposed development will not give rise to any visual intrusion, loss of privacy or loss of daylight or sunlight.

**Standard of residential accommodation.**

- 7.18 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].
- 7.19 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

- 7.20 It is highlighted that a number of the proposed flats are below the minimum floor space standards that are set out within the London Plan. The current application is for the conversion of two existing buildings and the layout of the proposed residential accommodation is constrained by the existing building structure. The load bearing party wall that separates the two existing buildings also provides a defined internal separation between the two areas of proposed residential accommodation.
- 7.21 The layout of the proposed accommodation includes flats A and B at ground and first floor levels. These two flats occupy the smaller of the two existing buildings and with the necessary internal circulation these flats are two square metres below the minimum standard of 50 square metres. The dual aspect flats have a good internal layout with a separate kitchen and a double and a single bedroom.
- 7.22 The larger of the two buildings provide two, one bedroom flats at ground floor level [flats A and D] and an additional two at first floor level [flats E and B]. Three of these four dual aspect flats are also two square metres below the minimum floor space standard, however they provide a good internal layout including a large living area. Of the three studio units within the loft space flat F is also two square metres below the London Plan minimum standard.
- 7.23 In conclusion, whilst the internal floor space in a number of the flats are below the normal minimum levels, it is considered that the layout of the accommodation makes good use of the space available with an appropriate internal layout and good provision of natural light to habitable rooms. The supporting text to the London Plan space standards does also state in relation to single person dwellings that floor space below the minimum standards may be permitted where a proposal

contributes to achievement of other objectives and policies of the Plan. The current proposal in providing next residential accommodation is considered to meet other policy objectives.

#### Noise and disturbance

- 7.24 A railway embankment towards the rear of the application site separates the application building from the railway track located further to the east. A distance of 15 metres separates the rear building elevation from the railway tracks. It is considered that the screening provided by the railway embankment and the separation distance will ensure that the railway does not result in undue noise and disturbance to future occupiers of the proposed accommodation.

#### External Amenity Space

- 7.25 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.
- 7.26 As well as seven off street car parking spaces, the submitted proposal includes external areas covering 122 square metres around the existing building. The Council's normal garden space standards require the provision of 10 square metres of external space per habitable room, which would amount to a total requirement of 200 square metres.
- 7.27 The application site is located in an area where there is currently high on street car parking demand due to the proximity of Morden South railway Station. In response to this parking demand, the development has retained the existing off street car parking area that was associated with the original office use. The retention of this parking area and the location of the existing building on the site restricts the space that is available for external garden space for the residential accommodation.
- 7.28 The failure to meet the Council's minimum garden space standards need to be balanced against the loss of amenity that would arise from the additional on street parking demand generated by the use of the existing off street parking area as garden space. With the off street car parking currently provided on the application site and no objections received as a result of public consultation the level of external garden space is considered acceptable in this instance. It is highlighted that Morden Park Playing Fields is located opposite the application site with an entrance adjacent to the nearby railway bridge.

#### Lifetime Homes

- 7.29 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 advises that the proposed development has been

designed to reflect Lifetime Home Standards and a planning condition is recommended to ensure that the development is constructed to these standards.

**Car parking, servicing and access.**

Car parking

- 7.30 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. 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 two off street car parking spaces for properties with four or more bedrooms.
- 7.31 The application site is not located within a controlled parking zone but located close to Morden South Railway Station, within easy walking distance of Morden Underground Station and with three bus routes along London Road the site has a good level of access to public transport. The proposed development includes seven off street car parking space [including two spaces suitable for the disabled] for the nine proposed flats. The design of the car parking spaces is considered acceptable and the level of parking is in accordance with London Plan standards. London Road forms part of the Transport for London Road Network [red route].

Cycling, servicing and access

- 7.32 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 six cycle parking spaces and in line with the comments from Transport for London a planning condition is recommended to seek the submission of amended cycle parking to provide a minimum of nine spaces and to ensure that the approved storage is retained.
- 7.33 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.

7.34 In order to ensure that works associated with the development do not impact upon the adjacent road in line with the comments from Transport for London a planning condition is recommended to seek the submission of a Construction Logistics Plan from the applicant. Whilst the submitted plans show refuse bins, there are no details of the structures for the storage of these bin A] planning condition is recommended to ensure that details of the storage is submitted for approval and retained.

7.35 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

7.36 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.

7.37 The application site does not include any trees although there are trees on neighbouring land to the north and east of the site. A planning condition is recommended seeking the submission of details of landscaping to the open areas of the site and for this approved landscaping to be retained.

#### Sustainable design and construction.

7.38 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.

7.39 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that the development has achieved a BREEAM Domestic Refurbishment rating of 'very Good' is achieved.

### **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 CIL charge that would be payable, for the proposed development, [providing additional floor space of 296 square metres], under the Mayor of London Community Infrastructure Levy would provisionally be £10,360.

**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 proposed development will provide 2 two-bedroom units and therefore will place additional demand on local schools. The nearest primary school is Abbotsbury Primary School [0.19 miles]. There are no immediate plans to expand this school following the following assessment from the Children Schools and Families Section "Includes a significant area of protected meadow so despite site size expansion problematic in planning terms".
- 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.

- 9.10 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 £109,199 towards affordable housing provision.

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 £5,546 calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

## **10. CONCLUSION**

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

## **RECOMMENDATION**

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

1. Provision of a financial contribution of £1,714 towards secondary school places.
2. Provision of a financial contribution of £109,199 towards off site affordable housing provision.
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 [£5,546].

**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: Site location plan; DP/1944/RG-1; RG-2; RG-3; RG- 4; RG-5 and 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 Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority with the plan including measures to ensure that works do not impact upon the adjacent footway and carriageway including preventing skips and storage of construction materials; to minimise any impact on the highway network; to ensure the safety of pedestrians and cyclists; to ensure that all vehicles adhere to the existing on street waiting restrictions; wheel cleaning facilities; and 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. Amended standard condition [Details of walls and fences] Prior to occupation of the development hereby permitted details of all boundary walls or fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The residential units shall not be occupied until the approved walls and fences or other means of enclosure have been erected in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
9. Non standard condition [BREEAM Domestic Refurbishment Pre-Commencement] 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 BREEAM Pre-Commencement (Major refurbishment residential) assessor confirming that the development is registered with the Building Research Establishment (BRE) or other equivalent assessors in respect of a BREEAM Domestic Refurbishment rating system (or any future relevant standard replacing this rating system) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than 'Very Good' has been submitted to and approved in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
10. Non standard condition [BREEAM Domestic Refurbishment occupation] Unless otherwise agreed in writing by the Local Planning Authority, the dwelling house hereby approved shall not be occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the development has achieved a BREEAM Domestic Refurbishment rating (or any future relevant standard replacing this rating system) of not less than 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
11. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved based on

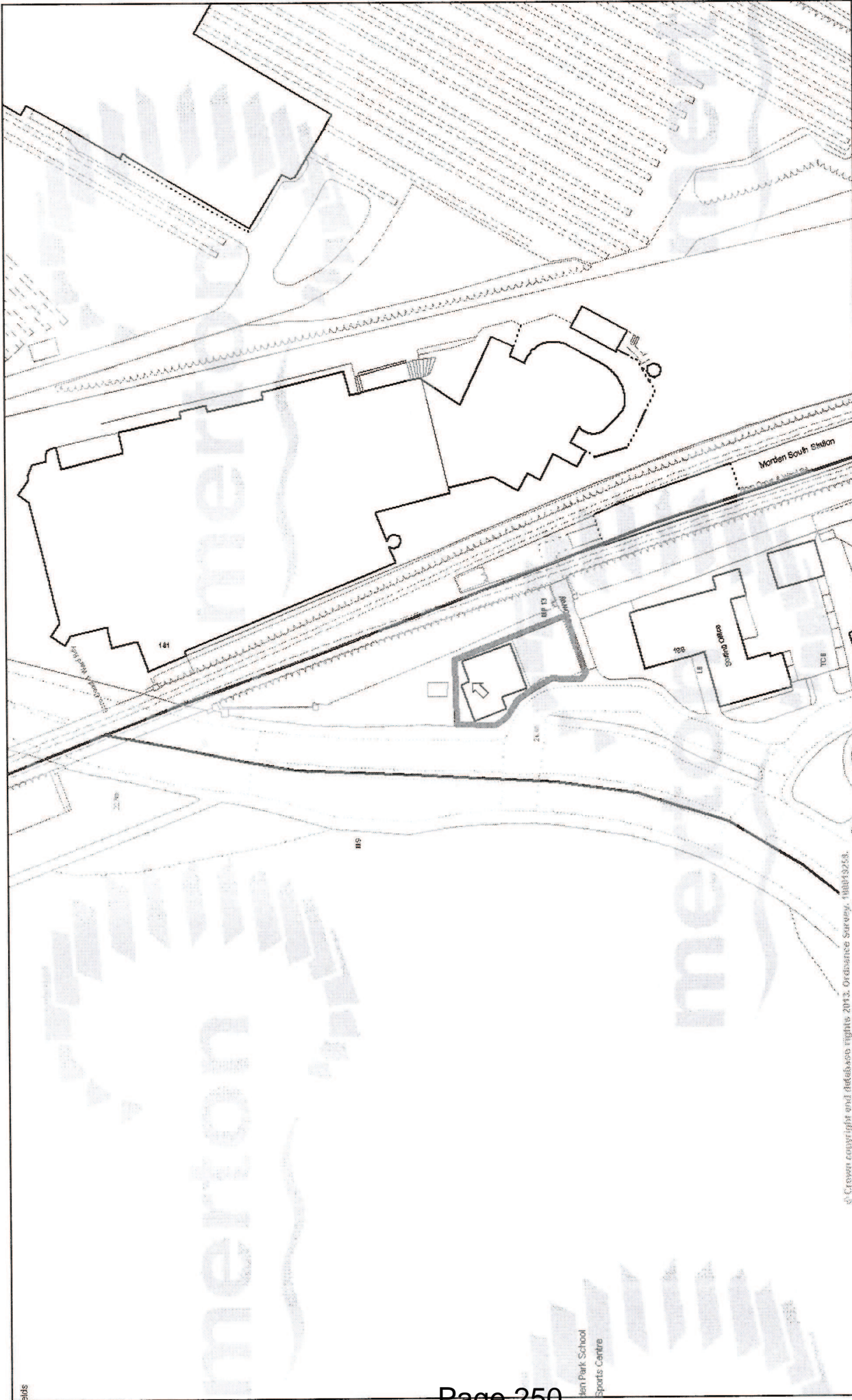
- the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
12. Non Standard condition [Landscaping] Prior to occupation of the proposed new dwellings landscaping shall be in place that is accordance with a landscaping plan that has previously been submitted to and approved in writing by the Local Planning Authority with the plan should including full details of the size, species, spacing, quantities and location of plants, together with any hard surfacing, means of enclosure, 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.
  13. Non standard condition [Cycle storage] Prior to occupation of the development hereby permitted details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
  14. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted details of refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority with the approved facilities provided prior to occupation and retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of 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](http://www.lifetimehomes.org.uk)
- b) The applicant is advised that should any hoarding or scaffolding be required as part of the development then a separate licence may be required from Transport for London.
- c) 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.



- d) The applicant is advised that the development hereby approved is liable to the Community Infrastructure Levy (CIL). The indicative chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £10,360. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). For more information regarding CIL visit [www.merton.gov.uk/CIL](http://www.merton.gov.uk/CIL) or email [cilevy@merton.gov.uk](mailto:cilevy@merton.gov.uk).
- e) The applicant is advised that any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.



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

Scale 1/1250  
 Date 23/10/2013

197 London Road

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DEVELOPMENT CONTROL











**General Notes:**

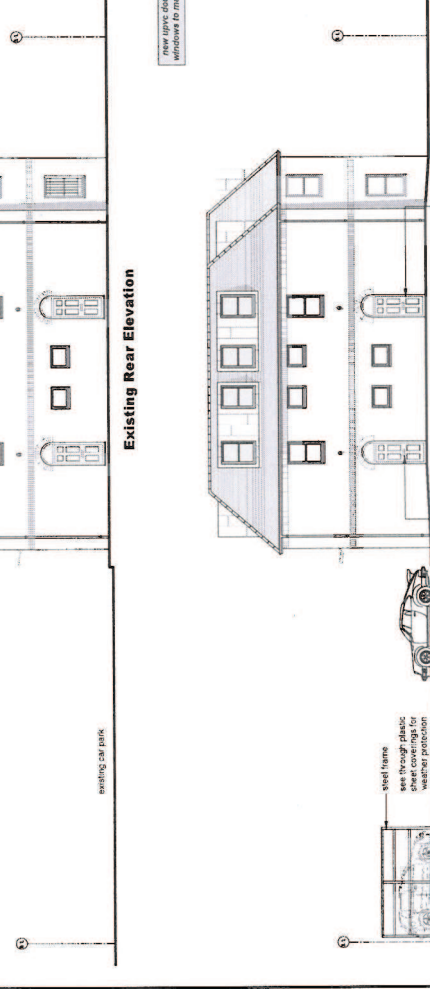
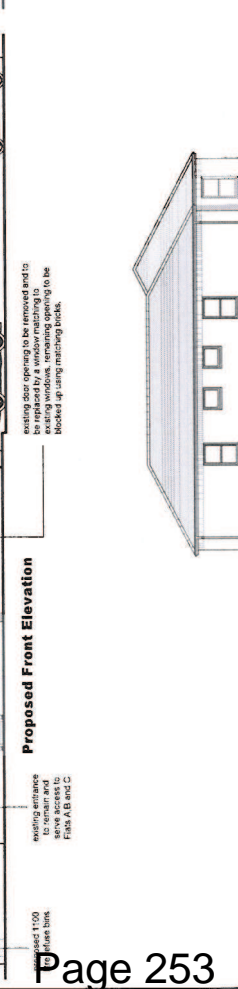
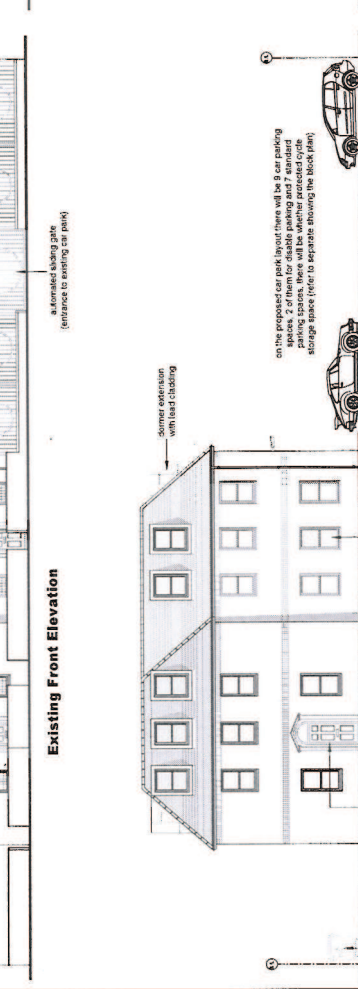
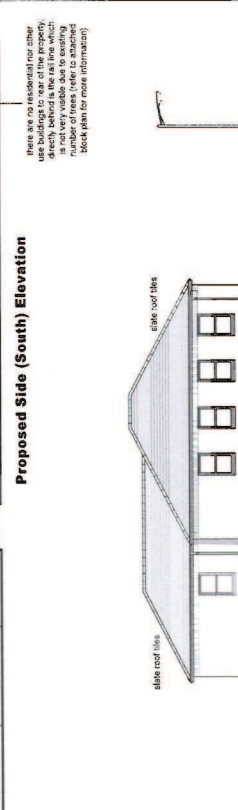
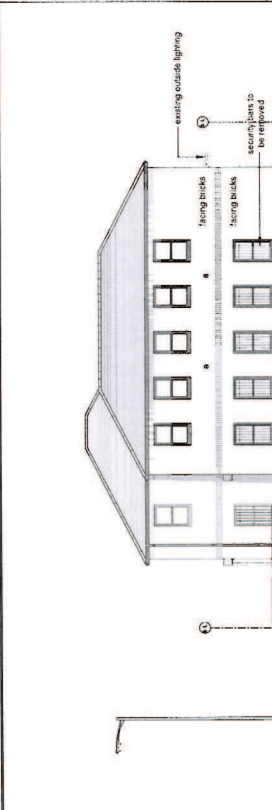
1. Dimensions should not be scaled from the drawings where accuracy is essential. All dimensions to be checked on site by the contractor prior to commencement of works. Any works commenced prior to approval of the drawings are at the contractor's risk.
2. Structural details are subject to approval of existing conditions and verification by L.A. Surveyor and any necessary structural calculations.
3. All materials are to be used in accordance with the standards of Practice & Regulation 3 of Building Reg.
4. All works are to be carried out in accordance with local authority requirements.
5. All works are to be carried out in accordance with local authority requirements.
6. The proposed works shall be carried out in accordance with the Building Regulations.
7. Thames Water Authority permission to be obtained if any adjoining works affected must be notified prior to commencement of works.
8. 'As part' of the extension to projects adjoining boundary lines.
9. Health & Safety: The project contains no known items which we consider to be hazardous. However, the contractor is to carry out a risk assessment to be carried out by contractor. Under the CDM Regulations, the contractor is to ensure work is carried out efficiently and in a safe manner.

**Client:**  
Mr Seeylesh Radia

**Project:**  
197 London Road  
Morden  
Surrey  
SM4 5PT

**Title:**  
Change of Use From Offices to Residential Flats (C3 Use Existing - Proposed Front, Rear, Side (South) and (North) Elevations.

**Scale:** 1:100 @ A1  
**Date:** February 2013  
**Drawn:** Eddy Sami  
**Checked:** [ ]  
**Revision:** [ ]  
**Drawing No.:** DP/1944/RG - 2



**Scale:** 1:100 @ A1  
**Date:** February 2013  
**Drawn:** Eddy Sami  
**Checked:** [ ]  
**Revision:** [ ]  
**Drawing No.:** DP/1944/RG - 2

**When printing off drawings, if the printer prints the drawings in black and white, please use the scale bar on the appropriate sheet. Also the scale bar on the plan measure correctly.**

**All dimensions in millimetres unless stated otherwise.**

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