

PLANNING APPLICATIONS COMMITTEE 22 August 2019

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
19/P0883	21/09/2015
Address/Site	101 Hamilton Road, South Wimbledon, SW19 1JG
Ward	Abbey
Proposal:	Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works
Drawing Nos	A100 Rev 5, A101 Rev 5, A102 Rev 5, A103 Rev 5, A104 Rev 5, A105 Ref 5, A200 Rev 5, A201 Rev 5, A300 Rev 5 and A301 Rev 5.
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject to conditions and S106 agreement

CHECKLIST INFORMATION.

Heads of agreement: - Permit Free Development, Carbon Off-Set Contribution, Car Club Membership, Parking Bay Cost & Affordable Housing Contribution (including early and late stage review)

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – No

Number of neighbours consulted – 46

External consultations – No.

PTAL Score – 5

CPZ – S2

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site has now been cleared and formally the site comprised a two storey detached property known as Rose Cottage and single storey light industrial units within the rear section of the site. Formally, some ad hoc car parking was provided on site, to the front and side of the former buildings.
- 2.2 To the north of the application site is a two storey Victorian detached property, known as 97 Hamilton Road, with a terrace of similar two storey properties beyond, characterised by two storey projecting bays and recessed porches. Number 97 has been split into two flats. The rear garden area has been subdivided into two, with the upper floor flats having direct access via an external rear staircase along the northern boundary of the application site. The blank flank wall of no.97 forms the northern boundary of the application site.
- 2.3 Directly to the south of the application site is the rear of a two storey building known as 206 – 212 Merton High Street. This building comprises commercial uses at ground floor and flats at the first floor level. A gated rear passageway separates the application site from the rear wall of this neighbouring building. Its main frontage is onto Merton High Street, one of the main thoroughfares within the Borough, characterised by two-/three storey buildings with commercial units at ground floor and residential units on the floors above.
- 2.4 The surrounding area comprises a mixture of residential and commercial properties. The application site is situated on one of the residential streets, at right angles to Merton High Street. These residential streets, are predominantly characterised by traditional two storey terraced housing.
- 2.5 The application site is not located within a Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1.1 Erection of a two storey detached building with accommodation at roof and basement level comprising 13 flats (5 x 1, 6 x 2 and 2 x 3 bedroom flats) and associated works.
- 3.1.2 The building is designed with a two storey appearance, with accommodation in the roof. It would have exposed facing London stock brick, slate tiled roof and dark framed windows. Projecting glass bay

windows are present on the front, along with two front dormer windows. A communal roof terrace is proposed, along with solar panels on the roof.

Space standards

- 3.1.3 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to London Plan 2016 requirements and Merton planning policy DM D2 (Design considerations in all developments).

Proposal	Type(b)bed (p) person	Proposed GIA	London Plan	Amenity Space (sq m)	London Plan/ Merton requirement
Unit 1	1b2p	81.2	50	20.6	5
Unit 2	2b4p	89.14	79	18.2	7
Unit 3	2b4p	119.2	79	34.9	7
Unit 4	1b2p	80.9	50	42.2	5
Unit 5	2b4p	75.4	70	0	7
Unit 6	1b2p	57.3	50	0	5
Unit 7	1b2p	57	50	8.7	7
Unit 8	2b4p	73.6	70	10	7
Unit 9	3b6p	127.6	102	3.8	9
Unit 10	2b4p	78.76	70	0	7
Unit 11	2b3p	73.9	61	0	6
Unit 12	1b2p	62.1	50	7	5
Unit 13	3b6p	123.6	95	7.3	9

- 3.1.4 All residents would have access to a 126.3 sqm communal amenity space at roof level. The roof terrace would include fix planters around its perimeter, a number of solar panels, a 1.1m screen to the rear and a 1.8m high screen on the west side of the terrace. An internal lift is proposed to allow disabled access to all floors.

4. PLANNING HISTORY

- 4.1 17/P3242 - Redevelopment of the site (including demolition of existing buildings) and erection of a two storey terrace with accommodation at basement and roof level (6 x 2 bed flats & 2 x 3 bed flats) and 1 x two storey dwelling house at rear and associated landscaping and parking – Appealed non determination – Appeal dismissed on 6th June 2018 (Appeal ref - APP/T5720/W/17/3189000).
- 4.2 16/P4444 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Approved - 13/12/2016

- 4.3 16/P3729 - Prior notification for proposed demolition of a two storey detached residential building (rose cottage) – Refused - 21/10/2016
- 4.4 15/P3573 - Renovation of existing rose cottage to create 4 self contained flats including erection of two storey rear extension, erection of new semi detached house (adjoining 97 Hamilton Road) and erection of new detached two storey house at rear of site – Grant - 05/12/2016
- 4.5 14/P2350 - Demolition of existing building and erection of a new two-storey building at front and part 1, part 2 storey building at rear comprising 9 self-contained flats – Withdrawn.
- 4.6 13/P0997 - Demolition of existing building and erection of a new two-storey building comprising 9 x 2 bed self-contained flats and a part single, part two storey building at rear for b1 office use - Withdrawn
- 4.7 12/P2520 - Application for a certificate of lawfulness in respect of the existing use of property as residential (Class C3) – Issued - 14/12/2012
- 4.8 MER791/70 - Established use certificate for light industrial use – Grant - 02/11/1970
- 4.9s MER471/69 - Vehicular access – Grant - 03/09/1969

5. **CONSULTATION**

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.1.1 In response to consultation, 14 objections received. The letters raise the following objections to the original plans:

Change of Use

- Loss of employment was waived on the previous permission on the condition that Rose Cottage was restored. As that has not occurred, the employment designation of the land remains.
- The developer has continued to use the land to store plant and materials. This suggests that the site has had ongoing use for employment.

Design

- The number of dwellings proposed for the site constitutes overdevelopment due to the density of the properties compared with the surrounding area. Policy DM D2 is very clear that density must relate positively and appropriately to massing of surrounding

buildings. This is clearly fails to do.

- The development does not meet London Plan density levels.
- The London plan states that suburban development within hr/unit of 2.9, with a PTAL of 5, should have a density of between 70 and 1130 units/hectare. 188 units/hectare considerably outstrips the levels recommended by the London Plan.
- Taking the neighbouring four houses in Hamilton Road by examples (which cover approx. the same land as the development, the average number of dwellings per hectare is 66.7, this is much close to the lower end of the London Plan.
- The roofline is significantly above the roofline of the rest of the street. The rear of the building juts out into the garden in a way that is not mirrored in anyway in the rest of the street.
- Claims in the planning statement that the proposed building will extend to 2.5 storey in height is false. The plans submitted are for a building with a basement, ground floor, first, second and roof terrace, hardly 2.5 storeys.
- In the planning statement, NPPF states sustainable development involves improvements in the quality of the historic environment. This scheme would result in a deterioration in the historic environment due to its failure to replace the previous historic building (Rose Cottage).
- Due to the proposed mass and its use of features such as basements, the proposal fails to relate positively and appropriately to the historic context of the surrounding area.
- The application contravenes policy DM D2 on the grounds that it is not in keeping with the character of the existing street, as the basement extends approx. 2m in front of the building line.
- The application infringes on the building line and fails to complete the raw party wall end of the semi detached houses adjoining.
- There is no private amenity space for flats 5, 6 and 7
- Of the 13 flats, 7 are undesirable single aspect and unable to be naturally cross ventilated.
- The application is higher than the refused scheme and prevailing sale in Hamilton Road.
- Frontage and boundary treatment fence is not in keeping
- The design of the front looks at odd with the character of the rest of the street and would present an incongruous dominant feature, which would be harmful to the appearance of the area.

Basement/Flooding

- There is a risk of flooding from surface water run-off, as the basement level, which includes subterranean courtyards, will be below the water table, which the applicant states is 1.1m below the ground level.
- A basement is metres from a medium flooding risk posing too great

a risk.

- Basements below the water table and the resulting foundation do not relate positively to existing street patterns and would require work that would lead to expressive disturbance for residents in the surrounding area.
- Risk to basement flats when there have been two large-scale water main bursts in the vicinity cannot be overstated.
- The basement floor – quite apart from the question of the quality of the living spaces below ground level, the plans for a basement floor makes the development unbalanced in terms of the number of flats for the space.
- The basement excavation will increase the disruption and inconvenience for the local residents (and will be potentially dangerous for the adjoining sites).

Neighbour Amenity

- Impact on residents living behind in Hardy Road. The application places a 3.5 story building to the rear of several homes on Hardy Road where there was not one before.
- The London Plan Housing SPG states that for protection of privacy there should be a minimum distance of 18m - 21m between facing homes. The applicant has failed to state the distance between his development and the opposing dwelling on Hamilton Road.
- The size and arrangement of the windows in the proposed development are bigger and therefore decreases privacy further as does the presence of a balcony.
- Overlooking from balconies and terraces
- Noise disturbance for future residential within the proposed basement flats from underground trains.
- The kitchen and bedroom windows of different flats face each other across a 2.4m wide light well (flats 5 and 7). This infringes on privacy.
- The size of the development means impact on neighbours in Hamilton Road, Hardy Road and Merton High Street will need to be carefully looked at.
- Use of side alley will cause a security risk and create noise and disturbance
- Enclosing affect to neighbours rear garden and overshadowing
- Disruption during construction

Housing

- The scheme is in contravention of CS8 policy on housing need and mix. The policy states that the target for new development should be 50% of housing proposed should be three bedroom or above.
- The viability assessment prepared for this application has been withheld from consultees.

- None of the units would be affordable housing

Highways

- The application do not state how the two parking spaces proposed will be provided, considering the current parking restriction include double yellow lines outside the development
- The application proposed no justification of how the impact of the proposed arrangements will have on the street existing parking arrangements.
- The addition of even one extra car could add undue stress to the already busy street.
- Changing the arrangement of the parking prohibitions at the southern end of Hamilton Road could have considerable consequence for other residents in the road.
- Basement cycle parking makes the facilities effectively useless.
- The parking on Hamilton Road is extremely difficult to park.
- Without adequate parking facilities, the current application will make a bad situation even worse.
- The proposed application must also contain adequate parking on site for additional cars/tradesmen vehicles visiting the site.
- Concern about delivering vehicles, how will they turn within the street and how material will be stored?
- Requirement to restrict parking permits.
- If the new parking bays can be created, these should only be for existing residents. This would alleviate some of the pressure on Hamilton Road.
- Impact on highway safety
- New residents parking permit, less two new parking bays, means the Council will be allowing two additional resident parking permits for Hamilton Road where residents parking is overstretched and often existing residents are unable to find space.
- Even if all but two of the units were parking free, the applicant has not taken into consideration that 13 new units will all have visitors.

Waste

- The waste and recycling for the flats appears to completely inadequate. Requirement for each property, two wheelie bins, at least one but possibly two recycling creates and a waste food caddy. This application makes no provision for such waste scheme.
- Only six 240 litre wheelie bins provided for all flats and no recycling creates, and the wheel bins stored to the side of the flats.
- Where is food waste containers to be located?
- At the very least, a flatted development of this size should have allowed for a specially designed storage area for waste collection, either within the actual building or an external area within the

development site.

Other

- The applicant states that 33 photovoltaic panels but the roof plan shows only 20 panels
- Supportive of redevelopment as the site has become a target for fly tippers, local graffiti and general loitering and public drinking.
- We request that a minimum of 1 tree per flat is funded and planted by the developed either side or in the surrounding area.
- Lack of consultation
- Example of developer maximizing profit to the detriment of existing residents in Hamilton and Hardy Road.

5.1.2 In response to re-consultation on amended plans, 8 letters of objection received. The letters of objection raise the following points (amended plans):

- Development is still too large for this street of Edwardian terraced houses
- The amended plans does not address objections
- Development too large for the site and would be harmful to the character and appearance of the area
- Does not appear space for rubbish bins (major problem with fly tipping)
- Harmful to highway safety as would result in an increase in parking stress and consequent illegal or unsafe parking
- The basement would be vulnerable to flood risk and the proposal does not have suitable flooding prevention or mitigation measures in place.
- Still too dense
- The frontage and boundary fence is not in keeping with the residential street.
- Lack of parking
- Basement will be subject of tube noise and flooding
- Lack of affordable housing
- Basement would set a dangerous precedent
- There are several ongoing extensions on the adjoining properties on the Merton High Street which now have Juliet balconies, creating overlooking.
- Excavation of the basement
- Loss of privacy
- Loss of light
- Disruption during construction
- Imposing and would dominate the skyline
- Overlooking and noise from proposed roof terrace

- Out of character
- Safety concern with planters at roof level. Would there be access to the planters for maintenance and watering?
- Roof terrace would set a dangerous precedent
- Is it intended that there will be a 1.8m screen to the north and west sides of the roof terrace?

5.2 Historic England – No archaeological requirements

5.3 Councils Flood Officer – No objection subject to conditions.

5.4 MET police

5.4.1 The proposed front boundary has been amended and shows a 1.7m security gate leading to the communal entrance doors. It is desirable for dwelling frontages to be open to view so to enhance the chance of natural surveillance, this security gate should be removed.

5.4.2 The Visualizations A401 shows a low side gate to the side path to the rear of the businesses in Merton High Street. The side and rear of the building are more vulnerable as there is less natural surveillance, hence a more robust barrier is required. A 2m gate should be located flush to the front elevation to eliminate climbing opportunities and the ease of access to the rear of the building. The gate should be designed to resist climbing, forced entry and allow a high degree of surveillance of the route from the street.

5.4.3 A local issue is bored young persons congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences; the residential entrance lobby should be 'airlocked' by a second set of access controlled doors to prevent unauthorised access by tailgating.

5.4.4 There appears to be no mention of cycle security and as bicycles and their parts are extremely attractive to thieves details should be provided. The cycle store in the basement should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the space. The door should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The cycle storage should incorporate stands or racks secured into concrete foundations, which should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

5.4.5 A CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that

standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

5.4.6 Lighting should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. Bollard lights, under bench and architectural up lighting are not considered as good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to residents and visitors. Any public space lighting should also meet the current council requirements.

5.5 Councils Conservation Officer

5.5.1 The Councils Conservation Officer raised some concerns with the original plans, these included:

- The original buildings had more space around them.
- I have about this application for flats on this site is the scale and massing. The overall height is above the adjacent buildings, both in Hamilton Road and those facing Merton High Street. The height should be reduced to be in line with the surrounding buildings.
- The proposed building should keep to the original building line of Rose Cottage which is also the building line of houses on that side of Hamilton Road. This application shows the proposal in front of the original building line and then stepping forward to line up with the side boundary of the 212 Merton High Street which is unacceptable as it is not sympathetic with the streetscape Hamilton Road.
- The proposed bay at first floor level is very dominant and almost overhangs the pavement. It emphasizes the closeness of the building to the front boundary.
- The selection of materials may well be appropriate but more thought needs to be given to the design and the massing in the context of Hamilton Road. This may be at the cost of a unit.

5.6 Environmental Health – No objection subject to conditions

5.7 Transport Planning (comments based on original plans)

5.7.1 The site is currently vacant and comprises a combination of two plots; 99 Hamilton road and 101 Hamilton Road. The scheme proposes to deliver a residential development of 13 residential units comprising the following

mix of units:

- 3 x 3 bed units
- 6 x 2 bed units
- 4 x 1 bed units

5.7.2 Hamilton Road is a residential road operating at a 20-mph speed limit. Through the use of bollards, Hamilton Road does not permit vehicular access to / from the south towards Merton High Street.

5.7.3 The site is within a PTAL of 5 which is considered as representing a 'very good' level of accessibility to public transport services. The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm.

Car Parking:

5.7.4 The proposals are for a car-free development with no provision for off-street parking. The applicant will accept a planning condition which restricts occupants of the 1-bed and 2 bed units from obtaining parking permits.

5.7.5 The applicant identifies 2 new marked on-street parking bays along the site frontage on Hamilton Road. The applicant should contact the LBM Transport division to discuss its suitability and related costs.

5.7.6 The applicant to carry out on street parking surveys on roads within 200m of the site to determine the existing levels of on street parking capacity. The surveys to be carried out in accordance with 'Lambeth Methodology'.

Cycle Parking

5.7.7 The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level:

- 1 per studio and one bed dwellings;
- 2 per all other dwellings

Refuse

5.7.8 Waste collection points should be located within 30 metres of residential units and within 20 metres of collection vehicles.

Recommendation

- 5.7.9 Subject to above requirements are addressed satisfactorily I have no objection in principle to this form of development in this location.

Transport Planning (comments based on amended plans)

- 5.7.10 Following amendments and submission of a swept path analyst, there is no objection to the proposed on street car parking bays.

5.8 Councils Climate Change Officer

- 5.8.1 As the proposal is for a major residential development valid from 6 March 2019 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval.

Carbon shortfall (tonnes of CO₂e) X £60 per Tonne CO₂e X 30 years = Offset Payment 11.182 tCO₂ X £60 Per Tonne CO₂e X 30 years = £20,128 as per the Applicant's latest version of the Energy and Sustainability Statement (dated 10th June 2019).

- 5.8.2 I am content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential - Major) Pre-Occupation Condition is applied to the development (see below).

5.9 Councils Structural Engineer

- 5.9.1 The submitted CMS, GI Report and the plans demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment. No objection subject to conditions

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)

CS8 – Housing Choice
CS9 – Housing Provision
CS12 – Economic Development
CS14 - Design
CS15 – Climate Change
CS18 – Active Transport
CS19 – Public Transport
CS20 - Parking, Servicing and Delivery

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM H2 Housing Mix
DM H3 Support for affordable housing
DM.D2 Design Considerations in All Developments
DM.D4 Managing Heritage Assets
DM.EP2 Reducing and Mitigating Noise
DM E3 Protection of scattered employment sites
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

- 6.3 London Plan (July 2016)
3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.8 (Housing Choice),
5.1 (Climate Change Mitigation),
5.3 (Sustainable Design and Construction).
7.3 (Designing Out Crime)
7.4 (Local Character)
7.6 (Architecture)

Other

- National Planning Policy Framework 2019
- National Planning Practice Guidance 2014
- Planning and Compulsory Purchase Act – 2004
- London Plan 2016 - Housing SPG 2016
- Draft London Plan 2018
- Draft Local Plan 2020
- Merton's Viability SPD 2018
- Homes for Londoners - Affordable Housing and Viability SPG 2017

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are the principle of development, loss of employment, the design of the building, impact upon the Hamilton Road street scene, standard of accommodation provided, impact upon neighbouring amenity, parking/highways considerations and basement construction/flood risk.

7.2 **Amendments**

7.2.1 Following advice from officers, the design of the scheme has been amended as follows:

- Internal changes to the layout of flats
- Removal of front gate
- Amended front bays
- Amended light wells
- Amended/new landscaping/gardens/balconies
- Building lowered in height
- Amended building form (side elevation - facing Merton High Street)
- Amended refuse storage (now includes store in basement)

7.3 **Appeal Decision**

7.3.1 A material planning consideration in this instance is the recent appeal decision relating to planning application 17/P3242 (Appeal Ref - APP/T5720/W/17/3189000). The appeal decision is attached to the committee report for member's reference (Annex A).

7.4 **Principle of Development**

7.4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.5 **Loss of Employment**

7.5.1 Officers have noted that the previous approval on the site allowed the loss of employment, on the condition that Rose Cottage would be restored and refurbished as part of the redevelopment of the site. Now that Rose Cottage has been demolished, this is no longer an option to mitigate the loss of employment. Given that the former buildings have been demolished, the site is still considered to be a scattered employment site. The proposal must therefore be considered against planning Policy E3 (Protection of scattered employment sites) of Merton's Sites and Policies Plan. The policy seeks to retain/support a range of employment opportunities towards creating balanced mixed use neighborhoods in Merton.

7.5.2 Planning policy E3 states that proposals that result in the loss of scattered employment sites will be resisted except where:

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;

- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,
- iii. It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months (2½ years).

7.5.3 The applicant has confirmed that there is no marketing evidence that the site has been subject of marketing for employment or community uses. The loss of employment will therefore need to be considered against parts i and ii of planning policy E3 above.

- i. The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;

7.5.4 The application site is located at the end of a narrow no-through residential street. The surrounding area includes a mixture of both residential and commercial buildings, however for the sake of clarification the site is considered to be located in a predominantly residential area. There is no evidence that the former uses had a significant adverse effect on local residential amenity, however, the site does have a sensitive relationship with neighbouring residential uses due to the number of surrounding units and their close proximity to the site. For example, residential gardens adjoin the site to the north and east. Further, residential units overlook the site and adjoin it. Although the site is cleared, the former employment buildings on the site were at the rear, abutting neighbouring boundaries. The close proximity of surrounding residential would have made it difficult to expand/intensify the former employment operations.

- ii. The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use;

Size

7.5.4 The former employment buildings on the site comprised light industrial units (Class B1c) with a floor area of approximately 200sqm. The amount of jobs the site could deliver is therefore limited given the use of the units and their modest floor area.

Configuration

7.5.5 The three former employment buildings were wedged into the rear/side of the site, directly to the rear of the former Rose Cottage (residential use) and within close proximity of neighbouring residential uses to the rear and side. The site is therefore constrained for employment purposes by the number and close proximity of residential uses.

Access arrangements

7.5.6 The site included onsite car parking; however, Hamilton Road is a narrow no through road, which is usually heavily parked on either side of the street. The existing access arrangements are therefore not considered ideal for commercial activity.

Unsuitable and financially unviable

7.5.7 It was acknowledged under the previous planning approval (15/P3573) the former buildings were in a poor condition and would have been difficult to let the premises in the open market in their condition. The prospect of continued employment in the former buildings in their condition were therefore limited for long-term occupation and would require significant financial outlay to bring up to modern standards.

7.5.8 Given the constraints of the site (surrounding residential properties) and limited sized employment floor space, it is considered that it would be unrealistic that the site would come forward for employment purposes only (same provision or increase in floor space).

Appeal Decision

7.5.9 In dismissing the appeal, the planning inspector do not sight loss of employment as a reason to dismiss the appeal. He stated that "...at the time of my site visit all of the buildings on the appeal site had been removed. Given my findings on the other main issues I have not therefore pursued this matter further".

Conclusion on loss of employment

7.5.10 Whilst the site had previously been in employment use, the employment part of the site only comprised 200sqm of floor space and would therefore not generate a high number of jobs. The access requirements for the site are far from ideal and the site is constrained by adjoining residential units and gardens, making it generally less attractive for other employment or community uses. The loss of employment must also be balanced against other planning benefits. In this instance, the proposal would create 13 new residential units, which will make a modest contribution to meeting much needed housing targets, in a sustainable location. A wholly residential use

would be in keeping with the immediate surroundings. The loss of employment is therefore considered to be acceptable in this instance.

7.6 **Residential**

- 7.6.1 The requirement for additional homes is a key priority of the London Plan which seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton is 4,107, with a minimum annual monitoring target of 411 homes per year. Paragraph 58 of the 2018 NPPF emphasised the Governments objective to significantly boost the supply of homes.
- 7.6.2 The planning application seeks to create 13 new residential units, which will make a modest contribution to meeting housing targets, and provides a mix of unit sizes that will assist in the delivery of a mixed and balanced community in a sustainable location. The provision of new housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policies.

Housing Mix

- 7.6.3 Planning policy DM H2 (Housing Mix) seeks to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. London Plan Policy 3.8, seeks to promote housing choice and seek a balance mix of unit sizes in new developments, with particular focus on affordable family homes. Family sized accommodation is taken in the London Plan and LBM policy to include any units of two bedrooms or more.
- 7.6.4 The borough level indicative proportions concerning housing mix (as set out below) will be applied having regard to relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions.

Table in Planning policy DM H2 (Housing Mix) of Merton's Sites and policies plan 2014

Number of Bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

Proposal – 5 x 1 bedroom, 6 x 2 bedroom and 2 x 3 bedroom flats

Number of Bedrooms	Percentage of units
One	39%
Two	46%
Three +	15%

7.6.5 The proposed housing mix of the site, whilst not strictly meeting the Council percentage ratio set out in Policy DM H2 (Housing Mix), are only indicative targets. The proposed housing mix is considered to still offer a good range of housing choice with a good proportion of each unit type, including 61% of the total offering family type accommodation (2 bedroom or more) which is welcomed.

Density

7.6.6 London Plan Policy 3.4 (Optimising Housing Potential) provides guidance of density ranges. Table 3.2 of the policy sets appropriate density ranges that relate to setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL).

7.6.7 Policy 3.4 and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (eg employment or commercial floorspace), local character and context, together with other local circumstances, such as improvements to public transport capacity and accessibility. The London Plan is clear that the SRQ density matrix should not be applied mechanistically, without being qualified by consideration of other factors and planning policy requirements.

7.6.8 The proposed development will provide 13 residential units and taking into account the site area of 0.069 ha, the residential density of the proposed development equates to 511 habitable rooms per ha and 188 units per ha. The London Plan density matrix states that within an urban area with a PTAL score of 5, developments should have a habitable room per ha of between 200 – 700 hr/ha and unit per ha of between 70 – 260 u/ha. The proposed development would therefore fall within both ranges set out in the density matrix.

7.7 Design

7.7.1 The overarching principle of national and local planning policy is to promote high quality design. Planning policy DM D2 (Design

considerations in all development) of Merton's Sites and Policies Plan states that amongst other considerations, that proposals will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area.

- 7.7.2 It is acknowledged that the proposed building would occupy a large proportion of the site, however the buildings eaves and ridge levels (main roof) now respond to the corresponding heights of the adjoining terraces and the hipped roof design allows some breathing space between adjoining buildings. Therefore, from street level, the proposed building would not appear overly large. It should also be noted that the application site sits at the end of the street where the site can accommodate a larger building footprint. This brownfield site is the type of development opportunity site where maximum housing provision must be delivered in order to meet ongoing housing shortages in London.
- 7.7.3 The staggered front building line is considered to respect to the context of the site, forming a gradual transition between Hamilton Road and Merton High Street. The proposal would also have the benefit of partly obscuring the bland flank wall of 97 Hamilton Road and the bland rear elevation of 212 Merton High Street, both of which are considered to be negative elements in the street scene.
- 7.7.4 The aesthetics of the proposed building are considered to respect the visual amenities of the street scene by picking up, in a modern manner, the existing features within the street such as the use of brick elevations, front bays and part soft landscaped frontages. A landscaping condition can be imposed on any planning permission to ensure that the development maximizes soft landscaping. Further the use of exposed London stock brick and slate roof tiles are in keeping with the long established residential streets in the locality.
- 7.7.5 On balance, whilst it is noted that the building would occupy a large proportion of the site, the scheme would maximise development potential whilst respecting the visual amenities of the street scene and local surroundings.

7.8 **Impact upon neighbouring amenity**

206 – 212 Merton High Street

- 7.8.1 When assessing neighbouring impact, consideration must be given to the former building on the site (Rose Cottage), as this was a long-standing relationship.

7.8.2 Properties in Merton High Street are commercial at ground floor level, therefore there would be no undue loss of amenity to the ground floor.

7.8.3 At the upper levels, this neighbouring building contains flats, these have rearward facing windows towards the application site at first and second floor levels. The windows are however inset approximately 5.2m from the site boundary. The proposed building would be located hard along the southern boundary of the site, the same as the former Rose Cottage. However, the upper levels of the residential properties at 206 and 212 Merton High Street are set away from the boundary (5.2m), the proposed building's roof would slope up and away from these neighbouring properties and the inverted bay (with planted wall) would help break up the massing of the flank elevation. Whilst it is acknowledged that the relationship between the proposed building and these neighbours is sensitive, this was true with the former building on the site.

97 (97a & b) Hamilton Road

7.8.4 This neighbouring property is split into two flats. The proposed detached building would be set off the boundary and sited to the flank of this neighbouring property. The proposed development would therefore have no undue impact upon the rear facing window or doors within this neighbouring property. Impact on this neighbour's amenity is further reduced by the fact that the rear elevation at the upper levels would have a staggered building line, stepping away from this neighbour.

7.8.5 This neighbouring property as stated above is split into two flats, the arrangement of the rear garden has also been split into two, with one section of the garden being situated directly to the rear of the application site. Amended plans have removed the balcony of flat 11 and the rear facing first floors window of the bedroom and living room (located directly opposite the neighbouring garden) would be fitted with obscured glazing up to 1.7m above internal floor level. This can be controlled via planning condition and would ensure that the rear garden of the flat would not be adversely overlooked.

7.8.6 This neighbouring property is located to the north of the application site. As stated above the proposed building would be located to the flank of this neighbouring property, therefore there would be no undue loss of light to neighbouring windows. It is noted that the building would result in some overshadowing of the rear garden of flat 97b, however, this would be in the late afternoon. Therefore, the garden would still receive a good proportion of sunlight throughout the day.

111 & 113 Hardy Road

7.8.5 These neighbouring properties are located directly to the rear of the proposed development. There would be a separation distance of over 30m

which would ensure that there is no undue overlooking of these neighbouring properties. It should be noted that there are no buildings proposed at the very rear of the site and no harmful impact of buildings on neighbouring garden space.

7.9 **Standard of Accommodation**

- 7.9.1 London Plan policies 3.5, 3.6, 3.7 & 3.8, CS policy CS 14, and SPP policies DM D1 and DM D2 seek to ensure that new residential development is of a high standard of design both internally and externally and provides accommodation capable of adaptation for an ageing population and for those with disabilities, whilst offering a mix of unit size reflective of local need.
- 7.9.2 In terms of the quality of the accommodation, the proposed flats would meet or exceed the London Plan Gross Internal Area minimum standards; each room would be capable of accommodating furniture and fittings in a suitable manner. There are some flats within the development that have limited levels of outlook onto the side courtyards, however, these bedrooms are the smaller/secondary bedrooms in the flat's. The main bedroom and living rooms are of good size and standard. Therefore, whilst there would be limited outlook from these secondary bedrooms, the overall quality of the flats remain good, therefore there would be limited grounds to warrant refusal.
- 7.9.3 Flats 5, 6, 10 & 11 would have no direct access to private amenity space and flats 9 and 13 would have a shortfall of 5.2 sqm and 1.7 sqm respectively in relation to minimum space standards. Whilst the lack of private amenity space is not ideal, it must be noted that in this instance, adding balconies could dilute the overall design quality, reduce light to basement levels and could introduce adverse overlooking of neighbouring gardens. All flats would also have access to the 123 sqm communal amenity space at roof level. The lack/shortfall of private amenity space in this instance is not considered to warrant a refusal of planning permission for the reasons above.
- 7.9.4 There would be four basement flats within the development, whilst in normal circumstances the Council would not support basement flats due to limited outlook and light. In this instance, the scheme has been amended so that all basement flats exceed minimum spaces standards and offer good quality in terms of size and layout. Further only 2 of the 4 flats would be wholly within the basement (flats 2 and 3 are duplex split level).
- 7.9.5 The flats with a rearward outlook all exceed minimum space standards, all habitable rooms have a full height doors leading onto large excavated

- patios and or raised gardens.
- 7.9.6 The basement flat with a front outlook onto Hamilton Road has been amended to a large one bedroom flat, which significantly exceeds minimum space standards (two bathrooms, walk in wardrobe, living room of 39.2m² and bedroom of 21.9m²), each habitable room would include a window and large front bay with doors leading out onto the light well. It is noted that the depth of the light well is not ideal, however, in addition to the above, painting the inner walls of the light well white will help improve light levels within the flat. It should also be noted that Hamilton Road, is a quiet non-through residential street, therefore, the flat would not be subject of excessive noise from passing traffic.
- 7.9.7 It is noted that neighbours have raised concern that the basement flats would suffer from noise disturbance from passing tube trains, however, there is no evidence before officers to confirm that this would result in adverse living conditions for future residents.
- 7.9.8 Overall, the proposal is considered to provide a good variety and standard of residential accommodation for future occupiers.

8. **Traffic, Parking and Highways conditions**

- 8.1 The site has a Public Transport Accessibility Level (PTAL) of 5, which means it has very good accessibility on account of its proximity to South Wimbledon Tube Station and numerous bus services on Merton High Street. It is also within 20 minutes walking distance to Wimbledon Station where National, District line and Tramlink services are available as well as extensive shopping and cultural facilities.
- 8.2 The local area forms part of Controlled Parking Zone S2. Restrictions are enforced from Monday to Saturday between 8.30am to 6.30pm. The development will be car-free with no provision for off-street parking. It is proposed to remove the existing crossover and introduce 2 marked parking bays along the site frontage for use of permit holders during controlled hours.

Car Parking

- 8.3 A number of objections have been received from neighbours relating to the already lack of parking in the local area. Their concern is that the provision of 13 extra flats will cause harm to highway conditions.
- 8.4 The Transport planner has requested street parking surveys on roads within 200m of the site to determine the existing levels of on street parking capacity. However, Officers consider that there would be no additional pressure placed on parking in the area for the reasons stated below. A

parking survey is therefore not required in this instance.

- 8.5 As a starting point, when considering impact upon the highway, consideration must be given to the existing situation (or former in this instance) and how the proposal would differ. The application site has now been cleared, however, previously the site included approximately 200sqm of light industrial units and a detached residential building used as a house of multiple occupation (10 bedrooms). In terms of the former established use, it must be noted that it is usual practice that businesses can obtain 2 permits and there is no restriction of the number of permits a residential unit can obtain. Therefore, in this instance, the former use had the ability of obtaining a high number of parking permits (2 business permits plus unlimited residential permits (residential building had 10 bedrooms)).
- 8.6 It is noted that the site did have has some ad hoc parking on the site, which would be removed as part of the redevelopment of the site, however this would have not restricted the issuing of car parking permits
- 8.7 The proposal would result in the removal of the off street car parking and introduction of 2 on street car parking bays. The proposal would therefore create two additional on street car parking bays, this is considered to be a general improvement on the existing situation as the bays can be used by existing permit holders in the street. The delivery of the 2 on street car parking bays would be delivered under a S287 agreement with the Councils Highway Section.
- 8.8 As part of the application, the applicant has stated that the development would be car free (permit free) for all of the 1-bed and 2 bed units. This can be controlled via a S106 agreement. The applicant has put forward that all the three bedroom flats (2 in total) would be able to obtain car parking permits. Given that the former use was already permitted to have a high number of car parking permits, officers consider this to be reasonable as there would be no additional pressure placed on the CPZ when compared to the existing arrangement.

Cycle Parking

- 8.9 The development will provide 22 long stay resident cycle parking spaces located within a secure cycle store at basement level. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space (secure and undercover) for cycles at the following level (1 per studio and one bed dwellings and 2 per all other dwellings). Whilst having the cycle parking within the basement level would not be ideal as bikes would need to be

pass the communal entrance, the building would be fitted with a lift providing easier access to the safe and secure cycle storage facility.

Refuse

- 8.10 A number of objections have been received in regards to the poor refuse allocation for the development. The applicant has amended the plans to include a allocated refuse store within the basement area. The refuse would be placed on the pavement on collection days by the management company in charge of the block of flats.

Car Club

- 8.11 To further encourage sustainable modes of transport and help establish travel patterns for future occupiers, the development would also be subject to a free, three year car club membership. This can be controlled and secured via a S106 agreement.

9. **Affordable Housing**

- 9.1.1 Planning policy CS 8 (Housing Choice) of Merton's Core Planning Strategy states that development proposals of 10 units or more require an on-site affordable housing target of 40% (60% social rented and 40% intermediate). In seeking affordable housing provision the Council will have regard to site characteristics such as site size, its suitability and economics of provision such as financial viability issues and other planning contributions.
- 9.1.2 The amount of affordable housing this site can accommodate has been subject of a viability assessment. Following extensive discussions, the Councils independent viability assessor states that the scheme can support an affordable housing contribution of £40,000 off-site. The s106 agreement will also include viability review mechanisms at early and late stages of development as outlined within the London Plan and Mayors SPG and Merton's Viability SPD.

10. **Sustainability**

- 10.1 Planning policy CS15 (climate Change) of Merton's adopted Core Planning Strategy (2011) seeks to tackle climate change, reduce pollution, develop low carbon economy, consume fewer resources and use them more effectively.
- 10.2 Planning Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

1. Be lean: use less energy
2. Be clean: supply energy efficiently
3. Be Green: use renewable energy

10.3 The applicant has submitted an updated energy statement. The Councils Climate Change Officer has confirmed that she has no objection subject to condition. The proposal includes making use of natural solar gain with solar panels to be installed at rooftop level.

10.4 As the proposal is for a major residential development which was valid from 20-03-2017 a S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval in line with Policy 5.2 of the London Plan. Based on the carbon shortfall and offset contributions set out in the energy statement (dated 10th June 2019). In this instance, the carbon off-set shortfall is £20,128, which would be secured within the S106 agreement.

11 **Basement Provision**

11.1 Planning policy DMD2 (Design considerations in all development) states that to ensure that structural stability is safeguarded and neighborhood amenity is not harmed at any stage by the development proposal, planning applications for basement developments must demonstrate how all construction work will be carried out.

11.2 The Councils Structural Engineer has reviewed the applicants Construction Method Statement and plans and confirmed that the documents demonstrate that the proposed basement can be built safely without adversely affecting the surrounding natural and built environment. They have confirmed that they raise no objection subject to conditions.

11.3 The rear light wells would not be visible from the public realm, therefore there would be a limited impact upon the visual amenities of the area. Whilst it is noted that front light wells are not a characteristic of the street scene, the proposed light well is modest in size. The proposal would provide sufficient soft landscaping to the frontage and its inclusion within the street scene is not considered to cause adverse harm to the visual amenities of the area and would help enhance the street scene.

12 **Flooding**

12.1 Planning policy DM F1 (support for flood risk management) and DM F2 (sustainable urban drainage system (Suds) and; wastewater and water infrastructure) of Merton Sites and Policies Plan seeks to mitigate the impact of flooding in Merton. The applicant has provided Drainage / SuDS Strategy and Flood Mitigation details, which the Councils Flood Officer has

confirmed are acceptable subject to conditions.

13. **Local Financial Considerations**

13.1 The proposed development is liable to pay the Merton and Mayoral Community Infrastructure Levy (CIL), the funds for which will be applied by the Mayor towards the Crossrail project. Merton's Community Infrastructure Levy was implemented on 1st April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected.

14 **Appeal Decision (Ref - APP/T5720/W/17/3189000)**

14.1 The planning inspector in dismissing the appeal decision, raised concerns with the design of the development not respecting the character/appearance of the area, neighbouring amenity, highways, and flooding. In response to the comments from the planning inspector, the proposal has responded as follows:

Design

14.2 The planning inspector raised concerns that the building do not respect the character and appearance of the area. Reasons given included the large bays set to the side would form most of the front elevation and form an incongruous dominant features that would erode the regular rhythm of the street and much of the front space between the terrace and the road would be taken up by the light well for the basement, bin store and bicycle store. As a result there would be little room for meaningful planting to contribute to the leafy appearance of the street. Together with the enclosure of the front area with a brick wall this would lead to a considerable length of hard landscaped frontage at odds with the verdant quality of the street.

14.3 In response to the above, the proposal still has matching materials and a building height that is similar in height to adjacent properties. The four large dominant bays of the terraced houses in the appeal scheme have been replaced with less dominant glazed bays with a visual break between ground/first floor levels and the eaves level of the main roof. The lightweight glazed bays are considered to be a modern interpretation of the traditional bays on the adjoining terraces, that are less dominant in the elevation (concern of inspector) due to their size, siting, design and

material. The scheme has sought to overcome the large amounts of hard standing by removing all bins/cycle storage from the frontage and increasing the provision of soft landscaping to the front so its similar to the existing houses in the street.

Neighbouring amenity

14.4 The planning inspector raised a number of concerns relating to neighbouring amenity, these included:

- The two storey house (unit 9) located at the rear of the site would cause significant enclosing effect on the garden space of 97b and the garden and rear elevation of No 111 and some materially harmful shadowing of the garden space (97b).

14.5 Officer response - The proposal no longer includes a building at the rear of the site, therefore the above concerns are no longer relevant.

- The proximity of the terrace area of proposed flat five would lead to the potential for future occupiers to have direct views into the private garden space of No 97b.

14.6 Officer response - The amendments to the scheme have removed the terrace area that served the first floor flat (unit 11). The flat roof area outside bedroom 2 of unit 11 (directly opposite the garden of flat 97b), cannot be used as a roof terrace. This can be controlled and secured via a planning condition.

- The proposed end terraced flank wall would be likely to be larger and higher than Rose Cottage. Its proximity to the flats at Nos 209-210 would lead to a dominant feature creating a materially harmful enclosing and overbearing effect.

14.7 Officer response – The proposed flank wall would be larger than the former Rose Cottage building, however it is reduced in size and form when compared to the appeal scheme. This includes changing the gable roof form of the appeal scheme to a hipped roof form and introducing an inverted section in the flank elevation in order to help breakdown the massing of the building.

- While the quality of the light reaching the bedrooms in the basement may be restricted by the orientation of the lightwells and the provision of a walkway I have seen nothing to suggest that this would result in an unacceptable standard of accommodation.

14.8 Officer response – Whilst there would still be flats located within the

basement, the size of the light wells at the rear of larger in size and the quality of the basement flats have been improved by exceeding minimum space standards, have large amount of glazing and 2 of the 4 the basement flats are split level. When combined, these improved layouts compensate the location of the flats at basement level in this instance.

- Rooflights would though be the sole source of light, outlook and ventilation to the second floor bedrooms. While these may provide a source of light and ventilation, outlook would be limited and of poor quality to the detriment of the living conditions of the future occupiers of the flats.

14.9 Officer response – None of the flats just have roof lights serving habitable rooms.

Highways

14.10 The planning inspector raised concerns that the appeal scheme do not secure a permit free development via S106 agreement. Therefore, the inspector considered that from the evidence before him, and his observations on site, this would result in an increase in parking stress and consequent illegal or unsafe parking, which would be prejudicial to highway safety in the area.

14.11 It should be noted that the proposal includes 2 on street car parking bays (for use by all). The applicant has confirmed that the development will be permit free development (see details/restrictions in section 8 of this committee report) and in addition has agreed to free car club membership (3 years). It should be noted that the decision notice would not be issued until such a time that the S106 agreement has been signed and agreed by all parties.

Flooding

14.12 The planning inspector state that although the appellant has submitted a Construction Method Statement, his attention has not been drawn to any meaningful assessment of drainage or groundwater conditions. Given the limited size of the appeal site, it would be inappropriate to seek to address this issue through the imposition of a condition as the extent of the built form would leave little opportunity to incorporate any required mitigation.

14.13 The applicant has now provided all the relevant flood information/reports. The Councils Flood Officer has confirmed agreement subject to conditions.

15. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 15.1 The proposal is for major residential development and an Environmental Impact Assessment is not required in this instance.
- 15.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

16. **CONCLUSION**

- 16.1 The redevelopment of the site is welcomed as the site has been cleared and provides an un-natural void in the street scene. The proposed new building would offer a high quality contemporary building that respects the existing pattern of development in the area. The proposal would provide good quality residential units with no undue impact upon neighbouring amenity or highway conditions. The application is therefore recommended for approval by planning officers, subject to conditions and S106 agreement relating to permit free development, carbon off-set contribution and affordable housing contributions. Overall, the proposed would provide a good residential development in a highly sustainable location.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free (apart from the two 3 bedroom units) and that on-street parking permits would not be issued for future residents of the proposed development (1 and 2 bedroom flats).
2. Remove existing crossovers and provision of 2 on-street car parking bays (developer to meet the costs of implementation and requirement for separate S278 agreement (highways)).
3. Carbon off-set payment of £20,128.
4. Car club membership (3 years)
5. Affordable housing contribution of £40,000, plus early and late stage reviews

6. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. Details of boundary treatment
6. Details of refuse & recycling
7. Refuse implementation
8. Cycle details
9. Cycle implementation
10. Landscaping details
11. Landscaping implementation
12. D11 Construction Times
13. H3 Redundant Crossovers
14. 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. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed runoff rate (no more than 5l/s and minimum attenuation volume of 18m³), 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.

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.

15. Prior to the commencement of development, the applicant shall submit a detailed construction method statement (CMS) produced by the respective contractor/s responsible for building the approved works, to the approval of the Local Planning Authority. The construction method statement shall also detail how drainage and groundwater, will be managed and mitigated during and post construction (permanent phase) such as through passive drainage measures around the basement structure.

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.

16. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

17. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

18. No works shall commence on site until the below documents have been submitted to and approved in writing by the planning authority.

- a) Ground Movement Analysis (Vertical and Horizontal) including any heave or settlement analysis, and Damage

Category Assessment with detailed calculations in relation to the highway and adjacent buildings.

- b) Detailed Construction Method Statement produced by the respective Contractor/s responsible for the secant piling, temporary waling and propping works, excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- c) Detailed design calculations of the secant bored piled retaining wall supporting the highway and adjoining properties in the temporary phase, and temporary propping works. The design of the piled wall retaining the highway boundary shall be carried out in accordance with Eurocodes. We recommend assuming full hydrostatic pressure to ground level and using a highway surcharge of 10 KN/m² for the design of the retaining wall supporting the highway.
- d) Detailed design calculations of the piles and the internal reinforced concrete lining retaining wall in the permanent phase.
- e) Propping and de-propping sequence of the temporary works produced by the appointed Contractor.
- f) Construction sequence drawings produced by the appointed Contractor.
- g) Temporary works drawings and sections of the designed basement retaining walls.
- h) Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from start to completion of the project works. The report should include the proposed locations of the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels, and the actions required for different trigger alarms.

19. Due to the potential impact of the surrounding locality on the development, a noise/vibration assessment shall be undertaken and the results be incorporated into a detailed mitigation scheme that shall be submitted that will confirm the glazing specification to be installed, the details of any mechanical ventilation scheme and agreed prior to the commencement of the development. The

residential internal noise levels shall meet those for daytime and night time periods as specified in BS8233:2014 - Guidance on sound insulation and noise reduction for buildings. In addition the design criteria shall incorporate measures so the noise does not exceed L_{AFmax} levels of 45dB of up to 10 periods per night from external sources. A post completion survey shall be undertaken and approved by the LPA, with prior notification being given of the survey being undertaken to allow council officers to attend if necessary.

22. Vibration within the dwellings shall not exceed the levels 'of low probability of adverse comments' as described within British Standard, BS6472-1:2008, Guide to evaluation of human exposure to vibration in buildings. A post completion survey shall be undertaken and approved by the LPA, with prior notification being given of the survey being undertaken to allow council officers to attend if necessary.
23. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
24. Subject to the submitted site investigation for contaminated land, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
25. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.
26. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it

must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

28. 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.

The Statement shall provide for:

- hours of operation
- non Road Mobile Machinery compliance
- 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.

29. 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, 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 20165 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 30. H13 Construction Logistic Plan
- 31 Balcony Screens (including roof top level)
- 32. Parking bays (completed before first occupation of residential units)
- 33 No use of flat roofs (apart from designated outdoor terraces and balconies)
- 34. Obscured glazing to flat 11 bedroom and one living room window (1.7m above internal floor level)
- 35 Details of green roof
- 36. Levels

Informative:

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).

No waste material, including concrete, mortar, grout, plaster, fats, oils and chemicals shall be washed down on the highway or disposed of into the highway drainage system.

2. Carbon emissions evidence requirements for Post Construction stage assessments must provide:
 - Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs;

- 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'

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