

PLANNING APPLICATIONS COMMITTEE 26 SEPTEMBER 2019

APPLICATION NO. **DATE VALID**

19/P0866 04/03/2019

Address/Site 225-231 Streatham Road, Streatham, SW16 6NZ

Ward Graveney

Proposal: DEMOLITION OF EXISTING SINGLE STOREY BUILDINGS AND ERECTION OF A PART THREE, PART FOUR, PART FIVE AND PART SIX STOREY MIXED USE BUILDING COMPRISING RETAIL (CLASS A1) ON GROUND FLOOR AND 28 x RESIDENTIAL UNITS ABOVE

Drawing Nos: 1824 PL4/01 B, 1824 PL4/02 B, 1824 PL4/10 D, 1824 PL4/11 C, 1824 PL4/20 F, 1824 PL4/21 H, 1824 PL4/22 G, 1824 PL4/23 F, 1824 PL4/24 F, 1824 PL4/25 F, 1824 PL4/26 H, 1824 PL4/27 E, 1824 PL4/30 F, 1824 PL4/31 D, 1824 PL4/32 F, 1824 PL4/33 D, 1824 PL4/34 D, 1824 PL4/35 E and 1824 PL4/36 C.

Documents: See appendix A

Contact Officer: Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to conditions and a S.106 legal agreement.

CHECKLIST INFORMATION

- Heads of Agreement: Yes, affordable housing commuted sum of £741,647 with early stage and late stage viability review, restrict parking permits, provides car club membership, carbon shortfall contribution and cost to Council of all work in drafting S106 and monitoring the obligations.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 96
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: Yes (Zone GC1)
- Green corridor – Yes (bordering the site to the south)
- Site of importance for nature conservation (SINC) – Yes (bordering the site to the south)

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and scale of development.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located at 225 – 231 Streatham Road and 1 The Bungalows. Along the northern boundary, the site has a frontage to Ridge Road, a residential cul-de-sac; along the western boundary, the site has a frontage to Streatham Road, a main arterial route; and along the southern boundary the site is bordered by railway tracks and associated buffer/embankment land. Streatham Road at the location of the site reduces in height as the road goes under the railway bridge. The site is roughly triangular in shape, coming to an elongated point where the railway land intersects Streatham Road. The site has an area of 975sq.m (0.0975ha). The site has a public transport access level of 3 (1 being poor and 6 being excellent).
- 2.2 The site is currently occupied by a parade of 4 single storey shops and a garage/workshop (225 – 231 Streatham Road) which front Streatham Road along with a single storey building (1 The Bungalows) that fronts The Bungalows. The remainder of the site is hardstanding and has been used for a variety of purposes including storage of plant and vehicles along with mechanical repairs (Use Class B8/Sui Generis). No. 1 The Bungalows has been associated with this use and has been used as an office and for storage. The B8/sui generis use does not appear to have been authorised, albeit it has become lawful for planning purposes through the passage of time (continued use for over 10 years). The site has a vehicle access from the Bungalows, near its junction with Streatham Road.
- 2.3 In terms of GIA, there is 268sqm of retail floor space on site currently and 42sqm of B1 office space.
- 2.4 The site has approximately 40m of frontage along Streatham Road and 19m of frontage along The Bungalows. Immediately to the south is an elevated railway line which is a designated 'green corridor' and 'site of importance for nature conservation' (SINC). There is a railway bridge bordering the southwest corner of the site where the railway crosses Streatham Road. Immediately to the east of the site is a residential property occupied by a bungalow (No.2 The Bungalows).
- 2.5 The area is characterised by varied development both in terms of architectural style and scale. The site is located within a mixed use area comprising shops, takeaways, cafes, auto- repairs, offices and residential premises. The Bungalows is a residential cul-de-sac which is characterised by a mixture of bungalows and two storey dwellings with pitched roofs. To the north of the site are two storey dwellings with high pitched roofs, the equivalent height of a three storey building. To the immediate west are two storey dwellings with pitched roofs. Immediately to the east are single storey dwellings, beyond which are two storey dwellings with pitched roofs. Beyond the railway bridge to the south are three storey buildings with pitched roofs, buildings of this scale are present on both sides of Streatham Road.

2.6 Immediately to the south of the railway bridge is 223 Streatham Road, which is a site occupied by a series of single storey buildings including offices for a coach depot (Mitcham Belle Coaches), garages and an MOT garage with the remainder of the site being hardstanding and being used for coach parking.

2.7 It is of note that the site is within a CPZ, whereas at the time of the previous application (16/P3598) it was not a CPZ (although the provision of the CPZ had been agreed by that time).

3. PROPOSAL

3.1 This application seeks planning permission for the demolition of the existing single storey buildings on site and the redevelopment of the site to provide a part three, part four, part five and part six storey mixed-use building. The proposed building would provide 315sq.m of commercial floor space (Class A1 retail) at ground floor together with associated access, cycle parking, refuse storage and plant. The remainder of the building would comprise 28 residential units and a first floor courtyard to be used as a shared outdoor amenity space. The residential units would comprise: 21 x 1 bed and 7 x 2 bed. The building would have a total floor area of 2,287sq.m. The development would be car free.

3.2 The following accommodation is proposed:

Floor	Unit	Type	GIA (sqm)	Habitable rooms	Amenity space (sqm)
First Floor					
	1.01	2b/4p	81	3	9.2
	1.02	2b/3p	63	3	4.3
	1.03	1b/2p	51	2	5.4
	1.04	1b/2p	50	2	5.3
	1.05	1b/2p	51	2	4.2
	1.06	1b/2p	52	2	8.2
Second Floor					
	2.1	1b/2p	51	2	4.7
	2.2	1b/2p	50	2	5.4
	2.3	1b/2p	50	2	5.7
	2.4	1b/2p	50	2	5.3
	2.5	2b/3p	68	3	4.2
	2.6	1b/2p	52	2	8.0
	2.7	2b/3p	66	3	5.5
Third Floor					
	3.1	1b/2p	51	2	4.7
	3.2	1b/2p	50	2	5.4
	3.3	1b/2p	50	2	5.7
	3.4	1b/2p	50	2	14.7
	3.5	1b/2p	52	2	8.0
	3.6	2b/3p	66	3	5.5
Fourth Floor					
	4.1	1b/2p	51	2	4.7
	4.2	1b/2p	50	2	5.4
	4.3	1b/2p	56	2	7.1
	4.4	1b/2p	52	2	8.0
	4.5	2b/3p	66	3	5.5
Fifth Floor					
	5.1	1b/2p	51	2	4.7
	5.2	2b/3p	65	3	5.4
	5.3	1b/2p	50	2	5.0
	5.4	1b/2p	52	2	5.5

Unit mix	Units	%
1b/2p	21	75
2b/3p	6	21.4
2b/4p	1	3.6

- 3.3 The building footprint would encompass the majority of the site at ground floor level, other than an open area retained adjacent to the railway line, and would provide frontages to The Bungalows and Streatham Road. However, at first floor level and above, the eastern end of the building would align with the rear elevation of the adjacent bungalow to the east, the building would step progressively both vertically and horizontally toward the south and west of the site, culminating in a 6 storey point at the south-western part of the site. The majority of the building would be 6 storeys in height, with the building gradually stepping down to 3 storeys

towards the eastern part of the site. At ground floor level, the non-residential component of the building would provide an even frontage along Streatham Road and The Bungalows, while above the façade would be staggered.

- 3.4 The building façade would be predominately light and dark facing brickwork and metal clad balconies. Windows and doors would be recessed within the façade and would be grey aluminium.
- 3.5 The proposed building would have the following key dimensions:
Heights:
-10.2m (north-eastern part of the building)
- 19.6m maximum height (south western corner)
- 3.6 The proposal is a revision of previously approved application 16/P3598, which permitted the erection of a five storey building providing retail at ground floor and 25 residential flats above. Since the granting of that planning permission further survey work by the applicant has revealed the presence of a major Thames Water underground pipe that runs east-west on the southern part of the site. The applicant advises that the pipeline requires a 5m easement/set-back distance on either side where no new buildings should be constructed. The previous scheme, 16/P3598, encroached into this area and therefore cannot be implemented.
- 3.7 The southern part of the site would be used as an extensive communal amenity space (the area above the Thames Water pipe), with an area of over 340sqm. The area would be soft and hard landscaped with raised planter beds and seating areas. Railings would be erected to the site boundary with Streatham Road to ensure that the amenity space is private. A set of gates would provide controlled access into the communal garden area from Streatham Road.
- 3.8 The main access to the commercial unit would be from Streatham Road with an additional entrance from The Bungalows (near the junction with Streatham Road). There would be dual access to the residential units: from The Bungalows, leading to an entrance on the southern side of the building via a single stair core and a lift, and via a pedestrian entrance from Streatham Road. The upper floors of the building would overhang the ground floor along the southern part of the building.
- 3.9 The existing advertisement hoarding adjacent to the railway bridge along Streatham Road would be removed.
- 3.10 The application originally proposed to provide two on-street disabled parking bays along The Bungalows, as was the case with application ref. 16/P3598. However, following concerns raised by the Council's Transport Planner these bays have been omitted from the scheme.
- 3.11 The scheme proposes 36 cycle parking spaces for the residential element of the scheme, within the integrated cycle store and four short stay cycle spaces to the frontage on The Bungalows for use by the ground floor retail use. In addition, two long term cycle spaces are proposed within the retail unit at ground floor level to serve the proposed retail use.

- 3.12 The application includes changes to the pavement surfacing at the junction of The Bungalows and Streatham Road to include the provision of tactile paving to the pavements around the bell-mouth of the junction. The application originally proposed alterations to the junction to form a narrower entrance to The Bungalows, however, following concerns raised by LB Merton Transport Planners, this element of the scheme has also been omitted.
- 3.13 The existing vehicular access, near the junction of The Bungalows and Streatham Road would be closed with the dropped kerb raised. An area of dropped kerb, approximately 4m in length, along Streatham Road is also shown to be raised. The dropped kerb which currently provides an access to the driveway of No.2 The Bungalows and the application site, located along The Bungalows, would be retained.
- 3.14 The scheme includes the planting of five street trees along Streatham Road and The Bungalows.
- 3.15 The scheme proposes 30.89% reduction in emissions over building regulations, to be achieved by installation of a 95 panel PV array, producing some 27,083Kwh/annum, with a carbon off-set payment of £26,946.
- 3.16 In terms of affordable housing, the scheme originally offered 4 x affordable rented units and 2 x shared ownership flats, or a financial contribution of £458,500. However, the independent review of this financial viability exercise indicated that an affordable housing contribution of 28% (8 Shared Ownership units) or 10% affordable housing (2 Social Rented units / 1 Shared Ownership unit), with a value equating to a financial commuted sum of £741,647 would be possible from the proposed development while still enabling it to remain viable. The applicant has provided a detailed account of their contact with Registered Providers (RPs), none of which have taken up the offer of managing affordable housing on site. Therefore, a commuted sum is proposed to contribute towards off-site affordable housing. The applicant has subsequently agreed the figure as £741,647..
- 3.17 The key differences between this current scheme and the previously approved scheme (16/P3598) are as follows:
- The currently proposed building is one storey higher with three additional units over the approved scheme (28 units as opposed to 25). Whilst the current scheme proposes an additional floor of accommodation, overall it would be marginally lower in height than the approved scheme. In terms of maximum height, the previous scheme had a height of 19.9m, whereas the current scheme has a maximum height of 19.6m. (The previous scheme featured a part pitched roof which increased the overall height of the building).
 - The footprint of the currently proposed building is significantly smaller than the approved, as the current scheme leaves a gap of 5m to the southern boundary (adjacent to the railway embankment) due to the presence of a major Thames Water underground pipeline that runs east-west along this part of the site. This area to the southern part of the site would be used as external amenity to serve the proposed development. The

upper floors would be cantilevered and would partially overhang the amenity area to the south of the building in the current proposal, whereas the previous scheme did not include a cantilevered element.

- The current scheme no longer includes on-street disabled parking bays.
- The previous scheme included 1 x 3 bed unit whereas the proposed scheme does not include any 3 bed units.
- The previous scheme included an affordable housing contribution of a commuted sum of £335,000, whereas the current scheme offers a commuted sum of £741,647.

3.18 The application is accompanied by the following supporting documents:

- Daylight and Sunlight Report (Amended)
- Sustainable Design and Construction Statement
- Sustainability Statement (Amended 03/06/2019)
- Transport Statement (Amended 03/07/2019)
- Land Quality Preliminary Risk Assessment
- Surface Water Drainage
- Financial Viability Assessment
- Creating Green Roofs for Invertebrates – A Best Practice Guide
- Design and Access Statement
- Noise Assessment
- Planning Statement (Amended 03/04/2019)
- Affordable Housing – contact with Registered Providers

4. PLANNING HISTORY

4.1 Relevant planning history is summarised as follows:

4.2 89/P1195: Continued use for display and sale of motor vehicles with ancillary office – Refused.

Reasons for refusal:

- **The proposal represents an unneighbourly form of development which is detrimental to the amenities of local residents by reason of general disturbance and visual intrusion in the street scene, contrary to Policy E.30 of the Draft Reviewed Borough Plan.**

- **The proposal is leading to an increase in on-street parking to the detriment of the safety and convenience of pedestrians and highway users contrary to Policies M.13 and M.18 of the Draft Revised Merton Borough Plan.**

4.3 99/P1943: Continued use of the site for the following purposes;

A) Parking and storage of vehicles, plant and equipment associated with a concrete pumping business.

B) Parking and storage of vehicles, plant and materials associated with a construction site clearance landscaping business.

C) Retention of a portacabin for storage of tools and spare parts – **Refused.**

Reasons for refusal: The use represents an unneighbourly form of development detrimental to the amenities of neighbouring residents through general disturbance caused by increased vehicular activity associated with the uses, visual intrusion, increased demand for on-street vehicle parking within The Bungalows, and obstruction of the public highway, detrimental to highway safety and residential

amenity, contrary to policies W.8, M.12 and M.29 of the Adopted Unitary Development Plan (April 1996) and policies E.11, PE.3 and PK.3 of the Deposit Draft Unitary Development Plan (September 1999).

- 4.4 99/P1945: Application for a certificate of lawfulness in respect of the existing use for vehicle maintenance and repairs and storage of skips and other machinery – Refused.
Reason for refusal:
The Existing Use began less than 10 years and therefore requires planning permission.
- 4.5 01/P0533: Application for a certificate of lawfulness in respect of the existing use for servicing and repair of cars, vans and lorries – Refused.
Reason for refusal:
The use of the site currently taking place is not solely the use the subject of the Application for the Lawful Development Certificate. As a consequence a number of elements of the said use began less than 10 years prior to the date of the Application.
- 4.6 16/P3598 - Demolition of existing single storey buildings on site, comprising retail, a workshop, and a storage yard with associated office, and redevelopment of the site to provide a part three, part four and part five storey mixed-use building, comprising retail use at ground floor and 25 residential units above. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 23-06-2017.
- 4.7 17/P3632 - APPLICATION FOR DISCHARGE OF CONDITION 22 PART 1 (Contamination remediation strategy) ATTACHED TO APPLICATION 16/P3598 RELATING TO THE Demolition of existing single storey buildings on site, comprising retail, a workshop, and a storage yard with associated office, and redevelopment of the site to provide a part three, part four and part five storey mixed-use building, comprising retail use at ground floor and 25 residential units above. N.B: Parts 2 and 3 of condition 22 require separate discharge. Partial Grant Discharge of Condition 17-11-2017.

5. CONSULTATION

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Representations have been received from 5 individuals, raising objection/commenting on the following grounds:
- There are already plenty of 1-2 bedroom units in the area, what is needed is 3-4 bedroom town houses for social housing.
 - There are a lot of empty shops on Streatham Road and this massive development has little consideration for what is needed for social housing.
 - Concerns regarding accuracy of Transport Statement.
 - Concerns regarding the impact on parking in Caithness Road and surrounding area.
 - Concern that refuse vehicle would block access to The Bungalows.
 - Cumulative impact of other redevelopment schemes in the area are such that parking on Caithness Road will become impossible.

- Query why a 6 storey building should be permitted in this area. Given that surrounding buildings are lower, this would not be in keeping, or any other developments in Mitcham or Tooting.

5.2 Internal consultees:

5.2.1 LBM Environmental Health Officer:

No objection subject to conditions relating to:

- Internal noise levels
- Noise levels from plant/machinery
- Air Quality Assessment
- External lighting to prevent light spillage
- Investigation and risk assessment (contaminated land)
- Remediation scheme (contaminated land)
- Investigation and risk assessment in the event that unexpected contamination is discovered
- Construction Method Statement

5.2.2 LBM Highway Officer:

No objection subject to conditions relating to:

- Construction Method Statement
- Travel Plan

And the following informative:

The Council's Highways section carry out all construction works within the public highway.

Oversail licences to be agreed with Merton Councils legal section
Public/private highway to be defined by stainless steel studs, which are to be agreed with the highways section.

The material for the crossover construction is to be determined by the highway section and to their specification.

The highways section is to be contacted for the costs of the proposed dropped kerbs which will be constructed at the developer's expense.

All existing redundant entrances are to be reinstated back to footway at the developer's expense (planning H3).

Traffic orders for the disabled bays and changes to the existing traffic orders to be paid by the developer to the Traffic Section.

The highways section must be contacted prior to any works being carried out to agree the appropriate highway licences for this site.

5.2.3 LBM Transport Officer:

Highway Network:

The application site is accessed via A216 Streatham Road, which is a single carriageway road running on a north / south alignment from the A23 Streatham High Road to the A217 London Road. Streatham Road is approximately 11 metres wide in the vicinity of the site and subject to a 30m.p.h. speed limit.

CPZ:

The local area forms part of Controlled Parking Zone GC1. Restrictions are enforced from Monday to Friday between 8:30 am and 6.30 pm with a maximum stay of 2 hours for pay and display customers.

Recommendation: Raise no objection subject to:

- No occupant whilst residing using and /or occupying the development shall be eligible to purchase or procure the purchase of a parking permit for a residential Parking Bay within the CPZ.
- Condition requiring cycle parking (secure & undercover).
- Standard condition (refuse storage)
- The existing vehicular crossover to the site on Streatham Road and The Bungalows to be reinstated.

5.2.4 LBM Flood Risk Engineer:

No objection subject to a condition to ensure that site runoff is no greater than 6.6l/s.

5.2.5 LBM Tree and Landscape Officer:

No objection, subject to conditions to secure a landscaping scheme and replacement tree planting.

5.2.6 LBM Green Spaces:

Comments awaited.

5.2.7 LBM Climate Change Officer:

No objection subject to suitable conditions to ensure policy compliant CO2 reduction along with a carbon offset contribution of £26,946 to be secured by way of legal agreement.

5.2.8 LBM Urban Design Officer:

The ground floor active frontage seems improved from the previous scheme.

5.2.9 LBM Waste Management (refuse):

No objection raised subject to the provision of:

- 3x 1100L euro bin for refuse
- 3x 1100L euro bin for co-mingled recycling
- 1 x 240L wheelie bin for food waste recycling
- An area for the collection of bulky waste
- Residents not obliged to walk more than 30m with bins and refuse collection vehicle able to approach to within 10m of bin store.
- Separate bin stores for commercial and residential waste

5.2.10 External consultees:

5.2.11 Metropolitan Police – Designing out Crime Officer:

No objection. Recommendations offered in relation to:

- The height and security features of gates (to ensure they cannot easily be climbed).
- Provision of CCTV
- Standard of door locks
- Sufficient lighting across the site

5.2.12 Thames Water:

No objection subject to conditions to ensure:

- No building over or construction within 5m, of the strategic water mains.
- No building over or construction within 3m of water mains
- No piling to take place until a piling method statement is submitted, to prevent damage to subsurface water infrastructure.

Informatives recommended:

- Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
- Guidance in relation to building within 15m of Thames Water underground assets.
- Guidance in relation to working near or diverting pipes.
- 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.

5.2.13 Environment Agency:

No objection.

We have reviewed the document 'Land Quality Preliminary Risk Assessment' (LQPRA) by Royal Haskoning (reference PB8866-RHD-ZZ-RP-Z-001 Draft/0.1 dated 23 January 2019). The site was previously used for vehicle activities and has a number of potentially contaminating materials in place. It is reported that it was once a scrapyard on unsurfaced ground. Oil is reported to seep up through the current hardstanding. The report makes reference to a possible former petrol filling station at the site with buried fuel tanks still present, but no information has been provided to confirm this. We agree with the report's conclusion that an intrusive investigation in accordance with CLR11 is required to assess the site's contamination status.

Conditions recommended:

- Site investigation scheme relating to contaminated land;
- Remediation strategy for unexpected contaminated land;
- A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation;
- No drainage systems for the infiltration of surface water drainage into the ground are permitted;

- 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 Demolition of existing buildings.

5.2.14 Network Rail:

No objections, provided that the following conditions are attached to any permission:

The Applicant shall enter into an asset protection agreement with London South East Asset Protection and Optimisation (ASPRO) before proceeding with any design/construction works at the site. This will relate to any work within Network (NR) zone of influence which potentially associate with risks to railway operation, such as:

- Enabling Works
- RC Frame Construction
- Lifting plans using tower/mobile crane
- Façade and Cladding

Submit for ASPRO acceptance the following to mitigate the risk of affecting the access to the station during construction:

- Traffic and pedestrian management plan during construction.
- Logistics and Construction Plan

5.2.15 Merton Green Party:

Policy CS8 in the Council's core planning strategy sets a borough-wide affordable housing target of 50% for developments of 10 units or more units. The applicant's application form states that none of the 28 units will be affordable housing. We ask the Council to require that its 40% target will be met. We also ask that the Council's own appraisal of the applicant's financial viability assessment be published when completed, in line with its policy adopted last year.

5.2.16 External Financial Viability Consultant (Summary of comments 21/06/2019):

From our analysis of the applicant's viability assessment we conclude that an affordable housing contribution of 28% scheme (8 x Shared Ownership) or 10% affordable housing (2 x Social Rent / 1 x Shared Ownership) is possible from the proposed development.

We also recommend that the council applies the viability review mechanisms at early and late stages of development as outlined within the Draft London Plan and Mayors SPG based on the conclusions of the Altair appraisal.

Additional comments (31/07/2019):

The affordable housing contribution would equate to a payment in lieu (commuted sum) of: £741,647

6. POLICY CONTEXT

- 6.1 National Planning Policy Framework 2019:
2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
- 6.2 London Plan (2016) policies:
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
7.2 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 LDF Core Planning Strategy (July 2011)
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 Sites and Policies Plan and Policies Map (July 2014)
DM R2 Development of town centre type uses outside town centres
DM H2 Housing mix
DM H3 Support for affordable housing
DM E1 Employment areas in Merton
DM E3 Protection of scattered employment sites
DM E4 Local employment opportunities
DM F1 Support for flood risk management
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM O2 Nature conservation, Trees, hedges and landscape features
DM D1 Urban Design
DM D2 Design considerations
DM D7 Shop front design and signage
DM EP2 Reducing and mitigating noise
DM EP3 Allowable solutions
DM EP4 Pollutants
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure
- 6.5 Other guidance:
DCLG: Technical housing standards - nationally described space standard March 2015
Merton's Design SPG 2004
Mayor's SPG - Housing 2016
Mayor's SPG – Sustainable Design and Construction 2014
Mayor's SPG – Character and Context 2014
Mayor's SPG – Affordable Housing and Viability 2017
Mayor's SPG – Play and Informal Recreation 2012

7. **PLANNING CONSIDERATIONS**

7.1 Key Issues for consideration

- 7.1.1 The key issues in the assessment of this planning application are:
- Principle of development
 - Need for additional housing, residential density and housing mix
 - Affordable Housing
 - Impact on visual amenity and design
 - Impact upon neighbouring amenity
 - Standard of accommodation
 - Transport, highway network, parking and sustainable travel
 - Sustainability
 - Flooding and sustainable urban drainage
 - Site contamination
 - Impact on biodiversity and SINC
 - Developer contribution

7.2 Principle of development

- 7.2.1 Policy DM E3 of the SPP seeks to protect scattered employment sites. The policy states that where proposals would result in the loss of an employment site (B1/B2/B8 type uses), they would be resisted except where: 'the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme. While the SPP policy DM E3 seeks to resist the loss of scattered employment sites, the policy focuses on safeguarding premises or land that operate within B1/B2/B8 type uses, thus the reduction in floor space for the A1 uses does not conflict with adopted policy.
- 7.2.2 Policy DM R2 deals with the development of town centre uses outside town centres. The intention of this policy is to maintain and enhance the vitality and viability of Merton's town centres, whereby edge of centre and out of centre town centre type uses are restricted. However, as the proposal effectively is for a replacement of existing retail floor space it does not conflict with Policy DM R2.
- 7.2.3 The proposal, which seeks to deliver a mixed use scheme, presents an opportunity to significantly increase employment generation on the site. The existing shops on site are vacant and the use as vehicle and plant storage and repair is not considered to be compatible with the surrounding residential area. The scheme could generate approximately 12 jobs in the form of a use (A1 - retail) which would be entirely compatible with new dwellings, for which there is an acknowledged need.
- 7.2.4 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 2019 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.
- 7.2.5 The site is an underutilised brownfield site which is considered to present opportunities for a more intensive mixed use development. It is further noted that the site is surrounded by residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.
- 7.2.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
- 7.2.7 It is also of note that planning permission 16/P3598, which remains extant until 23 June 2020, has established the principle of a mixed use

development (retail and residential) and therefore, the principle of development is considered to be acceptable.

7.3 Need for additional housing, residential density and housing mix

7.3.1 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.

7.3.2 Policy 3.3 of the London Plan states that the Council will work with housing providers to provide a minimum of 4,107 additional homes in the borough between 2015 and 2025. Within this figure of 4,107 new homes, the policy states that a minimum of 411 new dwellings should be provided annually. This is an increase from the 320 dwellings annually that was set out in the earlier London Plan and in Policy CS9 of the Core Strategy. The policy also 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. The draft London Plan includes a significantly higher figure of 1328 new homes annually. However, this is at draft stage and in addition the London Borough of Merton is disputing the small sites methodology. Therefore, only limited weight should be attached to this figure.

7.3.3 Merton's overall housing target between 2011 and 2026 is 5,801 dwellings (Authority's Monitoring Report Draft 2017/19, p12). The latest (draft) Monitoring report confirms:

- All the main housing targets have been met for 2017/18.
- 665 additional new homes were built during the monitoring period, 254 above Merton's target of 411 new homes per year (London Plan 2015).
- 2013-18 provision: 2,686 net units (813 homes above target)
- For all the home completions between 2004 and 2017, Merton always met the London Plan target apart from 2009/10. In total Merton has exceeded the target by over 2,000 homes since 2004.

7.3.4 Table 3.2 of the London Plan identifies appropriate density ranges based on a site's setting and PTAL rating. The proposed development would have a density of 287 dwellings per hectare and 646 habitable rooms per hectare.

7.3.5 The area has a public transport accessibility level (PTAL) of 3, where 1 is poor and 6 is excellent. It is considered that the site is located within an urban area for the purposes of Table 3.2 of the London Plan.

7.3.6 The proposed density is above the relevant density range (70-170 dwellings per hectare and 200-450 habitable rooms per hectare), as set out in Table 3.2 for the setting (Central) and PTAL 3.

7.3.7 However, while density is a material consideration, it is not the overriding factor as to whether a development is acceptable; London Plan paragraph 3.28 states that it is not appropriate to apply the density ranges suggested in Table 3.2 mechanically. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and

enhancing the character of the area and the relationship with surrounding development.

- 7.3.8 In terms of housing mix, the scheme provides no three bedroom units. The site is however located in an area dominated by family housing and the proposals would diversify the local housing stock thereby meeting other aspects of the Council's housing policies. This approach to housing mix was supported at the time of the last application. It is noted that the previous scheme included just one three bedroom unit and as such this variation is not considered to be so significant as to warrant a refusal of the application.

7.4 Affordable Housing

- 7.4.1 The Council's policy on affordable housing is set out in the Core Planning Strategy, Policy CS8. For schemes providing over ten units, the affordable housing target is 40% (of which 60% should be social rented and 40% intermediate), which should be provided on-site.

- 7.4.2 In seeking this affordable housing provision Merton will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

- 7.4.3 The Mayor's SPG on affordable housing and viability (Homes for Londoners) 2017 sets out that:

"Applications that meet or exceed 35 per cent affordable housing provision, by habitable room, without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement)...

... Schemes which do not meet the 35 per cent affordable housing threshold, or require public subsidy to do so, will be required to submit detailed viability information (in the form set out in Part three) which will be scrutinised by the Local Planning Authority (LPA)."

These requirements are reflected in the New London Plan – Consultation Draft (13th August 2018), which states that:

"to follow the Fast Track Route of the threshold approach, applications must meet all the following criteria:

- 1.meet or exceed the relevant threshold level of affordable housing on site without public subsidy,
- 2.be consistent with the relevant tenure split (Policy H7 Affordable housing tenure),
- 3.meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant,
- 4.demonstrate that they have taken account of the strategic 50 per cent target in Policy H5 Delivering affordable housing and

have sought grant where required to increase the level of affordable housing beyond 35 per cent.”

7.4.4 Provided that the scheme meets the 35% provision, meets the tenure split set out in policy CS8 and demonstrates that the developer has engaged with Registered Providers (RPs) and the LPA to explore the use of grant funding to increase the proportion of affordable housing, then the proposal could be dealt with under the Mayor’s Fast Track Route, which would not require the submission of additional viability information.

7.4.5 However, the proposal does not meet the 35% provision of the new London Plan. The application is accompanied by a financial viability assessment which concluded that the scheme could not deliver the required proportion of affordable housing units and a reasonable profit but could deliver 4 x affordable rented units and 2 x shared ownership flats, or a financial contribution of £458,500.

7.4.6 The Council has employed an independent financial viability consultant to review the applicant’s offer. The external consultant concluded that the scheme could deliver an affordable housing contribution of 28% (8 x Shared Ownership) or 10% affordable housing (2 x Social Rent / 1 x Shared Ownership) is possible from the proposed development. For information, this would equate to a payment in lieu of £741,647 if the Council were to support a financial contribution as opposed to on site provision.

7.4.7 The applicant has sought to engage with Registered Providers (RPs) in order to provide affordable housing on site. The efforts made by the developer are documented in the submitted document: “Contact with Registered Providers about affordable housing”. This document sets out that contact has been made with the following Registered Providers but none have expressed an interest in the scheme due to the low number of units (some RPs wished to take on the whole site), or simply did not respond to the request:

- Optivo
- Moat
- PA Housing
- Sage
- Thames Valley
- Wandle Ability
- Catalyst
- Ekaya
- Finefair
- Humtum
- Kinsman Housing
- London & Quadrant
- Major
- Notting Hill

7.4.8 Notwithstanding the lack of success to date, officers would assert that for the time being there remains the opportunity for the applicant to pursue affordable housing providers. However, taking a pragmatic approach and one consistent with adopted policy, officers consider that it would be appropriate for the applicant to provide the council with the cash in lieu payment in the event a registered housing provider not purchasing the

affordable units within six months of at least 75% of the market units being occupied, and that during that period the units identified as affordable units shall not be let, sold or otherwise occupied unless to a registered housing provider;

7.4.9 An early stage and late stage viability review secured under a Section 106 agreement in accordance with the New London Plan and the SPG will be a requirement of the legal agreement to ensure that any changes in circumstances and the financial viability of the development are reflected in the affordable housing provision and any off site contributions.

7.5 **Impact on visual amenity and design**

7.5.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2016), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.5.2 Policy DM D2 seeks to ensure a high quality of design in all development, which relates 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. Policy. Core Planning Policy CS14 supports this SPP Policy.

Massing and heights

7.5.3 It is considered that a unique approach to development can be supported and that a step up in height (relative to the immediately surrounding development) may be acceptable subject to appropriate design and massing.

7.5.4 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed toward the western side (toward Streatham Road and the railway bridge) of the site taking advantage of the wide street frontage. In addition, it is focussed away from the residential dwellings to the east. The staggered height across the site creates a suitable transitional zone to the adjacent housing, while the western portion provides a high focal point. The perceived mass of the building is broken up by the use of a distinct base which encompasses the nested volumes above, recesses in the façade and contrasting materials, all of which work to break the building down into smaller components.

7.5.5 The building would incorporate a first floor courtyard/podium to the rear of the building, this open space would align with the rear garden of the adjacent bungalow while the main portion of the building (upper floors) would align with the rear elevation of the bungalow.

7.5.6 It is noted that there are no six storey buildings in the immediate vicinity of the site. However, given the isolated and unique nature of the site,

being a corner plot with two road frontages and being bordered by open space and a railway bridge to the west and south, the site is not considered to have the same constraints as other sites in the area i.e. the constraints on height for a mid-terrace building.

7.5.7 Immediately to the north of the site are two storey buildings with particularly high pitched roofs, the maximum height of these buildings roughly correspond with the four storey element of the proposed building (sitting slightly lower). In terms of the wider context, three storey buildings with pitched roofs are present on the southern side of the bridge. As the site occupies lower ground than the majority of surrounding development, the height is not considered to appear harmful to the character of the area.

7.5.8 In terms of overall height, it is noted that the proposed building would be marginally lower than the building previously approved under application ref. 16/P3598 and it is concluded that the impact on the streetscene would be similar to the previously approved scheme. Given the above, it is considered that the massing and heights would be acceptable in townscape terms.

Layout

7.5.9 The footprint is informed by the constraints of the site and by the building line established along The Bungalows. In addition, the Thames Water pipeline, a significant constraint not factored into the earlier design work, creates a significant barrier to development to the southern part of the site. As such the footprint of the building has altered considerably along its southern boundary since the previous scheme to take account of this constraint. The proposal is considered to make effective use of the site, as far as is possible, utilising the majority of the site at ground floor level (where possible) and taking a grid layout approach for the upper floors; the layout ensures considerable active frontage at ground level while allowing for multiple aspects for the residential units on the upper floors.

7.5.10 The commercial unit primarily fronts, and has entrances to, Streatham Road, which is considered to be appropriate given the busy nature of the road and would serve to replace the existing parade of shops. The unit is outward facing, providing a high level of connectivity between the public realm and the development.

7.5.11 The main residential entrance is located on The Bungalows. The placement ensures the entrance is positioned away from the foot traffic of Streatham Road, while still being highly visible from the public realm. In addition, the placement of the units above along with their window placement would further promote natural surveillance.

7.5.12 The provision of an extensive area of external amenity space to the southern part of the site is welcomed as it provides some degree of visual relief around the building and would be finished to a high standard. Coupled with a modest frequency of services along the neighbouring railway line, it has the potential to create a good quality usable external space for future occupants.

7.5.13 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 existing site, it

is considered the approach would enhance the character and vitality of the area.

Design and appearance

- 7.5.14 Paragraph 130 of the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 7.5.15 It is considered that the architecture would deliver an interesting and innovative approach to developing the site. Large ground floor windows along with the high base of the building would successfully delineate the commercial unit from the upper floor residential units, as well as to enhance the building's street presence. The ground floor façade fronting Streatham Road would feature a large shop front window and would result in less inactive edges to this elevation, which is an improvement in urban design terms over and above the previous permission 16/P2598.
- 7.5.16 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 samples of materials to be submitted for approval prior to the commencement of the development.

Signage

- 7.5.17 While any signs/advertisements would be subject to separate approval by way of advertisement consent, a shop signage strategy should still be incorporated into a proposal at design stage, as signage plays a major role in the appearance of any building and if retrofitted later, may compromise the design.
- 7.5.18 An indicative signage strategy has been provided which proposes a modestly sized fascia above the retail entrances; it is considered that the indicative signage strategy is acceptable, subject to advertisement consent.

Visual impact - conclusion

- 7.5.19 The changes since the approved scheme, 16/P3598, increase the bulk and massing proposed, as the top floor would cover a greater proportion of the site. However, in terms of height, which is a key factor in this assessment, the current scheme is marginally lower than that previously approved and it is considered that the proposed development would be acceptable in terms of its visual impact and would not result in a materially greater impact on the streetscene than the previously approved application 16/P3598.

7.6 Impact upon neighbouring amenity

- 7.6.1 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

- 7.6.2 Light spill from the proposal is not expected to be significant given the scheme is predominately residential and as the commercial unit faces the main street. However, there is an external amenity space which would likely require lighting, this space is adjacent to the rear gardens of the dwellings to the east and could impact upon their rear windows. As such, it is recommended to include a condition which would require external lighting to be positioned away from site boundaries.

Visual intrusion and loss of light

- 7.6.3 Given the building would be a maximum of six storeys in height and would be replacing single storey structures, visual intrusion and loss of light are of particular concern. To mitigate these affects, the proposal has been designed to shift the massing toward Streatham Road, away from the dwellings to the east, the upper floors have been aligned with the building lines of The Bungalows and the first floor podium/courtyard aligns with the rear gardens of these properties.

- 7.6.4 The developer has provided a detailed daylight and sunlight assessment in support of the proposal which has been undertaken in accordance with BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2; the methodology used is the vertical sky component (VSC) and no sky line contour (NSC) for daylight and annual probable sunlight hours (APSH) for sunlight. Habitable rooms from all immediately surrounding dwellings have been assessed, including the units across Streatham Road.

- 7.6.5 With the exception of one window at No. 2 The Bungalows (the adjoining property to the east), the daylight and sunlight assessment finds that all potentially affected habitable rooms will retain good levels of sunlight in excess of BRE criteria. In addition, the assessment finds that all potentially affected habitable rooms will retain good levels of sunlight in excess of BRE criteria.

No. 2 The Bungalows

- 7.6.6 As the only residential property that adjoins the site, particular attention should be paid to No. 2 The Bungalows. It is evident in the massing of the building that measures have been taken to reduce the impact upon this property. The rear elevation of the upper floors of the building aligns with the rear elevation of the adjacent bungalow so that the first floor courtyard/podium of the development aligns with the rear garden of this property. In addition, the first floor courtyard/podium is setback some 6m from the shared boundary, leaving a void adjacent to the rear garden; along the shared boundary would be a 2.15m high wall which is similar in height to the existing boundary fence. Given the above and as the

proposed development would be located to the west of the bungalow, it is not considered the proposal would unduly impact upon the adjacent property in terms of visual intrusion or in terms of loss of light to the rear garden.

7.6.7 The main windows serving habitable rooms are to the front and the rear of the property. However, the property has two flank windows facing the development site, one of which serves a bathroom while the other is unknown and may serve a habitable room. The daylight and sunlight assessment finds that the windows to the front and rear would not be unduly affected by the development and the flank window serving the bathroom would not be relevant for assessment; however, the remaining flank window would be affected to a point below BRE criteria, thus it would be considered to be adversely affected. However, it is noted that this window is very close to the boundary and relies upon light received across the development site; this places considerable constraint upon the development site and means that any scale of development, above that of the existing low-rise buildings, would result in material reductions in daylight. Given the relationship between the flank window and the development site and as only one window is considered to be adversely affected, it is not considered the impact upon No. 2 The Bungalows, in terms of loss of light, would be to such a degree as to warrant refusal of this application.

7.6.8 The impact on No.2 the Bungalows is considered to be no more harmful than that approved under application ref. 16/P3598. The amount of built form standing on the boundary with No.2 The Bungalows would be significantly lesser than that approved under application ref. 16/P3598 (as the southernmost part of the site would remain clear of built form). Therefore, the occupiers of No.2 The Bungalows would experience a greater level of outlook with the current proposal than the scheme previously approved under application ref. 16/P3598.

Privacy

7.6.9 It is not considered the proposal would impact unduly upon the privacy of neighbouring properties.

7.6.10 The elevations facing north, west and south are all overlooking public space, thus the only elevation of concern is the east facing elevation which is directed toward the residential properties of The Bungalows. In addition to the east facing windows, the communal terrace and private balconies/terraces could facilitate overlooking to the east. To ensure any overlooking is avoided, it is proposed to enclose terraces and balconies with suitable screening; a condition will be included requiring details of screening to be provided prior to occupation. The scheme has been designed to ensure that any windows facing towards the east are either obscurely glazed (to bathrooms) or are a secondary window to a habitable room (which could reasonably be obscurely glazed).

Noise

7.6.11 Notwithstanding the need to mitigate against the impact from neighbouring uses, including the operation of the railway line, on neighbouring use and within the development, it is considered that the impacts can be suitably addressed by way of conditions in the same way as was adopted for the consented scheme. Given the remainder of the

scheme is residential, the noise generated is expected to be comparable to the surrounding development. The previous application included communal roof gardens, whereas the majority of amenity space for the current scheme is provided at ground floor level to the southernmost part of the site. Therefore, the noise impact to neighbouring properties is likely to be less than in the previous approval as the amenity areas would not be elevated to the same degree as in the previous approval.

Construction phase

7.6.12 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 provided prior to the commencement of the development.

7.7 **Standard of accommodation**

7.7.1 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. 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.

7.7.2 All proposed units either meet or exceed London Plan standards. All habitable rooms are served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, all units are considered to be suitably private. It is noted that lifts serve all floors providing step free access and that approximately 10% of units (three flats) meet M4(3) of the Building Regulations thereby providing units that are suitable for use as wheelchair user dwellings.

7.7.3 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). Most units achieve some degree of dual aspect which has been achieved by utilising a grid layout, open walkways to the rear, thus facilitating rear windows to the units.

7.7.4 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person units with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which generally meet the relevant standards. In addition to the private amenity space provided for each unit, the scheme would offer 345sqm of communal amenity space.

7.7.5 While the development is in close proximity to the railway, it is considered that any impact on prospective occupants can be addressed by technical solutions which would address noise and vibration. As such, it is recommended to include a condition controlling and limiting noise impacts.

7.7.6 As outlined above, the scheme is considered to offer a good standard of accommodation for future occupants.

7.8 **Transport, highway network, parking and sustainable travel**

7.8.1 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.

7.8.2 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.

Car and cycle parking provisions

7.8.3 It is proposed for the development to be car free. The site is within a CPZ with a PTAL of 3 wherein a car free development is considered to be acceptable, subject to suitable mitigation measures.

7.8.4 Given the above, officers consider that the development would not adversely affect parking pressure in the area. Objectors have raised concern regarding displacement parking on Caithness Road and Park Avenue, located some 120m south of the application site. Whilst there is a potential for some overspill parking, any future occupiers of the development would be aware that parking is not available on site and parking permits are not available. This will likely reduce the attractiveness to potential occupants who own cars and who might seek to park them elsewhere on the highway network. In addition, the provision of CPZs within the Borough is under constant review and if the parking in these roads reaches an extent where a CPZ is necessary, this can be considered by the Council through the usual procedures.

7.8.5 Notwithstanding the scheme's acceptability in terms of its potentially limited impact on parking conditions in the surrounding streets, a development must also be acceptable in terms of accessibility for prospective occupants. Car free developments are considered to be acceptable where they have a PTAL of 4 or above (in accordance with SPP policy DMT3); failing this, other mitigation measures can be implemented. The area has a PTAL of 3 which falls short of the requirement. Therefore, it is proposed to provide all units with a 3 year car club membership at the expense of the developer. It is noted that there are 2 car club bays in the vicinity of the site, at Ribblesdale Road and Dahomey Road which are within 550m and 565m of the site respectively. Given the site has a PTAL of 3 and in conjunction with the proposed mitigation measures (car club membership), it is considered that the site would be acceptable in terms of accessibility for prospective occupants.

7.8.6 The application originally proposed two disabled parking bays on The Bungalows. However, following highway safety concerns raised by the Council's Transport Planner these parking spaces have been omitted from the scheme. Notwithstanding the provision of parking for disabled

people helps deliver a more accessible built environment, in this case, it is considered that the provision of on-site disabled parking would prejudice the development of the site (given the existing constraint of the Thames Water pipe, which significantly reduces the developable area on site). Officers would highlight any disabled occupants of the proposed building would be eligible for a parking permit in the local CPZ under normal S106 clauses. As a matter of judgement it is considered that greater weight may reasonably be attached to the delivery of housing in this particular instance and that to refuse on the grounds of an absence of disabled parking bays could frustrate an otherwise acceptable scheme.

- 7.8.7 In terms of cycle parking, given 1 bed units require 1 cycle storage space and 2 bed (and above) units require 2 spaces, the residential element of the scheme would require a minimum of 35 spaces; it is proposed to provide 36 cycles storage spaces which would meet the policy requirement. Two long term cycle parking spaces for the ground floor retail development and four short stay spaces are proposed, which would be policy compliant and not objectionable.

Delivery, servicing and the highway network

- 7.8.8 Whilst the retail unit end occupier is unknown, and could be either food or non-food retail. Assuming a worst case scenario of a food retailer there could be in the order of nine deliveries over the course of a typical week with additional deliveries by suppliers as and when required i.e. bread, newspapers etc which would be received between 06:00 and 24:00. The residential element would be serviced by local authority refuse vehicles already serving The Bungalows and neighbouring residential areas.
- 7.8.9 The Transport Statement suggests that in terms of service and refuse vehicles, the retail element of the proposals would not generate more traffic than the existing lawful use on site. Transport planners raise no issue with the conclusions drawn by the statement.
- 7.8.10 It has been proposed to retain the existing dropped kerb on The Bungalows, in front of the residential entrance, to allow for refuse collection and vehicle turning. In addition, it is proposed remove the existing vehicle access to the site (close to the junction of Streatham Road and The Bungalows) by installing a raised kerb and reinstating the pavement; this would improve pedestrian safety when crossing The Bungalows.
- 7.8.11 The above provisions are considered to be acceptable and the development is not considered to unduly impact upon the safe operation of the highway network.

Sustainable Travel

- 7.8.12 Given the development would be car free, the residents would rely on cycling, public transport and car clubs. The development has a PTAL of 3 which is considered to be moderate; however, in reality there are no barriers to transport given there are multiple modes of public transport (bus, rail and underground) which are within walking distance (maximum 15 minutes) and operate frequently. The development offers policy compliant cycle storage along with free car club memberships for future

occupants. As such, it is considered the development would promote the use of more sustainable modes of transport.

- 7.8.13 In addition to the above, it is recommended to include a condition which will require details of travel plans to be provided, one for the commercial component and another for the residential component. The travel plans will provide education on sustainable travel for employees, residents and visitors.

Refuse storage/collection arrangements

- 7.8.14 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Planning Strategy.
- 7.8.15 The location of the refuse storage is considered to be appropriate for deposition by users and for collection. The storage provisions proposed are in line with Merton Council requirements.

7.9 **Sustainability**

- 7.9.1 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.

- 7.9.2 The submitted Sustainability Assessment has detailed the baseline energy requirements for the proposed development, the reduction in energy demand as a result of energy efficiency measures and the potential to achieve further CO₂ reductions using renewable energy technologies.

- 7.9.3 The baseline results have shown that if the development was built to a standard to meet only the minimum requirements of current building regulations, the total amount of CO₂ emissions would be 94,039Kg/year.

- 7.9.4 Following the introduction of passive energy efficiency measures into the development, the total amount of CO₂ emissions would be reduced to 87,464Kg/year, a reduction of 6.99%.

- 7.9.5 There is also a requirement to reduce CO₂ emissions across the development using renewable or low-carbon energy sources, where practical and feasible. Therefore the assessment has considered the feasibility of the following technologies:

- Wind turbines
- Solar hot water
- Photovoltaic systems
- Biomass heating
- CHP (Combined heat and power)
- Ground & Air source heating

- 7.9.6 The results of the assessment of suitable technologies relative to the nature, locations and type of development suggest that the preferred solution to be the installation of a 95 panel PV array, producing some 27,083Kwh/annum.

- 7.9.7 The SAP models for the development show a final gross emission level of 64,993Kg/year representing a total 30.89% reduction in emissions over the baseline model. The project would therefore comply with the zero carbon emissions policy subject to an off-set payment at £26,946.
- 7.9.8 It is recommended to include conditions, which would require evidence to be submitted which confirms the development has achieved the carbon savings outlined in the Sustainable Design and Construction Statement along with water consumption rates not exceeding 105 litres per person per day.
- 7.9.9 Subject to a S106 payment of £26,946 along with the above condition, it is considered the proposal would be policy compliant in terms of sustainability.
- 7.9.10 Payments to offset carbon shortfalls are used by Merton Council to fund projects which seek to reduce carbon generation in the borough; projects to date have focussed on schools and have included insulating building envelopes and pipes, boiler controls, lighting motion sensors and solar panels.
- 7.10 **Flooding and sustainable urban drainage**
- 7.10.1 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.10.2 The site is not considered to be at risk of flooding; however, runoff flows from the site would contribute to the wider network. It is noted that the area under the railway bridge is prone to flooding.
- 7.10.3 The surface water drainage strategy for the development is to restrict post development runoff to 50% compared with existing rates. Based on an existing run-off rate of 13.1 l/s the post development flows will be restricted to 6.6 l/s with on-site storage provided to attenuate the 1 in 100 years plus climate change flows.
- 7.10.4 Attenuation would be provided in the form of either; green roofs, underground storage crates or tank, or permeable paving; or a by a combination of these methods to be determined at detailed design stage. This will achieve a total storage volume of 7.5 cubic metres sufficient to store the 1 in 100 years plus climate change critical storm.
- 7.10.5 The proposed measures are considered acceptable. It is recommended to include a condition to require details of drainage, attenuation and management to be submitted prior to the commencement of development.
- 7.11 **Site contamination**
- 7.11.1 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.

7.11.2 In light of the former commercial uses on 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.

7.12 **Impact on biodiversity and SINC**

7.12.1 NPPF section 11, London Plan policies 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.

7.12.3 The application site is dominated by hard-standing and buildings, which account for the entire site with the exception of two trees, with limited visual public amenity value. The limited area of vegetated habitat present is typical of disturbed urban land. The application site is considered to be of negligible intrinsic ecological and nature conservation importance. There is however a SINC adjoining the site to the south, which coincides with the railway land. In addition, the proposal would result in the loss of one street tree.

7.12.4 Five new street trees would be planted as part of the proposals, along with eight trees planted on site, which is an improvement overall in terms of biodiversity. The previous scheme, 16/P3598, proposed the loss of one street tree. However, the current proposal has been designed to ensure that this tree can be retained.

7.12.5 It is not considered the building itself would adversely impact upon the SINC; however, any light fall could have an impact on wildlife and associated habitats. It is therefore recommended to require an external lighting to be directed away from the SINC.

7.12.6 The design of the scheme provides an opportunity to install green roofs thereby enhancing the biodiversity of a site alongside a green corridor/SINC, in accordance with adopted policy objectives. It is noted that green roofs have also been suggested as part of the sustainable urban drainage strategy. Notwithstanding the proposed urban drainage strategy, it is recommended to require details of a landscaping and planting strategy to be submitted and implemented prior to occupation.

7.13 **Developer contributions**

7.13.1 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

7.13.2 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.

7.13.3 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.

7.13.3 In this instance the delivery of affordable housing (off site contributions), a payment to offset the carbon shortfall, restrictions on parking permits (permit free) and an agreement for the developer to provide a 3 year car club membership for future occupants of the development would be secured via a S106 agreement.

7.13.4 Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by Merton's Community Infrastructure Levy.

7.14 Response to issues raised by objectors

7.14.1 The majority of issues raised in objection letters are addressed in the body of the report. However, in relation to specific queries, the following officer response is provided:

- In relation to the submitted Transport Statement, the Council's Transport Planner has reviewed the submission and has considered the issue of the traffic parking survey being from data collected in 2016, rather than more recently. However, the Transport Planner is satisfied that the restriction on the issuing of parking permits would result in an acceptable planning outcome in terms of parking impact.
- It is acknowledged that there is a need for family sized housing in the borough. However, the scheme as submitted is not for townhouses but for flats and given that the previous scheme provided just 1 x 3 bedroom unit, it is considered that refusal on the grounds of failure to provide any three bedroom units would may appear somewhat inconsistent and would not warrant withholding permission.
- The refuse collection arrangements are demonstrated to be acceptable and would not result in The Bungalows being blocked for any significant length of time.
- The site is along the A216, not the A217 as suggested in the objector's letter. The speed limit along Streatham Road, in the vicinity of the site, reported in the Transport Statement is 30 mph. A number of adjoining residential roads are limited to 20 mph and further to the south the speed limit on Streatham Road is 20 mph. therefore the Transport Statement appears to be accurate in this regard.

8. CONCLUSION

8.1 The proposal is considered to be acceptable in principle, providing a mixed use scheme potentially increasing employment on site and increasing residential density in line with planning policy. The proposal is considered to be acceptable in terms of design, responding appropriately to the surrounding context in terms of massing, heights, layout and materials; the proposal is considered to be an improvement as compared

to the existing site. The proposal would offer a limited affordable housing provision, for which to date no interest has been forthcoming from registered providers, or could deliver an equivalent cash in lieu payment, an offer which is supported by an independently reviewed financial viability appraisal.

8.2 The proposal has been sensitively designed to ensure it would not unduly impact upon neighbouring amenity. The proposal would offer good living standards for prospective occupants. The proposal would not unduly impact upon the highway network and it would promote and facilitate sustainable transport. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

8.3 The application is therefore recommended for approval subject to appropriate conditions and s106 agreement.

RECOMMENDATION

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

1. The provision of 8 x Shared Ownership, or 1 x Social Rent / 1 x Shared Ownership on site. Failing that, a cash in lieu payment of £741,647 to provide affordable housing elsewhere in the borough; The applicant shall provide Merton Council with the cash in lieu payment in the event a registered housing provider has not purchased the affordable units within six months of at least 75% of the market units being occupied, during that period the units identified as affordable units shall not be let, sold or otherwise occupied unless to a registered housing provider;
2. The developer agreement to provide a 3 year membership to a car club for each residential unit of the development at the cost of the developer;
3. A carbon offset contribution of £29,946 on implementation of the development;
3. Restrictions put in place to prevent the future owner/occupiers (other than registered disabled motorists) of the development from applying for on-street parking permits within the surrounding Controlled Parking Zones;
4. The developer agreeing to meet the Council's costs of preparing (including legal fees) the Section 106 Obligations; and
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And the following conditions:

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1824 PL4/01 B, 1824 PL4/02 B, 1824 PL4/10 D, 1824 PL4/11 C, 1824 PL4/20 F, 1824 PL4/21 H, 1824 PL4/22 G, 1824 PL4/23 F, 1824 PL4/24 F, 1824 PL4/25 F, 1824 PL4/26 H, 1824 PL4/27 E, 1824 PL4/30 F, 1824 PL4/31 D, 1824 PL4/32 F, 1824 PL4/33 D, 1824 PL4/34 D, 1824 PL4/35 E and 1824 PL4/36 C. (and any associated documents).

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

3. 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2016, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, DM F2 and DM O2 of Merton's Sites and Policies Plan 2014.

5. Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the applicant shall provide details of which windows are to be obscure glazed for approval to the Local Planning Authority. The development shall not be occupied until such details as have been approved are implemented; those measures shall be retained thereafter 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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 2016, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

7. Access to the flat roof of the development hereby permitted, other than areas specifically shown to be roof terraces or balconies on the approved plans, shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

8. Amended standard condition [Screening]: Before the development hereby permitted is first occupied, details of screening of the balconies and terraces 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 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

9. The retail development hereby approved shall not be occupied until details of opening hours including servicing and delivery times have been submitted to and agreed in writing by the Local Planning Authority. The development shall be operated in accordance with the approved details.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

10. No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning

Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

11. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the southern site boundary.

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: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

12. 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 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

13. The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

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

14. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 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 (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development

Plan policies for Merton: policy 5.13 of the London Plan 2016, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

15. The internal noise criteria in the SRL, Noise Impact Assessment, report number 14855A-T Dated 11 January 2019 shall be implemented to that standard as a minimum. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development. A post development survey shall be undertaken to ascertain compliance and shall be submitted to and approved in writing by the LPA within 6 months of first occupation of any part of the development.

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 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

16. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new external plant/machinery shall not exceed LA90-5dB within the external amenity areas of any noise sensitive or residential property between the daytime hours of 0700hrs and 2300hrs. During the night (2300hrs to 0700hrs) noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new external plant/machinery shall be controlled inside any noise sensitive or residential property to at least 10 dB(A) below the 30 dB(A) LAeq internal noise limit for bedrooms given in BS 8233:2014 assuming the bedroom windows are open to provide ventilation.

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 2016 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

17. Standard condition [noise levels insulation]: No development shall commence until a scheme for the soundproofing of the building to prevent the transmission of noise and vibration both within and from external sources has been submitted in writing 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 measures have been approved and carried out in strict accordance with the approved details and those measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities of the occupiers of the proposed development and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2016 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

18. Standard condition [kitchen extraction systems]: Prior to the installation of any kitchen ventilation system associated with the non-residential use, plans and specifications of the kitchen ventilation system, including details of sound attenuation and odour control measures shall have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2016, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

19. No development shall take place, including any works of demolition, until a 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 construction period. The Statement shall provide for:

- 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 dust and dirt during construction
- 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.

20. Non-standard condition [Security measures]: Prior to first occupation of any part of the development details of the design and methods of operation of all access gates including 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 2014.

21. Prior to the occupation of the development hereby permitted, a Travel Plan relating to the commercial development and a separate Travel Plan relating to the residential development shall be submitted to and approved in writing by the Local Planning Authority. The 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 on-going 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. Page 170

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2016, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

22. 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: 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 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

23. 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 in accordance with those outlined in the approved Sustainable Design and Construction Statement (dated 27th May 2019), 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 the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

24. 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 LQPRA, 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: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and within SPZ2 and it is understood that the site may be affected by historic contamination.

25. 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: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

26. No drainage systems for the infiltration of surface water drainage into the ground are 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 Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

27. 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 (by way of the submission of a Piling Method Statement prior to the commencement of development), which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater or subsurface water infrastructure. The development shall be carried out in accordance with the approved details.

Reason: Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

28. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure or unacceptable risk to groundwater, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water and the Environment Agency. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground water utility infrastructure and has the potential to impact on local underground water utility infrastructure and/or result in an unacceptable risk to ground water.

29. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure.

30. (Standard condition) Removal of redundant crossovers.

Informatives:

1. INF 15 Discharge conditions prior to commencement of work. INFORMATIVE
This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.
2. INF 08 Construction of Accesses. INFORMATIVE
It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
3. INF 09 Works on the Public Highway. INFORMATIVE
You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.
4. INF 12 Works affecting the public highway. INFORMATIVE
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated

under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

5. INFORMATIVE:

The highways section carry out all construction works within the public highway

Oversail licences to be agreed with Merton Councils legal section

Public/private highway to be defined by stainless steel studs, which are to be agreed with the highways section.

The material for the crossover construction is to be determined by the highway section and to their specification.

The highways section is to be contacted for the costs of the proposed dropped kerbs which will be constructed at the developer's expense.

Traffic orders for the disabled bays and changes to the existing traffic orders to be paid by the developer to the Traffic Section.

The highways section must be contacted prior to any works being carried out to agree the appropriate highway licences for this site.

6. INFORMATIVE:

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

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); OR, where applicable:

- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND

- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO₂ emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

7. INFORMATIVE:

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'

8. INFORMATIVE:

1. The Applicant shall enter into an asset protection agreement with London South East Asset Protection and Optimisation (ASPRO) before proceeding with any design/construction works at the site;
2. Adopt ASPRO guidance and requirements and a list of NR deliverables will be provided to the developer in kick-off meeting;
3. Submit for ASPRO acceptance design, risk assessment & method statement (RAMS) for any work within Network (NR) zone of influence which potentially associate with risks to railway operation, such as:
 - Demolition of existing buildings
 - Enabling Works
 - RC Frame Construction
 - Lifting plans using tower/mobile crane
 - Facade and Cladding
4. Submit for ASPRO acceptance the following to mitigate the risk of affecting the access to the station during construction:
 - Traffic and pedestrian management plan during construction.
 - Logistics and Construction Plan

The developer is advised to contact the London South East ASPRO team at AssetProtectionLondonSouthEast@networkrail.co.uk.

9. The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.
10. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
11. The applicant is advised to read the Thames Water guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
12. 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.
13. The Environment Agency recommends that where soil contamination is present, a risk assessment is carried out in accordance with their guidance 'Piling into Contaminated Sites'. The Environment Agency will

not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

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