

PLANNING APPLICATIONS COMMITTEE
20th August 2020

Item No:

UPRN

APPLICATION NO.

DATE VALID

19/P2747

23/07/2019

Site Address:

33-39 Upper Green East
Mitcham
Surrey
CR4 2PF

Ward:

Figges Marsh

Proposal:

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A NEW FOUR STOREY MIXED USE BUILDING COMPRISING COMMERCIAL UNITS AT THE GROUND FLOOR LEVEL (USE CLASSES A1, A2, A3, A5, B1 OR D1) AND 20 x SELF-CONTAINED FLATS ABOVE (USE CLASS C3); WITH ASSOCIATED LANDSCAPING AND BIN AND CYCLE STORE

Drawing No.'s:

718/002 P3 (Proposed Landscape Plan); 718/009 P4 (Existing/Proposed Upper Green East Elevation); 718/010 P4 (Proposed Ground Floor Plan); 718/011 P4 (Proposed First Floor Plan); 718/012 P4 (Proposed Second Floor Plan); 718/013 P4 (Proposed Third Floor Plan); 718/015 P4 (Proposed Roof Plan); 718/020 Rev P4 (Proposed Section AA); 718/021 P4 (Proposed Section BB); 718/022 Rev P4 (Proposed Section CC); 718/023 P2 (Proposed Enlarged Section); 718/025 P4 (Proposed West Elevation); 718/026 P3 (Proposed East Elevation); 718/027 P4 (Proposed South Elevation); 718/028 P4 (Proposed North Elevation).

Documents: 33-39 Upper Green East Design Statement Issue 5 (07 February 2020); 33-39 Upper Green East Mitcham Supplementary Design Statement (June 2020).

Contact Officer:

Catarina Cheung (020 8545 4747)

RECOMMENDATION

Grant Permission Subject to Section 106 Obligation or any other enabling agreement, and relevant conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No

- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Design Review Panel consulted: Reviewed by DRP during pre-application stage, but not for the main application
- Number of neighbours consulted: 77
- Controlled Parking Zone: No, but adjacent to Zones MTC and MTC2, and in close proximity to Zone MTC1
- Archaeological Zone: Yes, Tier 2
- Conservation Area: No, but in close proximity to Mitcham Cricket Green Conservation toward the south of the application site
- Listed Building: No
- Trees: None on the site

1. INTRODUCTION

- 1.1 The 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, approximately 974sqm, is sited on the eastern side of Upper Green East in Mitcham.

- 2.2 The site comprises 2 buildings:

- 33-35 Upper Green East is a three storey flat roof building toward the street elevation. The ground floor comprising two shops, a 'PCG Pizza & Chicken Grill' and barbers 'New Kutz Barbers' with residential units on the upper levels accessed from the side/rear. Toward the rear are two storey buildings, former works building dating from approximately the 1950s with an open yard to its south, accessed from Upper Green East through the frontage gap (of around 3.5m) between buildings 33-35 and 37-39. A bakery occupies the ground floor of the former works building;
- The building of 37-39 Upper Green East dates from approximately the 1930s, and is a two storeys hipped roof building, with accommodation in the roof level. On the ground floor is a retail unit 'Ronnie's Cutter', with flats above which are accessed from the rear.

- 2.3 The site is within Mitcham Town Centre which is a primary shopping area, the eastern side of Upper Green East is designated as secondary shopping frontage.

- 2.4 Adjoining north of 33-35 Upper Green East is a three storey flat roof building, on the ground floor serving Barclays Bank and the upper levels residential units accessed from the rear of the building. At the rear of number 33-35 is a single storey building of 13m depth. Toward the rear (east) of 37-39 Upper Green East is Regal Court, a small scale cul-de-sac of social housing, terrace dwellings of two storey (with pitched roof) height. And toward the south of the application site is a simple two storey flat roof building currently serving a locksmith's on the ground floor, with a residential unit above. Between the site and the locksmiths shop is the vehicular and pedestrian access path into Regal Court.

- 2.5 The site does not contain a Listed building and is not within a Conservation Area. Toward the south lies Mitcham Cricket Green Conservation Area. 55 Upper Green

East is a Grade II Listed Building, 49 and 51 Upper Green East are designated as locally listed buildings. The site is within an Archaeological Priority Zone (Tier 2).

- 2.6 The site has a PTAL rating of 4 (measured on a scale of 0 to 6b, 0 being the worst), adjacent are Controlled Parking Zones MTC and MTC2.

3. CURRENT PROPOSAL

- 3.1 The proposal seeks to demolish the existing buildings and to erect a 2-4 storey mixed use building providing a ground floor commercial premises and 20 self-contained units. The commercial premises would provide a flexible use class of A1, A2, A3, A5, B1 or D1. The supporting Design and Access Statement set outs: "The ground floor is configured so that it could be converted into multiple units if required over the lifetime of the building. It is hoped that the building will attract one large A1 or A3 tenant, which would be highly compatible with the town centre location. Over the lifetime of the building other uses may be required which include A2, A5 or B1. The ground floor can be subdivided so that some A1 or A3 use can be retained even if there are other uses".
- 3.2 Entrance to the residential development would be from Upper Green East. The main entrance to the shops also from Upper Green East. From Montrose Gardens, a commercial service entrance is provided.
- 3.4 Refuse and cycle storage would be located within the footprint of the building on the ground floor, a waste drop-off collection point provided toward the commercial service entrance (within the boundary of the site).
- 3.5 The proposed development would occupy the irregular L-shaped plot. The 4 storey building toward Upper Green East would have a maximum height of 12.7m, the 3 storey building toward the northern-rear would step down to a height of 10m, and toward the southern-rear would step down to 2 storeys at 7m height. The total depth of the building would be 46m with a maximum frontage width of approximately 29m. The building would be externally finished in brick with zinc roofed elements, recessed bays throughout the building would be rendered in a lavender colour. Along the front elevation, the upper brick piers and front entrance to the flats would be decorated with lavender mosaic panels to distinguish the residential aspect.
- 3.6 The proposed dwelling mix would be as follows:

	Level	Type	Storeys	Proposed GIA (sqm)	Proposed amenity (sqm)
Unit 1	First	1b2p	1	51.6	12.9
Unit 2	First	1b2p	1	51	7.6
Unit 3	First	1b2p	1	60	13.7
Unit 4	First	1b2p	1	52	5.6
Unit 5	First	1b2p	1	53	5
Unit 6	First	1b2p	1	53	5
Unit 7	First	2b3p	1	68	6.1
Unit 8	First	1b2p	1	51	7.1
Unit 9	Second	1b2p	1	51.6	12.9
Unit 10	Second	1b2p	1	52	7.6
Unit 11	Second	1b2p	1	53	6.2
Unit 12	Second	1b2p	1	52	6
Unit 13	Second	1b2p	1	53	5.5

Unit 14	Second	1b2p	1	53	5.5
Unit 15	Second	2b3p	1	68	6.3
Unit 16	Second	1b1p	1	37.9	15.9
Unit 17	Third	1b2p	1	52	6
Unit 18	Third	1b2p	1	53	5.5
Unit 19	Third	1b2p	1	53	5.5
Unit 20	Third	2b3p	1	68	6.3

4. RELEVANT PLANNING HISTORY

33 Upper Green East

4.1 07/P3858: PROVISION OF AN INDOOR MARKET AT THE REAR OF THE GROUND FLOOR – Refused 12/02/2008

Reason 1 - The applicant has failed to demonstrate that the vehicle movements associated with loading/unloading of goods in connection with the indoor market can be undertaken without compromising highway safety/efficiency, and would be contrary to Policy RN.7 of the Adopted Merton Unitary Development Plan (October 2003).

Reason 2 - The proposals would result in the loss of employment land, for which the applicant has failed to demonstrate that there is no demand, or that it is unsuitable or financially unviable for any employment or community use, to the detriment of providing and safeguarding employment opportunities in the Borough and would be contrary to policy E.6 of the Adopted Unitary Development Plan (October 2003).

4.2 07/P1170: DEMOLITION OF EXISTING BUILDING AT THE REAR AND ERECTION OF A EXTENSION ON FOUR FLOORS COMPRISING 12 X SELF CONTAINED FLATS WITH ASSOCIATED LANDSCAPING, BIN STORAGE AND CAR/BICYCLE PARKING – Refused 20/08/2007

Reason 1 - The proposal would result in the unacceptable loss of land for employment purposes, for which the applicant has failed to demonstrate that the site is not suitable, and would be contrary to policy E6 of the adopted Merton Unitary Development Plan (October 2003).

Reason 2 - The development due to its scale, siting and massing would be incongruous and unduly prominent, detrimental to the existing character, layout and townscape of the area, and would be contrary to policies HS.1, BE.16 and BE.22 of the adopted Merton Unitary Development Plan (October 2003).

Reason 3 - The proposal would fail to provide a satisfactory standard of residential environment for future occupiers arising from a failure to provide adequate amenity space to meet the needs of future occupiers, and would entail the daylight and sunlight to habitable rooms being dependent upon light borrowed from neighbouring sites, which could not reasonably be safeguarded or maintained, to the detriment of the amenities of future occupiers, contrary to policies HS.1, BE.15 and BE.16 of the adopted Merton Unitary Development Plan (October 2003).

4.3 01/P2658: CHANGE OF USE FROM PRINT WORK SHOP TO HAND CAR WASH AND CAR VALETING CENTRE – Refused 31/01/2002

Reason 1 - The vehicle flows resulting from the proposed car wash and valeting centre would be likely to compound existing traffic movement problems in Montrose Gardens and generate conflict between vehicles and pedestrians at the point of egress on Upper Green East, detrimental to pedestrian and vehicle safety and the amenities of nearby residential occupiers, contrary to Policies

M.28, M.29 and M.43 of the Adopted Unitary Development Plan (April 1996) and Policies PK.2, PK.3 and LU.3 of the Second Deposit Draft Unitary Development Plan (October 2000).

Reason 2 - The proposed car wash and valeting centre would result in the loss of employment land contrary to Policy W.9 of the Adopted Unitary Development Plan (April 1996) and Policies E.1 and E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).

- 4.4 MER1079/85: USE OF SITE ADJOINING NO 14 MONTROSE GARDENS TO GIVE ACCESS TO ADJOINING PRINTERS WORK. – Granted 10/02/1986
- 4.5 MIT3281 & MIT3281A: USE OF SITE FOR ACCESS TO BAKERY – Granted 27/03/1958
- 4.6 Historic permissions granted 1958 in relation to stables, hay loft and stalls (MIT3286 & MIT3328).
- 4.7 Historic permissions granted in the mid-1950s relating to a covered loading yard, finishing room and stables (MIT2932, MIT2664, MIT2345)
- 4.8 MIT1235: TWO SHOPS WITH FLATS OVER – Granted 27/05/1949
- 37-39 Upper Green East
- 4.12 20/P1933: APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED IN RESPECT OF THE PROPOSED CHANGE OF USE FROM CLASS A1 (SHOP) TO CLASS D2 (ASSEMBLY AND LEISURE). – Prior approval refused 06/08/2020
- Reason - The cumulative floor space of the existing building changing use under Class J exceeds 200 square metres. Therefore, the proposal would conflict with Schedule 2, Part 3, Class J, J.1(b) of the General Permitted Development Order 2015 (as amended), and cannot be considered under the prior approval process. Planning permission would need to be sought.**
- 4.13 16/P4225: RETROSPECTIVE CONSENT FOR THE DISPLAY OF INTERNALLY-ILLUMINATED ATM SURROUND. – Granted advertisement consent 21/12/2016
- 4.14 16/P4222: RETENTION OF ATM – Granted 21/12/2016
- 4.15 87/P0717: ERECTION OF AN INTERNALLY ILLUMINATED FASCIA SIGN AND TWO INTERNALLY ILLUMINATED PROJECTING BOX SIGNS. – Granted 29/06/1987
- 4.16 87/P0402: INSTALLATION OF ALUMINIUM SHOP FRONT. – Granted 20/05/1987
- 4.17 MER1010/68: ILLUMINATED TRANSCOM SIGN. – Granted 13/12/1968
- 4.18 MER1279/73: Two illuminated signs – Granted 11/04/1974

5. CONSULTATION

External

- 5.1 Public consultation was undertaken by way of letters sent to 77 neighbouring properties. Major application site and press notices were displayed and advertised.
- 5.2 6 objections, 2 supports and 1 comment were received to the proposal.

Comments

5.3 The 1 comment received raised the following:

- Increase the pavement width. To enhance the streetscape and provide improved pavement width for users. I hope you will take the opportunity of widening the pavement as much as possible in this area; it is currently quite narrow and is a pinch point, even if the bus stop is moved. To achieve this the front of the new building may need to be set back a little further from the road than is indicated on the proposed plans;
- To reduce the risk of fly tipping and anti-social behaviour. Think carefully about the line and design of the front of the building. The existing building line seems to extend beyond the fronts of adjoining buildings which, at the corners, will present an opportunity for fly tipping etc.

Supports

5.4 The 2 supports raised the following:

- The development will provide much need good quality housing within the area and will replace the poor quality building which currently detracts from the character of the area;

Councillor Geraldine Stanford writes in support, summary of comments as follows:

- This is a welcome development;
- There is long recognised need to attract more quality retail, restaurants and businesses to Mitcham. But, they will only come if they perceive the footfall in the area will ensure they make a reasonable profit, and are reluctant because the sites available are not of sizes/standards that modern businesses require;
- The Rediscover Mitcham scheme sought to increase footfall around the Fair Green. Whilst this has improved the situation for local visitors/residents, it hasn't brought in visitors from further afield. We are hopeful that the new, modern retail/restaurant/business premises proposed will attract more quality providers as it is flexible for use as one large space / adapted to 2 or 3 smaller units;
- Several site visits were held with local councillors, Siobhain McDonagh MP, local organisations, the site owners and architects -who are well known in the borough for providing good quality buildings and are particularly sensitive regarding heritage sites. Following these, the plans have been adjusted: height reduced from 5 storeys to 4, residential units from 28 to 20, design and materials have been slightly adjusted;
- Standard of accommodation is of good quality. Mitcham in dire need of housing, as well as across the borough. With the lack of available sites to build on, we have to look to building up, so I believe the small increase in height proposed is negligible and therefore acceptable.
- PARKING – in view of this planning application, residents in Montrose Gardens are considering applying for a CPZ. Given the site's high PTAL, the development will be car-free. Should Montrose Gardens become a CPZ in the future, we have requested that residents in the development will not be eligible for resident parking permits.
- WASTE COLLECTIONS – proposed to be collected from the rear with access from Montrose Gardens, as some already is. Montrose Gardens is a very narrow cul-de-sac and vehicular access is already difficult, but understand discussions have been held with Veolia and they have assured us that they will not have a problem with this.

- **DESIGN AND MATERIALS** – Concerns have been expressed that the development is not sympathetic with the village style characteristics of the area. But, it is virtually impossible to define any particular characteristic applicable to Mitcham. It was identified as a settlement long before the Roman occupation, and Mitcham, as it was known by the 7th century, was the site of a Saxon settlement. So, the current buildings in the surrounding area reflect a range of styles adopted through many years: from Georgian, Victorian, Edwardian, Art Deco, Mock Tudor, post WW2, 1950/60's Modernism with high-rise blocks, Brutalism, and on to the latter part of the century where a number of generally unsympathetic developments have cropped up that don't really relate to anything.
The architects have made every effort to use materials sympathetic to the surrounding area, with stock brick in the main, and simple, clean lines with vertical lighter stonework connecting balconies and shop fronts. Recessed balcony walls will be lavender mosaic type tiles to reflect light. I would request shop awnings be changed to dark green to continue the historic Mitcham colours.
- **COMMERCIAL UNITS** – At site meetings, some of us were concerned that this space may not be taken up given change in shopping habits, leaving it at risk of being converted to residential. We therefore ask that some kind of condition, if approved, that include a future plan of how the space could be changed if commercial units were not taken up within a certain timescale and they would be converted to residential units of a policy-compliant standard.
- **AFFORDABLE SOCIAL HOUSING** – Following receipt of information concluding that the site would be unable to sustain affordable social housing, whilst disappointing, in the past we have negotiated an agreement with developers, that if the financial situation changes and the profit margins increase in the future, they will offer a “clawback” arrangement to compensate. Request that a similar arrangement be put in place for this application.
- No objections to this planning application, but request that the points made above be considered – namely –
 1. Future residents will not be eligible for residents parking permits if a CPZ is installed in Montrose Gardens.
 2. Change the awnings on the ground floor shop fronts from brown to dark green.
 3. Future plans of the ground floor space to be put forward, in the event of a change of use to residential being applied for.
 4. An agreement that developers will offer a “clawback” arrangement if circumstances change following completion of the development. As compensation for not providing affordable social housing on site.

Objections

A number of objections were submitted by the Mitcham Society and Mitcham Heritage and Cricket Green Community & Heritage group, these respond to the various amendments of the design, which given their nature were not re-consulted. The Architects directly consulted these groups. Their comments are summarised below within paragraphs 5.5 and 5.6.

5.5 The Mitcham Society raised the following concerns: September 2019

- Upper Green East is an important part of the retail centre of Mitcham. Mitcham Society wishes to see no net loss of retail space in any development in Mitcham. The proposal includes ground floor retail space, mindful that plans can incorporate

retail at planning stage and later removed in a non-material amendment to replace space with residential. If development is granted, we would expect Merton Council to apply conditions requiring a) no loss of any retail space in any amendments subsequent to planning permission being granted without a full planning application being submitted b) confirmation of 100% retail occupation before any residential lettings or sales take place;

- The development site borders onto Mitcham Cricket Green Conservation Area. The proposed development would be visible from Three Kings Pond, and its design and overbearing size will detract from the Conservation Area. It is an inappropriately large building for the site, and detrimental to the Conservation Area;
- 4 storeys is too tall for the mid-parade location and presents frontage far too wide in the context of other buildings to its left and right. This location cannot accommodate the proposed height or the proposed wide, unbroken frontage;
- The proposed building is taller than any other on Upper Green East and is completely overbearing in its massing;
- Allowing this planning application will likely open the door to further development proposals being even taller, further degrading Mitcham Town Centre;
- The proposal would be contrary to Merton's draft Local Plan policy N3.2, the proposal development achieves none of the principles of the policy, is detrimental to the public realm and streetscape, and is poor urban design inappropriate for the location;
- Development in Mitcham needs to live up to both Merton Council's aspirations and our own.

November 2019

- Nothing we have seen in the communication with the Architects changes our opinion of this planning application. We still firmly believe this application is entirely unfit for Mitcham Village in terms of its height, density, relationship to locally listed buildings and effect on the adjacent conservation area – which is detrimental;
- Mitcham Village requires development which is more village-like and rural in scale and design, any development on this plot must be subservient to all other buildings in the same parade;
- Development will be visible from Three Kings Pond;
- Fair Green has some distinctive Victorian and 1930s buildings, it is disingenuous and lazy to fall back to playing the 'Georgian card'. Moreover, a 4 storey block style building is not compatible Georgian or otherwise;
- Lavender motif/mosaic panels, referring to Mitcham's lavender related history is too frequently wheeled out, unclear how these details highlight residential and does not mitigate concerns about height, massing and extensive frontage;
- Unsatisfied with the absence of any affordable housing.

February 2020

- Unbroken horizontal white band between the retail and residential aspects creates a new visual intrusion into the streetscape;
- Massed mosaic adds to the confusion of materials and colours and bears no relationship to its surrounds;
- Form and massing is unchanged, all comments in 2 previous representations still stand.

5.6 The Mitcham Cricket Green Community & Heritage raised the following concerns:
September 2019

- We support representations made by the Mitcham Society;
- Redevelopment in central Mitcham should respect its village character and draw on its rich history, regret that the current proposals do neither;

- Object to the planning application because its height and bulk will impact negatively on the visual relationship between Fair Green and Mitcham Cricket Green Conservation Area along Upper Green East and Commonside West, including both the Listed buildings and the open space that begins at Three Kings Pond;
- Excessive height, scale and mass that is inappropriate to central Mitcham's townscape and lacks nearby precedent;
- Proposals present misleading information on the relationship with the height of the adjacent bank building;
- Lack of detail in the proposed retail uses, no guarantee that these will not be subject to future proposals to convert to residential use;
- Lack of attention to the relationship with potential development at the rear of bank;
- Proposals fail to resolve the degraded public realm in Regal Court;
- Lack of affordable housing.

November 2019

- Proposed changes do not address the fundamental issues relating to the new developments height and bulk;
- The development would be visible from Three Kings Pond and would have a significant negative impact on views from the Conservation Area, presenting a bland and incongruous elevation;
- Concerned by the implication that adding lavender mosaic tiles to "reflect Mitcham's history" is an appropriate design response, this design response fails to draw inspiration of authentic design details in the local area;

January 2020

- Do not support the proposed change to the front elevation of the scheme to introduce a bold, white, horizontal band as a "commercial canopy" above the retail units. This serves only to emphasise the bulk of the new building and is more intrusive to the streetscape;
- Concerned by the continuing bland and incongruous side elevation toward the Conservation Area;
- Comments in 2 previous representations still stand.

5.7 Other objections are summarised as below:

- Inappropriate height of the development, adding another floor over and above anything else in the current streetscene. The solid 'block' of the building towards the rear would be apparent from a distance, adding to its overpowering feel;
- No architectural merit in the design shown at all, presents a monolith of an awful order, drab and boring/uniform in colour which will stick out like a sore thumb;
- Mitcham presents a variety and diversity of different architectural styles, the opportunity here is for striking originality and individuality. Instead, the proposed replacement building is destroying the fabric of Mitcham;
- Lack of affordable housing;
- Although welcome to the existing buildings being demolished, 4 storey replacement is not in keeping with neighbouring buildings and would dominate Mitcham Town Centre. 2 storeys would be welcome;
- Impact light toward residents on Montrose Gardens;
- Ugly, far too high and brutalist construction;
- The proposal aims to use the historical ambience of the site, but at the same time destroying it;
- Does not object to the principle of the site being redeveloped and recognises the proposal will contribute provision of housing within the borough and improve the streetscene, but objects to the current design and layout. The north elevation contains 2 large openings on the first and second floors, external walkways with

window openings, these openings would significantly restrict the full development potential of the adjoining site and viability of any neighbouring redevelopment.

- 5.8 GLAAS. Archaeology – Following review of the archaeological desk-based assessment (CGMS, June 2019), it is clear that there is some potential for archaeological remains to survive on the site. An archaeological evaluation is recommended to test for the survival of archaeological remains.

I have looked at this proposal and at the Greater London Historic Environment Record. I advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. I therefore recommend conditions to be attached.

- 5.9 Design Review Panel – During the pre-application stage, the scheme was put forward to the Design Review Panel on 22nd November 2018. Notes from the meeting:

The Panel noted the important and prominent location of the site. In finding an appropriate contextual cues, it was suggested that the character of the space of Fair Green was possibly more important than the buildings surrounding it, as most did not stand out as being of architectural note. It was felt that this character was mostly based on narrow plot widths and strong vertical frontages. The proposed building did not do this, being clearly a single building with a stronger horizontal emphasis.

There were a number of aspects of the design that were creating this. This included the positioning and varied projection of the balconies and not continuing the ground level vertical columns through the rest of the elevation in some manner. The Panel recommended that the building needed greater vertical emphasis and that it should perhaps appear as two or more separate buildings of different heights, but with a strong vertical form reflecting the four individual plots.

In terms of height the Panel felt that the site was over developed, and particularly at the rear, where it could prejudice redevelopment of the Barclays Bank site. Building right to the edge of the site did not help in this. This was particularly evident regarding the small north-facing light-wells to bedrooms. With further development to the north would lead to even poorer light levels to bedrooms. A reciprocal development on the Barclays site needed to be imagined which worked in this respect and it was unlikely that 5 storeys would work. There was some suggestion that 2 storeys was appropriate for the rear in order to have an acceptable impact on Regal Court and not prejudice development of Barclays.

The Panel were concerned about the overbearing effect the building would have on the already stark space of Regal Court. This also included short distances between buildings and front/back issues regarding privacy. There was also particular concern about the quality of the main entrance to the building from the side alley – which felt like a service yard. It was felt it was not sufficiently prominent or overlooked and was cramped internally. It was suggested that it form part of an active frontage facing directly on to Fair Green, which could also help break up this frontage better.

The alley to Regal Court was a general concern, especially that it was unlikely to be able to gate it. The potential for anti-social behaviour needed to be better designed out in terms of the elevation as well. The projecting vertical elements dividing up the ground floor provided places for concealment, as did the kink back to the elevation of Barclays Bank, and the building should be set back to be in line with it to smoothly continue the building line. This would also widen the footway and create more 'dwell time' for pedestrians and shoppers.

The Panel felt that putting the bins to the rear was appropriate. The access to the upper communal terrace could be simplified. The internal communal amenity space was welcomed in principle but was felt that it was small and would be heavily overshadowed and might not be a pleasant space. The Panel also noted that the rights of light study had not yet been done and that this may point towards a different approach for the rear of the site. The Panel also asked about the ration of unit sizes, how they related to council policy and whether disabled units required parking spaces.

Verdict: AMBER

Internal

5.10 **Urban Design officer –**

Townscape analysis: There is a distinctive difference between approaches from the east and west, compared to those from the north and south, when entering Fair Green.

From the north and south – that is, from London Road, the Green is entered abruptly and a wide, though not long, vista is opened out, creating corners on the built form as it does so. These are visible across the Green from each side, and these are appropriate and logical positions to position local landmark buildings. Indeed, this is where some are found. For example, the Kings Head PH to the north, and Fair Green Parade to the south. There is scope to improve and strengthen this townscape with future development, notably at Poundland at Nos. 1-3 Majestic Way and Poundstore at No. 1 Upper Green East. To the south Sahana at No. 225 London Road turns the corner positively but has no real flank elevation presenting itself to the Green, which is partly covered by large advertising hoardings.

From the east and west – the townscape experience is distinctively different, with a more gentle form. Here the Green opens out gently and gradually, rather than abruptly. This presents a long view and emerging vista. This is not of landmarks but of rows of individual buildings making up a collective, linear built form that gives shape, scale and enclosure to the Green (black zig-zags on plan). The key component of this form is the small and narrow plot widths that collectively consist of different buildings of slightly different appearance and heights. It is a canvas of buildings that creates a strong frontage as one moves through the Green eastwards or westwards (though it is particularly apparent going eastwards, where the application site is located). These frontages are complemented on the south side of the green as well, though just less visible than those on the north side.

Most notably at the eastern end the north and south frontages (or edges) to the Green narrow back again (having moved through the open space) to a pinch-point near the junction with Clarendon Grove, before opening out again onto Three Kings Piece (around the pond) and into Mitcham Common. If there is any justification in townscape terms in this part of the Green, it is at this pinch point – though this is not necessary – but certainly not at the location of the application site, as the form itself creates a clear sense of 'here and there'.

The result of the failure to properly understand the site's correct place, setting and purpose in the Green has led to an inappropriate architectural solution. This is shown by the insistence of the bowed out frontage – like a 'puffed out' chest trying to draw attention to itself, and the mirrored symmetrical form of the building, rather than it making any attempt to give a visual reference in the elevation of the four historic plots on which it is situated. Indeed, although the internal arrangement of the ground floor is loosely divided into four, this is not reflected in the exterior, which is divided up further and very fragmented in this form.

Frontage analysis: The applicant's frontage analysis is fundamentally flawed and simply incorrect. However, what the applicant does is to identify the existing historic plot widths for the buildings either side of the site, then totally ignore them for the application site. The drawing for some reason divides the site up into six (red dotted lines), where there is no precedent for this – the number just seems to be plucked randomly from mid-air. The analysis of historical maps does not indicate a division into six (and the plans shown are not sufficiently detailed for this anyway) whichever era is viewed.

The lower of the two plans shows the applicants proposal superimposed in the frontage elevation. Here the proposed building is now based on dividing the site up into eight sections. Furthermore, the building form itself bears no relation to these divisors either. This begs the question of the purpose of this analysis that seems contrived to justify the elevation design but yet fails even to do this.

What the analysis should show is the site divided into four, as this, by virtue of the addresses (which in this case are based on the historic plot divisions – there being no other historical reference). These notes show this superimposed on the applicant's plans – black for those used by the applicant and purple for where the other divisors should be. The elevation should be based on this fundamental base in order for it to produce a building that fits into the wider frontage and its importance as demonstrated by the townscape analysis.

Building design frontage: Based on the analysis above, the approach needs to be of a built form that 'fits in' with the long collective linear frontage. This clearly implies a simple form of elevation that is based on proportions that emphasise the vertical form of the four plot widths. It also implies a relatively flat plane of building – similar to Georgian/early Victorian forms. Too much fragmentation of form will draw attention unduly to the building and make it stand out. Too many planes of elevation and it will appear chunky and not human in scale.

Unfortunately, this is exactly what the building form does. It is composed of large format protruding and recessed built elements through which an over-chunky and large retail signage fascia has been overlaid. Balconies need to be dealt with within an overall building envelope or sited to the rear. They also need to have solid balustrades to hide personal belongings. Traditional format shop-fronts with appropriate human scale proportions are also necessary. The resultant effect is a very chunky series of forms that has no human scale elements. This visually intrudes into Fair Green in an entirely unacceptable manner and is very unconstrained. A far simpler form is required. The architecture appears designed to be viewed from a fast moving vehicle from a distance, rather than having the richness, simplicity and human scale necessary in a small urban green.

Key guiding elements:

- Divide building clearly into four units

- Strong vertical emphasis by dividing frontage into four, backed up by window arrangements
- Secondary horizontal emphasis
- Separate shopfronts
- Clear and generous residential entrance with convenient cycle access
- Potential for direct access stairs to 'flats above shops'
- Simple built form limiting planes of elevation
- Keep balconies within the building envelope to preserve a single plane of elevation or relocate to rear
- In plan, do not 'bow out' elevation but curve gently with four straight elevations on slightly changing alignments – this will help with the vertical emphasis

The comments provided above respond to an earlier version of the scheme from January 2020. Since then, the following amendments have been carried out to address these comments:

Externally

- Removal of the singular bold, horizontal shop front signage across the front elevation. Shop fronts divided to provide 4 areas of shop signage;
- 4 brick piers of the upper levels continued through to the ground floor level to provide vertical emphasis.

Internally

- On the ground floor, the residential cycle store and bin store have been swapped to group the bins closer to the waste collection point and cycle stores toward the entrance;
- At the entrance of the residential units, an enlarged 'matwell' area proposed removing the secondary entrance door providing a more spacious entrance area, would also allow residents to easily manoeuvre with bicycles.

More details are provided on the amendments made to the January 2020 scheme within paragraph 7.3.4, and the impact of these amendments to the design described from paragraph 7.3.9 onwards.

5.11 Transport officer –

The site is not located within a Controlled Parking Zone and consequently the surrounding streets do not contain parking restrictions.

Access: Development has direct frontage to Upper Green East. The main pedestrian access will be directly from Upper Green East. The commercial service access will be directly from Montrose Gardens located north of the development site, which leads to the bin stores and bicycle stores for the residential and commercial uses (as per the existing situation).

PTAL: The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities afforded by the district centre.

Trip Generation: Based on the TRICS trip rates the proposed development is predicted to generate no additional car movements in the morning peak hour and an increase of 9 car movements in the evening peak hour. The low level of trip generation is expected to result in a negligible effect on the adjoining highway network and will therefore have no material impact on parking, capacity or safety.

The existing development is predicted to generate 4 LGV movement in the morning peak hour and 2 LGV movements in the evening peak hour, whereas no service vehicle movements are anticipated for the proposed development in the peak hours. Therefore there would be no material impact resulting from the vehicle movements generated by the proposed development, and the applicant has concluded that it is unnecessary to assess the impact on the road network.

Car Parking: The proposal does not provide on-site parking for the residential units. Permit free option would be acceptable subject to the applicant enters into a Unilateral Undertaking, which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.

Disabled Parking Provision – Residential: Policy T6.1 (draft London Plan): Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

- 1) Ensure that at least one designated disabled persons parking bay per dwelling for 3% of dwellings is available from the outset.
- 2) Demonstrate on plan and as part of the Car Parking Design and Management Plan, how the remaining bays to a total of 1% dwelling for 10% of dwellings can be requested and provided when required as designated disabled persons parking in the future. If disabled persons parking provision is not sufficient, spaces should be provided when needed either upon first occupation of the development or in the future.

Disabled Parking Provision – Commercial: All non-residential elements of a development should provide at least one on or off-site disabled persons parking bay. The proposal does not provide off street disabled parking provision.

To satisfy the above disabled parking provision for both Residential and commercial units the applicant to bear the cost of two of street disabled parking spaces (location to be decided by the highway authority). The Council will therefore seek a financial contribution of £20,000 for the provision of 2 disabled persons, which should have electric charge points.

Cycle Parking Standard: 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. The proposed residential units comprises 17x one bed units and 3 x 2 bed units. In order to meet the standards, set out in the London Plan, the proposal should provide 23 long term cycle parking spaces for residential units. The submitted plans show 24 cycle spaces, this would satisfy the London Plan standards.

Commercial cycle parking: Cycle parking for A3 use should be 1 cycle parking space per 175m² for long stay purposes and 1 cycle parking space per 40m² for short stay. This amounts to a need for 2 long stay and 12 short stay cycle spaces for the A3 unit (463m²). 6 no. cycle spaces are shown next to the staff room behind the lockers. The 12 no. short stay visitor spaces should be located to the front of the Commercial units.

Refuse: Waste collection points should be located within 30 metres of residential units and within 10 metres of collection vehicles.

Car Club membership: Each residential unit should be provided with a 3 year car club membership funded by the developer.

Recommendation: The proposal is unlikely to have a significant impact on the adjoining highway. Therefore, raise no objection subject to:

- Condition requiring cycle parking provision.
- Financial contribution for provision of disabled bays with electric charging points (£20,000).
- Unilateral undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement”.
- 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.

- 5.12 Climate Change – Following provision of further information requested by the Council’s Climate Change officer, the evidence is now considered consistent with meeting the GLA and Merton’s Climate Change policies.

Pre-occupation conditions have been recommended in relation to the carbon emissions and internal water consumption of the development, and a S106 agreement would be required for the carbon offset cash in lieu contribution prior to planning approval. The cash in lieu contribution will be collected according to the methodology outlined in the Mayor’s Energy Assessment Guidance 2018.

- 5.13 Environmental Health – No overall objections but would recommend the inclusion of certain conditions to protect the future and existing residents in the area.

And should the use classes A3 and/or A5 be implemented, additional conditions are also recommended to ensure the control of odour and drainage serving the commercial part of the premises.

- 5.14 Waste services – The developer should confirm that measures will be in place to move the communal bins on collection day to the collection point, and whether the applicant has permission to store bins at the collection point from 6am on collection day.

The collection crew will only pick up bins from the collection point as stated by the developer on the collection day and this will include the food waste.

- 5.15 Met Police - Secure by Design – Various security measures recommended to enable the building to achieve Secure by Design Accreditation. A two part condition has been recommended by the Designing out Crime officer to be attached to the grant of planning permission.

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2019):

Part 5 Delivering a sufficient supply of homes
Part 6 Building a strong, competitive economy
Part 7 Ensuring the vitality of town centres
Part 9 Promoting sustainable transport
Part 11 Making effective use of land
Part 12 Achieving well-designed places

Part 14 Meeting the challenge of climate change, flooding and coastal change
Part 16 Conserving and enhancing the historic environment

- 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
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing
 - 3.13 Affordable housing thresholds
 - 4.1 Developing London's economy
 - 4.7 Retail and town centre development
 - 4.8 Supporting a successful and diverse retail sector and related facilities and services
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.7 Renewable energy
 - 5.9 Overheating and cooling
 - 5.10 Urban greening
 - 5.13 Sustainable drainage
 - 5.17 Waste Capacity
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.11 Smoothing traffic flow and easing congestion
 - 6.13 Parking
 - 7.2 An Inclusive environment
 - 7.3 Designing out crime
 - 7.4 Local character
 - 7.5 Public realm
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 8.2 Planning obligations
 - 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 D4 Managing heritage assets
 - DM D7 Shop front design and signage
 - EM EP2 Reducing and mitigating noise
 - DM H2 Housing mix
 - DM H3 Support for affordable housing
 - DM R1 Location and scale of development in Merton's town centres and neighbourhood parades
 - DM R4 Protection of shopping facilities within designated shopping frontages
 - 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 2 Mitcham sub-area
 CS 7 Centres
 CS 8 Housing choice
 CS 9 Housing provision
 CS 12 Economic development
 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
 Accessible London SPG – October 2014
 London Housing SPG 2016
 Technical Housing standards – nationally described space standards 2015
 Affordable Housing and Viability SPG – August 2017
 Merton’s Waste and Recycling Storage Requirements – For Commercial and Residential Premises in the London Borough of Merton

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
 - Affordable housing
 - Other matters
 - Developer contributions

7.2 PRINCIPLE OF DEVELOPMENT

Increase of residential development

- 7.2.1 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.
- 7.2.2 The emerging London Plan, now accorded moderate weight in recent appeal decisions issued by the Secretary of State, and anticipated to be adopted in the coming months, will signal the need for a step change in the delivery of housing in Merton. Table 3.1 of the London Plan identifies that LBM has an annual housing target of 411 units, or 4,107 over the next ten years. However, this minimum target is set to increase significantly to 918 set out in the ‘London Plan Examination in Public Panel Report Appendix: Panel Recommendations October 2019’, and which is expected to be adopted later this year.
- 7.2.3 Policy H1 ‘Increasing housing supply’ (Draft London Plan Policy) and Table 4.1 of the draft London Plan sets Merton a ten-year housing completion target of 13,280 units

between 2019/20 and 2028/29 (increased from the existing 10-year target of 4,107 in the current London Plan). However, following the Examination in Public (mentioned above) this figure of 13,280 has been reduced to 9,180.

7.2.4 Merton's latest Annual Monitoring Report 2018/19 concludes that:

- In the years 2011-2016, 2,573 new homes were delivered which is 52% over the target;
- For the years 2021-26, the provision of additional homes is projected at 3,269 new homes, 59% over the target;
- All of the home completions this financial year were on small sites of less than 0.25 hectares in size. All of the schemes except one delivered 10 homes or fewer, with one scheme of 11 homes;
- Merton has always exceeded the London Plan housing target, apart from 2009/10 and this year 2018/19.

7.2.5 But, with the anticipated increased annual target of 918 units in the draft London Plan (paragraph 7.2.3), this will prove considerably more challenging and will require a step change in housing delivery within Merton. So against this background, officers consider that an increased number residential dwellings are welcomed.

Town centre uses

7.2.6 Merton Core Strategy Policy CS 2 seeks to improve the overall environment of Mitcham town centre by providing quality shopping, housing, community facilities and good transport links. By, creating a viable town centre through improving the quality of commercial, retail, residential and community uses; improving the quality and mix of homes including affordable and private housing and enhancing the public realm through high quality urban design and architecture, improvements to shop fronts, public spaces and connectivity to the town centre.

7.2.7 Policy DM R1 seeks to protect the viability and character of Merton's town centres and neighbourhood parades whilst ensuring that there are a wide range of town centre type uses to meet the everyday needs of Merton's residents.

7.2.8 Whilst the proposal would entail demolition of the existing 2 buildings and removal of their commercial premises, the replacement mixed used building will propose similarly appropriate uses reflecting the above policy objectives of retaining commercial viability and vitality of the Town Centre and its shopping frontages. The enlarged ground floor commercial premises will provide a unit of flexible use (A1, A2, A3, A5, B1 or D1), to hopefully be occupied by a single retail user but with potential of splitting into smaller units if required to allow for multiple occupiers.

7.2.9 The proposed use of the development will continue to deliver a commercial space within the building to offer services and shopping opportunities for Mitcham while also responding to the need for increased housing delivery through the intensification of the site.

7.2.10 However, whilst the proposed re-development of the site is considered acceptable with its increased intensification to introduce a larger commercial premises and increased number of residential units, the development scheme is also subject to all other planning considerations being equally fulfilled and compliant with the policies referred to in Section 6.

Housing mix

- 7.2.11 Policy DM H2 of Merton's Sites and Policies Plan requires development to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. Residential development proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix. Policy 3.8 of the London Plan requires new developments offer a genuine choice of homes that Londoners can afford and which meet their requirements for different sizes and types of dwellings in the highest quality environment.
- 7.2.12 The scheme provides the following unit mix:
- 17 x 1-bed units (85%)
 - 3 x 2-bed units (15%)
- 7.2.13 The proposals would deviate from the indicative housing mix set out in the Sites and Policies Plan which envisages a broadly equal split between 1, 2 and 3 bedroom (and larger) units. This mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment (SHMA 2010). Further work is being undertaken as part of the preparation of a new local plan. Merton's Strategic Housing Needs (Market) Assessment was published in July 2019.
- 7.2.14 Mitcham has the highest percentage of 3 bedroom houses than the borough average (based on 2011 census data) and so, an assessment is required as to whether a focus on smaller units would be harmful to the area and whether by focusing on smaller units the development fulfils other planning objectives such as optimising housing output.
- 7.2.15 The site is within the centre of the Mitcham Town Centre, an area of high public transport accessibility, so greatly attractive to those needing to regularly commute and can rely less on the use of cars. Furthermore, the site fronts onto the high street with limited space to deliver gardens which would be expected for a more traditional family dwelling setting, accommodation for families are also more attractive with the provision of car parking facilities.
- 7.2.16 So, whilst the proposal of only smaller units would not strictly adhere to the indicative borough mix set out above, the proposed housing mix would in fact respond realistically to the characteristics of the site and its location whilst still promoting policy objectives of Policies 3.8 and 3.9 of the London Plan. Therefore, officers consider that the proposed housing mix would be acceptable in this instance.

7.3 CHARACTER AND APPEARANCE

- 7.3.1 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 as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.3.2 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.

7.3.3 Alterations from the initially submitted scheme to the present proposal:

- Communal amenity area and external walkway opened up on the first floor to provide clear access between the spaces;
- Flat 1 and 2's terraces separated to provide better privacy, and an increased green roof area provided;
- External walkways on second and third floor to reduce conflict with planters and to provide improved accessible access;
- Plant room introduced to third floor, accessed from the lobby/lift area.

7.3.4 Comments set out in Section 5 by the Urban Design officer relate to an earlier version of the scheme from January 2020. Since then, the following amendments have also been carried out to address comments by officers:

Externally

- Removal of the singular bold, horizontal shop front signage across the front elevation. Shop fronts divided to provide 4 areas of shop signage;
- 4 brick piers of the upper levels continued through to the ground floor level to provide vertical emphasis.

Internally

- On the ground floor, the residential cycle store and bin store have been swapped to group the bins closer to the waste collection point, and provide a doorway between the refuse and cycle areas which would also assist with better containing i.e. smells;
- At the entrance of the residential units, an enlarged 'matwell' area proposed removing the secondary entrance door providing a more spacious entrance area, would also allow residents to easily manoeuvre with bicycles;
- Increased planters outside the kitchen windows of the flats toward the western end of the building, providing an increased defensible space from the communal amenity area/walkways;
- Terrace of Flat 1. Reduced balustrade on southern end to provide better light and outlook;
- Terrace of Flats 2 and 10. Increased depth and reduced balustrade on southern end to provide better light and outlook;
- Terrace and bedroom window of Flat 3 amended to provide better privacy.

7.3.5 The existing buildings are not identified as those of particular architectural or historical interest within the Town Centre and the quality of the buildings are also noticeably in poor condition, therefore their loss is not considered to be detrimental to the Town Centre or Upper Green East streetscene.

7.3.6 The comments provided by the Design Review Panel in paragraph 5.9 relate to a building of 5 storeys toward the front and rear. The design has since evolved, the proposed height toward the streetscene would exhibit 4 storeys stepping down to 2 and 3 storeys at the rear. The variation in height is considered acceptable as this fragments the building form so that it better responds to its surrounding dwellings, rather than being viewed as a singular building block.

- 7.3.7 Viewed from the streetscene, the 1 storey increase from adjoining 29-31 Upper Green East is not considered dominant nor the 2 storey increase from number 41 – which is set back by around 4m. The rear would step down to 3 storeys, matching the roof ridge of the Regal Court buildings, and toward the southern boundary steps down to 2 storeys responding to 41 Upper Green East.
- 7.3.8 Toward the adjoining site, the design at the pre-application stage proposed a number of north-facing lightwells serving bedrooms (as mentioned in paragraph 5.9), therefore, it was considered future development would lead to even poorer light levels and outlook to the bedrooms if it enclosed these lightwells. Here, the design has been re-configured to feature external walkways along the boundary elevation. If future development were to build along the boundary (though noted not currently any intentions to do so), it is not considered the flats accessed from the external walkway would be negatively impacted. The windows of these 4 flats serve bathrooms and secondary bedroom windows, but toward the south these bedrooms would benefit from a larger window with access to an external terrace.
- 7.3.9 The Urban Design officer's comments set out that the applicant has identified the existing historical plot widths for the buildings either side of the site, but this is not clearly shown in the proposed design on the application site. The design presented at the pre-application stage also failed to correctly identify this, "being clearly a single building with a stronger horizontal emphasis".
- 7.3.10 Initially submitted, the design of the vertical columns and shop fronts retained the idea of presenting a singular building form. With the shopping frontage clearly presented for a single retail user rather than one which reflected the plot widths of area and where potential division could be accommodated if occupied by multiple users. The design which the Urban Design officer commented presented a scheme with a bold single horizontal panel tying all the shop fronts and breaking the connection of the ground floor with the upper levels, thereby losing any sense of verticality and departing from the surrounding shopping frontage and sense of narrower plot widths.
- 7.3.11 However, the design has been amended since, with a further supplementary Design and Access statement submitted setting out:
"It is important that the ground floor has symmetry and unity for the following reasons:
- The ground floor commercial use is intended to be let to a single, key anchor operator who can help revitalise Mitcham Town Centre. A commercial operator will want a good presence on the Green and maximum visibility.
 - Although, over the lifetime of the building, the frontage could still be let as three separate shops, this is a not the primary intention, but a fall back position to increase the economic sustainability and robustness of the development".
- 7.3.12 Officers consider the site should not present a singular building toward the streetscene in order to respect the existing plot widths and continue the rhythm of frontages along the Town Centre. It is noted that the proposed building design has intentions of creating a commercial premises to accommodate and attract a large single retail user, but, whilst this may be the intention of the future shop use, the external design needs to be better executed to ensure whilst it delivers the architect's vision of symmetry, this should not be its central focus as it wrongly steers the building to be viewed as a singular form which detaches itself from the pattern of the neighbouring buildings and frontages.
- 7.3.13 Therefore, the amended design has removed the single horizontal signage band, which was shown in the January 2020 plans and was described as "over-chunky", and

divides the elevation into 4 potential frontages by re-connecting the vertical piers with those on the ground floor, carefully selecting those equidistance from each other. The pattern of vertical columns currently proposed also differ from those in the original design submitted in 2019, those vertical columns were more consistent throughout the frontage and designed to emphasise symmetry, and created more fragmented signage areas which strongly highlighted a central entrance feature for a single shop.

- 7.3.14 The vertical columns in the current proposal are more prominently 4 piers, showing 4 potential shop frontages. So, whilst the design remains with a slight bowed projection and a central entrance door, the division of the front elevation with 4 regular brick piers ensures there is appropriate verticality which allows viewing of the building as different columned elements – a darker engineering brick between the more prominent main brick piers subtly sets itself apart from the dividing columns so that it would be viewed as 4 parts. As justified in the applicant’s supplementary design and access statement: “The vertical division of the frontage into four, and mirror-imaging balcony positions means that the building will be read as four distinct vertical elements and at the same time have a sense of unity, especially at ground level, to enhance the prominence of the commercial use and contribute to economic sustainability”.
- 7.3.15 The materials and colours introduced, through lavender render, lavender mosaic tiles and variations of brick throughout the building assist to create depth and animation, and the render and tiles assist to emphasise the vertical elements.
- 7.3.16 The proposed building would be visible approaching from the south-east, Three Kings Pond within Mitcham Cricket Green Conservation Area. Whilst the building presents some bow forward at its centre, it is noted the existing building does step forward from its neighbouring buildings lines, but the proposal has reduced this - thereby providing a public benefit of an increased pedestrian pathway. The side elevation stepping forward of 41 Upper Green East and 2 storey flank elevation projecting above 41 (as seen in proposed visualisation 718/ 051 P4) would not be so visually dominant so as to negatively impact views from or toward the Conservation area. The impact would be considered neutral as the building is adequately set back from the border of Mitcham Cricket Green, and the step up is a natural incline as well as being predominantly screened by its foreground buildings so as to preserve the appearance of the Conservation Area.

7.4 NEIGHBOURING AMENITY

- 7.4.1 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.

29-31 Upper Green East

- 7.4.2 Adjoining north of the application site is 29-31 Upper Green East, a flat roof building of 3 storeys toward the streetscene and a flat roof single storey element toward the rear (around 13m in depth) with a hard standing car park area. The ground floor premises serves as Barclays bank, and the upper levels contain 3 residential units. The height of the building is 10.5m, there is a staircore projection on the roof at a further 2m height.
- 7.4.3 From the streetscene, the proposed building would be a storey taller than the adjoining building at 12.8m, so 2.3m higher (0.8m measured from the neighbour’s staircore projection). At the rear, the proposed building would project the depth of the site. Whilst it is noted the rear windows of the adjoining building would experience screening of view and light from the southern direction, the proposed building would exhibit a

variation of heights (around 6-9m, measured above the neighbour's single storey element) as it steps down to 3 storeys at the rear, and at 13.1m depth (the depth of the neighbour's single storey element), the building would exhibit openings for the external walkways of the first and second floor levels.

- 7.4.4 Given the positioning of the adjoining neighbour's building being at the end of the terrace, the rear windows would still benefit from adequate outlook and light from the north – and, whilst not currently proposed, the potential of future development at the rear of the adjoining property would benefit from attaching to the areas of plain elevations of the proposed building, and as mentioned under paragraph 7.3.8, the closing of the neighbouring external walkways would not be considered harmful to the amenity of those affected flats.

41 Upper Green East

- 7.4.5 The southern adjacent building is a 2 storey flat roof building with a single storey ground floor extension, the existing building and rear extension cover the entirety of the site. On the side elevation, there is one upper window present serving a kitchen (shown on dwg 718/011 P4), the ground floor comprises a window display for the ground floor retail area and an access door. The building is 6.9m tall.

- 7.4.6 The proposed 4 storey building would project around 3.5m deeper than the rear building line of number 41's main 2 storey building, before stepping down to a 2 storey height. However, given the neighbour's buildings cover the entirety of their site with no habitable windows on their northern elevation, it is not considered the proposed building would negatively impact number 41's amenity. The introduction of windows on the southern elevation of the proposed building would not invite overlooking toward number 41, but would increase natural surveillance over the access path which is considered beneficial for the safety and security of residents walking into Regal Court.

Regal Court

1-4 Regal Court (western side)

- 7.4.7 Whilst there would be a vehicular access path, around 3.5 distance, separating the Flat 8's first floor bedroom window and Flat 16's second floor terrace, it is noted there would be some experience of overlooking toward the gardens of 1 and 2 Regal Court. Therefore, to fully ensure privacy of these gardens, a condition would be attached to ensure the window would be obscure glazed up to 1.7m from the internal floor level and increased height of the part of the terrace balustrade on the southern elevation to also mitigate overlooking.

- 7.4.8 Given the orientation of the buildings, the existing gardens of 1 and 2 Regal Court receive little sunlight in the early mornings and mostly sit in shade in the afternoons. And, given the proximity of the extension at the rear of 41 Upper Green East (built up to the boundary), the gardens of numbers 1 and 2 Regal Court also currently experience limited outlook.

- 7.4.9 Toward the southern rear elevation of the proposed development, it is noted the building adjacent to the western Regal Court terraces would step down from 4 storeys to 2 –noted this would be an addition of 1 storey from the existing situation, around 4m increase in height. However, it is not considered the proposed 2 storey building height toward these rear gardens would increase the shading of light or screening of outlook to such a degree which to warrant refusal given there is some appropriate separation provided by the vehicular access path and their garden positions south of the proposed development.

5-10 Regal Court (eastern side)

- 7.4.10 Toward the northern rear end, the proposed building would step down to a 3 storey height of 10m – 0.25m shorter than the ridge height of the buildings on Regal Court or 4m higher the eaves height of the Regal Court buildings. The first and second floor levels of the building toward the rear south-eastern corner (Flats 1,2/ 9,10), adjacent to 10 Regal court, the side elevation of the building would be set back 5.6m from 10 Regal Court, and the eastern elevation approximately 7m from the front elevation of 10 Regal Court.
- 7.4.11 The terrace of Flats 1 and 2 would be set back approximately 6m from the closest first floor window of 10 Regal Court, Flat 2 would also exhibit a 1.8m obscure screen toward the rear elevation to mitigate overlooking. The terraces of Flats 9 and 10 would be at a storey higher than 10 Regal Court so there would unlikely be potential of views into the neighbouring dwelling – though a 1.8m obscure screen has been proposed toward the rear elevation of Flat's 10 terrace.
- 7.4.12 The communal amenity area would be set back around 19m from the front building line of the properties on Regal Court. A 1.8m obscure screen would also border the rear of the amenity area to prevent views.

Montrose Gardens

- 7.4.13 Currently, toward the western boundary of the application site facing 14 Montrose Gardens are the two storey former works buildings, and immediately along the boundary a full depth single storey structure with a corrugated metal roof.
- 7.4.14 The proposed development would remove the single storey building along the boundary and introduce a visible separation between Montrose Gardens and the application site. Therefore, the proposed 3 storey building would be set back from the neighbouring dwelling by approximately 3m, and the proposed building would be 1.4m taller than the terrace buildings on Montrose Gardens. Impact in terms of light and outlook would not be considered significantly harmful.
- 7.4.15 The bedrooms windows on the rear elevation serving Flats 1 and 9 would be orientated looking over the rear extensions of the properties on Montrose Gardens, and the terraces of Flats 1 and 9 would be set back 5.4m from 14 Montrose Gardens. Given these setbacks and the window orientation, it is not considered these would have a detrimental impact in terms of overlooking.

7.5 STANDARD OF ACCOMODATION

Internal

- 7.5.1 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.

	Level	Type	Storeys	Proposed GIA (sqm)	Required GIA (sqm)	Complaint
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Unit 1	First	1b2p	1	51.6	50	Yes
Unit 2	First	1b2p	1	51	50	Yes
Unit 3	First	1b2p	1	60	50	Yes
Unit 4	First	1b2p	1	52	50	Yes
Unit 5	First	1b2p	1	53	50	Yes
Unit 6	First	1b2p	1	53	50	Yes
Unit 7	First	2b3p	1	68	61	Yes
Unit 8	First	1b2p	1	51	50	Yes
Unit 9	Second	1b2p	1	51.6	50	Yes
Unit 10	Second	1b2p	1	52	50	Yes
Unit 11	Second	1b2p	1	53	50	Yes
Unit 12	Second	1b2p	1	52	50	Yes
Unit 13	Second	1b2p	1	53	50	Yes
Unit 14	Second	1b2p	1	53	50	Yes
Unit 15	Second	2b3p	1	68	61	Yes
Unit 16	Second	1b1p	1	37.9	37	Yes
Unit 17	Third	1b2p	1	52	50	Yes
Unit 18	Third	1b2p	1	53	50	Yes
Unit 19	Third	1b2p	1	53	50	Yes
Unit 20	Third	2b3p	1	68	61	Yes

7.5.2 As demonstrated by the table above, all the units would comply with the minimum space standards.

7.5.3 The design achieves dual aspects for all the residential units.

External

7.5.4 For flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings, specified in the Mayor's Housing Supplementary Planning Guidance, and an extra 1 sqm should be provided for each additional occupant.

	Type	Proposed amenity (sqm)	Required amenity (sqm)	Compliant
Unit 1	1b2p	12.9	5	Yes
Unit 2	1b2p	7.6	5	Yes
Unit 3	1b2p	13.7	5	Yes
Unit 4	1b2p	5.6	5	Yes
Unit 5	1b2p	5	5	Yes
Unit 6	1b2p	5	5	Yes
Unit 7	2b3p	6.1	6	Yes
Unit 8	1b2p	7.1	5	Yes
Unit 9	1b2p	12.9	5	Yes
Unit 10	1b2p	7.6	5	Yes
Unit 11	1b2p	6.2	5	Yes
Unit 12	1b2p	6	5	Yes
Unit 13	1b2p	5.5	5	Yes
Unit 14	1b2p	5.5	5	Yes
Unit 15	2b3p	6.3	6	Yes
Unit 16	1b1p	15.9	5	Yes
Unit 17	1b2p	6	5	Yes
Unit 18	1b2p	5.5	5	Yes
Unit 19	1b2p	5.5	5	Yes

Unit 20	2b3p	6.3	6	Yes
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7.5.5 As demonstrated by the table above, all the units would provide sufficient external amenity areas.

7.6 TRANSPORT, PARKING AND CYCLE STORAGE

7.6.1 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.

7.6.2 The site is located in an area with a PTAL of 4 which is very good being well located to all the services and facilities. The site is not located in a Controlled Parking Zone, but immediately adjacent are Controlled Parking Zones MTC and MTC2.

7.6.3 However, the proposed development would be wholly car-free as set out in the applicant's submitted Transport Statement.

7.6.4 The Transport officer considers the applicant's proposal of a car-free development is acceptable and advises that the applicant enter into a suitable legal undertaking which would restrict future occupiers of the commercial and residential units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones, and any future Controlled Parking zones abutting the site.

7.6.5 The development proposal does not provide off-street disabled parking provision as set out in the London Plan's Parking addendum - Car Parking Standards, and Policy T6.1 (draft London Plan) (policies set out in the Transport officer's comments within paragraph 5.11). Therefore, the Transport officer considers in order to satisfy disabled parking provision for both Residential and Commercial units, the applicant should bear the cost of two street disabled parking spaces (location to be decided by the Highway authority). The Council will therefore seek a financial contribution of £20,000 for the provision of 2 disabled parking spaces, which should have electric charge points.

7.6.5 In relation to cycle storage, the London Plan and London Housing SPG Standard 20 (Policy 6.9) states all developments should provide dedicated storage space for cycles: 1 per studio and one bed dwellings; and 2 per all other dwellings. The proposed development would provide a residential cycle store containing 24 cycle spaces. The number of units indicate that 23 cycle spaces would be required. Therefore, the proposed provision is considered acceptable.

7.6.6 Cycle parking for A3 use should be 1 cycle parking space per 175m² for long stay purposes and 1 cycle parking space per 40m² for short stay. This amounts to a need for 2 long stay and 12 short stay cycle spaces for A3 premises (463m²). 6 cycle spaces are shown next to the staff room behind the lockers, and 12 short stay visitor spaces should be located to the front of the commercial units. Shown on dwg 718/010 P4, short stay cycle parking stands are proposed on the public highway, however this arrangement has not been agreed by the Council's Highways team. Given the proposed use class of the site is not yet established, currently proposing a flexible use, a condition will be attached to any grant of permission to ensure before occupation of

the commercial premises, when there is better knowledge of the new business user, revised details of commercial cycle provision prior to occupation shall be submitted to the Council for approval.

- 7.6.7 In addition, the Transport officer recommends that each residential unit should be provided with a 3 year car club membership to be funded by the developer.
- 7.6.8 Overall, the Transport officer considers that the proposal is unlikely to have a significant impact on the adjoining highway, and raises no objection subject to conditions requiring cycle storage and a demolition/construction logistics plan, unilateral undertaking to restrict future occupiers from obtaining parking permits and a financial contribution of £20,000 for the provision of disabled parking bays.

7.7 REFUSE

7.7.1 The London Plan Policy 5.17 and Merton Core Strategy Policy CS17 require new developments to show capacity to provide waste and recycling storage facilities.

7.7.2 Merton's Waste and Recycling Storage Requirements states that:

- For domestic developments with more than 10 units, all containers should be located within the property boundary, in suitably screened, dedicated positions stored on a hard surface, and container storage areas should be in a position that means residents do not have to walk more than 30 metres to dispose of their waste and recycling in accordance to Building Regulations 2002, Part H. Collection crew will empty waste containers stored within the storage area/ an agreed collection point, providing the cleaning or management staff move the containers to this location on an agreed day by 6am. The collection vehicle shall be able to approach the container store or collection point within a maximum distance of 10 metres - there must not be any obstacles between the storage area and the collection vehicle;
- For commercial waste: staff and other property users should not have to carry waste more than 30 meters to the store. Commercial producers of waste have a legal duty to make their own proper and environmentally sound arrangements for the storage, collection and disposal of their waste;
- In mixed use developments, separate stores for residual and recycling containers must be provided for the domestic and commercial aspects of the development. Domestic and commercial waste must not be mixed together.

7.7.3 As per Merton's requirements, the bin stores for the commercial and residential units would be separate and not mixed.

7.7.4 Occupiers of Flats 7, 15 and 20, furthest south of the building (so furthest away from the bins), would be required to walk 18m to the lobby/lift then 12m distance through the corridor to the bins, totalling 30m which is considered acceptable.

7.7.5 Waste Services have also been consulted and require the developer to confirm that measures will be in place to move the communal bins on collection day to the collection point, and whether the applicant has permission to store bins at the collection point from 6am on collection day. The applicant's design and access statement has confirmed that the refuse will be wheeled to the waste drop-off point (accessed from Montrose Gardens) by management on collection day, furthermore, it is noted the waste-drop off point is within the property boundary which is sited around 2m from the highway.

7.7.6 Therefore, the refuse arrangement is considered acceptable.

7.8 SUSTAINABILITY

7.8.1 All major residential development proposals will need to demonstrate:

- a) Compliance with Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) and the Policies in outlined in Chapter 5 of the London Plan (2016) through submission of a detailed energy strategy.
- b) Proposals will need to demonstrate compliance with zero emissions target outlined in Policy 5.2 of the London Plan (2016):
 - i. Development proposals must achieve a minimum on-site emissions reduction target of a 35% improvement against Part L 2013, with the remaining regulated emissions (to 100% improvement against Part L 2013) to be offset through *cash in lieu contribution*, and secured via Section 106 agreement. The contribution will be used to enable the delivery of carbon dioxide savings elsewhere in the borough;
 - ii. The cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Energy Assessment Guidance 2018. This will require each tonne of CO2 shortfall to be offset at a cost of £95 per tonne for a period of 30 years;
 - iii. Major residential developments will be expected to calculate and demonstrate the cumulative CO2 emissions savings to be offset through cash in lieu contribution (in accordance with the above approved methodology, and in line with the Mayor's guidance on preparing energy assessments as part of their submitted energy strategy.
- c) Achieve wholesome water consumption rates not in excess of 105 litres per person per day.

7.8.2 All major non-domestic development proposals, providing a GIA of more than 500sqm will need to demonstrate:

- a) The development should be designed in accordance with Policy CS15 of Merton's Core Planning Strategy 2011 (parts a- d and f) and the Policies in outlined in Chapter 5 of the London Plan (2016). The development should:
 - i. Achieve a high standard of sustainability and make efficient use of resources and material and minimise water use and CO2 emissions;
 - ii. As a major development proposal, outline how the development will achieve a 35% improvement on Buildings Regulations 2013 Part L and submit BRUKL output documentation as evidence of policy compliance;
 - iii. Through submission of a detailed energy strategy, demonstrate how the above sustainability policy objectives will be met;
 - iv. Be sited and designed to withstand the long term impacts of climate change.
- b) All non-domestic development over 500m2 will be expected to be built to a minimum of BREEAM (Building Research Establishment Assessment Method) 'Very Good' standard **and** meet CO2 reduction targets in line with Policy 5.2 of the London Plan 2016.

- c) The applicant should investigate opportunities for connection to nearby district heating networks and should commit to providing a site wide heating network, suitable for connection to wider district networks now or in the future. In accordance with Policy 5.6 of the London Plan 2016.

7.8.3 Following request of further information, the Climate Change officer considers the submitted energy statement SAP and BRLUK calculations indicate that the proposed development has been designed to meet the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan.

7.8.4 For the non-domestic area, a BREEAM design stage assessment provided by the applicant indicates that it meets the minimum requirements to achieve BREEAM 'Very Good', in accordance with Merton's Core Planning Strategy Policy CS15.

7.8.5 Whilst there is no current decentralised heat network in Merton, the Council is keen to ensure that new developments are designed in such a way as to enable future connection to a decentralised heat network.

7.8.6 The cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Energy Assessment Guidance 2018. This will require each tonne of CO₂ shortfall from the target saving to be offset at a cost of £95 per tonne for a period of 30 years (i.e. £1800 per tonne CO₂). A S.106 agreement for the carbon offset cash in lieu contribution will need to be finalised prior to planning approval:

Carbon shortfall (tonnes of CO₂e) X £95 per Tonne CO₂e X 30 years = Offset Payment

*26.1 tCO₂ X £95 Per Tonne CO₂e X 30 years = **£74,371***

7.8.7 The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day.

7.8.8 Overall, the Council's Climate Change officer is content that the proposed energy approach to the development is policy compliant and recommends that Merton's Standard Pre-Occupation Conditions are applied to the development, and a S106 agreement for carbon offset contributions will need to be finalised (calculation as above).

7.9 AFFORDABLE HOUSING

7.9.1 London Plan Policy 3.11 states that the Mayor and boroughs should seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London over the term of this Plan. In order to give impetus to a strong and diverse intermediate housing sector, 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale.

7.9.2 Merton Sites and Policies Plan Policy DM H3 seeks to secure affordable housing in accordance with Core Planning Strategy Policy CS 8, with a tenure split of 60% social and affordable rent and 40% intermediate rent or sale.

7.9.3 The proposal was initially submitted with an Affordable Housing Viability Report, this has been independently reviewed with various figure inputs requiring clarification

following the independent assessor's initial output which was disputed by the applicant, namely the quantum of affordable housing.

- 7.9.4 With more detailed information provided during the cycle of the application, the independent assessor has confirmed:

The commercial value was critical in underpinning the viability and it was sensitive to a number of factors which the applicant has now clarified and provided further evidence. Based on the information we have provided as part of our original viability submission and the update from the applicant, we agree, subject to Council review, with the viability position outlined by the client that no affordable housing provision can be provided as part of the application, albeit our appraisal conclusions differ in terms of the inputs.

- 7.9.5 The assessor recommends that the Council applies the viability review mechanisms at early and late stages of development as outlined within the Draft London Plan and Mayors Affordable Housing and Viability SPG based on the conclusions of the appraisal.

7.10 OTHER MATTERS

Archaeology

- 7.10.1 GLAAS were consulted on the archaeological desk-based assessment and following review of the assessment (CGMS, June 2019), states it is clear that there is some potential for archaeological remains to survive on the site. An archaeological evaluation is therefore recommended to test for the survival of archaeological remains.

- 7.10.2 Having looked at this proposal and at the Greater London Historic Environment Record, GLAAS advise that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that a two-stage archaeological condition could provide an acceptable safeguard. This would comprise firstly, evaluation to clarify the nature and extend of surviving remains, followed, if necessary, by a full investigation.

- 7.10.3 A suitably worded condition describing the above shall be attached should permission be granted.

8. CONCLUSION

- 8.1 The redevelopment of the site would allow for appropriate intensification of the land in the heart of Mitcham Town Centre to deliver further housing and an enlarged commercial premises with potential to regenerate the shopping frontage of this part of Upper Green East, creating more attractive shopping opportunities for local residents and to replace the lower quality buildings currently on site.

- 8.2 The design of the development has responded to officer's comments and has greatly evolved from its pre-application stages to its current design form. The amended building design has replicated the rhythm of smaller shop frontages through its amendment of introducing 4 distinct piers and more regular signage areas to emphasise some prominent verticality in the design; but at the same time promoting a sense of unity, especially at the ground level, to enhance the commercial use in order to hopefully attract attention of a large retail user into Mitcham. The proposed heights

are considered appropriate, viewed from the streetscene, the 4 storey building would not be considered a prominent increase or overly dominant, and at the rear it would step down to respond to the residential buildings in its context.

- 8.3 The proposed building would respect the context of the site and its wider area, and preserve the setting of the neighbouring Conservation Area. The building would also not have a harmful impact toward the amenity of neighbouring properties.
- 8.4 The proposal is therefore recommended for approval subject to conditions, and S106 agreement requiring the development to be permit free, provide carbon offset contributions, viability review mechanisms at early and late stage stages of development (including review of viability if future permission is sought for change of use of ground floor commercial premises to residential) and financial contribution for provision of disabled parking bays.

RECOMMENDATION

Grant planning permission subject to the completion of a S106 agreement to deliver the following:

- Restrictions on parking permit eligibility;
- Carbon offset financial contributions (£74,371);
- Affordable housing – viability review mechanisms at early and late stage stages of development, including review of viability if future permission is sought for change of use of ground floor commercial premises to residential;
- Car club membership (3 year car club membership);
- Financial contribution for provision of disabled bays with electric charge points (£20,000).

And the following conditions:

1. A1 Commencement of Development
2. A7 Approved Plans
3. B1 External Materials to be approved – prior to commencement of development (other than demolition)
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, 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. C03 Obscured glazing – Before the development hereby permitted is first occupied, the side (southern) window of Flat 8 shall be glazed with obscure glass and non-opening up to 1.7m measured from the internal floor level and shall permanently maintained as such thereafter.
6. C07 Refuse & Recycling (implementation) – 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.
7. C09 Balcony/Terrace (screening) – Details of the terraces' balustrade/screening

shall be submitted to the Local Authority for approval prior to occupation of the development, including details of the 1.8m obscure screens for Flats 2, 3, 10 and 16 and the 1.8m screen for the communal amenity area on the first floor. Approved details of the balustrade/ screening to the terraces shall be implemented before the development is first occupied and retained permanently thereafter.

8. D10 External Lighting – Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
9. D11 Construction Times – No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
10. H03 Redundant Crossovers – The development shall not be occupied until the redundant crossover/s have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.
11. Cycle Parking (Residential) – The development hereby permitted shall not be occupied until the residential 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.
12. Cycle Parking (Commercial) – Notwithstanding the commercial cycle parking provision (long and short term) shown on the approved plan 718/010 P4, prior to occupation of the commercial unit/s, revised details of secure cycle parking facilities for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the commercial premises and thereafter retained for use at all times.
13. Non-standard condition (sustainability) – No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 35% improvement on Part L regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day. Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.
14. Non-standard condition (sustainability) – No development, other than demolition, shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014). Reason: To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic), and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating, in accordance with London Plan policies 5.5 and 5.6.
15. Non-standard condition (sustainability) – Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be

used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', has been submitted to and acknowledged in writing by the Local Planning Authority. Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2016 and policy CS15 of Merton's Core Planning Strategy 2011.

16. Non-standard condition (Noise) – Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Hawkins Environmental, Noise Assessment Report No.H2843 dated 4th June 2019 shall be implemented as a minimum standard and with mechanical ventilation incorporated. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development.
17. Non-standard condition (Noise) – Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with any noise sensitive property. A post completion noise survey shall be submitted and approved by the LPA to demonstrate compliance with the noise criteria, thereafter the noise criteria shall be maintained.
18. Non-standard condition – In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
19. H13 Demolition/Construction Logistics Plan – Prior to the commencement of the development hereby permitted, a Demolition/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. The approved Statement shall be adhered to throughout the demolition and construction period unless the prior written approval of the Local Planning Authority is first obtained to any variation.
20. Non-standard condition – Should the ground floor commercial premises be occupied by Use Classes A3 and/or A5, a written scheme to manage the control of odour from cooking shall be submitted and approved in writing by the LPA. The approved scheme shall be fully installed, maintained and serviced in accordance with the manufacturers' instructions or requirements, whilst the premises is open to serve food. The scheme submitted, including an odour risk assessment shall have regard to the technical requirements of the document 'Control of Odour and Noise from Commercial Kitchen Extract Systems as produced by EMAQ dated 2018. Should the type of cooking change a further assessment shall be submitted in accordance with the above.
21. Non-standard condition – Should the ground floor commercial premises be occupied by Use Classes A3 and/or A5, drainage serving the proposed kitchen of the premises shall be fitted with an adequate grease separator.

22. D02 Hours of Opening/Use (A3, A5) – The use hereby permitted shall not be open to customers except between the hours of 07.00 and 23.00 on any day and no staff shall be present at the premises one hour after the closing time.
23. Non-standard condition (Archaeology) – No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
24. Non-standard condition (Archaeology) – If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
25. Non-standard condition (Secure by Design) –
- A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to occupation of the development and shall be implemented in accordance with the approved details prior to occupation. Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.
- B. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority. Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy 7.3 Designing out Crime of the London Plan.

Informatives

1. INF 01 Party Walls Act
2. INF 09 Works on Public Highway
3. INF 12 Works affecting the public highway
4. INF 20 Street naming and numbering
5. INF Sustainability

6. INF GLAAS – Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England’s Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure)(England) Order 2015.
7. Note to Applicant – approved schemes

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