

**PLANNING APPLICATIONS COMMITTEE  
22 FEBRUARY 2018**

**APPLICATION NO.**  
16/P1208

**DATE VALID**  
19/04/2016

**Address/Site** 579-589 Kingston Road, Raynes Park, SW20 8SD

**Ward** Dundonald

**Proposal:** DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE TO PROVIDE OFFICES (1,201 SQ.M - CLASS B1) AND RESIDENTIAL (99 UNITS - CLASS C3) ACCOMMODATION IN BUILDINGS OF TWO - SEVEN STOREYS, PROVISION OF CAR PARKING (24 CARS, 12 DISABLED SPACES), CYCLE PARKING (224 SPACES), VEHICLE ACCESS, LANDSCAPING, PLANT AND ASSOCIATED WORKS.

**Drawing No's:** E01-001, E0-010, E2-101, P0-011, P0-012, P0-100 REV P5, P1-201 REV P10, P1-202 REV P10, P1-203 REV P9, P1-204 REV P9, P1-205 REV P9, P1-206 REV P8, P1-207 REV P4, P1-501 REV P6, P1-502 REV P6, P1-503 REV P6, P1-504 REV P6, P1-505 REV P6, P1-506 REV P3, P2-101 REV P5, P2-102 REV P5, P2-103 REV P5, P2-104 REV P4, P2-105 REV P6, P2-106 REV P4, P4-101 REV P3, P4-102 REV P3, P4-103 REV P3

**Documents:** Acoustic Report October 2016; Affordable Housing Viability Assessment November 2016; BREEAM Pre-Assessment Report February 2016; Construction Management Plan March 2016; Daylight & Sunlight Report 16<sup>th</sup> November 2017; Design & Access Statement August 2016; Energy and Renewables Statement October 2016; Flood Risk Assessment and Drainage Strategy March 2016; Ground Investigation Report February 2016; Landscape Report October 2016; Management Regime March 2016; Planning Statement March 2016; Railside Protection Report March 2016; Statement of Community Involvement March 2016; Structural Report October 2016; Transport Statement and Transport Response Note; Travel Plan March 2016

**Contact Officer:** Jonathan Lewis (020 8545 3287)

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**RECOMMENDATION**

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

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## **CHECKLIST INFORMATION.**

- S106 Heads of agreement: Yes
  - Is a screening opinion required: No
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted –No
  - Design Review Panel consulted – No
  - Number of neighbours consulted – 267
  - Press notice – Yes
  - Site notice – Yes
  - External consultations: Metropolitan Police, Environment Agency, TfL, Network Rail.
  - Number of jobs created – 110 (estimated).
  - Public Transport Accessibility Level (PTAL): Level part 4 / part 5 - TFL Information Database (On a scale of 1a, 1b, and 2-5, 6a, 6b where zone 6b has the greatest accessibility)
  - Flood Risk Zone 1
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## **1. INTRODUCTION**

- 1.1 The application is brought before PAC due to the level of objection to the proposal and for authority to enter into a section 106 agreement.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located on the northern side of Kingston Road. The site has approximately 126 m of frontage along Kingston Road and is between 40 and 65 metres in depth. The rear of the site sits parallel with a green corridor and site of importance for nature conservation beyond which is the existing railway embankment to the north of the site. To the west of the site are buildings in commercial use. To the east of the site is a building (577 Kingston Road) in use as a place of worship where the Council has recently endorsed a proposal for redevelopment to provide a new church with flats above in a building with accommodation rising to 5 floors fronting Kingston Road reducing to 3 at the rear.
- 2.2 The site is regular in shape and has an area of approximately 6,000 sq.m. The site was once occupied by the Manoplastics Factory (Use Class B2) which was demolished in 2011 and the adjacent site (No.587 Kingston Road) which was last occupied occupied by a collection of two storey in buildings in light industrial use (Use Class B1c). The existing site has vehicle access from two vehicle crossovers on Kingston Road.
- 2.3 The area to the north of Kingston Road, including the application site, is largely characterised by industrial and commercial development of two and three storeys. To the south of the application site are two storey terraced properties comprising commercial (including shops/cafes/offices)uses on the ground floor with flats above with two

storey terraced houses defining the side roads known locally as ‘the Apostles’.

- 2.4 The closest bus stops are located on Kingston Road, within 100 metres of the eastern boundary of the site. These stops are served by services 152, 163 and K5. Additional bus services are available from bus stops adjacent to Raynes Park station and on Coombe Lane. In terms of railway accessibility, Raynes Park station is located approximately 500m to the west. Given this the site has a public transport accessibility level (PTAL) of 5, when measured from the centre of the site, which is defined as a very good level of access to local public transport infrastructure.
- 2.5 The site is not located within or adjacent to a Conservation Area. The site lies in Flood Zone 1 as defined by the Environment Agency. To the north of the site the railway land is designated in the Council’s Sites and Policies plan as a Green Corridor and Site of Importance for Nature Conservation.

### **3. PROPOSAL**

- 3.1 Planning permission is sought for the redevelopment of the two sites, to include the demolition of 587 Kingston Road and the erection of 99 residential units and provision of 1,201 sq.m (GIA) configured as 16 units, of office space (Use Class B1) arranged around two L-shaped blocks – Block A fronting Kingston Road and 577 Kingston Road to the east and Block B running parallel to the railway line with frontage on Kingston Road – and arranged around a central landscaped courtyard.
- 3.2 Following the initial submission of the application along with subsequent discussions between the developer and Council officers, revised plans were submitted to address concerns relating to the impact on the amenity of neighbouring properties, the internal daylight and sunlight levels and some minor design matters. These plans were the subject of a 21-day re-consultation. The amendments included reducing the number of units from 110 to 99 dwellings.

### Floorspace (GIA sq.m)

	Existing or demolished	Proposed	Change
B1 (587 Kingston Road)	537 (existing)		
A1, A2, A3 or D1 (587 Kingston Road as part of 2014 scheme for redevelopment)		193	
B2 (former Manuplastics site – now demolished)	7,500 (demolished)	0	-7,500
B8 (proposed as part of 2010 scheme for Manuplastics redevelopment)		8,665	
B1 (proposed as part of 2010 scheme for Manuplastics redevelopment)		1,714	
B1 (proposed under current application).		1,201	

### Residential Units

Type	No. of bedrooms per unit				
	Studio 1 person	1 bed 2 person	2 bed 3 person	2 bed 4 person	3 bed 5 person
Rental type within PRS					
Market Rent	2	18	4	42	6
Social rent	0	7	0	20	0
<b>TOTAL</b>	<b>2</b>	<b>25</b>	<b>4</b>	<b>62</b>	<b>6</b>

- 3.3 Block A would provide commercial (start-up) units at ground floor level and residential units above. With the majority of frontage on Kingston Road it would read as two and four storeys, with two storey dwellings positioned on the boundary with 577 Kingston Road and four storeys onto Kingston Road. The block would be set back from Kingston Road to allow for the provision of landscaping, pavement and two loading bays. The block would be built flush with the shared boundary of no. 577 Kingston Road. The main body of the building would be 13m high, with the peak of the pitched roofs being 15m high. The residential component of the block would be arranged around a private central courtyard providing communal amenity space of 911 sq.m for occupiers

of the development and spaces for access and circulation and bike storage. Separate children's amenity space of 745 sq.m would be located in the centre of the communal amenity space. There would be no ground floor access from the rear of the proposed commercial units into private communal amenity space. The ground floor commercial units in Block A (896 sq.m for uses within Class B1) would have direct access from Kingston Road.

- 3.4 Block B would provide commercial (start-up) units at ground floor level along with associated plant alongside undercroft vehicle parking. With a frontage parallel with the railway line and Kingston Road Block B would read as part four, five and six storeys, with six storeys in the middle of the block stepping parallel with the railway line down to five and four storeys at the corners and fronting Kingston Road. A boundary fence 2.4m in height would separate the rear of the block from the adjoining railway line. The residential component of the block would be arranged around a private central courtyard providing communal amenity space of 911 sqm for occupiers of the development and spaces for access and circulation and bike storage. The ground floor commercial units in Block B (305 sq.m for uses within Class B1) would have direct access from Kingston Road.
- 3.5 Private amenity space for each residential unit of between 5.2 sq.m and 29 sq.m would be provided in the form of balconies and private terraces. Details of the balcony treatments will be secured by condition to control their appearance and ensure there is no overlooking. Significant work has taken place between officers and the applicant to ensure that the balconies are located to prevent overlooking. In all, five balconies would be provided on the front elevation facing Kingston Road, three at first floor and two at second floor level.
- 3.6 The only pedestrian/cycle and vehicular entrance into the site for residential occupiers of the scheme would be from a new entrance on Kingston Road to the west of the site. Access controlled gates, the details of which would be secured by condition, would be located approximately 15 m from the new entrance. Pedestrian access into each of the nine communal accesses and upper floors beyond would be provided from beyond the access controlled gates within the central courtyard. Residential cycle parking would be provided at ground floor level. The scheme would provide 34 vehicle spaces, of which 11 would be disabled parking spaces and 7 electric parking spaces (3 of which would be shared disabled/electric parking spaces). Two delivery bays would be created on Kingston Road directly outside the site for use by all delivery vehicles to the site.
- 3.7 Access into each commercial unit would be provided directly from individual entrance doors on Kingston Road. Visitor cycle parking would be positioned adjoining the pedestrian footway with access to office cycle parking adjoining the vehicular entrance into the site.

- 3.8 The design approach has a contemporary feel to Kingston Road and to the rear of the site facing the railway line. Anodised anthracite coloured aluminium is proposed for the upper floors of the building at the rear of the site. The detailing of the window frames, sills, cappings, curtain wall systems, signs and balustrades are proposed in the same material. The lighter brick used elsewhere within the scheme, will be used on the lower floors, linking this rear elevation to the rest of the scheme.

#### 4. RELEVANT PLANNING HISTORY

- 4.1 The application site is a combination of two previously separate sites under different ownership, nos. 579-583 Kingston Road and 587 Kingston Road; both sites are now owned by the applicant. The larger of the sites, 579-583 Kingston Road (former a plastics manufacturing factory) has an extensive planning history dating from the 1950s. The previous occupier has moved to purpose built industrial premises in Lombard Road and the site has been cleared as part of the process of implementing planning permission 10/P1165. The planning history of 577 is also summarised below; while not within the application site it is adjacent to it, and an application for its redevelopment has recently been considered by Committee.
- 4.2 In December 2016, 4 months prior to the submission of the application, the developer held a public exhibition which took place over three days, with 98 visitors. In January 2017 representatives of the applicant attended and participated at the end of a public meeting, called by Ward Councillors to discuss a range of issues relevant to the local area.

##### 579-583 Kingston Road

- 4.3 09/P0794 – Demolition of existing buildings and redevelopment of a site to provide self storage (B8), light industrial and office accommodation in a building up to 5 storey in height including parking servicing landscaping and other works. Permission refused on the following grounds:
- Due to its size, scale, height, bulk, siting and massing, and the scale of the proposed use, the proposed development would:**
- (a) adversely affect the levels of sunlight to nearby residential properties, especially their gardens;**
  - (b) result in loss of amenity due to visual intrusion for occupiers of nearby residential properties;**
  - (c) result in increased noise and disturbance for nearby residents, particularly due to vehicle movements and loading/unloading activity;**
  - (d) fail to respect the siting, rhythm, scale and height of surrounding buildings; and**
  - (e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining**

**townscape, which comprises mostly two storey residential development;  
and would therefore be contrary to Policies BE.15 [paragraphs (i), (ii) & (iv)] and BE.22 [paragraphs (i) & (ii)] of the Adopted Merton Unitary Development Plan (October 2003).**

Appeal dismissed.

- 4.3 10/P1963 - Demolition of existing buildings and redevelopment of site to provide new self-storage (Class B8), light industrial and office (Class B1) accommodation in a building of up to 5 storeys including parking, access, servicing, engineering, landscaping and other associated works. Planning permission granted 24.02.2011.
- 4.4 2013 to 2018. Applications to discharge various conditions pertaining to 10/P1963 for the erection of a mixed use development comprising self storage and B1 business units including, site remediation, refuse and recycling, cycle parking, facing materials, sound insulation, parking management strategy, surface treatment, floor levels, construction method statement, construction logistics plan.
- 4.5 Letter also issued by the Council confirming compliance with Condition 1 (Commencement of development within 3 years of decision date) attached to Planning Permission 10/P1963. Letter issued on 27.05.2014 confirming that the planning permission had been implemented. Permission 10/P1165 is therefore extant and could be built out at any time.
- 579-589 Kingston Road
- 4.6 17/P2529 - Demolition of existing buildings and redevelopment of site to provide offices (1201 SQ.M - Class B1) and residential (103 units - Class C3). Accommodation in buildings of 2 to 7 storeys, provision of car parking (23 cars, 11 disabled spaces), cycle parking (193 spaces), vehicle access, landscaping, plant and associated works - Concurrent application currently in abeyance pending the outcome of the application the subject of this report.
- 587 Kingston Road
- 4.7 14/P4537 - Demolition of the existing two storey buildings and the construction of a part three, part four, part five storey replacement building providing 193 sq.m at ground floor level to be used for A1, A2, A3 or D1 and 20 flats at the rear of the round floor and on the upper floors with 22 cycle parking spaces, associated landscaping and highway works to provide a new lay-by in Kingston Road for servicing and two disabled parking bays. Planning permission granted 29.04.2015.
- 4.8 2017 to 2018 - Applications submitted to discharge various conditions including facing materials, construction method statement, logistics plan and site remediation under consideration.

- 577 Kingston Road (adjoining site to the east)
- 4.9 17/P0763 - Demolition of existing church building (No.577 Kingston Road - Use Class D1) and erection of a part 5 storey building (to Kingston Road) and part 3 storey building (to Abbott Avenue) to provide replacement church building (Use Class D1) at ground, first and part second floor and 15 residential units (Use Class C3) at second, third and fourth floor; retention of car parking; provision of cycle parking and landscaping to Kingston Road frontage; together with provision of waste storage at ground floor level. Resolution to grant planning permission subject to completion of a S106 agreement in October 2017– completion of agreement and the issuing of planning permission is pending.

## **5. CONSULTATIONS**

### **Statutory Consultation**

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 267 nearby addresses on two separate occasions. Representations were received and are summarised as follows:
- 5.2 1 neutral representation which queries the impact of the development.
- 5.3 6 letters of objection:
- Exacerbate parking pressure (parking provisions insufficient)
  - Compromised highway safety
  - Increased traffic congestion
  - Excessive density
  - Excessive scale and height
  - Uninspired design
  - Poor quality design
  - Out of keeping with the surroundings
  - Commercial space at ground floor likely to be unviable and unneeded
  - Lack of affordable housing
  - Loss of vehicle repair facilities
- 5.4 58 copies of a template letter which objects to the scheme, albeit it is noted that 6 of the objections came from 3 addresses i.e. in total, 55 copies of the letter were received from individual properties. The summary of the objections is as follows:
- Exacerbate parking pressure (parking provisions insufficient)
  - Compromised highway safety
  - Increased traffic congestion
  - Excessive density
  - Excessive scale and height
  - Uninspired design
  - Out of keeping with the surroundings
  - Disruption during construction



## External Consultees

### Metropolitan Police (Designing out crime unit):

- 5.5 Advised that the following matters should be considered: residential amenity space should be designed to prevent vehicles being driven across it; communal residential amenity space should have a purpose; communal entrance with airlock access control and video access control; zoned encrypted fob system; blank gable wall elevation next to unit A-GF-11 requires further consideration including lighting and anti-graffiti; all lighting should be to British Standards; CCTV system encouraged. Officers note that the matters raised above have been addressed by the applicant.

- 5.6 Environment Agency: No objection, subject to conditions.

- 5.7 Thames Water: Objection. Habitable rooms are situated within 15m of a Thames Water Sewage Pumping Station.

Officer comment: Officers consider that it would be unreasonable to recommend refusal on these grounds there being no policy impediment regarding such infrastructure. In reality, should the scheme be developed, it would be a matter of 'buyer beware'.

- 5.8 Transport for London: Provided the following comments: Recommendation that an informative is added relating to the delivery of Crossrail 2. Requirement that bus shelter opposite the site is upgraded via s106 contribution of £8,554.94. The new access position is unlikely to have an adverse impact on the operation of the Strategic Road Network. Provision of 218 cycle parking spaces and their location is acceptable. The provision of 33 car parking spaces (ratio of 0.3 spaces per unit) complies with London Plan. Residents and employees should be excluded from applying for parking permits in the local CPZ, secured through a S106. Provision of Electric Vehicle Charging Points should be secured by condition. One car club operator parking space is welcomed. Two year free car club membership to all residents to be delivered via s106 agreement. Full construction management plan should be secured by condition. Delivery and servicing plan should be secured by condition. Mayoral CIL payment should be made in accordance with London Plan.

## **Internal and Other Consultees**

- 5.9 Transport/Highways officers: No objection. The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

Refuse stores have been provided within a suitable proximity of the entrances to the development. Bin stores are a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

Advised the parking provisions represent an increase in parking opportunities. Cycle parking provision in line with London Plan minimum levels.

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

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

Future Merton - Urban Design:

5.12 The layout and scale of the proposed development is considered appropriate to the size and characteristics of the site and its context. This has evolved over some time, with dialogue with the applicant and case officer. The external appearance to Kingston Road is considered appropriate in its scale and rhythm, the architecture being distinctive and of generally good quality. Careful approval and discharge of conditions on materials will be important in ensuring this quality is realised.

5.13 Within the development there has been a longstanding issue relating to the rear block facing the railway. The creation of a good quality access to the flats has had to be balanced with avoiding north-facing single-aspect flats. The current approach appears to have reached a balance that is acceptable, though the internal design and lighting of the undercrofts will be critical to achieving this and should be conditioned accordingly. CCTV cameras, good lighting and light coloured finishes to surfaces are recommended.

5.14 More recent changes have seen improvements to the pedestrian access into the site, removing dead frontages and an undercroft and creating a dedicated pedestrian route from the street to the flats at the rear of the site. Further internal alterations have seen improvements to the internal arrangements of the flats and are welcomed. The landscaping ideas for the central courtyard would benefit from further development.

5.15 Waste Management (refuse): No objection.

5.16 Climate Change Officer: No objection. The energy strategy as amended in October 2016 is robust and demonstrates compliance with Merton's Core strategy CS15 and London Plan Policy 5.2, 5.3, 5.5, 5.6. The decisions to include Mechanical Ventilation with Heat Recovery is appropriate considering the proximity to the railway line and main road

and the proposed air tightness of the development and demonstrates compliance with London Plan Policy 5.9.

The applicant has indicated within the energy strategy that the development will achieve internal water usage rates of 125 – this element of the plan will need to be addressed in order to achieve internal water usage rate of no more than 105 litres per person per day in line with local policy requirements.

The scheme was validated prior to 1<sup>st</sup> October 2016 and officers consider it would be unreasonable to assess it against the Zero Carbon target.

There are four conditions that should be placed on this application to address emissions reductions from domestic development, emissions reductions from non-domestic development; district heat networks and uploading energy data.

## **6. POLICY CONTEXT**

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

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

- At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the

relative need for different land uses to support sustainable local communities;

- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Others sections of NPPF of relevance:

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

6.2 London Plan (2016) relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm

- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 CIL

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy) relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 12 Economic development
- CS 13 Open space, leisure and nature conservation
- CS 14 Design
- CS 15 Climate change
- 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 H2 Housing mix
- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations
- DM E1 Employment areas in Merton
- DM E3 Protection of scattered employment sites
- DM E4 Local employment opportunities
- DM O1 Open space
- DM O2 Trees, hedges and landscape features
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM T1 Support for sustainable travel and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

6.5 Supplementary guidance.

- Greater London Authority's Supplementary Planning Guidance Shaping Neighbourhoods: Play and Informal Recreation (September 2012).
- London Affordable Housing and Viability SPG– August 2017
- DCLG Technical Housing Standards - 2015
- London Housing SPG – 2016

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the following:

- Principle of development.
- Housing mix and affordable housing.
- Design, including layout, scale and massing and impact on locality and neighbouring amenity.
- Standard of accommodation.
- Access.
- Transport.
- Sustainable design and construction and energy.
- Technical issues including flooding, air quality, and contamination.
- Planning obligations.

#### Principle of development

7.2 Sites and Policies Plan policy DM.E3 (Protection of scattered employment sites) seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough. In circumstances where proposals for mixed use development are considered, proposals must be designed to ensure the future occupation and function of employment uses, upon completion. The premises/sites retained for employment uses must (supporting paragraph 4.41):

- Be of an attractive size and character for occupation by employment and community uses and flexible to accommodate alternative uses;
- Be compatible with the character and appearance of the area;
- Be designed to accommodate the proposed use (and other uses);
- Not be harmed by way of noise, disturbance, loss of light or privacy;
- Allow adequate safe vehicles to access to and from the highway, provide adequate car parking facilities (both cycling and car parking) and there should be links to modes of transport other than private vehicle; and,
- The site must be built out in full before proposals for change of use from employment to alternative uses will be considered by the council.

7.3 The proposal, which seeks to deliver a mixed use scheme, presents an opportunity to deliver meaningful employment generation on the site. The scheme could generate employment in the form of uses which would be entirely compatible with new dwellings, and for which there is an acknowledged demand. It is noted that former occupier of the now cleared Manuplastics site has relocated to an industrial site in Lombard Road, approximately 3km from the application site and within the London Borough of Merton.

- 7.4 The application proposal is considered to comply fully with the requirements of supporting paragraph 4.41. Officers recognise that the proposal would result in a net loss of employment floorspace. However, the site has now been clear for almost eight years and the proposal will deliver much needed, high quality, flexible employment (Use Class B1) floorspace.
- 7.5 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.
- 7.6 The site is an underutilised brownfield site which is considered to present opportunities for a more intensive mixed use development (the site has a PTAL rating of part 4/ part 5 which is considered to be good/very good). It is further noted that the site has residential development on two sides with an extant consent for mixed use development on part of the application site. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.
- 7.7 Given the above, it is considered the proposal is acceptable in principle insofar as it provides both employment opportunities and delivers housing. Further analysis follows examining the proposals vis a vis relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- Residential density
- 7.8 The area has a public transport accessibility level (PTAL) of 4/5 which is considered to be a good/very good level of accessibility. It is considered that the site is located within an area which may reasonably be characterised as urban having regard to the London Plan (terraced houses, a mix of different uses, medium building footprints, typically buildings of 2 to 4 storeys and within 800m of a district centre).
- 7.9 The resultant density is calculated to be as follows:  
 $0.6 \text{ ha (site area)} \times 275 \text{ (No. of habitable rooms)} = 458 \text{ habitable rooms per hectare.}$
- 7.10 Table 3.2 of the London Plan 2016 advises that sites with a PTAL rating of 4 to 6 within an urban setting should provide for a density range of 200- 700 habitable rooms/ha.

- 7.11 The figures above illustrate that the proposed development would provide for a density that falls comfortably within the recommended density range provided in the London Plan.
- 7.12 Notwithstanding the above, while density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential and commercial development is better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.

#### Unit mix and affordable housing

- 7.13 The development proposed 99 residential units with the following size mix: 2 x studio apartments, 25 x 1 bedroom apartments, 66 x 2 bedroom apartments, and 6 x 3 bedroom apartment. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range to dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.14 2011 Census data for the Merton area identifies the following unit size mix - 7.1% 1 bed, 14.4% 2 bed and 78% 3 bed. There is a very high proportion of larger dwellings in Merton, thus the proposal would contribute to balancing the housing choice in Merton as a whole.
- 7.15 The applicant has submitted a 100% Build to Rent scheme. The Government's White Paper on Housing 'Fixing our broken housing market' highlights its commitment to the build to rent sector. This model of housing presents opportunities and new challenges in terms of quantifying and delivering affordable housing.
- 7.16 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels and affordable housing targets adopted in line with policy.
- 7.17 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements. London Plan policy 3.8 (B a1) recognises that the planning system should take a positive approach to enabling this sector to contribute to the achievement of housing targets through accelerating housing delivery rates. The Mayor's Affordable Housing and Viability SPG (August 2017) provides



specific guidance on the delivery of Build to Rent developments and explains how the distinct economics should be taken into account when assessing applications.

- 7.18 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site. The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus is with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.19 The proposal was submitted with a Financial Viability Assessment (FVA) that has been independently assessed taking into consideration a number of matters including the specific characteristics of Build to Rent schemes. An independent assessment of the FVA found that the scheme as proposed could not deliver a policy compliant level of affordable housing.
- 7.20 However, notwithstanding the findings of the FVA, the developer has offered 7 x 1 bedroom (1B/2P) units and 20 x 2 bedroom (2B/4P) units at the equivalent of Social Rent levels plus service charge (an equivalent of 25% on a per unit basis). The affordable housing offer within the scheme has been developed in accordance with the Mayor of London's SPG on Build to Rent schemes.
- 7.21 The 27 units would be pepper-potted among the three residential cores, would be indistinguishable from the market units and would be affordable in perpetuity. The units would be managed and maintained by the applicant. They would be let to applicants in housing need referred to or nominated by the Council. Tenancies would normally be offered on a three year rolling and renewable basis, subject to the normal tenancy conditions. Rents would be significantly lower than London Living Rents, the Local Housing Allowance, and typical RP Affordable Rents for equivalent new build units. The rents offered are at social rent levels and therefore supply units that would be more affordable to Merton residents than if they were at 80% of market / Local Housing Allowance and therefore this represents a good 'affordable' offering.
- 7.22 A S106 agreement should ensure that measures are put in place for the affordable housing element to be delivered in perpetuity. The applicant is also amenable to a nominations agreement being entered into with the Council for these units which is welcomed.
- Design and impact upon the character and appearance of the area
- 7.23 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.

Massing and scale.

- 7.24 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context and has been informed by the planning history of the two combined sites and the scale and massing of the terraced properties opposite.
- 7.25 The development consists of two L-shaped blocks that surround an internal landscaped courtyard. Block A, with the majority of its massing along Kingston Road, introduces variety into the streetscene with differing heights on the site frontage reflecting the differing heights on Kingston Road. Similarly, the proposed roofscape on Kingston Road is distinctive and reflects the pattern of gable roofs in the immediate area. It is noted that there are no four storey buildings in the immediate vicinity of the site. However, planning permissions on the combined sites include part three/part four storey buildings on Kingston Road and the recently approved scheme on the adjoining site at 577 Kingston Road includes a building rising to 5 storeys fronting Kingston Road. It is considered therefore that a precedent has been established.
- 7.26 Furthermore, the introduction of Block A would result in a continuation of the existing street. Combined with the variation in height within the block and distinctive roof patterns, it is considered that the development in Block A would constitute a suitable and natural increase in height from the row of buildings to the west of the site. The massing of the block at its eastern end is more varied and responds to neighbouring properties with townhouses with pitched roofs inserted to animate the roofscape. It is considered that the maximum height of Block A would be acceptable in townscape terms.
- 7.27 In terms of Block B, where the majority of massing would be parallel with the existing railway, this has been the subject of detailed negotiation. The rear Block B would introduce a part four/five/six storey building with the main mass of the block focussed towards the middle portion of the rear of the site. This represents a reduction in height from the originally submitted seven storey high building and a reduction in the overall massing. This approach to the massing would result in six storeys in the middle of the block stepping down to five and four storeys at the corners and facing onto Kingston Road. Officers consider that the changes result in an approach to massing that is consistent with the open nature of this part of the site, responds to the planning history of the site and approval for five storeys as well as the surrounding context. It is noted that there are no six storey buildings in the immediate vicinity of the site. However, given the relatively isolated nature of this part of the site, being bordered by the railway to the

north, this part of the site is not considered to have the same constraints as adjoining sites.

#### Layout

- 7.28 The footprint is considered to make effective use of the site, taking a perimeter block approach, which provides considerable active frontage to Kingston Road. Positioning Block B parallel with the railway line allows for the creation of a private communal amenity space between the two blocks. The footprint takes cues from the surrounding development, aligning with the building lines established on Kingston Road.
- 7.29 The individual office (Use Class B1) units have frontages with individual entrances to Kingston Road, which is considered to be appropriate given the busy nature of the road and the presence of the opposite terrace that has active frontages at ground floor. The individual units provide the potential for a high level of connectivity between the public realm and the development. Block A would be set back from the existing ownership boundary thereby providing opportunities to improve the public realm on Kingston Road.
- 7.30 All of the residential units are accessed from within the private communal courtyard space beyond the gated entrance on Kingston Road. Recent changes to the scheme have seen improvements to the pedestrian access into the site and the provision of a dedicated pedestrian route from the street to the flats at the rear of the site in Block B. Communal entrances to each core within Blocks A and B, as well as direct access to the individual townhouses, is provided from within the private communal amenity space, beyond the gated entrance into the site set back from Kingston Road. This creates an important delineation between the public realm and private property.
- 7.29 The vehicular entrance into the site, via a new entrance on Kingston Road, provides access to the undercroft parking at the rear of the site, at the ground floor of Block B. The creation of undercroft parking reduces the amount of space required in the courtyard for parking and provides opportunities to create generous communal amenity space.
- 7.30 It is considered that the proposed layout is well thought out and based on sound urban design principles, the layout provides an inclusive design and promotes natural surveillance; when compared to the current extensive length of inactive frontage along Kingston Road, it is considered the approach will enhance the character and vitality of the area.

#### Design and appearance

- 7.31 As has been outlined, the applicant has made further amendments to the scheme. The external appearance to Kingston Road is considered appropriate in its scale and rhythm, the architecture being distinctive and of generally good quality. The approach taken to this elevation in

particular, includes the use of a pallet of materials influenced by the character of the wider area and the design and use of the previous building on site, is supported.

- 7.32 The proportions of the façade reduce incrementally as height increases, with setbacks at upper levels and variety in the roofscape, contributing to a more vertical emphasis. The ground floor office façade introduces direct overlooking of the street with large windows that provide a sense of openness. The horizontal separation with higher ceiling heights would help to delineate the commercial unit from the upper floor residential units, as well as to enhance the buildings street presence. The configuration of the ground floor commercial unit with flats above provides some continuity with the adjacent ground floor shops/offices on Kingston Road and residential above. While the visual distinction from the commercial and residential units is important, the horizontal and vertical alignment of fenestration and openings provides a degree of coherence across the buildings as a whole.
- 7.33 The design approach to the external appearance of the development, which includes the proposal to use a pallet of materials influenced by the character of the wider area is supported. The use of contrasting materials, recesses and horizontal separation between floors throughout the scheme successfully defines the individual façade elements. However, the success would be very much dependant on the exact materials used; therefore, a condition is recommended requiring facing materials to be approved prior to the commencement of the development.
- 7.34 While of a modern design, the proposals pick up important cues from the surrounding, more traditional, development in terms of scale and architecture. It is considered the development would successfully harmonise with, and enhance the character of, the surrounding area.

Design - Signage to non-residential units.

- 7.35 While any signs/advertisements would be subject to separate approval by way of advertisement consent, it is recommended that a signage strategy condition should be applied to ensure that any advertising is sympathetic to the proposed building.

Impact upon neighbouring amenity

- 7.36 London Plan policies 7.14 and 7.15 along with SPP policy DM D2 state that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.

Light spill

- 7.37 Light spill from the proposal is not expected to be significant given the scheme is predominately residential and as the office units face Kingston Road. However, there is a large, private communal amenity

space in the middle of the development which would likely require lighting. This space is adjacent to the gardens of the three proposed townhouses to the east of the site and could impact upon their windows. As such, it is recommended to include a condition which would require details of external lighting to be submitted to, and approved prior to occupation.

Visual intrusion and loss of light

- 7.38 Given the buildings would be a maximum of six storeys in height (with setbacks on Kingston Road), visual intrusion and loss of light are of particular concern. To mitigate these affects, the proposal on Kingston Road has been designed to introduce setbacks at second and third floor level. On the rear block, the massing has positioned in the centre of the block, stepping down towards the sides.
- 7.39 The developer has provided a detailed daylight/sunlight and overshadowing report in support of the proposal which has been undertaken in accordance with BRE guidelines; the methodology used is the vertical sky component (VSC) and average daylight factor (ADF) for daylight and annual probable sunlight hours (APSH) for sunlight. In addition, a sun on the ground analysis has been undertaken in accordance with BRE guidelines. Habitable rooms from all immediately surrounding dwellings have been assessed, including 72- 86 Abbott Avenue and 506-560 Kingston Road (even numbers only).
- 7.40 The daylight and sunlight assessment is considered to be robust and reasonable, and, having regard to its findings, it is not considered the proposal would unduly impact upon neighbouring amenity in terms of loss of light.
- 7.41 In addition, the daylight and sunlight amenity provided within the proposed residential accommodation, at the lowest floor, has been assessed using the Average Daylight Factor (ADF) and Average Probable Sunlight Hours (APSH) tests following the methodology of the BRE guidance.
- 7.42 The daylight and sunlight assessment of proposed dwellings finds the following:

i) Daylight

The results of the ADF assessment have shown that 152 of the 154 worst case rooms (on first and second floors) would surpass the BRE and British Standard guidance criteria. This represents a compliance rate of around 99%. Daylight levels would be higher on the third and fourth floors of the scheme.

Of the remaining rooms, 1 is a bedroom (labelled R12 on the first floor) which receives an ADF of 0.9%. One living room on the first floor shows a marginal deviation of 0.1% ADF from the suggested target.

This isolated deviation from the BRE targets is driven by windows being situated behind an external amenity space. This room enjoys the use of a private amenity space leading directly off the living room.

The overall high compliance rate of approximately 99% to the most constrained rooms shows well-considered design with amenity levels being good for an urban environment. As a result, the proposed scheme is considered to be acceptable and in line with the intentions of the BRE guidance.

ii) Sunlight

Where possible, living rooms have been designed to have south facing windows. The results of the sunlight assessment has shown that 51 (96%) of the 53 living rooms with primarily south facing windows on the lowest level achieve the recommended level of 25% total and 5% winter sunlight.

The two living rooms are located beneath external balconies which offer amenity space. In addition, the living rooms are served by at least one window that either exceeds total APSH or winter APSH target levels.

- 7.43 In conclusion, the daylight and sunlight assessment is considered to be robust and reasonable; with the scheme recording very high levels of compliance. Where shortfalls from guidance are recorded, these are small, and not inappropriate within an urban environment. In addition, the shortfall is often caused by the provision of external amenity space (a balcony cropping daylight penetration to a unit below), which is of direct benefit to the amenity of future occupiers.

Privacy

- 7.44 It is not considered the proposal would unduly impact upon the privacy of neighbouring properties.
- 7.45 Concerns have been raised that the proposal would result in direct overlooking to neighbouring properties. The front elevation of block A is directed towards the northern and front elevation of properties on Kingston Road. There is a separation distance of approximately 21m between windows and balconies/terraces. This is considered to be an appropriate window to window distance in an urban setting and does not raise any concerns in respect of overlooking of neighbouring properties.
- 7.46 Private balconies and terraces are proposed in the southern and eastern elevations of Block B. A private communal amenity space is proposed centrally within the development. Overlooking from these areas is addressed by screening on each private balcony and terrace. It is possible to control the finer details by a condition which would require details of screening to be submitted to, approved and

implemented prior to first occupation. In addition, the western elevation of Block A includes secondary windows at first and second floor level. These windows should be suitably screened with obscure glass. A condition would be added requiring that these windows are permanently screened and non-opening due to close proximity of adjoining balconies and windows.

- 7.47 The closest separation distance between the proposed habitable windows on the southern elevation of Block B and the northern elevation of Block A would be between 16m and 20m. This is considered to be an appropriate window to window distance in an urban setting and does not raise concerns in respect of mutual overlooking.
- 7.48 On its western boundary with Nos. 591-593, the proposed development runs up to the boundary on the Kingston Road frontage, to create a continuous run of development, but then sets back behind. The set back away from the boundary allows for the future development of the site at No. 591 – 593 and does not, therefore, prejudice the development potential of the site, and will safeguard the amenity of future residents.

#### Noise

- 7.49 Noise and vibration from the railway line to the north has the potential to be a source of nuisance to future occupiers. It is considered that the impact of noise/vibration from the railway line can be suitably addressed by way of conditions. The employment use is within Class B1 and comprise those that can operate without harm to residential amenity in terms of noise. The operation of plant can also be conditioned. Given the remainder of the scheme is residential, the noise generated is expected to be comparable to the surrounding development. Noise generated from the use of the communal amenity space is unlikely to be great and any impact would be further mitigated by the setback from the boundaries and the presence of landscaping.

#### Construction phase

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

#### Standard of accommodation

- 7.51 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) and reflecting those of the DCLG's Technical

Housing Standards. 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.

- 7.52 All the units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants.
- 7.53 Dual aspect units are encouraged given the higher standard of living they offer, which includes better ventilation, increased daylight, increased sunlight hours and the ability to choose which side of the unit to open windows (when noise, odour or other nuisance is being generated on a particular side). Of the 99 proposed dwellings, 12 (12%) are single aspect, all of which are south facing.
- 7.54 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be a minimum 5sq.m of private external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All private external space either meets or exceeds the minimum standards.
- 7.55 The scheme would offer approximately 911m of communal amenity space. This space would be fully landscaped and would offer seating and play equipment.
- 7.56 It is noted that lifts serve all floors providing step free access and that 10% of units meet M4(3) of the building regulations in accordance with London Plan policy 3.8.

Standard of accommodation - Children's Playspace

- 7.57 Guidance on the requisite provision of children's playspace is provided in the Greater London Authority's Supplementary Planning Guidance Shaping Neighbourhoods: Play and Informal Recreation (September 2012). This SPG suggests that new residential development yielding more than 10 children (as determined by the application of GLA child occupancy estimates) should provide suitable playspace as part of the development scheme. It is recommended that the shortfall in overall outdoor amenity space identified should be mitigated by a financial contribution towards improvements to playspace in a local park.
- 7.58 In addition to the communal space and balconies, the ground floor plan shows three areas of children's play space in located within the courtyard. The expected amount of provision required would amount to 745sqm. This is significantly in excess of the GLA's SPG requirement of 238sqm and is welcomed by officers.
- 7.59 Should planning permission be granted officers recommend that detailed drawings of the play space (notwithstanding approved



application drawings), the boundary treatment and the type of equipment to be provided be secured by way of planning condition in order to ensure compliance with adopted Council policy.

Transport, highway network, parking and sustainable travel

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

Vehicle parking provisions

- 7.62 The development would provide 34 vehicle parking spaces located at grade in an undercroft area beneath Block B at the north of the site. The provision includes 11 disabled car parking spaces, one of which would be available for office use. The remaining spaces would be for residential use, with electric charging facilities for 20% of the spaces plus a further 20% capable of upgrade which is in line with London Plan Standards. Census car ownership data for rented flats in the Dundonald ward suggests that for a development of the nature and scale proposed, a maximum of 46 vehicles would be associated with the development. It is noted that this is a conservative estimate given the census data is largely based off dwellings with a higher occupancy (3 bed dwellings), thus the scheme which proposes predominantly 1 and 2 bed units, would likely generate less vehicles than Census data would suggest.
- 7.63 As such, taking into account both expected (conservative) vehicle generation and onsite parking spaces, the development would result in 13 overspill vehicles. Furthermore, the developer has undertaken a parking survey during peak residential times which finds a 10% parking capacity on the surrounding network; the parking survey is considered to be robust and reasonable. Given the above, it is considered the impacts upon parking resulting from the development can be mitigated by CPZ permit exemptions for all new residents, the provision of high quality cycle parking facilities, five years car club membership and the provision of a new car club bay situated on Dupont Road, directly opposite the site and secured by legal agreement at the expense of the developer and the subject of consultation. The developer is amenable to these measures forming part of a planning agreement. Studies show

that the implementation of a car club bay and car can reduce vehicle ownership in the immediate area by up to 28 vehicles.

- 7.64 Given the above, it is considered that the surrounding network would be able to accommodate the vehicles associated with the development. It is not considered that the level of parking proposed would compromise sustainable travel objectives.

#### Sustainable Travel

- 7.65 The developer has provided a Travel Plan in support of the application which seeks to promote sustainable travel for employees, residents and visitors; it is considered that the Travel Plan is robust and reasonable; however, it is recommended to include a condition which would require details of separate Travel Plans for the residential component and the non-residential component of the development.
- 7.66 In accordance with London Plan policy 6.9 and table 6.3, 200 long term cycle storage spaces have been proposed for the residential component and 6 for visitors, 12 spaces for employees within the business units and 6 short term spaces for visitors to the business units, which exceed London Plan standards. The spaces are considered to be suitably secure and accessible.

#### Delivery, servicing and the highway network

- 7.67 The Transport Assessment suggests that in terms of service and refuse generation, there would be 10 vehicle movements associated with the residential component and 7 vehicle movements associated with the commercial component per day, these would be predominantly light goods vehicles with possibly one heavy goods vehicle per day. It is considered that the highway network can comfortably accommodate these vehicles. The planning application includes the provision of 2 x loading bays on Kingston Road and where possible deliveries for both elements of the scheme would take place within the loading bays. The residential and commercial components would both benefit from on site management throughout the day and evening; the management would oversee all deliveries made to the scheme, and all vehicles entering and leaving the site. The bays would also enable commercial refuse vehicles to access commercial refuse bins within approximately 10m of the bay.
- 7.68 The layout would entail the reconfiguration of the pavement and carriageway in front of the site in order to provide for a safe and continuous footpath and for loading/unloading. This would require the dedication of land as highway and for the applicant to cover the Council's costs of such works and any necessary road traffic orders. The applicant is amenable to this being covered under the terms of the S106 agreement.
- 7.69 Residential refuse vehicles would access refuse stores within the development itself, from within the communal courtyard. A route for a

refuse vehicle has been designed into the courtyard to allow for movement in and out of the site in a forward gear. The design of the courtyard, including the clear delineation of this route, will be subject to a condition, with details to be approved by officers.

- 7.70 Given the above, and subject to measures to be secured via S106 obligations it is considered the development would be acceptable in terms of its impact upon the highway network.

#### Refuse storage

- 7.71 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the CS.
- 7.72 The location of the refuse storage for business units is considered to be appropriate and easily accessible by the Council (for collection). In terms of the refuse storage for residents, the developer has confirmed that the storage area proposed for refuse can accommodate the storage capacity requirements of Merton Council. As such, it is considered that a condition could reasonably be added requiring details of refuse storage to be submitted to, and approved by, Merton Council prior to occupation.

#### Sustainability

- 7.73 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, whereas non-residential development remains at a 35% improvement on Part L of the Building Regulations 2013.
- 7.74 The developer has submitted an Energy and Sustainability Statement (dated October 2016) in support of the application following earlier concerns raised by the Council's Climate Change officer. The Climate Change officer has confirmed that they are satisfied that it is robust and demonstrates compliance with Merton's Core strategy CS15 and London Plan Policy 5.2, 5.3, 5.5, 5.6. The decisions to include Mechanical Ventilation with Heat Recovery is appropriate considering the proximity to the railway line and main road and the proposed air tightness of the development and demonstrates compliance with London Plan Policy 5.9.

The applicant has indicated within the energy strategy that the development will achieve internal water usage rates of 125 – this element of the plan will need to be addressed in order to achieve internal water usage rate of no more than 105 litres per person per day in line with local policy requirements.

- 7.75 It is recommended to include condition to address emissions reductions from domestic development, emissions reductions from non-domestic development; district heat networks and uploading energy data.
- 7.76 Subject to the above conditions, it is considered the proposal would be policy compliant in terms of sustainability.

#### Other matters

##### Flooding and sustainable urban drainage

- 7.78 London Plan policies 5.12 and 5.13, Core Strategy policy CS16 and Sites and Policies Plan 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.
- 7.79 The site is not considered to be at risk of flooding; and is at medium risk of surface water flooding. The scheme proposes to limit runoff rates to no more than 4.02l/s, which is acceptable.
- 7.80 It is recommended to include a condition which requires details of drainage, attenuation and management to be submitted to, and approved by the Council prior to the commencement of development.

##### Site contamination

- 7.81 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.
- 7.82 In light of the former industrial use of the application site, there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

##### Landscaping and impact on biodiversity and SINC

- 7.83 NPPF section 11, London Plan polices 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.84 The application site has been cleared for approximately 8 years and consists of hard-standing and loose material; as such the application site is considered to be of negligible intrinsic ecological and nature

conservation importance. There is however a SINC directly to the north of the site, which coincides with the railway land.

- 7.85 The developer has provided a robust landscaping scheme which is considered to significantly enhance biodiversity on the site. The majority of planting would be positioned at ground floor level within the communal amenity space, however, private terraces and balconies and the defensible space to the front on ground floor would also include space for street trees and planting. In addition, portions of the roof space would be planted as green roofs.
- 7.86 The developer has provided an Ecological Appraisal in support of the development; the methodology, findings and recommendations of the appraisal are considered to be reasonable. The appraisal includes recommendations to mitigate the impact on birds and of any light fall of the nearby SINC; in addition, the investigations carried out found no evidence of bats on site. It is therefore recommended to include a condition requiring the recommendations of the Ecological Appraisal to be implemented prior to occupation. Furthermore, details of external lighting and a bat survey (in the event buildings on site are not demolished within 12 months of the decision) should be required by condition.
- 7.87 The land to the front of the buildings onto Kingston Road is shown to be landscaped with street trees. While this is welcomed the final landscaping design and surfacing of this space would require agreement with the Council as highway authority in the event that the land is dedicated to the Council as highway. Such details may reasonably be integrated into both conditions and the terms of a planning agreement.

#### Crossrail 2

- 7.88 On 12 April 2017, officers attended a meeting with TfL, LUL and the applicant to discuss Crossrail 2. The application site does not fall within a Safeguarding Zone, but Crossrail 2 have objected to the application on the grounds that the site could become a worksite to support the delivery of Crossrail 2 if / when it is constructed. In this regard, Crossrail 2 have identified the cleared portion of the application site as being of interest, rather than the portion at 579 – 585, which is currently occupied by buildings.
- 7.89 The applicant has made clear that should they fail to secure approval for the current application, they would construct the approved (10/P1963) self-storage, office and light industrial scheme. On this basis, the site would no longer be cleared.
- 7.90 The site does not fall within a Safeguarded Zone and the application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the current lack of

Safeguarding, and the existence of the extant permission, officers consider that the application can be supported.

Developer contributions

- 7.91 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).
- 7.92 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 7.93 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 7.94 The delivery of affordable housing would be secured via a S106 agreement.
- 7.95 The proposals would be likely to increase footfall along this part of Kingston Road arising from those travelling to and from the site for business and those living in the flats. Adopted policy seeks to promote more sustainable modes of travel. and, given the proximity of the site to the bus stop on the opposite side of Kingston Road, it is considered that bus stop improvements may reasonably be required via a S106 obligation. The applicant is amenable to making a financial contribution for this purpose and this is welcomed.
- 7.96 A further measure to reduce levels of car ownership is to promote car club membership, again a measure consistent with adopted planning policies. This initiative has the support of the Council's Transport Planning officers who consider it an integral part of delivering a high density scheme with low levels of on-site car parking. To facilitate changes in travel habits car club membership is recommended for ideally a period of 5 and the applicant appears amenable to this forming a S106 undertaking. The delivery of a car club bay in close proximity to the site could be dealt with under condition requiring the applicant to enter into and complete an agreement under S278/S38 of the Highways Act with the Council as local highway authority to carry out the necessary consultation and to cover the costs of this and any associated road traffic orders and work to designate a bay.
- 7.97 Finally, with regards to the delivery of loading bays and the realignment of the footway, officers note that this may be covered by condition requiring that prior to occupation of the development the applicant shall

enter into and complete an agreement under S278/S38 of the Highways Act with the Council as local highway authority, to provide for a scheme of works to deliver loading laybys and footway/public realm improvements as shown indicatively on the approved plans. This aspect of the proposals would also entail dedication of land to the Council as highway which would not be covered by condition and to that end a dual set of requirement for both the highways works and the dedication of land could instead simply be consolidated into a S106 agreement.

- 7.98 The developer has agreed to meet the Council's reasonable costs of preparing and monitoring the Section 106 Obligations. S106 monitoring fees would be calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance (2006) and legal fees would need to be agreed at a later date.

## **8. CONCLUSION**

- 8.1 The proposals have been developed over a period of almost two years reflecting both engagement by the applicant with local residents and from discussions between the applicant and Council officers. The application presents opportunities in the form of delivering employment opportunities, the delivery of much needed housing and affordable housing.
- 8.2 The long since cleared site presents an opportunity for a well-considered proposal. The scheme responds positively to the surrounding context in terms of massing, heights, layout, architectural cues and materials and is considered to make a positive contribution to the streetscene.
- 8.3 Notwithstanding that the financial viability appraisal determined that the development would generate a marginal deficit the developer has offered approximately 25% of units as affordable housing units and this is welcomed.
- 8.4 The proposal has been thoughtfully designed to ensure it would not unduly impact upon neighboring amenity. The proposal would offer an acceptable standard of accommodation both internally and externally for prospective occupants meeting adopted standards.
- 8.5 Suitably regulated via planning obligations and conditions, the proposal would not unduly impact upon the functioning of the highway network, would not impact on parking pressure locally and would promote and facilitate sustainable travel. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability.
- 8.6 The proposals would deliver a sustainable form of development with off site financial contributions towards reducing carbon emissions making

up for a shortfall in carbon reductions that can be delivered by the scheme on site.

- 8.7 The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and planning permission could reasonably be granted.
- 8.8 The application is therefore recommended for approval subject to the completion of S106 agreement and conditions.

### **RECOMMENDATION**

**Grant planning permission subject to the completion of a S106 agreement covering the following heads of terms:**

1. The provision of 27 (20 x 2 bed and 7 x 1 bed) discounted market rent affordable housing units on site with rents equivalent to social rent plus service charge;
2. Financial contribution (£8554.94) to be used for bus stop improvements for the bus stop opposite the site;
3. Dedication of land as highway to the Kingston Road frontage;
4. The applicant entering into an agreement under the Highways Act to be consolidated into the planning agreement, to provide for a scheme of works to deliver loading laybys and footway/public realm improvements as shown indicatively on plan P1-201 P10;
5. Formation of car club bay including the costs of any necessary consultation, road traffic orders and works to the highway;
6. Financial commitment to provide for car club membership for 5 years for future occupiers from occupation of the dwellings;
7. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations;
8. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations;.

**And subject to the following conditions:**

**Pre-commencement/construction stage/environmental impacts.**

- 1 A.1. The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 and Section 51 of the Town and Country Planning Compulsory Purchase Act 2004.
2. A.7. Development to be implemented in accordance with approved plans (insert schedule of plans and documents at start of report).
3. [Contamination investigations]: Notwithstanding any remediation measures that may have been undertaken following demolition of buildings on part of the application site, prior to the commencement of



development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

4. Non-standard condition [Contamination construction phase]: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

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

5. Non-standard condition [Contamination verification]: Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term

monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

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

7. Demolition and Construction Method Statement . No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall follow the recommendations in Appendix A7 of the applicant's air quality report. The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: To protect the amenities of future occupiers and those in the local vicinity.

8. D.11 Construction times. 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.

9. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and

Demolition” dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with [local policy] and London Plan policies 5.3 and 7.14

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

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

11. 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.

12. The development shall be implemented in accordance with the recommendations of the applicant's Ecological Appraisal. Reason. In the interest of safeguarding and promoting biodiversity and policy CS.13 of the Adopted Core Strategy [July 2011].
13. Bat Survey. In the event that evidence of bats being found on the site, prior to the commencement of development details of the provisions to be made for appropriate mitigation measures including potential for artificial bat roosting sites/boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be

implemented in full before first occupation of any part of the development, unless otherwise agreed in writing by the LPA. Reason for condition To ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation (Natural Habitats, &c.) Regulations 1994 and policy CS 13 within the Adopted Core Strategy [July 2011].

14. [Local employment strategy] Prior to the commencement of development [including demolition] a local employment strategy shall have been submitted to and approved in writing by the Local Planning Authority setting out the measures taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase. Reason for condition: To improve local employment opportunities in accordance with policy DM.E4 of the Sites and Policies Plan.

**Design details.**

15. Standard condition [materials to be approved]: No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

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

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

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core

Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

17. The development shall be constructed in accordance with a business signage/ external advertising design code which shall inform the location and size of those areas designated for signage, such a design code having first been submitted to and agreed in writing by the local planning authority. Reason. To ensure the design of the Kingston Road frontage achieves a high quality of design in accordance with the Merton Core Strategy policy CS.14 and Sites and Policies Plan policy DM.D2.

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

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

19. Site and surface treatment. Surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, and footpaths shall be carried out in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied / the use of the development hereby approved shall not commence until the works to which this condition relates have been carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

20. F.1 Prior to occupation of the development a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the approved landscaping in place either prior to first occupation of the development or the first planting season following the completion of the development whichever is the sooner. The scheme shall include details of the size, species, spacing, quantities and location of trees and landscaping. 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 Merton Core Planning Strategy 2011.

21. F.2 (Landscape Management Plan) Prior to occupation of the development a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority with the approved landscape maintained for the lifetime of the development with the plan including long term design objectives, management responsibilities and maintenance schedules for the proposed trees and landscaping  
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.

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

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

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

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

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

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

25. Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the windows to be obscure glazed as shown on the approved plans shall be glazed with obscured glass and shall be maintained as such thereafter.

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

**Sustainable design and construction.**

26. 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 of not less than a 35% improvement on Part L regulations 2013 in accordance with those outlined in the approved plans (151375 Rev – B, October 2016), and wholesome water consumption rates of no greater 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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.
27. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority. Reason. To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.
28. No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014). Reason. To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic), and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating, in accordance with London Plan policies 5.5 and 5.6.
29. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council confirming that the developer has provided appropriate data and information pertaining to

the sites Combined Heat and Power (CHP) system to the Greater London Authority (GLA, [environment@london.gov.uk](mailto:environment@london.gov.uk)) to allow the site to be uploaded to the London Heat Map (<https://www.london.gov.uk/what-we-do/environment/energy/london-heat-map>).’ Reason: To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning. Development Plan policies for Merton: policy S13 of the London Plan [Date] and policy CS15 of Merton's Core Planning Strategy 2011

30. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site to no more than 4.02l/s and 19m<sup>3</sup> of attenuation. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. Include a timetable for its implementation;
  - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
  - vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

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

31. Before development commences, the detailed design, specification and planting scheme for any green roof forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved, retained and maintained in perpetuity thereafter.

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



**Parking, servicing and accessibility pre-occupation.**

32. Prior to occupation of the development the applicant shall enter into and complete an agreement under S278/S38 of the Highways Act with the Council as local highway authority, to provide for a scheme of works to deliver loading laybys and footway/public realm improvements as shown indicatively on plan P1-201 P10 (see also Heads of agreement above for alternative mechanism for the delivery of highways works).

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

33. H.12 [Delivery and Servicing Plan to be Submitted] Prior to the commencement of the use a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority with the approved measures outlined in the plan fully implemented and maintained for the lifetime of the development. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

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

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

35. [Car parking spaces] Prior to occupation of the development the car parking spaces shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose for the lifetime of the development. Parking shall provide for disabled parking bays and electric vehicle charging facilities, both active and passive, in accordance with the provision of the London Plan. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.

36. The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
37. Notwithstanding the details provided, prior to the occupation of the relevant part of the development hereby permitted, a Travel Plan for the relevant part of the development (residential or non-residential) shall be submitted to and approved in writing by the Local Planning Authority. Each plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
- (i) Targets for sustainable travel arrangements;
  - (ii) Effective measures for the ongoing monitoring of the Plan;
  - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
  - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.
- The development shall be implemented only on accordance with the approved Travel Plan. Reason. To reduce vehicle movements on the surrounding highway network, to reduce congestion, improve air quality and to promote more sustainable modes of travel in accordance with adopted planning policies.
38. Amended standard condition [Details of refuse]: Prior to first occupation of the development a scheme for the storage of refuse and recycling shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.
- Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

**Other on-going controls.**

39. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the non-residential use shall not exceed LA90-10dB at the boundary with the closest residential property.

**INFORMATIVES.**

1. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
4. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit [thameswater.co.uk/buildover](http://thameswater.co.uk/buildover).

5. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
6. Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
7. 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).
8. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.
9. The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
10. Carbon emissions evidence requirements for Post Construction stage assessments for residential development 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

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

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);

- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND:**
- Water Efficiency Calculator for New Dwellings; **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'.

11. Carbon emissions evidence requirements for Post Construction stage assessments for non-residential development must provide:

Detailed documentary evidence confirming the Target Emission Rate (TER), Building Emission Rate (BER) and percentage improvement of BER over TER based on 'As Built' BRUKL model outputs; **AND**

A copy of the Building Regulations Output Document from the approved software. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction.

A BREEAM post-construction certificate demonstrating that the development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good'

12. Impact on Network Rail Land.

The applicant's attention is drawn to the advice and requirements provided by Network Rail in the e-mail dated 12<sup>th</sup> May 2016 and copied to the applicant by the Council addressing the following matters: Future maintenance to be conducted without encroachment onto Network Rail land, drainage not to discharge onto Network Rail land or assets, all operations regarding the use of plant and materials in proximity to Network Rail land, scaffolding, piling, fencing, lighting, noise and vibration, landscaping, and vehicle incursion.

Network Rail strongly recommends the developer contacts Network Rail prior to any works commencing on site and enters into an Asset Protection Agreement to enable approval of detailed works. For further advice contact Adrian Toolan at Network Rail, 1 Eversholt Street London NW1 2DN

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

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