

PLANNING APPLICATIONS COMMITTEE

18 JANUARY 2018

APPLICATION NO.

DATE VALID

17/P3807

10/10/2017

Address/Site:

Land at the Shannon
Business Centre
Beverley Way and at the end of
Rookwood Avenue
New Malden

Ward:

West Barnes

Proposal:

Erection of 3 detached houses with vehicular access from Rookwood Avenue, footpath access between Rookwood Avenue and Blagdon Road, landscaping and a minor boundary alteration to No. 36 Rookwood Avenue.

Drawing No.'s:

P01 001, 003, 004, 005, 006, 009, 010, and 011.

And supporting documents: 'Design and Access Statement' dated October 2017, 'Planning Statement' dated October 2017, 'Arboricultural Report' dated October 2017, Statement relating to 'Daylight and Sunlight' dated 5 October 2017, 'Flood Risk Assessment' dated October 2017, 'Landscape & Public Realm Strategy' dated 2 October 2017, 'Open Space Statement' dated October 2017, 'Phase 1 Preliminary Risk Assessment' dated October 2017, 'Statement of Community Involvement' dated September 2017, 'Transport Statement' dated October 2017, 'Utility Assessment' dated October 2017, 'Preliminary Ecological Appraisal' dated October 2017, 'Water Vole Survey' dated October 2017, 'Bat Survey' dated October 2017 and 'Reptile Survey' dated October 2017.

Contact Officer:

Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions, the completion of a S106 legal agreement and the extinguishment of an existing section 52 legal agreement relating to the site.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (departure from development plan – development on open space)
- Site notice: Yes (departure from development plan – development on open space)
- Design Review Panel consulted: No
- Number of neighbours consulted: 13
- External consultations: 2
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: Yes (Merton (No.648) TPO 2013)
- Controlled Parking Zone: No
- Flood risk zone: Yes – zone 2 (in the area of proposed development) and zone 3 (immediately adjacent to the Beverley Brook)
- Open Space: Yes – Rookwood Open Space
- Site of importance for nature conservation (SINC): Yes – Beverley Brook in Merton (immediately adjacent to the Beverley Brook)
- Green Corridor: Yes – Beverley Park
- Green Chain: Yes (follows Beverly Brook)

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of the development, being development on designated open space which constitutes a departure from adopted planning policy.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a broadly triangular parcel of land (0.2155ha) located at the northern end of Rookwood Avenue, a cul-de-sac characterised by terraces of two storey (with pitched roofs) inter-war houses. The northwest boundary of the site is bound by the Beverley Brook (stream); the eastern boundary is bound by a large earth bund; the southern boundary forms the end of the Rookwood Avenue.
- 2.2 The site comprises a public footpath that follows the edge of the Beverley Brook, running west to north and connecting Blagdon Road with the Kingston Bypass, by way of the Shannon Commercial Centre; this path is lined by mature trees. There is also an informal path that links the end of Rookwood Avenue to the path alongside the Beverley Brook, thus providing connectivity to Blagdon Road and the Kingston Bypass. The remainder of the site is predominantly flat grass land.
- 2.3 Whilst the site is designated as open space and categorised as a pocket park as per Table 7.2 of the London Plan 2016, it does not function well as such.

The site is private open space, being acquired by Goldcrest in November 2016; the site was subsequently fenced/hoarded in October 2017, thus there is no public access to the main portion of the site (it is noted that the fencing has been positioned such that the paths are still fully accessible to the public). The site has a history of being neglected, becoming overgrown and being subject to anti-social behaviour and fly tipping. The site does not provide for informal play or passive recreation. The enclosure of the site was undertaken to prevent further fly-tipping, anti-social behaviour and illegal occupation.

- 2.4 In terms of the wider area, to the southeast is a large B+Q retail store, with residential against the store at Shannon's Corner. To the northwest, beyond the Beverley Brook, are the rear of houses which front Onslow Road. Further to the north are the Beverley Allotments and Park. To the north east is the Shannon Commercial Centre, comprising nine commercial units arranged around a courtyard.
- 2.5 The site was formerly part of playing fields which were redeveloped under application MER1013/82(O), to provide an industrial estate. The current site was set aside as open space and protected by virtue of a section 52 legal agreement, stating "The Developer hereby agree declares and covenants with the Corporation that it will retain the land coloured blue on the attached drawing No. EM1200 for open space and recreational purpose only and for no other purpose whatsoever". The land referred to as coloured blue is encompassed by the current proposal site.
- 2.6 The site has a PTAL (public transport accessibility level) of 2 which is considered to be moderate (1 being very poor and 6 being excellent).
- 2.7 The TPO includes 67 trees, largely comprising of Maple, Cypress and Sycamore. The trees are predominately concentrated along the northwest boundary of the site and within the northern portion of the site, with one located near the boundary with No. 36 Rookwood Avenue.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erecting of 3, 2 storey (with additional pitched roofs), 3 bed detached dwellings with accommodation at roof level, access from Rookwood Avenue, a formalised pedestrian path between Rookwood Avenue and Blagdon Road, a boundary adjustment to No. 36 Rookwood Avenue to enlarge their garden, and extensive landscaping to the remainder of the site.
- 3.2 The proposed dwellings would be in rough alignment with the dwellings on the eastern side of Rookwood Avenue, albeit with a setback of approximately 7.8m from the flank of the closest existing dwelling (No.36 Rookwood Avenue). The dwellings would face westward, toward the Beverley Brook. The proposed dwellings would be spaced approximately 3m apart; they would maintain a separation distance of approximately 5.4m from the eastern boundary of the site, providing private rear gardens for each dwelling; at the development's closest points, it would maintain a distance of approximately 27m from the rear elevations of the dwellings fronting Onslow Road and 24m

from the dwellings on the western side of Rookwood Avenue. Immediately to the front and between the dwellings would be permeable paving, providing a hardstanding for the vehicle access from Rookwood Avenue.

- 3.3 Beyond the hard standing to the west would be a landscaped 'rain garden' surrounded by dense shrub planting. Immediately to the south of the 'rain garden' would be the upgraded path connecting Rookwood Avenue and Blagdon Road; it is noted that the existing path following the north-western boundary of the site would be retained. Riparian planting would be undertaken along the Beverley Brook. The northern portion of the site would provide a biodiversity/ecology zone which would be planted with native trees, undergrowth and wild flowers. The private and public space would be delineated by a mixed native species hedgerow which would follow the edge of the hardstanding area and wrap around the flank of the northern most dwelling. The site would be interspersed with log piles and two bat boxes would be positioned on the northernmost flank wall of the dwellings. It is not proposed to remove any trees from the site.
- 3.4 The proposed dwellings would be contemporary in appearance; comprising an irregular footprint; an asymmetric, mansard roof housing multiple rooflights; a recessed, angled front entrance; a chimney and deeply recessed windows. In terms of materials, the proposed dwellings would comprise a terracotta coloured Sarnafil single ply roofing membrane standing seam roof, white silicone based render to the walls, terracotta render to the recessed front entrance, composite timber windows, a 150mm high red tiled plinth and a grey timber front door.
- 3.5 The proposed dwelling would have the following key dimensions: 13m deep, 6m wide, 5.5m high to the eaves and 8.8m maximum height.
- 3.6 It is proposed to transfer the ownership of the existing and proposed pedestrian paths, including their associated verges, to Merton Council to manage. The remaining 1,090.5sq.m of land, which would not be transferred to Merton Council or comprise part of the curtilage of the proposed residential units, would be accessible to the public. It would be fully landscaped with the intention to enhance its biodiversity, ecological and amenity value. It is proposed for the ownership of this retained open space to be transferred to a management company; the company would be responsible for the site for a period of no less than 25 years, during this time residents would have the option of joining the company and taking over the management at the end of the 25 year period; £25,000 would be allocated to the management company to go towards the maintenance of the site.
- 3.7 Prior to the submission of the application, the developer held a public exhibition of the proposal on 2 March 2017 and updated residents at a drop-in session on 22 June 2017. Both events were held at Malden Emergency First Aid Society Hall, Blagdon Road. The events were advertised through various channels, including hand-delivery of invitation leaflets to approximately 60 properties closest to the site. Key stakeholders and councillors were notified with an email invitation. In total, 25 people attended the sessions.

- 3.8 The purpose of the events was to engage with local interested parties on the current proposal in order to inform future development to the design. The proposal was presented to, and discussed with, attendees, with the main focus being on the following:
- The current informal pedestrian access route through the site to be secured and improved;
 - 3 sustainable family-sized homes as an extension of Rookwood Avenue;
 - A quiet, green space proposed for the northern part of the site to enhance its existing biodiversity and act as a haven for wildlife, and an amenity space open to local residents adjacent to the current footpath link
- 3.9 Key points from attendees included:
- Screening to prevent overlooking onto Onslow Road.
 - Safeguarding the footpath through the site.
 - Wildlife: Residents were pleased to see that the site's green space would be protected and enhanced through measures including a rain garden and increased planting.
 - Design: Residents liked the modern and sustainable design of the homes and were pleased to see they would complement the architecture of the existing terraces on Rookwood Avenue.
 - Anti-social behaviour: Residents noted that the site is used for fly-tipping currently but agreed that the redevelopment of the site and more natural surveillance would deter this kind of activity.
 - Construction period: attendees were interested to hear about how disruption to immediate neighbours would be minimised, particularly given the on-going disruption from the B&Q flats.

4. PLANNING HISTORY

- 4.1 MER1013/82(O): Outline erection of warehouse and industrial buildings together with access road, car parking and landscaping – Granted subject to conditions and Section 52 (precursor to Section 106) town planning agreement which restricts development of the site.
- 4.2 13/P3152: Construction of a new area of hardstanding and the erection of security fencing and a security gate in connection with the use of the site for the storage of motor vehicles – Refused.
- Reasons:
- 1) The proposed security fencing, gates and area of tarmac hardstanding by reason of design, materials and siting is considered likely to impair the integrity of the Green Corridor, of which the site forms a part, and would fail to enhance its nature conservation value and protect and enhance open spaces in the borough and would be contrary to policy NE.8 of the Adopted Unitary Development Plan 2003 and policy CS 13 of the Core Strategy 2011.
 - 2) The proposals by reason of the extent of the area of tarmac hardstanding for use to park vehicles, in conjunction with the parking of vehicles and the design and materials and siting of the security fencing, would detract from the visual amenities of the Rookwood Avenue streetscene and would be contrary to policies BE.22 of the Adopted Unitary Development Plan 2003 and CS.14 of the Core Strategy 2011.

- 3) The proposed area of tarmac hardstanding by reason of design, materials and siting fails to demonstrate adequate mitigation against pollutants contaminating and causing ecological damage to the Beverley Brook watercourse and would be contrary to policies PE 6 of the Adopted Unitary Development Plan 2003 and CS 13 of the Core Strategy 2011.
- 4) The proposed use of the land for the storage of motor vehicles has the potential to increase vehicular traffic on Rookwood Avenue and the applicant has failed to demonstrate that the proposal will not adversely affect safety, the convenience of local residents and traffic management contrary to policy CS 20 of the Core Strategy 2011.
- 5) The proposals would result in the loss of open space, identified in the Merton Draft Site and Policies Plan (2013), and in the absence of an assessment showing the open space is surplus to requirements, or that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, would be contrary to the objectives of paragraph 74 of the National Planning Policy Framework (2012).

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 13 neighbouring properties. The outcome of the consultation process is summarised as follows:
- 5.2 1 neutral representation which is summarised as follows:
- Hoped the land would be protected from development, but satisfied that the proposal enhance biodiversity in the area.
 - The area can be prone to fly tipping and anti-social behaviour, the development should stop this behaviour.
 - Support the commitment to formalise the path connecting Rookwood Avenue and Blagdon Road.
 - Concerns regarding the disruption during the building works.
 - Support the commitment for a maintenance fund toward the site.
- 5.3 24 representations in support of the proposal which are summarised as follows:
- The existing site has limited ecological value
 - Site is underutilised
 - Site is prone to anti-social behaviour
 - The proposal will significantly improve the landscaping
 - The informal path will be formalised and improved, making it safer for local residents
 - The proposal would be a modest, considered development of 3 sustainable family homes
 - The homes have been sensitively designed to reflect the scale and style of the existing properties on Rookwood Avenue

External:

- 5.4 Royal Borough of Kingston upon Thames: No objection.

- 5.5 Environment Agency: No objection subject to conditions to mitigate the risks of contamination and details of a landscaping management plan, including management responsibilities and maintenance schedules.

Internal:

- 5.6 Trees Officer: No objection. The site benefits from TPO No. 648. A management plan should be prepared to support the proposed enhancements to biodiversity. Any vegetation removal would be satisfactorily replaced by the proposed trees. The proposal would be of great benefit to the site and enhance its biodiversity value. Conditions are recommended relating to the protection of existing trees.
- 5.7 Environmental Health Officer: No objection subject to conditions. Conditions are recommended relating to noise mitigation and the potential for contamination to be found on-site.
- 5.8 Flood Risk Engineer: No objection subject to conditions. The site is in flood zone 2 and there is an associated fluvial flood risk from the Beverley Brook. The application is supported by a detailed Flood Risk Assessment (FRA), the FRA contains detailed hydraulic modelling to assess the risks to and from the scheme, taking into account climate change allowances of +25% and +35% on river flows. The proposed development is cited to be outside of the 1 in 100 year +35% climate change flood extent, thus no floodplain compensation is required. As flood risk mitigation, floor levels are proposed to be raised by 150mm above surrounding ground levels in accordance with standard building reg. requirements. The indicative drainage scheme is acceptable. Conditions are recommended relating to sustainable urban drainage systems, a flood warning and evacuation plan, flood risk mitigation.
- 5.9 Transport/Highways Officer: No objection subject to conditions. The proposed parking provisions are in line with London Plan standards. Proposed cycle storage is in line with London Plan standards. Conditions are recommended relating to a construction logistics plan, details of refuse and vehicle access.
- 5.10 Waste Services: No objection. Bins would need to be moved to the front of the dwellings on collection day.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

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

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks
- The NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged;
- Developments should minimise impacts on biodiversity and provide net gains to biodiversity where possible;
- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Other NPPF sections of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change/flooding
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

6.2 London Plan (2016)

Relevant policies include:

2.6 Outer London: Vision and strategy

2.8 Outer London: Transport

2.18 Green infrastructure: the multi-functional network of green and open spaces

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

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.10 Urban greening

5.12 Flood risk management

5.13 Sustainable drainage

5.17 Waste capacity

- 5.21 Contaminated land
 - 6.5 Funding Crossrail and other strategically important transport infrastructure
 - 6.9 Cycling
 - 6.10 Walking
 - 6.12 Road network capacity
 - 6.13 Parking
 - 7.1 Lifetime neighbourhoods
 - 7.2 An Inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology
 - 7.14 Improving air quality
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.18 Protecting open space and addressing deficiency
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodlands
 - 8.2 Planning obligations
 - 8.3 CIL
- 6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)
 Relevant policies include:
 CS 8 Housing choice
 CS 9 Housing provision
 CS 11 Infrastructure
 CS 13 Open space, leisure and nature conservation
 CS 14 Design
 CS 15 Climate change
 CS 16 Flood risk management
 CS 17 Waste management
 CS 18 Transport
 CS 19 Public transport
 CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan – 2014 (SPP)
 Relevant policies include:
 DM O1 Open Space
 DM O2 Nature conservation, Trees, hedges and landscape features
 DM D1 Urban Design
 DM D2 Design considerations
 DM D4 Managing Heritage Assets
 DM EP2 Reducing and mitigating noise
 DM EP3 Allowable solutions
 DM EP4 Pollutants
 DM F1 Support for flood risk management
 DM F2 Sustainable urban drainage systems
 DM T1 Support for sustainable transport
 DM T2 Transport impacts of development

DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

- 6.5 Supplementary planning considerations
London Housing SPG – 2016
DCLG Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development.
- Design and impact upon the character and appearance of the area.
- Impact upon neighbouring amenity.
- Standard of accommodation.
- Transport, highway network and parking.
- Refuse storage and collection.
- Sustainable design and construction.
- Flooding and sustainable urban drainage.
- Landscaping, nature conversation, impact upon trees and SINC.
- Site contamination.

Principle of development

- 7.2 The application site is subject to a legal agreement made under section 52 of the Town and Country Planning Act 1971 which restricts development of the site. However, if it were to be determined that the principle of development was acceptable in planning policy terms, it is possible for the legal agreement to be extinguished, with a new section 106 legal agreement to supersede it. Over the years, various iterations of the Town and Country Planning Act have made provisions for agreements, under which the developer is subject to detailed arrangements and/or restrictions beyond those that a planning condition could impose, this was previously covered under section 52 when the aforementioned legal agreement was completed, section 106 has now superseded section 52 of an older version of the Act.
- 7.3 The principle of development should be considered in the context of the site's designation as open space. London Plan policy 7.18 states that the loss of open space must be resisted unless an equivalent or better provision is made in the same catchment to offset the loss, and that any re-provision must be supported by an up to date needs assessment. Policy CS13 of the CS states that the Council must protect and enhance the boroughs open space. Policy DMO1(b) of the SPP states that open space will be protected from inappropriate development and that in accordance with the NPPF, open space should not be built upon unless: (i) an assessment clearly demonstrates the open space is surplus to requirement; or, (ii) an equal or better re-provision in terms of quality and quantity offsets the loss; or, (iii) the development is for sports and recreation where the need clearly outweighs the loss.
- 7.4 The methodology of the applicant's Open Space Assessment is considered appropriate as a small scale analysis of open space provision within the local

area. It provides an assessment of the other pocket parks located in the borough by size, function, location and distance from the site. While it was identified that there are no other pocket parks within 800m walking distance of the site, the assessment also considered all open space within 800m walking distance from the site located in Kingston Borough, namely Beverley Park and Blagdon Park. This concluded that although Beverley Park and Blagdon Road Park are both larger open spaces, they also provide elements of informal open space and playgrounds that are generally associated with pocket parks. However, given the Open Space Assessment was done on a local scale, it would not meet the first NPPF paragraph 74 test (which requires a borough wide or sub-regional assessment).

- 7.5 In accordance with London Plan Policy 7.18 B, “*the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.*” While the proposal results in the loss of a portion of open space, it can be considered that the improvements proposed to the western and northern portions of the site in terms of both public accessibility and ecological enhancements will create a better quality and more usable portion of open space, this is particularly relevant given the site is currently fenced off from the public (with the exception of the paths along the boundaries of the site). In line with DMO1(c)(ii), the formal creation of a public footpath will allow residents to both access and use the open space, while also improving linkages between Rookwood Avenue, Blagdon Road and the Beverley Brook SINC corridor.
- 7.6 As the proposal doesn’t meet both the ‘*quantity and quality*’ tests and as the needs assessment is not borough wide, it constitutes a departure from adopted planning policy, thus a view must be taken as to whether the benefits of the proposal outweigh the loss of a portion of open space. From an open space planning policy perspective it is considered that a departure from adopted planning policy may be acceptable in this instance for the following reasons:
- the relatively poor quality of the designated private open space on this site;
 - the existing open space is largely inaccessible to the public;
 - the existing open space is prone to anti-social behaviour;
 - the proximity, quantity and quality of the adjacent cross-borough protected open space;
 - the relatively small quantity of open space that would be lost;
 - the dwellings would all have private amenity space exceeding the policy standards;
 - the quality of, and access to, the retained open space would be significantly improved;
 - biodiversity would be significantly improved; and,
 - a legal agreement could be put in place ensuring the appropriate management and protection of the retained open space. N.b. the existing section 52 agreement makes no provision for on-going management.
- 7.7 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher

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

- 7.8 The immediately adjacent land use is residential and this application proposes to extend that residential use. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets.
- 7.9 There is a clearly demonstrated need for additional housing in London; however, this need on its own would not justify the development of designated open space. This proposal presents an opportunity to significantly improve the quality of, and access to, existing open space, it seeks to address issues of anti-social behaviour and to improve connectivity; while these enhancements would come at the expense of a portion of this open space, it is noted that this open space is currently inaccessible to the public. Due to the specific circumstances outlined above, it is considered that a departure from adopted planning policy for the purpose of a residential development may be acceptable in principle in this instance, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
Design and impact upon the character and appearance of the area
- 7.10 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.11 The proposed dwellings would be in rough alignment with the terrace row fronting Rookwood Avenue, reflecting the existing building line and continuing residential development northward. The dwellings would include 3m spaces between them. It is considered that the positioning, spacing and site coverage of the proposal is acceptable, achieving a suitable balance between respecting the urban grain of Rookwood Avenue and maintaining a degree of openness within the developed portion of the site.
- 7.12 In terms of height and bulk, the proposal would respect the surrounding development by matching the eaves height of the dwellings along Rookwood Avenue and by providing a maximum height in keeping (albeit slightly higher) with these dwellings. While the slightly increased height is perceptible in elevational/section view, it is considered that given the separation distance between the proposed dwellings and the dwellings along Rookwood Avenue, the slightly increased height would be difficult to perceive from street level.

- 7.13 The proposed dwellings would be contemporary in appearance, comprising an irregular footprint, an asymmetric mansard roof, a recessed front entrance and deeply recessed windows. However, while the dwellings would be of contemporary design, they are considered to pick up on important architectural cues of the dwellings fronting Rookwood Avenue, including the asymmetric front projection referencing the traditional bay windows, the hipped roofs and chimneys, terracotta standing seam roof to reference the red clay tiles, and silicone based render to the walls to reference the pebble dash to the existing dwellings. The proposed dwellings would not seek to replicate the existing development, however, they are considered to remain respectful to the existing dwellings fronting Rookwood Avenue while being high quality architecture in their own right.
- 7.14 The proposed hedge is considered to provide an important delineation between public and private space while respecting the openness of the site.
- 7.15 The proposed development is considered to be of sufficiently high quality, respecting both the surrounding development and open space.

Impact upon neighbouring amenity

- 7.16 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.

Loss of light, visual intrusion and privacy

- 7.17 The proposed development is positioned to the north of the dwellings fronting Rookwood Avenue and would incorporate a minimum separation distance of 7.8m. The dwellings would incorporate a minimum separation distance of 27m from the rear elevations of the dwellings fronting Onslow Road and the outlook from the proposal would be skewed away from these properties. Any outlook to the rear would face the existing vegetated earth bund, beyond which are commercial units.
- 7.18 Given the positioning of the proposed development, the separation distances involved and the directional outlook, it is not considered that the proposal would unduly impact upon neighbouring amenity in terms of loss of daylight or sunlight, visual intrusion or loss of privacy.

Light spill

- 7.19 Light spill from the proposal is not expected to be significant given the scheme is residential. However, to ensure undue light spill does not occur, it is recommended to include a condition which would require any external lighting to be positioned to prevent any light spillage or glare beyond the site boundary.

Generation of noise

- 7.20 Given the scheme would be residential; the noise generated is expected to be comparable to the surrounding development, which is residential in use.

Construction phase impact.

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

Standard of accommodation

- 7.22 Policies 3.5 and 3.8 of the London Plan 2016 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016). Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

Dwelling No.	Unit Size /Type	Required Area	Proposed Area	Compliant
1	3B/6P/3S	108	145.9	Yes
2	3B/6P/3S	108	145.9	Yes
3	3B/6P/3S	108	145.9	Yes

Where B = beds (no. of bedrooms), P = persons (maximum occupancy), S = storeys (storeys within an individual unit).

- 7.23 As demonstrated by the table above, all dwellings would exceed London Plan standards by a significant margin. All dwelling are dual aspect and all habitable rooms are served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, all units are considered to be suitably private.
- 7.24 SPP policy DMD2 requires that for all new houses, the Council will seek a minimum of 50sq.m as a single, usable, regular amenity space. All proposed dwellings exceed the minimum provision for amenity space in the form of a rear garden; in addition, all dwellings are provided with additional front gardens/parking spaces and would have access to the retained, landscaped open space.
- 7.25 In terms of noise impacts from surrounding land uses, it is not considered these would be unduly intrusive to the prospective occupants. The area of the Shannon Business Centre adjacent to the development is characterised by business and office uses with ancillary storage, which would not be considered to result in significant noise intrusion, this was further confirmed during two separate site visits where noise levels were considered to be very low. In addition, there is a large earth bund of approximately 2m in height separating the proposal from the business centre. It is considered that this bund would provide further noise mitigation.

- 7.26 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.27 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).

- 7.28 Merton's Transport Planner and Highways Officer have reviewed this application; their comments are integrated into the assessment below.

- 7.29 The site has a PTAL of 2 which is considered to be poor, thus onsite parking is considered necessary. The proposal would provide 2 parking spaces per dwelling which is considered to be adequate and in line with London Plan standards. The submitted Transport Statement advises that the development would not have a severe impact on the local highway network, including on-street parking. The report estimates that "Overall, the proposed development will generate around 32 person movements including 17 vehicle movements between 0700 and 1900". The findings of the Transport Statement are considered to be fair and reasonable; it is not considered that the proposal would have an undue impact upon the highway network in terms of parking, performance or safety.

- 7.30 In accordance with London Plan policy 6.9 and table 6.3, 6 cycle storage spaces would be required for the development. Cycle storage must be secure, covered, adequately lit and conveniently located. As such, it is recommended to require details of the cycle storage provisions by way of condition.

- 7.31 In addition, it is recommended to include conditions which would require a construction management plan prior to the commencement of development.

Refuse storage and collection

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

- 7.33 Refuse storage has been provided to the rear of each dwelling for temporary storage throughout the week. Refuse would then be moved to the front of the each dwelling on collection day. These provisions are considered to be acceptable and meet the requirements of LBM Waste Services.

Sustainable design and construction

- 7.34 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing

materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

- 7.35 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Flooding and sustainable urban drainage

- 7.36 London Plan policies 5.12 and 5.13, CS policies CS13 and CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.37 LBM's Flood Risk Engineer has reviewed this application; their comments are integrated into the assessment below.
- 7.38 The site is in flood zone 2 and there is an associated fluvial flood risk from the Beverley Brook. The application is supported by a detailed Flood Risk Assessment (FRA), the FRA contains detailed hydraulic modelling to assess the risks to and from the scheme, taking into account climate change allowances of +25% and +35% on river flows. The proposed development is cited to be outside of the 1 in 100 year +35% climate change flood extent, thus no floodplain compensation is required. As flood risk mitigation, floor levels are proposed to be raised by 150mm above surrounding ground levels in accordance with standard building regulation requirements.
- 7.39 The indicative drainage scheme is considered to be acceptable. The sustainable urban drainage system (SuDS) proposes an attenuation pond, providing 28m³ of storage, and permeable paving, providing 7.7m³ of storage, in order to achieve a greenfield runoff rate of 2l/s during a 1 in 100 year +40% climate change event, with discharge going to the Beverley Brook. Given the site's designation as flood zone 2 along with its proximity to the Beverley Brook, these measures are considered to be sufficient, subject to conditions requiring a flood warning and evacuation plan.

Landscaping, nature conversation, impact upon trees and SINC

- 7.40 The site is designated open space and green corridor with the area immediately adjacent to the Beverley Brook being a SINC and green chain. NPPF section 11, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, DM O1 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.

- 7.41 The applicant has advised that no trees would need to be removed as a result of the proposed works, and given the separation distance between any trees and the development, it is considered that tree matters can be addressed by way of a tree protection plan.
- 7.42 The applicant submitted a Preliminary Ecological Appraisal which involved a desk based study and a walkover survey. The report found that the site supports small areas of habitats that are of limited ecological value in their own right, and that the relatively small area of the site lost to the proposed development would be offset by the proposed improvements to the remainder of the site. The methodology and findings of the report are considered to be fair and reasonable. The report provides recommendations such as tree protection measures, avoiding works in bird breeding seasons, to avoid the impact of light on nocturnal animals, to provide plant species which would support native species in terms of habitat and food, log piles (for reptiles, mammals and invertebrates) and planting techniques; these recommendations should be secured by way planning conditions.
- 7.43 The Preliminary Ecological Appraisal recommended that additional surveys be carried out which included a Water Vole survey, a Bat Survey Report and a Reptile Report Survey; these reports were also submitted with the application. The surveys found no evidence of water voles or reptiles and numbers of bats were found to be low and limited to the tree lines of the Beverley Brook. Only two species of bats, common pipistrelle and soprano pipistrelle, were recorded during the surveys. These species are common and widespread in the UK and are often recorded in urban locations. The reports made recommendations such as providing bat roosting opportunities, avoiding the impact of light on nocturnal species, providing planting for habitat and foraging, and providing log piles; these recommendations should be secured by way planning conditions. Subject to the recommendations being implemented, it is considered that the proposal would improve biodiversity.
- 7.44 Proposed landscaping would include a 'rain garden' surrounded by dense shrub planting, riparian planting would be undertaken along the Beverley Brook, a biodiversity/ecology zone which would be planted with native trees, understorey and wild flowers, a mixed native species hedgerow to delineate between private and public space, log piles and bat boxes. It is considered that the proposed landscaping scheme would constitute a significant improvement in terms of biodiversity, accessibility and visual amenity, including improvements to the SINC while retaining the function of the Green Corridor.
- 7.45 It is proposed to transfer the ownership of the existing and proposed pedestrian paths, including their associated verges, to Merton Council to manage. The remaining 1,090.5sq.m of land, which would not be transferred to Merton Council or comprise part of the curtilage of the proposed residential units, would be accessible to the public. It is proposed for the ownership of this retained open space to be transferred to a management company; the company would be responsible for the site for a period of no less than 25 years, during this time residents would have the option of joining the company

and taking over the management at the end of the 25 year period; £25,000 would be allocated to the management company to go towards the maintenance of the site. These provisions can be secured by a section 106 legal agreement.

Site contamination

- 7.46 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.47 In the event contamination is encountered during construction works, planning conditions are recommended which would require the submission of details of measures to deal with this contamination.

8. CONCLUSION

- 8.1 The proposal presents an opportunity to significantly improve the quality of, and access to, existing open space that is currently inaccessible to the public, it seeks to address issues of anti-social behaviour and to improve connectivity; while these enhancements would come at the expense of a portion of this open space. Due to these specific circumstances, it is considered that a departure from adopted planning policy for the purpose of a residential development may be acceptable in principle in this instance.
- 8.2 The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials. The proposal is not considered to unduly impact upon neighboring amenity. The proposal would offer living standards for prospective occupants that exceed adopted standards. The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. The proposal would suitably address flood risks in the area. The proposed landscaping scheme is considered to significantly improve biodiversity, accessibility and visual amenity. The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.
- 8.3 The application is therefore recommended for approval subject to the extinguishing of the section 52 agreement, the completion of a S106 agreement, and appropriate conditions.

RECOMMENDATION

Grant planning permission subject to extinguishing the planning agreement made under section 52 of the Town and Country Planning Act 1971, the completion of a section 106 legal agreement under the Town and Country Planning Act 1990, and appropriate conditions.

Section 52 legal agreement:

Extinguish the existing section 52 legal agreement dated 1 August 1983 in respect of land off Rookwood Avenue, New Malden, Surrey and pertaining to planning permission with reference MER1013/82 – for the purpose of enabling a new legal agreement and the partial development of the land.

Section 106 legal agreement:

1. The creation of a management company for the maintenance and long-term protection of the retained open space, for a period of not less than 25 years; including a financial contribution of £25,000 to be made available to the management company for the ongoing maintenance of the site; and measures to enable community involvement with the company as to secure the maintenance of the site in the longer term;
2. The construction of a public footpath connecting Rookwood Avenue to the existing footpath on site, to Merton Council's "adoptable" standards;
3. The transfer of land pertaining to the existing and proposed footpaths, including associated verges, to Merton Council;
4. The developer agreeing to meet the Council's costs of extinguishing the existing section 52 agreement and for preparing [including legal fees] the Section 106 Obligations [agreed by developer];
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

Conditions:

- 1) Standard condition [Commencement of development]: 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: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified in the Design and Access Statement dated October 2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMO1 DMD2 and DMD3 of Merton's Sites and Policies Plan 2014.

- 4) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plans P01 003 and P01 004 have been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times thereafter.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

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

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

- 6) Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off and removal of waste materials. No development shall be take place that is not in full accordance with the approved method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development ensure vehicle and pedestrian safety and to protect the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

- 7) Standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

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

- 8) Non-standard condition [Contamination]: If during construction works 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: To protect the health of future occupants and surrounding areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 9) Non- standard condition [Vehicle crossover]: No development shall commence until details of the proposed vehicular crossover have been submitted for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved and the works shall be completed prior to the occupation of the development.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

- 10) Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, details of secure cycle parking facilities for the occupants of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and retained thereafter for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 11) Standard condition [Refuse storage]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

- 12) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 13) Standard condition [Tree protection]: No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

Reason: It is necessary for the condition to be discharged prior to the commencement of development to protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 14) Standard condition [Tree works notification]: The Local Planning Authority's Tree Officer shall be informed of the proposed commencement of development on site by a minimum of two weeks' notice.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 15) Standard condition [Site supervision]: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

- 16) Amended-standard condition [Landscaping/Planting Scheme]: No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 11, policies 7.5, 7.19 and 7.21 of the London Plan 2015, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, 01 and O2 of Merton's Sites and Policies Plan 2014.

- 17) Amended-standard condition [Restriction on permitted development]: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses, or hard surfaces/patios/terraces, other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties, to the character of the area or damage retained trees, and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2016, policies CS13 and CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

- 18) Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted (other than site clearance, preparation and demolition), a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall provide:

- i. Details of the design storm period and intensity, attenuation volume and measures, measures to prevent pollution to ground and/or surface water, with a maximum rate of surface water discharged from the site to be 2l/s;
- ii. A timetable for its implementation;
- iii. A management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS13 and CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

- 19) Non-standard condition [Flood mitigation]: The development permitted by this planning permission shall be carried out in accordance with the details and mitigation recommendations set out in the submitted Flood Risk Assessment (FRA) by RPS (Ref: HLEF51543/001R dated October 2017).

Reason: To ensure the development does not result in an increase to flood risks, on or off the site, in accordance with London Plan policies 5.12 & 5.13, policy CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

- 20) Standard condition [Site levels]: No development shall take place until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority, and no development shall be carried out except in strict accordance with the approved levels and details.

Reason: To safeguard the visual amenities of the area along with existing retained trees and to comply with the following Development Plan policies for Merton: policies 7.6 & 7.21 of the London Plan 2016, policies CS13 & CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 & O2 of Merton's Sites and Policies Plan 2014.

- 21) Non-standard condition [Evacuation plan]: The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the Flood Risk Assessment and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

Reason: To ensure the development does not result in an increase to flood risks, on or off the site, in accordance with London Plan policies 5.12 & 5.13, policy CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

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

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

- 23) Non-standard condition [Ecological measures]: The details and measures recommended/proposed in the 'Preliminary Ecological Appraisal' dated October 2017, 'Bat Survey' dated October 2017 and 'Reptile Survey' dated October 2017 shall be implemented in accordance with, and follow the sequence of events in, the documents, with all details and measures to be implemented prior to the first occupation of the development.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the amenity in the area, in accordance with NPPF section 11, London Plan policies 7.5, 7.19 and 7.21 CS policy CS13 and SPP policies DM D2, DM O1 and DM O2.

INFORMATIVES:

a) The applicant is advised that the demolition and tree felling works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside Act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

c) No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

d) Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

e) Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and

- the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
- Water Efficiency Calculator for New Dwellings; **or**
- Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

f) Under the Environmental Permitting (England and Wales) Regulations 2016, an application for a Flood Risk Activity Permit (FRAP) must be submitted to the Environment Agency if works are proposed:

- In, over or under a main river
- Within 8m of the bank of a main river,
- Within 8m of any flood defence structure or culvert on a main river, Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.

The developer should apply for a Bespoke FRAP if the works cannot be classified as one of the following:

- an excluded activity
- an 'exempt' activity
- a 'standard rules' activity

g) You are 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 licenses. Please be advised that there is a further charge for this work.

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

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