

PLANNING APPLICATIONS COMMITTEE 13th February 2020

APPLICATION NO.
19/P2127

DATE VALID
24/05/2019

Address/Site: Land adjacent to 2 Park Avenue
Mitcham
CR4 2EL

Ward: Graveney

Proposal: CHANGE OF USE OF SITE FROM FORMER
SCAFFOLD YARD TO RESIDENTIAL USE, AND
ERECTION OF A RESIDENTIAL BLOCK PROVIDING 5
SELF-CONTAINED UNITS

Drawing No.'s: PA p 200 S.P. - Rev A; PA p 100 p0 - Rev C; PA p 100
p1 - Rev C; PA p 100 p2 - Rev C; PA p 100 p3 - Rev C;
PA p 100 e4 - Rev. A; PA p 100 e3 - Rev. B; PA p 100 e1
- Rev. B; PA p 100 e2 - Rev. A; PA p 100 s1 - Rev. B; PA
p 100 s2 - Rev. A; PA p 100 s3 - Rev. A; PA p 50 lsp Rev
A.

Contact Officer: Catarina Cheung (020 8545 4747)

RECOMMENDATION

Grant planning permission subject to Section 106 Obligation and Conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 58
- External consultations: 0
- Controlled Parking Zone: Currently under consultation, Zone GC3
- Archaeological Zone: No
- Conservation Area: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a triangular shaped plot, a former scaffolding yard, adjacent to 2 Park Avenue.
- 2.2 The immediate surrounds are characterised by residential dwellings. Along Park Avenue are two storey terrace properties, opposite the site (south) is a two storey end of terrace building which is currently occupied by a church. Immediately to the west adjoining the boundary with the scaffold yard is Park Avenue Mews which comprise a number of single storey buildings predominately in commercial/storage use. North-west of the site is Streatham Road, three storey terrace buildings, which forms part of the Streatham Road neighbourhood shopping parade (numbers 196-172B Even & 175-221 Odd).
- 2.3 The site is not located in a Conservation area nor is it in close proximity to a Listed building.
- 2.4 The site is not within a Flood Risk zone.
- 2.5 The site has a PTAL rating of 2.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the change of use of the existing scaffold site to residential use, and erection of a residential block providing 5 self-contained flats.
- 3.2 The residential block would be joined at the ground floor level, displaying a width of approximately 11.5m toward Park Avenue and a maximum depth of approximately 27m. As a whole the proposals would be read as 3 'pavilion' (stand-alone) buildings. Toward Park Avenue a two storey barrel vaulted structure (A), in the middle a three storey gable roof structure (B) and toward the northern rear of the site, another two storey barrel vaulted structure (C):
(A) – width 11.65m, depth 6.9m, eaves height 4.75m, maximum height 6.68m;
(B) – width 6.1m, depth 7.05m, eaves height 6.79m, maximum height 10m.
(C) – width 5.6m, depth 9.1m, eaves height 4.27, maximum height 5.9m.
- 3.3 The proposed external finishing materials of the development would comprise of brick walls, zinc roofing and aluminium/timber framed windows.
- 3.4 The proposed dwelling mix of the flats would be as follows:

	Type	Storeys	Proposed GIA (sqm)	Amenity area
Unit 1	2b3p	1	69	Communal courtyard
Unit 2	2b3p	1	61	Communal courtyard
Unit 3	1b2p	1	50.8	Communal courtyard
Unit 4	2b4p	2 (with mezzanine level)	73	Communal courtyard + balcony (6sqm)
Unit 5	2b4p	2	90	Communal courtyard

- 3.5 The communal amenity space (not including the shared pathway which also provides access to the rear of the properties along Park Avenue) is 65.8sqm.
- 3.6 A communal refuse area is provided at the front of the development toward Park Avenue.
- 3.7 A communal bike store is provided at the rear of the development providing 10 cycle storage spaces.

4. PLANNING HISTORY

- 4.1 MER838/77: CHANGE OF USE TO STORAGE OF BUILDING AND CIVIL ENGINEERING TOOLS AND EQUIPMENT. – Granted 13/02/1978

5. CONSULTATION

External

- 5.1 Public consultation was undertaken by way of letters sent to 58 neighbouring properties. 5 representations received objected to the proposal, with 1 comment of support.

- 5.2 Summary of objections are as follows:

- The plot is too small for the proposed 3 buildings resulting in potential HMO issues;
- Unacceptably high density development;
- Invasion of privacy and loss of outlook;
- Strain on parking in the street;
- The development would exacerbate the already under-strain waste disposal provisions;
- Building 3 buildings removes open space leaving no possibility for gardens;
- No demand for new properties in the area;
- Pressure on local amenities;
- Disruption to the street caused by building work;
- Damage to neighbouring property and bushes during building work;
- Impact potential for neighbouring properties to develop.

- 5.3 In support:

- Whilst in favour of the site being developed, raises comment to the existing fly tipped rubbish on the site and highlights that residents are to retain a right of way from the side alley of 2 Park Avenue.

Internal

- 5.2 Transport officer – The site lies within an area PTAL 2.

Car Parking: No on-site parking is proposed for the development.

The site is not currently located in a Controlled Parking Zone (CPZ), but, in response to concerns from local residents and having regard to local parking pressure, the Council have undertaken consultation to introduce a CPZ in the area, Zone GC3. Transport officers confirm that this will be implemented later this year. Therefore, when Park Avenue becomes a CPZ, no occupant whilst

residing, using and or occupying the development shall be eligible to purchase or procure a parking permit for a residential Parking Bay within the CPZ.

Cycle Parking: Cycle parking should be installed on site in accordance with London Plan standards on cycle parking for new residential developments. The London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed dwellings and 2 per all other dwellings.

No objection raised in relation to the above subject to following conditions:

1. Cycle parking provision
2. Refuse collection criteria
3. Permit free option – applicant enters into a Unilateral Undertaking which would restrict future occupiers from obtaining an on –street residential parking permit secured via a S106 agreement
4. Demolition/construction logistic plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work

- 5.3 Highways – conditions and informatives to be attached to application if minded for approval. Conditions include to provide details of Construction vehicles and removal of redundant crossovers, and informatives to remind the applicant where any works are on or affect the public highway, these need to be communicated with the Local Authority and Merton’s Highways team.
- 5.4 Climate Change – the applicant has provided an Energy Strategy Report and completed the sustainable design and overheating questionnaire as advised by LBM’s Climate Change officer. Following review and discussion with the applicant, it is considered suitable in this instance to ensure that further information is secured through the attachment of pre-commencement and pre-occupation conditions. The Climate Change officer has provided the appropriate conditions.
- 5.5 Waste Services – for the proposed 5 properties, Waste have recommended bins in a shared facility. Officers confirm that the drawings have been amended in accordance with their recommendations.
- 5.6 Environmental Health – should officers be minded to recommend approval, conditions have been recommended in relation to mitigation measures to deal with any site contamination and noise.
- 5.7 Metropolitan Police - Secure by design – comments and concerns were raised by the Designing out Crime officer, summary of their response as follows:
- there appears to be no defensible space adjacent to any of the buildings allowing anyone to walk up to windows and attack them at ease;
- the entrance to the courtyard is via a low wrought steel garden gate, the gate appears inadequately low and needs access control;
- the bin store design should eliminate its use as seating or climbing;

- the courtyard appears to have limited natural surveillance from the windows and any planting throughout the development should not impede the opportunity for natural surveillance;
- shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should no foliage, epicormic growth or lower branches below 2.4 metres thereby allowing a 1.4 metre clear field of vision;
- planting should avoid the creation of potential hiding places;
- the proposed bench should be designed to include centrally positioned arm rest dividers to assist those with mobility issues;
- recommend CCTV for this proposed development;
- cycle stores appears to have no door or gate so allowing uncontrolled access and is a hidden corner of the site so it is not overlooked;
- lighting across the entire development should be to the required British standards, avoiding various forms of light pollution.

The scheme has been amended to addresses some of the above concerns (this further assessed under paragraphs 7.42-7.44). However, conditions will be attached as appropriate, should the application be minded for approval, to ensure necessary measures will be undertaken before occupation of the development to ensure the safety and security of future occupiers.

5.8 Design Review Panel – the panel considered the proposal (same as that currently proposed in this application, alterations made later include largely internal reconfiguration or glazing details) in September 2019. Their comments as follows:

The Panel were enthusiastic about the proposals and were clear that the changes made since the first review had significantly improved the scheme. The approach, based on separate buildings arranged around a central space, was considered good, but more work was needed to ensure this worked well. For example, the space needed to work for upper floor units as well as having dedicated and defensible space for ground floor units, and the tree canopy needed to be high enough so the space was useable. It was likely a different tree was required.

The areas that were less well resolved centred on details and ensuring the internal arrangements worked successfully, which was considered important by the Panel, in such constrained sites. Currently there were a few such issued that were considered unsatisfactory. The street frontage had bedrooms directly facing the footway. This would be arranged better by using the widened area for defensible planting. Internally the arrangement of spaces seemed inefficient with cramped areas and areas that were spacious but not efficiently useable.

Kitchen areas seemed particularly poorly considered, with a lack of provision for essential equipment and surfaces that did not meet standards. Access into dwellings and positioning of toilets could also be better. The Panel recommended a good rethink on the internal arrangements as they felt there was sufficient space overall, but it was just not well enough arranged. Externally, the bike store needed a door to ensure adequate security.

The research was considered thorough and the precedents were good, but there needed to be a stronger explanation as to how the curved roof forms had evolved from the contextual research. The Panel felt the arrangement of buildings and their style was playful and introduced some delight in to the scheme, though this was not necessarily dependent on the curved roofs. Having said this it was felt the building at the front of the site was quite visually dominant in the westerly view along Park Avenue.

The Panel noted that there were large areas of glazing providing daylight to comparatively small rooms. Issues of overheating were raised and this needed to be clarified and tested using dynamic simulation models. Practical issues like access to all glazing for cleaning needed to be considered. The gable end of the adjacent house was imposing and would benefit from additional greenery.

Overall the Panel felt the scheme was well put together and had the potential to be an attractive place to live, based on the central space, however the detailed issues needed to be resolved in order to make it a place that worked well for the future occupants. The verdict reflects the Panel's cautious view that this was achievable. VERDICT: **GREEN**

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes

Part 9 Promoting sustainable transport

Part 11 Making effective use of land

Part 12 Achieving well-designed places

6.2 London Plan 2016:

3.3 Increasing housing supply

3.4 Optimising housing potential

3.5 Quality and design of housing developments

3.8 Housing choice

3.9 Mixed and balanced communities

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.17 Waste Capacity

5.21 Contaminated land

6.3 Assessing effects of development on transport capacity

6.9 Cycling

6.13 Parking

7.3 Designing out crime

7.4 Local character

7.6 Architecture

7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

8.3 Community infrastructure levy

- 6.3 Merton Sites and Policies Plan July 2014 policies:
 DM D1 Urban design and the public realm
 DM D2 Design considerations in all developments
 DM E3 Protection of scattered employment sites
 DM EP3 Reducing and mitigating noise
 DM EP4 Pollutants
 DM H2 Housing mix
 DM T1 Support for sustainable transport and active travel
 DM T2 Transport impacts of development
 DM T3 Car parking and servicing standards
 DM T5 Access to road network
- 6.4 Merton Core Strategy 2011 policy:
 CS 8 Housing choice
 CS 9 Housing provision
 CS 11 Infrastructure
 CS 14 Design
 CS 15 Climate change
 CS 17 Waste management
 CS 18 Transport
 CS 20 Parking servicing and delivery
- 6.5 Supplementary planning documents
 London Housing SPG 2016
 Technical Housing standards – nationally described space standards 2015

7. **PLANNING CONSIDERATIONS**

- 7.1 The key planning considerations of the proposal are as follows:
- Principle of development
 - Design and impact upon the character and appearance of the area
 - Impact upon neighbouring amenity
 - Standard of accommodation
 - Transport, parking and cycle storage
 - Refuse
 - Sustainability
 - Other matters
 - Developer contributions

Principle of development

Loss of scattered employment site

- 7.2 The application site forms part of a former scaffolding yard, and is identified as a scattered employment site. Such sites are suitable for facilitating employment of small and growing business or community uses to ensure there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities towards creating balanced mixed use neighbourhoods in Merton. Policy DM E3 states proposals that result in the loss of scattered employment sites will be resisted except where:

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

7.3 The applicant has supported the proposal with a Planning statement which sets out sufficient research into the site's previous use and last occupation in order to justify it is no longer viable as a scaffold yard, hence its proposed conversion for residential use. The last users of the site were 'RAW Scaffolding Ltd', the company was liquidated in 2017. Companies House informs the type of liquidation, Creditors Voluntary Liquidation, so, evident financial distress, with likely little to no opportunity to make profit hence voluntary liquidation. The premises was also vacated in the same year.

7.4 The scaffold yard is located in an area of predominantly residential dwellings where such a use would not be considered entirely in keeping with its surrounds. Following the site being vacated in 2017, it has since remained unused and boarded up. This has encouraged a growing concern with fly-tipping in the area which has a negative impact on the streetscene and surrounding occupiers.

Officers consider the size and irregular shape of the site make it unattractive for a modern readily serviceable light industrial unit. While a development of a more domestic nature might be configured to deliver offices, such a development is likely to be speculative with little guarantee of an end user. In addition vacant units in parades nearby could, more readily, offer lower costs employment space to start-up businesses and thereby maintain a commercial frontage along Streatham Road rather than face conversion to residential use under the "prior approval" planning provisions.

In relation to the possibility of the site being used for community uses, it is noted immediately opposite the application site, 1b Park Avenue, is a former office/workshop which was converted in 2009 for use as a community centre and place of worship (use D1), and a two storey rear extension approved in 2010 to enlarge the worship area (use class D1). The building provides a substantial building for community use to serve the local area.

7.5 Therefore, it is considered the loss of the scattered employment site is not detrimental and its change of use for residential purposes would be more in keeping with the local area. The proposed development would provide an opportunity to enhance the streetscene and reactivate the site, to fill the vacant plot which has become attractive to fly-tippers, and also allow improvements to the shared access path used by occupiers of Park Avenue.

Increasing housing provision

- 7.6 The National Planning Policy Framework, London Plan Policy 3.3 and the Council's Core Strategy Policy CS8 and CS9 all seek to increase sustainable housing provision and access to a mixture of dwelling types for the local community, providing that an acceptable standard of accommodation would be provided. Policy 3.3 of the London Plan 2016 also states that boroughs should seek to enable additional development capacity which includes intensification, developing at higher densities.
- 7.7 The development seeks to make effective use of the site by providing 5 residential units on the former scaffold yard. The principle of doing so is considered acceptable and in line with policies to increase provision of additional homes and seeking opportunities through intensification of the site.
- 7.8 However, the scheme is also subject to all other criteria being equally fulfilled and compliant with the policies referred to above.

Character and Appearance

- 7.9 The NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should ensure that they are visually attractive and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.10 Policies CS14, DMD1 & DMD2 require that new development reflect the best elements of the character of the surrounding area, or have sufficient distinctive merit so that the development would contribute positively to the character and appearance of the built environment. Policy DM D2 of Merton's Sites and Policies Plan requires development to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area and to use appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting. The requirement for good quality design is further supported by the London Plan London Plan Policies 7.4 and 7.6.
- 7.11 Residential design along Park Avenue comprises of two storey terrace dwellings, though not of particular architectural interest are fairly uniform in appearance, the uniformity continues along the residential streets north and south of the application site. Whereas along Elmhurst Avenue, there is an irregular mixture of one to two storey detached, semi-detached and terraced dwellings built from the 1930s onwards.
- 7.12 On the eastern side of Streatham Road (numbers 193 to 221, north-west of the application site) are two to three storey terrace buildings with impressive facades of red brick, curved arches and small corner turrets, built around the early twentieth century. On the western side of Streatham Road are less detailed and simple two storey terrace buildings built around the 1930s.

- 7.13 The local area has a mix of architectural styles with no distinct heritage dimension. Therefore, officers consider that in overall terms, there is not a strict requirement to adhere to a specific building design that might otherwise characterise the local area. However, the applicant has undertaken extensive site research and compiled precedents in order to inspire a building design and appearance which takes cues from the local building forms and materiality.
- 7.14 The development would comprise of 3 two to three storey buildings. The shape of the barrel vaulted roof forms are interpreted from the arched forms seen, predominately, along Streatham Road. The middle pavilion building displays a gable roof, which is more conventional and an interpretation of the gable roof ends along Park Avenue and Streatham Road.
- 7.15 The roofs would be finished in zinc, a modern industrial finishing which is considered acceptable. A lot of focus has been paid to the external walls with decorative brickwork to evoke the character of the local shopping parade and a number of twentieth century church and residential buildings in the area (presented in the design and access statement), and gives the building an identity without needing to further complicate the building forms.
- 7.16 The 'front' (eastern), and most active elevation of the development would face toward 2 Park Avenue, but separated from the neighbouring building by a private courtyard area. Toward Park Avenue (southern elevation), the building line of the development would sit forward in line with Park Avenue Mews, and at the rear extend beyond the rear building line of 2 Park Avenue.
- 7.17 As the building line projects forward to match Park Avenue Mews, when approaching along Park Avenue from the east, this would present a new viewpoint. However, with the sufficient set back of around 5m from 2 Park Avenue, there is no intention to obscure the rhythm of the uniform terrace properties and the new development would present itself as a new entity and purposeful intervention to add a new interest to the views of the streetscene.
- 7.18 The roof lines in the surrounding area remain clearly defined and legible, and it is not considered the new development would inappropriately overshadow or obscure these. The height of the two storey barrel vaulted buildings would not exceed the height of the terraces, in fact, sitting at the level of their eaves. The three storey central gable structure would also not exceed that of the terraces, nor the Streatham Road parade.
- 7.19 The varying heights and roof forms of the development break up a potentially bulky singular mass and all facades have been carefully detailed so as to avoid 'plain' elevations when viewed from various neighbouring viewpoints.
- 7.20 Overall, it is considered the development would be an attractive addition to the Park Avenue streetscene. It would not inappropriately overwhelm the surrounding buildings and has taken a modern and playful approach to detailing and moulding the building form, led by research of appropriate local precedents.

Neighbouring Amenity

- 7.21 SPP Policy DM D2 states 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 loss of light, quality of living conditions, privacy, visual intrusion and noise.

Flat 1 and Flat 2, 2 Park Avenue

- 7.22 The rearmost block of the development would project further than the rear building line of the Park Avenue terraces. The upper level windows of the first floor flat of 2 Park Avenue serves a bathroom (obscured glass) and bedroom. However, bedroom windows on the eastern elevation of the proposed development (facing toward the 2 Park Avenue's garden) would be obscure glazed, removing overlooking concerns, and windows on the southern elevation would have, at best, oblique views toward 2 Park Avenue.

Park Avenue (southern side)

- 7.23 There would be a distance of 9m between the residential dwellings along the southern side of Park Avenue and the front building line of the proposed development. This is considered sufficient and would not raise overlooking issues from the proposed bedroom windows.

Park Avenue Mews

- 7.24 The first and second level of the development would have windows on the side (western) elevation toward Park Avenue Mews. The Park Avenue Mews units adjoining the boundary with the application site do not have rooflights, aside from one at number 2a. Therefore, it is considered windows serving the upper level of units 4 and 5 would unlikely overlook the mews. There is one window serving the single bedroom of unit 2 with further high level windows, which cannot be viewed out of. These would unlikely conflict or look into the rooflight over unit 2a Park Avenue Mews.

Streatham Road

- 7.25 Windows toward Streatham Road on the first floor level of the development would be positioned around 14m from the rear outrigger windows and 23m from the main rear building line. However, as mentioned above, there would be no views out from the high level windows of unit 2 and the two windows on the first floor of unit 4 and unit 5 serve hallway/landing areas. There would be views out from the second floor bedroom of unit 4, however, given the reasonable separation distance, it is not considered there would be an unacceptable loss of privacy. It is also noted the drawings have been amended to further reduce the glazing area of the second floor bedroom in unit 4.

1a Caithness Road

- 7.26 There is approximately 14.7m separation distance between the rear building line of Unit 5 and the rear building line of 1a Caithness Road. The first floor windows of the proposed development would serve a bedroom but all these

would be obscure glazed to prevent overlooking into the rear neighbouring property and garden.

Standard of accommodation

Internal

- 7.28 Policy 3.5 of the London Plan 2016 requires housing development to be of the highest quality internally and externally, and should satisfy the minimum internal space standards (specified as Gross Internal Areas –GIA) as set out in Table 3.3 of the London Plan. Table 3.3 provides comprehensive detail of minimum space standards for new development; which the proposal would be expected to comply with. Policy DMD2 of the Adopted Sites and Policies Plan (2014) also states that developments should provide suitable levels of sunlight and daylight and quality of living conditions for future occupants.

	Type	Storeys	Proposed GIA (sqm)	Required GIA (sqm)	Compliant
Unit 1	2b3p	1	69	61	Yes
Unit 2	2b3p	1	61	61	Yes
Unit 3	1b2p	1	50.8	50	Yes
Unit 4	2b3p	2	73	70	Yes
Unit 5	2b4p	2	90	70	Yes

- 7.29 As demonstrated by the table above, the flats would comply with the minimum space standards.

External

- 7.30 In accordance with the London Housing SPG and Policy DMD2 of the Council's Sites and Policies Plan, it states that there should be 5sqm of external space provided for private outdoor space for 1-2 person dwellings and an extra 1sqm provided for each additional occupant.

	Type	Storeys	Proposed amenity (sqm)	Required GIA (sqm)	Compliant
Unit 1	2b3p	1	Communal courtyard, 65.8	6	Yes
Unit 2	2b3p	1	Communal courtyard, 65.8	6	Yes
Unit 3	1b2p	1	Communal courtyard, 65.8	5	Yes
Unit 4	2b3p	2	Communal courtyard, 65.8	6	Yes
Unit 5	2b4p	2	Communal courtyard, 65.8	7	Yes
				Total = 30	

- 7.31 The required amenity area for the number of occupiers is provided in the table above, altogether totalling a need of 30sqm. The proposed communal courtyard of 65.8sqm would be considered an acceptable area.

Transport, parking and cycle storage

- 7.32 Core Strategy Policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, street parking or traffic management. Cycle storage is required for all new development in accordance with London Plan Policy 6.9 and Core Strategy Policy CS18. It should be secure, sheltered and adequately lit and Table 6.3 under Policy 6.13 of the London Plan stipulates that 1 cycle parking space should be provided for a studio/1 bedroom unit and 2 spaces for all other dwellings.
- 7.33 The site has a PTAL of 2 which is considered poor, and is located in an area currently under consultation for adoption as part of a Controlled Parking Zone, Zone GC3.
- 7.34 The proposed development would provide no on-site parking. In the event Park Avenue becomes a CPZ, 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. Transport officers have recommended that the applicant enters into a Unilateral Undertaking (UU) to restrict this. The applicant has agreed to this and the UU has been signed.
- 7.35 The proposal requires 6 cycle spaces to satisfy the proposed number of dwellings, the bike storage shed at the rear of the site would offer 10 storage racks so would satisfy policy requirement.

Refuse

- 7.36 Waste Services have recommended bins in a shared facility for the proposed 5 self-contained flats. A communal refuse bin store has been provided at the front of the site toward Park Avenue, this is considered an appropriate and convenient location for access and collection. This would provide 4x 360L bins (two for general waste and two for recycling), with additional space should a further bin if required. There is also space on site for recycling boxes and kitchen caddies to be presented at the front on collection days. Therefore, the proposal is considered to accord with Policy 5.17 of the London Plan and Policy CS 17 of the Core Strategy.

Sustainability

- 7.37 All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy (2011) Policy CS15 Climate Change (parts a-d) and the policies outlined in Chapter 5 of the London Plan (2016). As a minor development proposal, the development is required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day.

- 7.38 The applicant has provided an Energy Strategy Report and completed the sustainable design and overheating questionnaire as advised by LBM's Climate Change officer. Following review and discussion with the applicant, it is considered suitable in this instance to ensure that further information is secured through the attachment of pre-commencement and pre-occupation conditions. The Climate Change officer has provided the appropriate conditions should the application be approved.

Other matters

Contamination

- 7.39 Policy DM EP4 seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. Industrial activity, waste disposal, accidental spillages and transportation can cause contamination of land. Often, this contamination is associated with industrial processes or activities which are now not active. Past dispersed sources of pollution, such as fall out from vehicle emissions and past industrial use can also be a contributing factor in land pollution and contamination.

- 7.40 The application is accompanied with a Land Contamination Report which undertook: 'Phase 1 Land Quality Assessment' of the site. The findings show generally there is a low risk of contamination but concludes '*Given the nature of the historical land use and therefore the potential for contamination to be present at the Site, it is recommended that a proportionate programme of site investigation and monitoring works be undertaken in order to establish the presence or absence of contamination and to enable a quantitative assessment of the associated environmental risks*', this forms: Phase 2 intrusive investigation.

- 7.41 The Council's Environmental Health officer has reviewed the report and provided conditions to be attached which relate to undertaking Phase 2's investigation and assessment. However, prior to this, the site would require cleaning and removal of existing debris, and during this process, if any contamination or risk of contamination is found/expected, the Council should be notified immediately. A condition has been attached relating to contamination being found on site before and during works.

Secure by design

- 7.42 The Met Police Secure by Design Officer has been consulted and provided a number of comments to aid the security of the development.
- 7.43 The scheme has been amended and addresses some of those concerns raised, such as:
- Defensible space has been introduced at the front of the development which provides a buffer for the bedroom windows of Unit 1;
 - Pathway lights are proposed around the courtyard to improve visibility in the night;
 - The bike store has been provided with a front gate to control access;
 - The courtyard provides only one large tree and there would be plentiful natural surveillance from the windows of the 5 units over this area.

- 7.44 To ensure that necessary safety measures are incorporated in the development to minimise the risk of crime, appropriate conditions are to be attached should the application be minded for approval to ensure this. These are to include providing details of the lighting scheme for the courtyard with suitable surfacing (including along the shared pathway).

Developer Contributions

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

8. CONCLUSION

- 8.1 The scheme seeks to creatively infill the irregular triangular plot, presenting a new typology and modern architectural form to Park Avenue which takes inspiration from its local surrounds. The scale, form, design, positioning and materials of the proposed new development have been carefully considered and would not have an undue detrimental impact toward the character and appearance of the streetscene or on neighbouring amenity. The buildings would not be excessive and carefully orientated and detailed so as to minimise negative harm to surrounding residential amenity. Therefore, the proposal is considered to comply with the principles of policies referred to in Section 6 and it is recommended to grant planning permission subject to a section 106 legal undertaking.

RECOMMENDATION

Grant planning permission subject to a S106 obligation to secure a car free development in the event a parking zone is implemented and the following conditions are recommended:

1. A1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials to be approved
4. B4 Details of surface treatment – Prior to occupation of development, details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths (including the upgrading of the shared pathway along 2a Park Avenue), hard and soft shall be submitted in writing for approval by the Local Planning Authority. The development shall not be occupied until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.
5. Non-standard condition – Details of the lighting scheme for the shared garden/courtyard to be submitted to the LPA for approval prior to occupation of the development.
6. B5 Details of Walls/Fences/Gates – Prior to occupation of development,

details of boundary walls or fences and gates shall be submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be occupied until the details are approved and carried out in accordance with the approved details. The walls, fencing and gates shall be permanently retained thereafter.

7. C03 Obscure Glazing – before the development is first occupied, windows on the lower panel of the ground floor of the southern elevation (Unit 1) and lower panels on the first floor of the northern and eastern windows (Unit 5) shall be obscure glazed, and permanently maintained as such thereafter.
8. C07 Refuse & Recycling – implementation
9. D11 Construction hours – 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.
10. H06 Cycle Parking – implementation
11. H13 Construction Logistics Plan – Prior to the commencement of the development hereby permitted, a Construction Logistics Plan (including a Construction Management Plan in accordance with TfL guidance) shall be submitted to and approved in writing by the Local Planning Authority.
12. D10 External lighting – Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
13. F01 Landscaping/Planting Scheme – No development shall be occupied 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 occupation of the buildings 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.
14. A Non-standard condition (Sustainability, pre-commencement) – No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO₂ reduction of not less than a 19% improvement on Part L Regulations 2013, and internal water usage rates of no greater than 105 litres per person per day.
15. A Non-standard condition (Sustainability, pre-occupation) – No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority

confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, internal water consumption rates of no greater than 105 litres per person per day and demonstration of how the risk of overheating will be mitigated in the development.

16. A Non-standard condition (Contamination) – No development, other than demolition, shall take place until a Phase II site investigation and assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
17. A Non-standard condition (Contamination) – Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
18. A Non-standard condition (Contamination) – Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.
19. A Non-standard condition (Contamination) – Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
20. A Non-standard condition (Contamination) – In the event that contamination is found at any time prior to carrying out works or when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and

where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

21. A Non-standard condition (Noise) – No development shall take place until a Construction Management Plan for noise and vibration has been submitted to, and approved in writing by, the Local Planning Authority. The agreed measures shall be implemented throughout the duration of construction the development.

Informatives:

1. H3 Redundant Crossovers
2. H9 Construction Vehicles
3. H14 Garage doors/Gates
4. INF 01 Party Walls Act
5. INF 09 Works on the Public Highway
6. INF 12 Works affecting the public highway
7. INF 20 Street naming and numbering
8. Note to Applicant – approved schemes

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