

Agenda Item 8

PLANNING APPLICATIONS COMMITTEE
27th March 2014

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P3111	24/10/2013
Address:	Land known as 118-120 Christchurch Road, SW19.	
Ward:	Colliers Wood.	
Proposal:	Erection of a building ranging between 4 and 12 storeys to provide 54 flats (23 x 1 bedroom, 23 x 2 bedroom and 8 x 3 bedroom) with non-residential accommodation (392 sq.m) for use within Class A1 (retail), A2 (financial and professional services), A3 (café/restaurant) or B1a (offices) at ground floor along with car (10 spaces) and cycle parking and associated facilities with vehicle access via Prince George's Road.	
Drawing No's:	AE01_P1, AE02_P1, AP00_P2, AP01_P2, AP02_P2, AP03_P2, AP04_P2, AP05_P2, AP06_P2, AP07_P2, AP08_P2, AP09_P2, AP10_P2, AP11_P2, AP12_P1, AP13_P, AP14_P, AP15_P, AS01_P2 Transport statement, Planning Statement (including Statement of Community Engagement); Design and Access Statement; Services Appraisal; Flood Risk Assessment and Surface Water Drainage Strategy (January 2014 Rev D 18/03/14); Flood Emergency Plan (January 2014); Flood Risk Assessment & Surface Water Drainage Report; Phase II Geo-Environmental Assessment; Sustainability Statement; Energy Statement (March 2014); Code for Sustainable Homes Pre-Certification Framework Report; Environmental Noise Survey and Assessment; Daylight and Sunlight Assessment; Desk Top Archaeological Assessment; Air Quality Assessment Report;	
Contact Officer:	Jonathan Lewis (020 8545 3287)	

RECOMMENDATION: Grant planning permission subject to:
a) A direction from the Mayor of London that Merton Council can determine the application; and

b) Planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106: Affordable Housing; Education; Cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted: No
 - Is a Screening Opinion under the Environmental Impact Assessment Regulations required: No.
 - Has a Screening opinion been issued: No
 - Press notice: Yes.
 - Site notice: Yes
 - Design Review Panel consulted: Yes.
 - Number of neighbours consulted: 464
 - External consultations: Environment Agency and Thames Water.
 - Public Transport Accessibility Level [PTAL]: 4 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
 - Density: 1130 habitable rooms per hectare [site area of 0.13 hectares and provision of 147 habitable rooms]
 - Number of jobs created: Unknown at this stage.
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1. INTRODUCTION

- 1.1 This application is brought before the Planning Application's Committee to seek member's views on a development that the Council is required to refer to the Mayor for direction, and as the current application is not one that can be dealt with under the powers delegated to officers having been the subject of local interest and objections.

2. SITE AND SURROUNDINGS

- 2.1 The site (0.131 hectares) forming a rectangular shaped plot is located on the east side of Christchurch Road on the corner with Prince George's Road and is currently vacant after the former buildings were cleared in 2003.
- 2.2 Adjacent to the site, to the north, is a mixed use, 5 storey development that comprises retail units on the ground floor and residential accommodation above. To the east of the site is the service yard of the adjacent retail unit.
- 2.3 The site lies approximately 0.4 miles south of Colliers Wood Underground station, which connects the site to Morden, southbound, and Central London, northbound. The site has a PTAL of 4, [where 1a represents the least accessible areas and 6b the most accessible], which is defined as providing 'good' access to public transport. The site is not in a Controlled Parking Zone.
- 2.4. The surrounding area comprises a mix of uses and building heights, including retail and residential. North of the site, on Merantum Way,

are new build apartment blocks that are eight storeys in height and comprise retail and leisure on the ground floors with residential accommodation above. Opposite the site to the west and south, it is predominantly two-storey terraced houses.

- 2.5. Further north and east of the site is the Tandem Centre Retail Park, which comprises large format, out of town style retail outlet. Further south of Prince George's Road lies an industrial estate that comprises commercial premises and industrial uses.
- 2.6. The application site falls within the boundary of Colliers Wood District Centre. The Proposals Map (2003) designates the site for retail, employment and residential use (Site 4CW). The site is also located within an Archaeological Priority Zone (APZ).
- 2.7. The Colliers Wood and South Wimbledon areas are both designated as an Area for Intensification within the London Plan and Core Strategy (2011). Merton Council is currently working with TfL and has been engaged in various public consultation exercises (Connecting Colliers Wood) to deliver public realm and highways improvements to the Colliers Wood area.

3. CURRENT PROPOSAL

- 3.1 The proposed development comprises the erection of a building of four to twelve storeys, on the corner site known as 118-120 Christchurch Road. It would provide non-residential/commercial uses on the ground floor, fronting onto Christchurch Road/Prince Georges Road with 54 flats above.
- 3.2 Floorspace would be as follows:
Non-residential: (A1, A2, A3 or B1a) 392 sq.m
Residential (54 units) 4802 sq.m
Plant 36 sq.m
Car Park 366 sq.m.
- 3.3 The three key elements to the proposals would be arranged on the site as follows: The tallest element is situated at the corner of the site on the junction of Christchurch Road and Prince George's Road, at a height of 12 storeys (38.7m). The height of the building then decreases to five storeys (16.9 – roof garden level) fronting onto Prince George's Road, and four storeys (13.8m – roof garden level) fronting Christchurch Road.
- 3.4 A detailed schedule of the mix of units, their floorspace, along with balcony sizes and whether the units meets London Plan floorspace standards and outdoor amenity spaces for flats, having regard to the Mayor's Housing Design Guide 2012, is appended to this report. It is proposed to provide outdoor amenity space on the first floor podium courtyard, above the car park. There are two further roof terraces to the fourth and fifth floors to provide landscaped outdoor amenity for the occupants of the development. Private amenity space in the form of balconies ranging from 5 to 30 sq.m would be provided for individual

flats totalling 472 sqm . This is in addition to the communal amenity space, totalling some 690m²

- 3.5 Access to the retail unit of the proposed development would be via Christchurch Road. Access to the residential apartments will be via two separate lobbies from Prince George's Road. The lobbies will provide separate lift and stair cores serving all apartments.
- 3.6 Vehicular access to the development will be via Prince George's Road. This access will lead onto a car park to the rear of the development that will comprise 10 parking spaces (including 2 disabled spaces) available for residents only. Secure, internal cycle storage areas and waste and recycling areas, will be located on the ground floor, and accessed via the lobbies.
- 3.7 Facing materials would comprise two complementary facing bricks, feature glazed green bricks, aluminium window, door and shopfronts a combination of metal balustrades and structural glass balustrades, painted concrete to the entrance canopy, and steel gates to parking areas.
- 3.8 In support of the application the applicant has submitted the following documents:
 - Transport statement.
 - Planning Statement (including Statement of Community Engagement and S106 Draft Heads of Terms);
 - Design and Access Statement;
 - Transport Statement;
 - Services Appraisal;
 - Flood Risk Assessment and Surface Water Drainage Strategy (January 2014);
 - Flood Emergency Plan (January 2014);
 - Flood Risk Assessment & Surface Water Drainage Report;
 - Phase II Geo-Environmental Assessment;
 - Sustainability Statement;
 - Energy Statement (March 2014);
 - Code for Sustainable Homes Pre-Certification Framework Report;
 - Environmental Noise Survey and Assessment;
 - Daylight and Sunlight Assessment;
 - Desk Top Archaeological Assessment;
 - Air Quality Assessment Report;
- 3.9 The Energy Statement (March 2014) from Greengage Environmental confirms the applicant's commitment to install infrastructure to connect both the commercial and residential space to a future district heating network (GLA requirement). The applicant confirms that this will be the subject to the submission of further details which may be secured by condition.

- 3.10 Based on the current design development the proposed development would achieve Code for Sustainable Homes Level 4.
- 3.11 The Flood Risk assessment has been amended to address concerns raised by the Environment Agency.

4. PLANNING HISTORY.

- 4.1 Two relevant planning permissions have been granted on the site.
- 4.2 02/P1707 - March 2004 planning permission granted for 'erection of a part 5/part 6 storey building comprising 1 x restaurant (A3 unit) on the ground floor and mezzanine, 2 x business units (B1), 7 x live/work units and 14 self-contained residential flats above, with basement parking for cars and cycles.
- 4.3 03/P2290 - July 2004 planning permission granted for the erection of a five storey building comprising 1 x retail unit (A1) on the ground floor, 2 x live/work units and 14 x self-contained flats above, with basement car parking for cars and cycles.
- 4.4 Copies of these reports along with the approved drawings are appended to this report.

5. CONSULTATION

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 464 nearby addresses.
- 5.2 In response to this public consultation 12 letters have been received making the following representations:

Transport, Access and Traffic

Lack of underground parking. An underground car park for at least 54 cars should be a condition of planning permission. Not enough space for all the cars. Will be used as "pied a terres" for long distance commuters who will need parking for the week. Could have a negative impact on businesses in the street as clients will not be able to park. Residents will take available space. Could affect neighbouring streets – will become overloaded with additional cars trying to park. Scheme should be permit free for residents.

Disabled car parking space will cause difficulty to traffic turning right out of car park.

No prolonged loading/unloading should be permitted in Prince Georges Road neither during construction nor during use of the development. Not clear enough has been done to manage how the existing area can accommodate the increase in parking and service requirements. Retail unit will add to congestion and will impact on emergency services using road network. Traffic frequently gridlocked in area in morning rush.

Design and impact on Amenity

12 storeys is too large; seems excessive. Will result in an overbearing appearance and intrusive development. Will add to piecemeal development of the area resulting in a poor quality and incoherent environment.

Building will not sit well with the scale of surrounding development. Challenges the structural integrity of its surroundings.

How can a building not identified by the Council for substantial redevelopment have such a staggering building developed on it? Proposed building exceeds the 30m maximum height allowed for the area. Support for a building being developed to five storeys. Development over six storeys would be unsightly. Should be height of buildings in Chapter Way. Limiting height will help regenerate the area while not destroying the moderate scale that people value about Colliers Wood.

Will result in loss of privacy, light and sunshine to neighbouring dwellings including Palestine Grove and Runnymede.

Additional shopfront will lead to increased pedestrian activity and loitering in the area. Increased noise.

Customers to retail unit should not be parking on Tandem Centre land.

Contemporary look will spoil traditional housing in area and will clash with design of Merantum Way and Tandem Apartments. Blocks are not in keeping with the area.

Other comments

Housing should include part ownership as this will help to ensure new tenants respect building and neighbours.

Will adversely impact on local water and sewerage infrastructure. Will not contribute to reducing carbon dioxide and other emissions which contribute to climate change. Does not improve habitats or water quality and will be at the expense of other land uses.

No overall plan or vision to ensure that Colliers Wood is a joined up community with a vision of the traffic environmental and residential impacts. Development needs to improve the area and have minimum impact on those already living in the area.

Welcomes provision of secure cycle parking and energy efficiency measures.

5.3 GLA.

The Deputy Mayor considers that while the application is supported in strategic planning terms, there are some outstanding issues that need to be resolved (extract from report below).

London Plan policies on town centres, housing, affordable housing, urban design, inclusive access, sustainable development and transport are

relevant to this application and overall the principle of the scheme is generally accepted. However, there are some outstanding issues that need to be resolved and these and their potential remedies are set out below:

- Principle of development: Noting the extant permissions, the town centre location and strategic planning aspirations for the area, the principle of a residential-led, mixed-use development at this site is supported.
- Affordable housing: The viability of the scheme should be fully assessed at the local level to ensure accordance with London Plan Policy 3.12. Pending the outcome of the viability assessment the GLA seeks further discussion regarding the maximum reasonable amount of affordable housing, the proposed tenure mix and the proposed mix of units. (Copy of viability assessment forwarded to GLA Planning Decisions unit for analysis. Comments awaited).
- Urban design: The overall design of the scheme is generally supported. However, the applicant should provide a response to the matters raised above with respect to public realm contributions and dialogue with adjacent site owners regarding a comprehensive scheme incorporating the neighbouring servicing area.
- Inclusive design: Further information and discussion is required with respect to the actual number of units to be provided and their detailed design, blue badge parking provision and the accessibility of the public realm and communal amenity spaces as outlined above.
- Sustainable development: The proposals approach to climate change mitigation and adaptation are generally supported. However, further clarification and information is sought with regards to site-wide connections to the site heat network, the sizing of the proposed CHP, future proofing connection of the retail unit to district heat network and information on the electricity sales strategy and management arrangements proposed for the CHP system. (Applicant has clarified future proofing intentions in amended/supplementary sustainable design and construction statement).
- Transport: The proposals are generally acceptable in transport planning terms subject to the provision of parking, cycle and electric vehicle charging points and the submission of a travel plan statement, construction logistics plan and delivery and servicing plan being secured by planning condition. The proposed car club incentives and exclusion of future residents from parking permit eligibility should also be secured in the Section 106 Agreement. (Council officers advise that the scheme cannot be permit free due to absence of CPZ and GLA officers have agreed to remove this requirement (18/03/14).Draft S106 includes incentives for use of car club scheme).

5.4 TfL (comments received in respect of application as initially submitted).

Trip Generation and Site Impact

TfL consider that the demand from the development can be accommodated on the local strategic highway and surrounding public transport networks.

Site Access and Servicing

Pedestrian access to the site is from Christchurch Road and Prince Georges Road. Vehicular access is from Prince Georges Road. TfL consider the proposed site access arrangements are acceptable. Deliveries and servicing for the residential units and commercial unit will take place from Prince Georges Road. TfL request a delivery and servicing bay on Prince Georges Road is considered by the applicant and the council.

Car Parking

A total of ten car parking spaces are proposed for the residential use, including two spaces for blue badge holders. A further blue badge parking space on Prince Georges Road is proposed at the cost of the applicant. TfL request this space is secured by the council by condition. It is proposed that 20% of spaces will have active Electric Vehicle Charging Points (EVCPs) and 20% of spaces will have passive provision, this is compliant with London Plan policy 6.13. TfL welcome that car club provision has been considered and that incentives are to be provided for residents to use a local car club. TfL request occupants are excluded eligibility for parking permits in the nearby controlled parking zones (CPZ), this should be secured through the section 106 agreement (Further to the Council's comments regarding the absence of a CPZ, TfL have removed this requirement) The above measures should ensure compliance with London Plan Policy 6.13.

Walking, Cycling and Accessibility

A total of 66 cycle parking spaces are proposed, 4 on Christchurch Road for the commercial unit and 62 on the ground floor for the residential units. This provision is in accordance with London Plan Policy 6.9.

Travel Plan

TfL request a Travel Plan Statement, which aims to promote sustainable travel to and from the site, is secured by condition for the residential use.

Servicing and Construction

TfL expects the development to be supported by a Construction Logistics Plan (CLP) and a Delivery and Servicing Plan (DSP), in line with London Plan Policy 6.14. Both of these plans should be secured by condition and TfL requests consultation on the discharge of these conditions.

Summary

Provision of a delivery and servicing bay and blue badge parking space on Prince Georges Road should be considered. This, in addition to proposed provision of EVCPs, blue badge spaces and cycle spaces should ensure accordance with London Plan policy 6.9 and 6.13. A Travel Plan Statement, Construction Logistics Plan (CLP) and Delivery and Servicing Plan (DSP) should be secured by condition.

Supplementary comments (following negotiation with applicant).

TfL seeks to secure the following by condition:

- One blue badge parking space on Prince Georges Road
- A Construction Logistics Plan (CLP)
- A Delivery and Servicing Plan (DSP)
- Car club incentives for residents
- Exclusion for residents to apply for parking permits in the nearby controlled parking zone (CPZ)

TfL welcome that the applicant has agreed to provide a Travel Plan Statement. TfL request the Travel Plan Statement is secured through the section 106 agreement to ensure adequate funding, monitoring and enforcement (TfL have subsequently confirmed that they are content for this to be dealt with by condition).

TfL request the Council consider whether a delivery and servicing bay on Prince Georges Road should be provided. TfL request the Mayoral Community Infrastructure Levy (CIL) contribution be confirmed, and request the council confirm that the above will be secured.

5.5 Environment Agency

The proposed application contains development classified Less Vulnerable at ground floor with More Vulnerable residential uses located at first floor. The site is located partially within Flood Zone 3a and 2. The proposed site has previously been granted planning consent (02/P1707 and 03/P2990)

In line with current planning policy set out in the NPPF, new development in these locations should be subject to the Sequential and Exceptions Tests. However Merton has confirmed it considers the principle of development has been established by granting permission for previous schemes.

The EA notes that the proposed site has previously been granted planning consent (02/P1707 and 03/P2990), which are both considered by the LB Merton to have been 'implemented' in planning terms. This would indicate that the principle of development has been established and that the application of the Sequential Test is not required in this instance.

Detailed comments on flood risk - Less vulnerable (non-residential) development.

While it is acknowledged that the ground floor consists of non-habitable less vulnerable development, the EA would generally advise, where practical considerations allow, that finished floor levels are set a minimum of 300mm above 1 in 100 year plus climate change flood levels for fluvial undefended sites, irrespective of whether the proposals consist of 'less' or 'more' vulnerable. However, it is understood that finished floor levels will be retained at existing levels

due to the fact that the proposed ground floor commercial units require an active frontage with DDA compliant access into the building.

The modelled 1 in 100 year plus climate change flood level is 13.446m AOD whilst the proposed ground floor finished floor level cited within the FRA is 12.75m AOD, which means that during the design flood event the ground floor of the commercial units would flood internally to a depth of approximately 750mm.

On the basis that raised floor levels are unviable, the FRA indicates that flood resilient construction methods will be incorporated within the design and construction of the scheme. The drawing details provided within the FRA are deemed appropriate, as are the other measures recommended within the FRA.

The EA recommends that plant rooms and the electrical substation located at ground floor are set above the design flood levels in order to minimise disruption in the event of a flood. The range of measures implemented within the scheme should be clarified during the detailed design stage and should consider the recommendations set out within the Approved Document C of the Building Regulations and the publication 'Improving the flood performance of new buildings- Flood resilient construction' publication issued by the Department for Communities and Local Government in 2007.

Residential development.

The residential units to be incorporated within the scheme are located at first floor and above, and will therefore have safe refuge in the event of a flood event. However safe access and egress in line with FD2320 is not achievable in this location given that the depth of floodwater will be up to 500mm, which constitutes a flood hazard rating of 'Danger for Some' or 'Danger for all'.

The EA notes that the FRA recommends the preparation of a formal flood evacuation plan and advocates that occupants should be encouraged to sign up for the Environment Agency's Flood Warning Direct Service.

Paragraph 9 of the Technical Guidance to the NPPF states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response are fundamental to managing flood risk, The EA advises local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

The EA strongly recommends as the decision maker that Merton considers these comments, and how the proposal complies with current national flood risk policy, and local flood risk policy set out

within Merton's Site and Policies Development Management Policies (DPD), Policy DM F1 and the Level 2 Strategic Flood Risk Assessment. If Merton is minded to grant planning permission the EA requests the opportunity to provide further comments.

The EA has reviewed two subsequent revisions to the FRA submitted by Odyssey Markides. Following submission of the first revision the EA maintained a number of concerns relating to:

- Finished floor levels;
- Safe access/egress;
- Loss of floodplain storage.

Summary of further EA response 14/03/14.

As stated in our response ref SL/2013/111939/01-L01 the EA still have concerns regarding the potential for this development to increase the risk flooding offsite which could lead to an impact to third parties. The applicant has not assessed the potential flood storage loss arising from the proposal or demonstrated the mechanism by which the ground floor of the development would flood. Therefore the risks posed by this development are uncertain.

Planning conditions are recommended dealing with flood risk, groundwater and contaminated land.

These conditions will not overcome EA's concerns, but could help minimise the potential impacts. The EA recommends that comments in their previous letters are also considered in order to help inform Merton's decision.

EA interim response to further amendments to FRA 18/03/14

The key flood risk concerns relating to the proposals which the EA set out in their consultation response, centred on the potential third party flood risk impacts as a result of the loss of flood storage caused by the proposed building footprint. The EA have reviewed the supplementary information received on historical building footprints compared with the proposed building footprints. Whilst the existing footprints shown on the historical plans have been demolished for a period of more than 5years, the extant planning consent has been deemed to have been implemented, and therefore, in this instance, the quantum of building footprint is material in considering the impacts of the scheme in term of floodplain displacement.

The EA notes that the proposed footprint is marginally reduced (circa 80m²) compared to the historical building footprints, and therefore post development the EA accepts that there will be nil detriment in regards to third party flood risk due to floodplain storage loss. In terms of our previous response we would propose to retain the stated conditions relating to the requirement to implement flood resilience measures and provide surface water drainage details.

In summary, the EA's primary concern in relation to flood risk has now been addressed through the clarifications, and the additional information provided within the revised FRA. Therefore, the EA will now be able to formally amend its response to confirm that the FRA and proposals are broadly in line with both national and local policy subject to the proposed conditions being attached to the planning consent.

5.6 Thames Water

No objections. Proposals require an agreement to build within 3m of a public sewer/lateral drain maintained by Thames Water.

5.7 English Heritage/Greater London Archaeological Advisory Service.

EH/GLAAS has studied the Desk Based Assessment submitted as part of the planning process by Archaeological Solutions and dated July 2013, and having carefully reconsidered the report finds that it does conform with current standards and guidance and are happy to recommend its approval.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

There is sufficient information to establish that the development is not likely to cause such harm as to justify refusal of planning permission provided that a condition is applied to require a two-stage process of archaeological investigation comprising firstly evaluation to clarify the nature and extent of surviving remains followed, if necessary, by a full investigation. It is envisaged that the archaeological fieldwork would comprise evaluation by trial trenching, with geo-archaeological sampling (BHs) of any channel deposits. If there is the opportunity to carry out archaeological monitoring of any geotechnical works then this should also be utilised.

The archaeological interest should therefore be conserved by attaching an appropriate archaeological safeguarding and evaluation condition.

5.8 LB Merton Transport Planning

The application is for the provision of 54 residential units with 10 off street parking spaces of which 2 are designed to disabled parking bay standards. 20% of all residential parking bays will be equipped with electric vehicles charge points, with an additional 20% passive provision at the site. This will be secured through condition. The off-street car parking spaces will be accessed via an amended vehicle entry point.

A condition has been included requiring the provision of an agreed Parking Management Plan prior to the occupation of the development. This will ensure that the off-street car parking spaces are allocated appropriately to residential units within the development.

This site has PTAL rating of 4 (good) and is within a short walk of public transport facilities and the shops and services within the Colliers Wood area. The site is not within a Controlled Parking Zone (CPZ).

To the front of the building is Christchurch Road (A236) on the Strategic road Network, it is a dual carriageway road with two lanes merging to a single carriageway road to the south of Prince Georges Road. The A236 performs the function of a key local distributor between the A24 in the north and Croydon in the south. Prince Georges Road to the south of the site is a single carriageway road serving commercial/ industrial properties to the east of the site. Prince Georges Road at its western end forms a priority junction with Christchurch Road, with this junction accommodating 'out' movements only (from Prince Georges Road).

There are parking restrictions (yellow lines) in place on Tandem Way, Prince Georges Road and Western Road. There is no competing residential parking demand in the immediate area. The good access to public transport and local facilities, combined with the local highway constraints, are likely to make the development attractive to non-car owning residents. Therefore, the impact on the public highway would not be deemed severe and therefore unlikely to be upheld at appeal. A dedicated blue badge parking space in proximity to the site is not supported particularly if the area on Prince Georges is due to be used for servicing.

The applicant has advised that each unit will be given a one year membership for a car club in the area, along with £25 driving credit per unit. The commitment will be secured as part of the Section 106 Agreement.

The applicant has agreed to a sustainable transport contribution of £27,000. This will be directed towards sustainable transport initiatives, in particular improvements to pedestrian and cycle facilities on Christchurch Road and Prince Georges Road. The applicant will also dedicate sections of land on Christchurch Road and Prince Georges Road to facilitate highway related improvements.

The cycle parking will be secured through condition.

Whilst Transport for London has requested the provision of a service bay, borough officers are satisfied that safe loading and unloading associated with the site can take place from the adjacent carriageway

on Prince Georges Road, without compromising highway safety / efficiency. A Servicing and Delivery Plan will be secured via a condition for the ground floor unit. A construction management plan condition has been included, in order to ensure adequate arrangements are secured during the construction process.

There are no transport objections to this scheme subject to suitable obligations and conditions.

5.9 LB Merton Environmental Health

Application states that risks from ground gas have not been fully quantified and will require further investigation/assessment. Recommended that standard site investigation/remediation conditions be attached to any decision until this matter has been fully assessed and the condition can be discharged.

Comments awaited on air quality and noise.

5.10 LB Merton Climate Change Team

Working on the basis of a 25% improvement on Part L, Climate Change officers are happy that the scheme design indicates that it should exceed the minimum 25% improvement required under Code for Sustainable Homes Level 4 (Category ENE1) and thereby meet the minimum requirements of Policy CS15 of the Core Planning Strategy and Policy 5.2 of the London Plan.

The Code for Sustainable Homes Design Stage Assessment further indicates that the scheme should meet the minimum requirements for Code Level 4 achieving a targeted overall score of 70.27.

The energy statement has explored emissions reductions in accordance with energy hierarchy; demonstrating a good level of fabric efficiency U-values and seeking to reduce energy demand through considerate design. Low/zero carbon technologies proposed in the energy statement are supported.

Proposed CHP system will be designed in accordance with the recommendations within the District Heating Manual for London and the scheme will be designed to enable future flexibility and to incorporate space for heat utility pipework to the boundary of the application site.

No objections to the proposed development, and subject to clarification of the requirements outlined at the applicant's pre-app meeting with the GLA, would have no concerns in discharging the standard Code for Sustainable Homes pre-commencement condition.

5.11 Housing strategy.

Housing Strategy officers support the proposals on the basis that the 12 affordable units are for affordable rent.

5.12 Merton Design Review Panel. Merton Design Review Panel (November 2013)

The Panel's views on this proposal were mainly divided into two key areas. Firstly the quality of the architecture and secondly the height of the building and the case made for it.

The Panel were generally supportive of the architectural approach. It was felt to be a well considered, quality building in this respect. The top and bottom of the building worked particularly well and most of the improvements were welcomed. There was some regret at the loss of some of the randomness in the façade and a question was raised about the use of the glazed brick balustrades, however these were relatively minor points.

The Panel were not convinced it was an exceptional building, to justify the height on its own architectural merit. This partly related to some detailed design issues, such as the internal layout and the number of single aspect units and the ground floor layout. Although it was acknowledged there had been improvements to the ground floor layout it was felt that this still needed further work. The cycle parking area still felt cramped. As the parking provision was so low, sacrificing some spaces for improved cycle parking was appropriate, given the good public transport accessibility.

The Panel were clear that the ground floor needed an active frontage, although questioned the retail use, the need for it and how flexible the space would be. They were not convinced that the servicing of the retail space had been considered thoroughly enough that there was even a clear servicing strategy. This impacted on the general quality of the public realm around the building, which was important to get right. Related to this was some concern about the environmental impact of the existing service yard to the Tandem Centre on the living conditions of new residents and the quality of the roof garden. This needed to be addressed.

These were issues of relative detail compared to the main concern of the Panel, which was the building's height. At the previous review, the Panel felt the height had not been sufficiently justified. The Panel felt that this had not really changed. It should be made clear here that the Panel were not expressing opposition to tall buildings in principle, but that they did not find the reasons put forward by the applicant sufficiently convincing to justify a 12 storey building in this particular location.

The Panel noted that the surroundings were a poor quality environment that ideally needed a co-ordinated master plan to guide new development. As this was currently lacking, it made it more difficult for applicants to establish what was appropriate development. The Panel's view was that a master plan should be produced for the area.

The building was of very high density, but did not necessarily offer benefits to the surroundings because of this – there was no community facility or large contribution being offered to much needed public realm improvements. The Panel were not convinced the site was a gateway to Colliers Wood as, on the ground, the location did not necessarily feel like a gateway. It was felt that the building did not need to be so high to have a landmark effect. It would still have – by virtue of its architectural quality if nothing else – a strong local landmark presence even if it lost 4-5 storeys. It was felt that, by being as tall as 12 storeys, the building was simply advertising itself, rather than having any other wider meaning.

The Panel were not convinced of the argument that the building provided enclosure to the wide Christchurch Road, as this could be done with buildings of a completely different height and still achieve a good level of enclosure – this did not justify 12 storeys in particular. The Panel were also not convinced by the argument that it fitted in with the Council's tall buildings policy for Colliers Wood. The building seemed to stand in isolation and did not read as having any particular relationship to the existing Brown & Root building. The tall buildings referred to in the analysis were disparate in their location and relationship to each other and could not realistically be read as part of a group, setting a precedent for tall buildings – certainly not that accorded with the policy description.

Given that the Panel had previously criticised the height justification for being weak, and that this important aspect of the proposal seemed not to have been strengthened, the Panel were minded to give a Red verdict. However, other improvements to the design led the Panel to give an Amber.

VERDICT: AMBER

Applicant's response.

- 5.13 The applicant has provided the following detailed response to the DRP's observations.

Scheme Height

A detailed justification of the height of the scheme is included within the Design and Access Statement. In summary the vacant application site occupies a prominent corner site on the main southern approach to Colliers Wood, District Centre. It lies within an area which has been identified by the Council in its Core Strategy as appropriate for tall buildings so long as the Brown and Root Tower remains the pinnacle building, and the scheme is of exceptional design and delivers (amongst other things) significant regeneration and public realm benefits.

The scheme itself ranges from 4 to 12 storeys in height, with the lower elements reflective of the adjacent Tandem Centre and existing buildings along Christchurch Road leading into the centre. The taller element will create a high quality landmark building on the corner of the site to distinguish from the industrial and residential uses to the south and the retail and commercial town centre uses to the north. At 12 storeys in height the scheme will successfully 'announce' the southern entrance on its arterial route into the District Centre, whilst still being very much subservient in height to the Brown and Root Tower (which will increase to 19 storeys once redeveloped).

Architectural Design Quality

The scheme has evolved as a result of the feedback received from the GLA, the Council's Design Review Panel along with the Urban Design and Planning Officer. Some of the changes to the scheme, include:

Simplifying and refining the building to create greater elegance in terms of both detailing and materiality; Amending the ground floor layout to maximise activity on both the Christchurch Road and Prince George's Road frontage; and Changing the choice of brick to a lighter (London Stock) brick to complement the local vernacular

This has resulted in an exceptional high quality design approach, which has been strongly supported by the GLA and officers alike. It has also been well received by the local Ward members and other local stakeholders.

The scheme includes the dedication of land fronting both Christchurch Road and Prince Georges Road to the Council to enable the rationalisation and enhancement of the public footpath along both site frontages. The dedication of this land will provide the opportunity to make a positive contribution to the public realm around the site (acknowledged by the DRP as being a currently hostile urban environment) and will contribute directly to the Council's strategy for providing cycle way improvements in the Colliers Wood area.

6. POLICY CONTEXT

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should

be to foster the delivery of sustainable development, not to hinder or prevent development.

- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.5 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

The London Plan [2011].

- 6.6 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.7 Location and design of tall and large buildings, 7.8 [Heritage assets and archaeology]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes] and 8.2 [Planning obligations].

London Plan SPG's.

- 6.7 Housing SPG (Nov 2012), Shaping Neighbourhoods: Play and Informal Recreation SPG (2012);

Merton LDF Core Planning Strategy [2011]

- 6.9 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.8 [Housing choice]; CS.9 [Housing provision]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Merton LDF Sites and Policies Plan (Draft 2013)

- 6.10 The Council's Draft Sites and Policies Plan, which will provide detailed planning policies to be read in conjunction with the Core Planning Strategy and which will supersede the retained policies in the Unitary Development Plan, was considered by an Inspector at a public examination in January this year. A decision as to the soundness of the policies and whether the plan can be formally adopted is awaited.

- 6.11 The relevant policies in the Council's Draft Sites and Policies Plan (2013) are:

Merton Unitary Development Plan [2003]

- 6.12 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are: BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE.16 [Urban design]; BE.22 [Design of new development]; BE25 [Sustainable development]; C.1 [Location and access of facilities]; C.13 [Planning obligations for educational facilities]; E2 [Access for disabled people]; F.2 [Planning obligations]; HS.1 [Housing layout and amenity]; PE 2 [Pollution and amenity]; PE.5 [Risk from flooding]; PE.7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN.3 [Vehicular access].

Merton Supplementary Planning Guidance

- 6.13 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999], Design [2004] and Planning Obligations [2006].

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include the principle of redevelopment including flood risk, the need for additional housing and affordable housing; design including the standard of accommodation and the impact of the development on neighbour amenity; transport including parking cycling and servicing; and matters relating to sustainable design and construction and technical issues pertaining to mitigating against risk from flooding.

Principle of development.

- 7.2 Key to the consideration of the proposals is the need to resolve the tension between policies for the intensification of development in the area and those pertaining to flood risk.

- 7.3 The site is located partially within Flood Zone 3a and 2. As acknowledged by the Environment Agency, in line with current planning policy set out in the NPPF, new development in these locations should be subject to the Sequential and Exceptions Tests. However the Council has confirmed it considers the principle of development has been established by granting permission for previous schemes (planning consents 02/P1707 and 03/P2990), which are both considered to have been 'implemented' in planning terms. This would indicate that the principle of development has been established and that the application of the Sequential Test is not required in this instance.
- 7.4 Thus, notwithstanding that the site is located in an area at risk from flooding, the Council has previously granted permission for mixed use development on the site. Coupled with the strategic planning aspirations for the area for more intensive development, the principle of a residential-led, mixed-use development at this site is consistent with the site allocation in the UDP, and is supported. Consideration of the more detailed issues relating to flood risk are addressed later in this section of the report.

Need for additional housing and housing mix.

Need for additional housing

- 7.5 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.6 Policy CS.9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of 500-600 additional new homes in the Colliers Wood/South Wimbledon sub area where the proposal site is located. The housing delivery trajectory set out in the latest Council's Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan.
- 7.7 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways including the development of 'windfall sites'.
- 7.8 The current application site already benefits from implemented planning permissions for redevelopment for mixed use development including housing, is a 'windfall site' and is on brownfield land in a sustainable location adjacent to other mixed use development including flats and benefiting from good access to public transport and other local

facilities. The proposals would make a measurable contribution towards meeting housing targets.

Housing mix and tenure.

- 7.9 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.10 The proposals would deliver a mix of unit sizes including family sized units and both market and affordable housing fulfilling local planning objectives.
- 7.11 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.
- 7.12 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.13 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site.
- 7.14 The Borough wide affordable housing target is equivalent to 1,920 affordable homes for the period 2011-2026 (40% of the London Plan target for Merton rolled forward to cover the 15 year plan period). The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.14 The applicant's initial offer for affordable housing was significantly below adopted minimum requirements and the application has been the subject of an independent financial assessment. The assessment concluded that the scheme would remain viable on the basis of the applicant's affordable housing offer of 6 units. However, following further discussion with the Council the applicant has increased the affordable offer to provide 12 Affordable Rent units (22% of total). The Affordable Rent units would all be located within Core 2 fronting onto

Prince George's Road and would comprise 5 x 1 bed, 3 x 2 bed and 4 x 3 bed units. Given the need to apply affordable housing policy flexibly to reflect issues of viability the improved offer is welcomed. While the tenure mix departs from that normally sought by the Council (60/40 split between social rented and shared ownership) it is considered, given the overall percentage is less than the Council's target of 40%, that there is greater need to deliver affordable rented accommodation. Deviation from the Council's normal requirements is supported in this instance.

- 7.15 In assessing viability members' attention is drawn to the fact that as from April 2014 the Council will implement its own CIL in addition to that currently levied by the Mayor. Notwithstanding any CIL relief a developer may be able to seek to recoup from the provision of affordable housing, officers anticipate that any delay in determining the application would impact on viability, on the current affordable housing offer, and potentially the deliverability of the scheme, overall CIL liability estimated to be in the order of £750,000.

Design, including density, scale, massing and impact on locality.

Residential density.

- 7.16 Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. Policy 3.4 of the London Plan states that after taking account of local context and character, design principles and public transport capacity development should optimise housing output within the relevant density range. The site has a Public Transport Accessibility Level [PTAL] of 4 [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. The relevant density range for the application within a short distance of Colliers Wood tube station is between 200 and 700 habitable rooms per hectare.
- 7.17 The proposed development providing 147 habitable rooms on this site of 0.13 hectares has a residential density of 1130 habitable rooms per hectare significantly exceeding the guidelines. However, the Colliers Wood/South Wimbledon area is identified in the London Plan as an area for intensification. Policy 2.13 states that development proposals within intensification areas should (b) seek to optimise residential and non-residential output and densities... and (c) contribute towards meeting or where appropriate exceeding the minimum guidelines for housing. The Council's LDF aspires to facilitate this objectives noting at policy CS.1 that the Council seeks the designation of Colliers Wood as a district centre in the London Plan hierarchy and that it may be an appropriate location to accommodate higher density development including tall buildings. Against this backdrop officers would suggest that to slavishly rely on density guidelines as a measure of the appropriateness or otherwise of more intensive development on an individual site would be inappropriate. Greater weight should be

accorded to a wider analysis of design and impact on the locality in this instance.

Design, including scale and massing and impact on locality.

- 7.18 The London Plan defines tall buildings as those substantially taller than their surroundings, cause a significant change on the skyline or are larger than the threshold size for referral of planning applications to the Mayor. At a maximum of 39m the proposals would exceed the (30m) threshold for referral of applications to the Mayor and are thus considered to comprise a tall building for the purposes of assessment against adopted policy.
- 7.19 Merton's Tall Building Background paper (2010) advises that tall buildings are generally not appropriate within the borough due to its predominantly suburban low rise character. Tall buildings may be suitable where all of the following factors are present:
- Good public transport accessibility (the site benefits from good public transport accessibility)
 - Existing higher building precedent (in addition to Brown and Root Tower to the north the area has become increasingly characterised by a cluster of buildings the heights of which significantly exceed those of the suburban housing in the area including .
 - Regeneration or change is envisaged (The Council is working with TfL in promoting public realm improvements in Colliers Wood, promoting regeneration of the site of Brown and Root Tower and Merton Priory Homes are carrying out consultation in relation to the regeneration of the nearby High Path estate);
- 7.20 London Plan policy 7.7 provides more detailed criteria for assessing proposals for tall buildings. These are addressed below.
- 7.21 **Ca) Tall buildings should generally be limited to ..areas of intensification.** The site is within the Colliers Wood/South Wimbledon Area for Intensification in the London Plan. Colliers Wood is considered by the Council to be an appropriate location to accommodate higher density development including tall buildings.
- 7.22 **Cb) Only considered in areas whose character would not be affected adversely by the scale mass or bulk of a tall or large building.** The Council has acknowledged that Colliers Wood is suitable for tall buildings. The site is relatively remote from the Wandle Valley Conservation Area and the building would not harm views into or out of the area. While there are a number of listed buildings in the area including Singlegate Primary School and a cluster of buildings at Merton Abbey Mills these too are considered sufficiently remote from the site that the proposed development would not harm the character and setting of these heritage assets.
- 7.23 **Cc) Buildings are required to relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm particularly at street level.** As noted in the

Design and Access statement, the large and bulky retail developments in close proximity to the site, offer little to the street scene and the area is dominated by the car, which discourages pedestrian activity. These developments are largely responsible for the out-of-town feeling of the immediate area with a lack of any identity or local distinctiveness.

- 7.24 The applicant's Design and Access statement explains how the form and layout of the scheme has been informed by the surrounding context, and utilises sound urban design principles. Notwithstanding the increase in height of the corner block relative to the existing buildings to the north of the site on Christchurch Road, officers are supportive of the applicant's assertion that the arrangement pays due regard to the streetscape and building lines, and relationships with neighbouring properties. The building would relate well to the surrounding streets and adjoining buildings with active frontages to both Prince George's Road and Christchurch Road.
- 7.25 The applicant explores their rationale for a tall building further in their D&A statement examining storey heights in relation to street dimensions which are particularly wide at this point (building frontage to mid point of road 19m) and which officers consider contributes to a road dominated environment. The applicant asserts that the lack of enclosure, which currently exists on Christchurch Road, would benefit from a more substantial building analysing the impact of buildings ranging upwards from 7 storeys. The proposed building would achieve a ratio of roughly 2:1 in terms of its height to the mid point of the road a ratio that CABE guidance has in the past deemed appropriate to create a suitable sense of enclosure to streets in town centres.
- 7.26 Notwithstanding that the approved outline scheme for a block of flats on the opposite side of the road (101 Christchurch Road) is only 3 storeys, that the buildings adjoining the site to the north are five storeys, and that the site is within not so much a town centre as an area where the Council aspires to create a greater sense of place, the proposed building would create a greater sense of enclosure in this instance and may not appear out of context when viewed against a backdrop of the 7 storey buildings along Mertantum Way to the north and which are located on a slight rise in the land.
- 7.27 **Cd) Tall buildings should individually or as a group improve the legibility of an area by emphasising a point of civic or visual interest where appropriate and enhance the skyline and image of London.** At a local level the justificatory text to LDF policy CS.1 notes that the Brown and Root Tower should remain the pinnacle building in the centre in terms of height. This can then form the basis for a coherent group of buildings that relate well to each other in terms of scale massing form and architecture. Towards the edge of the centre the sensitivity of low rise residential neighbourhoods should be considered.

- 7.28 The applicant's rationale is that given the site's position on the south eastern boundary of what is defined as the "town centre", it is an appropriate location for a well designed taller building, which can act as a 'gateway' and way-finding device.
- 7.29 The applicant's Design and Access statement acknowledges that redevelopment of the Brown and Root Tower will create a gateway from the north, and suggests that the proposed scheme has the potential to offer similar strategic views when approaching from the south. The rationale for this approach is that there is the potential for redevelopment in various forms and heights in between while not detracting from the Council's objective that Brown and Root Tower should remain the pinnacle in terms of height.
- 7.30 The Council's strategy does not necessarily preclude the erection of tall buildings that are not in immediate proximity to Brown and Root Tower. Thus, while the height of the building is key to the DRP's objection to the proposals, and the applicant's approach would not contribute towards a cluster of higher buildings solely around Brown and Root Tower, it would nevertheless introduce a landmark building on the edge of an area where buildings of up to 7 storeys already exist and members may reasonably conclude that this is a suitable design approach in this instance.
- 7.31 Officers acknowledge that a lower building as suggested by the DRP would still create a presence on this site, but are not necessarily persuaded that a building of 12 storey would be harmful to the area.
- 7.32 **Ce) Tall buildings should incorporate the highest standards of architecture and materials including sustainable design and construction practice.** The Design and Access statements describes the approach to design as "a robust residential aesthetic... using brickwork as the main material but in a consistent way throughout the scheme...the approach to the design of the proposed scheme is intended to create a heritage inspired, robust and crafted piece of contemporary architecture".
- 7.33 The approach to the detailed design was developed in discussion with design officers and in response to the pre-submission public consultation exercise. The D&A statement goes on to explain "The vertical brick piers which are prevalent in much industrial warehouse architecture and in Merton Abbey Mill buildings, have informed the design and elevational treatment. A simple idea transformed in a contemporary way brings a sense of identity and local distinctiveness to the scheme. The brickwork is combined with secondary materials reminiscent of the arts and crafts produced at the Merton Abbey Mills, which gives further interest and animation".
- 7.34 As noted above, the Council's Design Review Panel was generally supportive of the architectural approach, but not the height. It was felt

to be a well considered, quality building in this respect. The top and bottom of the building worked particularly well.

- 7.35 While the building was not considered by the Panel to be of an exceptional design (the LDF test) the NPPF simply focuses on achieving high quality and inclusive design. Officers consider that the proposals would deliver a sufficiently high standard of architecture to satisfy the NPPF.
- 7.36 The building would also fulfil both the Council's and the Mayor's objectives in terms of achieving a suitable level of sustainable design and construction.
- 7.37 **Cf) Tall buildings should have ground floor activities that provide a positive relationship to the surrounding streets.** The building would provide active frontages with appropriate uses to both Prince George's Road and Christchurch Road contributing to the quality of environment.
- 7.38 **Cg) They should contribute to improving permeability of the site and the wider area where possible;** The site does not provide opportunities to increase levels of permeability, linking one area to another. Providing links through the site is not an objective in this instance.
- 7.39 **Ch) They should incorporate publicly accessible areas on the upper floors where appropriate;** The provision of publicly accessible areas on the upper floors is not considered appropriate in this instance.
- 7.40 **Ci) Make a significant contribution to local regeneration;** The Council is working with TfL in promoting public realm improvements in Colliers Wood, promoting regeneration of the site of Brown and Root Tower and Merton Priory Homes are carrying out consultation in relation to the regeneration of the nearby High Path estate. The proposals would add to the momentum for development in the area and secure improvements to the streetscene arising from the development of a site that has remained vacant for a number of years.
- 7.41 **Da) They should not affect their surroundings adversely in terms of microclimate, including overshadowing, noise, and reflected glare.**
- 7.42 At a detailed local level retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.

- 7.43 The application is accompanied by a Daylight and Sunlight report and provides a detailed analysis of the impact of the proposals on nearby residential property including those at 1-7 and 9-15 Runnymede and 1a to 1e and 2 Liberty Avenue.
- 7.44 The analysis of the reduction in light (Vertical Sky Component) to flats in Liberty Avenue is calculated at under 12% with a recommended threshold set by the Building Research Establishment of 20%. This is well within BRE guidelines and the report concludes would not result in a noticeable loss of daylight. All windows that overlook the site are located in the northern elevations and therefore fall outside the testing parameters. The proposal is therefore considered compliant with BRE guidance.
- 7.45 2 Liberty Avenue is located to the west of the site. A similar analysis of impact on daylight to habitable rooms records a maximum reduction of 16.5%, again well within BRE thresholds. The windows would continue to maintain good Average Probable Sunlight Hours (APSH) the BRE test requiring the proposed situation to be at least 25% of the annual total of which 5% should be from the winter months. The proposed scheme will maintain good levels and will not result in a reduction in sunlight.
- 7.46 For 9-15 and 7-11 Runnymede a reduction of no more than 15.6% to any one room in the vertical Sky component would be experienced, again within recommended thresholds. Again, the properties would continue to benefit from adequate levels of sunlight.

Privacy and visual intrusion

- 7.47 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing residential windows.
- 7.48 The flats would be located more than 34m from the nearest window to a flat (the proposed flats at 101 Christchurch Road opposite) far exceeding the Council's recommended minimum.

Noise.

- 7.49 The ground floor uses would be compatible with the prevailing non-residential mix of uses in the surrounding retail centre and suitably conditioned to control hours of opening, and the operation of plant and equipment would be unlikely to give rise to harmful levels of noise. Conditions are also recommended in order to safeguard the occupiers of the building from more general noise from the local environment.
- 7.50 **Db) They should not impact on local or strategic views adversely.** The applicant's Design and Access statement considers the impact of

the proposals on key views into the area. There are no views into, across or from the site that the Council has identified as in need of safeguarding, neither are there views of a more strategic nature. Thus, while the applicant's D&A statement clearly shows how the proposed building set against the context of existing buildings and streetscenes would alter views, there is no policy basis to protect these views. It would be unreasonable to resist the proposals on this basis.

- 7.51 The LDF concludes that tall buildings of exceptional design and architectural quality may be appropriate in areas including Colliers Wood where justified in terms of their impact on the townscape and the historic environment and the benefits towards regeneration and the public realm. In summary, it may be considered that the proposals broadly meet the key policy test to be applied in assessing tall buildings, would deliver a sufficiently high quality of design and that the proposals would not give rise to harm to the appearance of the area including heritage assets or neighbour amenity in terms of noise, daylight and sunlight.

Standard of residential accommodation.

- 7.52 Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.53 The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999].

- 7.54 The proposed accommodation provides internal residential floor space in accordance with the London plan and in excess of minimum floor space standards. The residential layout also enables a high proportion of dual aspect units and creates no single-aspect north-facing units, and is strongly supported by the GLA. The applicant has confirmed that the clear floor to ceiling heights will be 2.6 metres, exceeding the Mayor's Housing SPG standard which is also welcomed.

7.55 **External amenity space**

Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers with a standard based on 10 sq,m per habitable room. A lesser standard is required

under the Mayor's Housing SPG (2012). A minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant. The scheme provides a total of 477sqm in private balconies. The submitted application meets the Mayor's Housing SPG standards.

- 7.55 In addition to the private amenity space, the scheme will also provide communal amenity space in the form of roof gardens to the first (215m²), fourth (125m²) and fifth floors (350m²). These will be accessible to future residents via the access cores. A total of 690m² communal amenity space will be provided across the three spaces.
- 7.56 The communal gardens have been designed into the scheme as an integral part of the development. Their location to the rear of the site ensures that they are not overlooked by adjacent sites, and that the majority of the space is screened from the road. These areas will only be accessible to residents and will be naturally surveyed by residents of the upper floors of the proposed development increasing their security.
- 7.57 The design also considers the needs of playspace and whether, on the basis of categories of child yield by age group, this can be provided on site or off site. Based on an anticipated child yield of 7 x 0-4 year olds the scheme can incorporate 100 sq.m on site for this group. While the Mayor's Housing SPG standards would require 120 sq.m on site if all play space were to be accommodated on site (based on a child yield of 12 children of all ages for the whole development) there is adequate provision within a short distance of the site. GLA officers are content that the initial stage of the scheme meets and exceeds the on-site play provisions required by the SPG and is in general accordance with London Plan Policy 3.6.
- 7.58 The development includes a total of 1162 sq.m (balconies and terraces) and while less than the minimum sought under the Council's current UDP standards (1470 sq.m) the shortfall is off set by the ability of future occupiers to access a number of open spaces locally. An off-site contribution is considered acceptable where there is adequate provision within a certain distance. For 5-11 year olds this is within 400m and for 12-15 year olds the requirement is within 800m.
- 7.59 The site is within reasonable walking distance of a number of open spaces and play facilities. The existing open spaces in the vicinity of the site are:
1. Lavender Park within 400m walking distance from the site. The park provides, play areas and playing fields, and other recreation facilities such as tennis courts. In addition to this it also provides a toddler play area for younger children.
 2. Colliers Wood Recreation Ground is within 550m walking distance from the site. The recreation ground provides a paddling pool, play

area, children's play centre, Astro turf football pitches, tennis courts and other sports pitches.

3. Wandle Park is within 650m walking distance from the site and also provides a play area.

- 7.60 Notwithstanding the proximity to local parks members may consider an off site contribution towards improving local public open spaces locally may be desirable and the applicant has demonstrated a willingness to provide a financial contribution towards open space improvements. Further commentary on financial contributions as provided in Section 9.

Car parking, servicing, access cycling and walking.

Car parking.

- 7.61 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.62 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum car parking standards are set out within the London Plan at table 6.2. The Plan states that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per residential unit. Having regard to Table 6.2, the plan promotes maximum parking standards on the basis of 1-2 bed residential units to aim for less than 1 space per unit, and 3 bed units to aim for 1-1.5 spaces per unit.
- 7.63 For the non-residential element a maximum of 1 space per 50-35 sq.m is recommended. Unless for disabled people no additional parking should be provided for A2-A5 uses classes in town centre locations.
- 7.64 The Plan also requires that developments should provide at least one accessible on or off street parking bay for Blue Badge holders.
- 7.65 The application proposes a total of 10 car parking spaces on site, of which two would be for disabled users. This car parking would be allocated to the residential units. There are parking restrictions (yellow lines) in place on Tandem Way, Prince Georges Road and Western Road. There is no competing residential parking demand in the immediate area. The good access to public transport and local facilities, combined with the local highway constraints, are likely to make the development attractive to non-car owning residents. Therefore, the impact on the public highway would not be deemed severe and therefore unlikely to be upheld at appeal.
- 7.66 It is considered appropriate in the context of the development and its accessibility to public transport that this level of off street car parking is consistent with the maximum parking standards in the London Plan and reflects the sustainable location of this site where occupants are able to

meet daily needs without the use of a car. Neither TfL or the Council's Transport Planning officers have raised objection to the level of parking to be provided.

- 7.67 The proposals also include car club incentives in the form of membership and financial contributions towards use of car club vehicles and this meets TfL/GLA aspirations. This would be secured under the terms of a S106 agreement.
- 7.68 The needs of people with disabilities have been factored into the parking provision which includes 2 disabled parking bays within the building consistent with London Plan objectives. Transport Planning officers do not support securing a formalised blue badge bay on-street in this location, particularly if the area on Prince Georges is due to be used for servicing. Transport Planning officers consider that Informal dropping off and picking up can take place from the yellow lines along Prince Georges and longer term disabled parking is available a short distance away in the Tandem Centre.
- 7.69 In order to reduce carbon dioxide emissions and promote sustainable transport use, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan seek an on site facility for charging electric vehicles. Two spaces are proposed and a planning condition is recommended to ensure that this facility is provided.

Cycling and walking.

- 7.70 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.71 Table 6.3 of the London Plan identifies the appropriate cycle parking standards. It encourages 1 cycle space per 1-2 bed residential unit, 2 spaces per 3 bed residential unit and 1 space per 125m² A2 use. Calculation for the non-residential element has been based on the A2 use as this is recognised by the London Plan as having the highest demand for cycle parking.
- 7.72 The total requirement would be for approximately 66 cycle parking spaces. Residential cycle storage will be provided for 62 spaces in two separate secure compounds, one for each access core. Cycle parking for the commercial unit will be provided outside the front of the unit via two Sheffield stands providing four spaces. The proposals would therefore meet London Plan standards.
- 7.73 The applicant proposes dedication of a strip of land primarily fronting Christchurch Road to assist with the Council's Mini Hollands initiative to promote cycling in the locality and this would be secured under the provisions of a legal agreement.

7.74 To assist in the promotion of such sustainable transport initiatives the applicant has indicated a willingness to make a financial contribution (£27,000) consistent with the Council's SPD again to be secured via a S106 agreement.

Servicing and access

7.75 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.

7.76 While TfL have encouraged consideration by the Council of a delivery and servicing bay on Prince George's Road. Transport Planning consider that issues of servicing and delivery may reasonably be dealt with condition.

7.77 In conclusion it is considered that the proposed development has been designed with adequate parking access and servicing arrangements.

Sustainable design and construction and environmental impacts.

7.78 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.

7.79 As part of the current planning application the applicant has submitted a Code for Sustainable Homes – Pre-Assessment Report The pre-assessment report concludes that based on the current design development it would exceed the minimum 25% improvement to reductions in CO2 emissions required under the Code for Sustainable Homes Level 4. Furthermore the scheme would exceed the Mayor's 40% reduction target and would meet both LDF and London Plan policies.

7.80 The Council's Climate changes officers are supportive of the proposals highlighting that the scheme follows the Mayor's energy hierarchy. The applicant has also agreed to follow the GLA's recommendations to future proof the development so as to make provision for connecting to any district heating network that may be developed for the area.

Flooding and other environmental issues.

- 7.81 While the site lies within an area at risk from flooding the principle of development has been established and the application of the Sequential Test is not required in this instance. Notwithstanding this, the scheme has been subject to close scrutiny by officers from the Environment Agency who have reviewed 3 versions of the applicant's Flood Risk Assessment.
- 7.82 Concerns had been raised regarding finished floor levels and the potential impact on occupiers of the building in the event of a flood, safe access/egress and flood evacuation measures, building resilience and loss of flood plain storage.
- 7.83 Raising floor levels internally so as to provide voids is not favoured as a key design and DDA objective has been to ensure that thresholds to both the residential and non-residential parts of the development provide a seamless transition from pavement into the building.
- 7.84 The FRA provides details of measures to ensure resilience of the building in the event of flooding. The detailed design of the building should be developed in accordance with the measures set out in the FRA and this should be secured by condition. The EA recommends the plant rooms located on the ground floor are set above the 1 in 100 year modeled flood levels and this too may reasonably be dealt with by condition.
- 7.85 Appendix I of the FRA comprises a Flood Emergency Plan. This plan is to ensure the safety of all staff, customers and residents at 118-120 Christchurch Road, Colliers during a flood event. The document includes a risk assessment and details of recommendations for alarms and site evacuation procedures and routes. It is recommended that permission be made conditional upon implementing the measures set out in Appendix I.
- 7.86 On the issue of flood plain capacity the proposed footprint is marginally reduced (circa 80m²) compared to the historical building footprints, and therefore post development the EA accepts that there will be nil detriment in regards to third party flood risk due to floodplain storage loss.
- 7.87 The EA have now confirmed that concerns in relation to flood risk have now been addressed through the clarifications, and the additional information provided within the revised FRA. While a more formal response is awaited the EA have confirmed that they will now be able to formally amend its response to confirm that the FRA and proposals are broadly in line with both national and local policy subject to the proposed conditions (flood resilience, drainage, foundation design and contamination) being attached to the planning consent.

7.88 The 'Phase II Geo-Environmental Assessment' by ESI Limited (reference 616601R1 dated August 2013) has identified that the site has industrial heritage and that contaminants have been identified in the ground and groundwater. Both the Council's Environmental Health officers and the Environment Agency recommend conditions to address this.

Air quality

- 7.88 The applicant's planning statement acknowledges that the NPPF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use. London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area. In support of the application an Air Quality Assessment has been submitted.
- 7.89 The AQA identifies that only temporary, local negligible impacts on local air quality will arise during the construction phase of the development and that the operation of the building will result in negligible impacts on any future occupants. The AQA recommends that dust supervisors/containment techniques and traffic management measures are applied during the construction phase. In addition to this, it is recommended that a mechanically ventilated system to remove exceeding concentrations of Nox/No2 from incoming air. The applicant states that this measure will ensure that the proposed development will comply with European and National air quality legislation, strategic and local planning policy.
- 7.90 Officers recommend that permission is made conditional on development not commencing until a method statement outlining the method of site preparation, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted to and approved in writing to the Local Planning Authority for approval. Pending receipt of more detailed advice from the Council's Environmental Health officers, it is also recommended that permission is also made conditional upon the submission of details for mechanical ventilation to the flats.

Noise

- 7.91 The NPPF seeks to protect amenity from pollution, including noise. Saved UDP Policy HS.1 seeks to protect future and existing neighbouring occupiers from pollution including noise where new developments are proposed.
- 7.92 In support of the application an Environmental Noise Survey was undertaken at the site which determined the primary source of existing

noise to be exposure from road traffic from Christchurch Road and the nearby Tandem Centre. To protect the amenity the impact from these noise sources including optimising building screening; room layout; minimising window areas to bedrooms; and providing a ventilation system as an alternative to opening windows.

- 7.93 In addition to these key design aspects, the Assessment recommends additional measures including a range of high and medium sound insulation performance windows and doors; insulation performance ventilation system as an alternative to open windows; and omission of trickle vents and other attenuated ventilation opening for the most exposed elevation. As above, pending receipt of more detailed advice from the Council's Environmental Health officers it is recommended that any permission be conditional upon the submission of details to address the above recommendations.

Other matters – Archaeology.

- 7.94 The site is identified by the Proposals Map as being located within an Archaeological Priority Zone (APZ). Saved UDP Policy BE.14 requires a preliminary archaeological assessment to be undertaken where development in such areas is proposed, in order to determine the nature and extent of any archaeological remains that may be present on site. In support of the an archaeological desk-based assessment of the site to establish the potential for archaeological remains on site has been submitted. The Assessment concludes that there is a low to moderate potential for remains on site, with the most likely remains, if any, to be associated with a medieval priory historically present on site.
- 7.95 EH/GLAAS have assessed the study and conclude that while no objections are raised to development because of the potential for archaeological remains to be present on the site an appropriate archaeological evaluation and safeguarding condition should be attached to any permission.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 In the event that planning permission is not issued by the end of March then the development would also be liable for Merton's local CIL.

Planning Obligations

- 9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Financial contribution towards education provision;

- 9.5 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development. Based on the number of market non-1 bedroom units, and in line with policy C13 and to meet the additional pressure that would be placed on local schools, a financial contribution of £137,519.52 is recommended towards education provision.

Other financial contributions and obligations.

- 9.6 Based on the Council's SPD amenity space shortfalls would generate a requirement of around £15,000. This would be met by the applicant. In the absence of specific unfunded projects for parks improvements locally and given the otherwise good standard of environment for future occupiers it may not be appropriate to take this into consideration in determining the application.
- 9.7 Based on the Council's SPD, sustainable transport contributions would generate a requirement of £27,000. Coupled with the land dedication offer and the Council's project locally to develop improved cycle facilities this contribution is considered as providing a meaningful opportunity to promote more sustainable forms of movement including cycling in accordance with LDF and London Plan policies and support having low levels of car parking in this instance.
- 9.8 While it is more difficult to quantify the car club incentives being offered again are directly linked to the approach in this instance of opting for low levels of parking provision and may be justifiably be linked to the overall assessment of the scheme.
- 9.9 The provision of affordable housing on site is firmly rooted in adopted planning policies and should be secured via the S106 agreement.
- 9.10 In the event that permission is not issued before the end of March, sustainable transport, education and open space contributions would fall away and would be replaced by a requirement to pay Merton's CIL. Notwithstanding any CIL relief a developer may be able to seek to

recoup from the provision of affordable housing, officers estimate the overall (Merton and GLA) CIL liability to be in the order of £750,000.

The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;

- 9.11 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site contributing to housing and affordable housing targets. Proposed land uses are consistent with the site allocation in the UDP.
- 10.2 The proposals would introduce a tall building within an area where the Council recognizes that tall buildings could reasonably be located. As a matter of judgment the building would broadly fulfill the key policy tests for assessing the appropriateness or otherwise of tall buildings in terms of both the local, including impact on neighbour amenity and wider context and presents an opportunity to deliver a good quality architectural solution on this unattractive and long standing vacant site.
- 10.3 The accommodation would provide a satisfactory environment for future occupiers while the offer of a contribution towards off site improvements to open spaces to mitigate for a shortfall in the overall amount of amenity space (having regard to the Council's standards) on site is welcomed.
- 10.4 The location is suitable for a scheme with limited on site parking. Suitably conditioned to address cycling and servicing arrangements it is considered that the proposals can be delivered in a manner that would not have a harmful impact on the overall functioning of the surrounding highway network.
- 10.5 The development would achieve a suitable level of sustainable design and construction meeting London Plan objectives.
- 10.6 The NPPF (para 65) recommends that local planning authorities should not refuse permission for buildings that promote a high level of sustainability because of concerns about incompatibility with an existing townscape if those concerns have been addressed by good design. Officers consider that the design solution proposed may reasonably be judged as meeting that test.
- 10.7 The NPPF (para 100) recommends that inappropriate development should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere. Initial concerns raised by the

Environment Agency, have broadly been addressed via revisions to the applicant's flood risk assessment. Conditions are recommended so as to ensure that the construction provides a flood resilient building and that there are adequate flood evacuation procedures in place once the building is occupied. Officers are mindful of the earlier permissions to develop the site for a mixed use development including flats neither of which included any such measures.

- 10.8 Officers would draw attention to the benefits arising from the latest proposals including the delivery of affordable housing and the higher standards of sustainable design and construction required by the Council and the GLA, that go beyond the need to simply address the Building Regulations.
- 10.5 On balance it is considered that the proposals may reasonably be supported and recommend that planning permission be granted subject to any direction from the Mayor, completion of a legal agreement and the planning conditions set out below.

RECOMMENDATION

Grant planning permission subject to:

- a) A direction from the Mayor of London that Merton Council can determine the application; and**
b) Planning conditions and a S106 legal agreement

1. Provision of 12 affordable housing units (5 x 1 bed, 3 x 2 bed and 4 x 3 bed) for affordable rent on site;
2. Financial contribution towards sustainable transport (subject to permission being issued before the end of March) (£27,000).
3. Financial contribution towards education provision (subject to permission being issued before the end of March) (£137,519.52) ;
4. Financial contribution towards open space improvements (subject to permission being issued before the end of March) (£15,150) ;
5. Procurement of a car club scheme with financial incentives for occupiers of the residential units; One year's car club membership for each residential unit, along with £25 driver credit per unit
6. Dedication of land for highways purposes;
7. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
8. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. A.7 Development to be implemented in accordance with approved plans and associated documents.
3. Standard condition (D11) [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Non standard condition [Demolition dust and noise] No development [including demolition] shall commence until a method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted to and approved in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
5. Amended standard condition H9 [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

6. A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to the local planning authority.
- B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then before development commences the applicant (or their heirs and successors in title) shall secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
- C) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).
- D) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- Reason. Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 12 of the NPPF
7. Non Standard condition [Noise assessment] In accordance with the recommendations of the applicant's Environmental Noise Survey, prior to the commencement of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development and the noise impact of the proposed development on the existing noise environment shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development and retained permanently thereafter. Reason for condition: To safeguard the occupiers of the proposed properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.
8. [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have

been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

9. (Land contamination - construction phase). If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
10. [Land contamination – validation/verification report]. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
11. Flood Risk - Prior to development details of the following mitigation measures proposed by the Flood Risk Assessment (FRA) prepared by Odyssey Markides (Report Ref. 13-094-2, dated January 2014) shall be submitted to and approved by the Local Planning Authority.
 1. A scheme for the implementation of appropriate flood resilient and resistant measures within the ground floor where practical considerations allow using the guidance contained within Approved Document C of the Building Regulations and the publication 'Improving the flood performance of new buildings- Flood resilient construction' publication issued by the Department for Communities and Local Government in 2007.
 2. A detailed drainage scheme shall be submitted to the satisfaction of the Local Planning Authority before development commences. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates set out

within section 8.0 of the FRA (Odyssey Markides Report Ref. 13-094-02, dated January 2014). The scheme shall include details for the adoption and maintenance of the drainage measures in perpetuity. Reason. To reduce the impact of flooding both to and from the proposed development and third parties.

12. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details. Reason. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.
13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason. The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.
14. Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes is submitted to the local planning authority. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
15. Standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, no flat hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the

Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

16. Prior to any works commencing on site the applicant shall submit to and have secured written approval from the Local Planning Authority, detailed design drawings showing the plant room and the site heat network linking all building uses and providing capacity for connections to any adjoining land connected to a district heating network. Reason: In order 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.
17. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
18. [Car parking spaces] Prior to occupation of the development hereby permitted the car parking spaces shown on the approved drawing including the on site facility for charging electric vehicles shown on the approved layout plan to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
19. Standard condition H6 (Cycle parking).
20. [Refuse and recycling facilities] Prior to occupation of the relevant part of the development, the parts being residential and non-residential accommodation, hereby permitted refuse and recycling facilities for the relevant part of the development shall be provided, details having first been submitted to and approved by the Local Planning Authority, and shall be retained permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
21. (Parking management strategy) The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be

occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

22. Prior to commencement of the development details of the proposed footway works on Christchurch Road and Prince Georges Road on the land subject to the Deed of Dedication shall be submitted to and approved in writing by the local planning authority. Such works as approved shall be completed prior to first occupation of the development. Reason. To facilitate improvements for pedestrians and cyclists
23. Prior to the occupation of the development pedestrian visibility splays shall be provided either side of the vehicle access in accordance with the requirements of the Highway Authority. Reason. In the interest of driver and pedestrian safety.
24. Standard condition H1 (New vehicle access).
25. Standard condition H3 (Redundant crossover).
26. Standard condition H12 (Delivery and Servicing plan).
27. Hours of opening to the public for any A3 use occupying the ground floor non-residential floorspace shall be restricted to 07.00 to 23.00 hours on any day. Reason. To safeguard neighbour amenity.

INFORMATIVES:

- a) INF2 Lifetime Homes
- b) Where soil contamination is present, a risk assessment should be carried out in accordance with the Environment Agency's guidance 'Piling into Contaminated Sites'.
- c) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway.
- d) Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. They must be approved by the planning authority before any on-site development related activity occurs.
- e) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues

that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

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