

PLANNING APPLICATIONS COMMITTEE 29th June 2021

APPLICATION NO.

21/P1138

DATE VALID

16/03/2021

Address/Site: 131 - 135 Love Lane, Mitcham, CR4 3YA**Ward:** Cricket Green**Proposal:** REDEVELOPMENT OF THE SITE INVOLVING THE DEMOLITION OF THE EXISTING COMMERCIAL BUILDING AND ERECTION OF A PART 3, PART 2 STOREY BUILDING, COMPRISING 9 x RESIDENTIAL FLATS, ASSOCIATED REFUSE AND CYCLE STORAGE, AND LANDSCAPING.**Drawing No.'s:** P/07 Rev A; P/06 Rev C; P/04 Rev C; P/03 Rev C; P/02 Rev A; P/01; PROPOSED SECTION AA; PROPOSED SECTION BB; PROPOSED SECTIONAL ELEVATIONS.**Contact Officer:** Jourdan Alexander (020 8545 3122)

RECOMMENDATION

Grant planning permission subject to conditions and a S.106 agreement for parking permit free, and that in the event that following substantial implementation of the approved scheme a planning application is submitted that enables the creation of one or more additional unit/units, the entire scheme would be subject to a full viability assessment, and for London Borough of Merton to levy an off-site affordable housing contribution and/or carbon offset.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 25
- External consultations: 0
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: No
- Controlled Parking Zone: Yes

- Flood Zone: Zone 1 (low risk)
- Designated Open Space: No

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The subject site is located on the north-west side of Love Lane in Mitcham. It sits between a two-storey residential terrace to the south and a detached two-storey house to the north. Next door to the detached house is an MOT testing centre located at the junction of Love Lane and Western Road (A236). Lidl supermarket is located on the opposite side of the street. The site itself is immediately adjacent to the Mitcham Town Centre.
- 2.2 The subject site is occupied by a warehouse building, which previously housed a printing company (Use Class B1c – now E Class Use). The building although single storey, has a tall ground to ceiling height at 6.7m, with a dual pitch roof and decorate front fascia. The building extends deeper into the rear of the site than that of neighbouring residential houses. At the rear of the site is a single storey outbuilding with pitch roof that was used as workshop for the printing company. This outbuilding is connected to the main warehouse building by an overhanging roof canopy. All 3 buildings/structures on the site (main warehouse, roof canopy and outbuilding) essentially occupy the entire length of the site with a collective length of 37m.
- 2.3 There is driveway access into the site, which is formed along the warehouse's side elevation (north) and the boundary of No. 137 Love Lane, with a vehicle crossover onto Love Lane.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the redevelopment of the site. This would involve demolition of the existing commercial buildings and the erection of a part two and part three storey building. The three storey element would consist of a recessed upper level. The new development would comprise 9 residential flats. The proposal would also include, a refuse and recycling storage area to the front, a cycle storage area within the courtyard. Landscaping is also proposed.
- 3.2 The part of the building set to the front of the site, would be three storey, comprising a setback third floor. The maximum height of the building at 8.6m would sit marginally above the upper heights of the neighbouring residential buildings along Love Lane at 8.3m. The building height would step down from three to two storeys moving back into the site with the central and rear parts of the building at two storeys. The central part of the building would have a flat roof design that is comparable in height to the existing building at this position at 6.7m. Whilst the rear part of the building replaces the existing outbuilding,

and would have a similar form with pitch roof, albeit taller in height and would be set further in from the rear boundary.

- 3.3 The flats would be accessed from the entrance fronting Love Lane, a staircase within the communal corridor would provide access to front and central flats at upper levels. Occupants within the two flats at rear would reach their front doors via the courtyard with paved walkway. Flats located at ground floor would have access to a private garden, whilst upper floor flats would have a raised balcony or in the case of the third floor flat an external terrace.
- 3.4 The applicant proposes that the external facade is finished in brick masonry, and a metal clad roofing system to the various flat and pitched roof forms. The recessed upper level would be a metal seam clad external finish.
- 3.5 The applicant has proposed the development as car free, and would be willing to enter into a legal agreements to prevent occupiers of the development from being eligible for on-street parking permits should the grant of planning permission be supported by members of Planning Committee.

4. PLANNING HISTORY

- 4.1 20/P3871 - REDEVELOPMENT OF THE SITE INVOLVING THE DEMOLITION OF THE EXISTING COMMERCIAL BUILDING AND ERECTION OF A PART 3, PART 2 STOREY BUILDING, COMPRISING 9 x RESIDENTIAL FLATS, ASSOCIATED REFUSE AND CYCLE STORAGE, AND LANDSCAPING. Application withdrawn

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site notice and letters sent to 25 neighbouring properties. One objection letter was received stating the following concerns – The proposal would cause privacy, parking and congestion issues.
- 5.2 A petition was also received signed by three residents, which sited the following issues: parking, privacy, the size of the build and overcrowding. A comment also advised that the planning site notice went missing on the second day.

Officer's Comments

- 5.3 Paragraph 6 of section 15, part 3 of the Development Management Procedure Order (DMPO) 2015 states: *Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority is to be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.* In this case, a replacement notice was erected outside the site by the Council's contractor on the 03/06/2021. It should also be noted that all adjoining properties to the proposal have been consulted by the Council by letter.

5.4 The concerns raised within the representations received are discussed within the report.

Internal consultees:

5.5 LBM Transport and Highways Officers: Raise no objection subject to:

- Cycle parking: 16 cycle spaces (secure and undercover) maintained.
- The applicant enters into a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement.
- Demolition/Construction Logistic Plan (including a Construction Management plan in accordance with TfL guidance) should be submitted to LPA for approval before commencement of work.
- Existing drop kerb and setts to be removed and replaced with new kerb line and tarmacadam surface to match existing pavement adjacent.

5.6 LBM Environmental Health Officer: Raise no objection subject to:

- Condition requiring a Demolition/Construction Method Statement to be submitted to, and approved in writing by, the local planning authority.

5.7 LBM Waste and Recycling Officer: The proposed waste arrangements caters for all 3 main waste streams; General waste, recycling and food waste. A major concern is that there are issues with fly-tipping in this area. The proposed communal bin areas would therefore need to be sited in such a manner that limits fly-tipping. Full details of the refuse storage should be secured by way of condition.

5.8 Environmental Protection Officer: Raise no objections provided conditions are in place involving a preliminary risk assessment and if necessary site remediation of potential contamination.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2019)

- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places

6.2 London Plan (2021)

Relevant policies include:

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG4 Delivering the homes Londoners need
- GG6 Increasing efficiency and resilience
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design

- D5 Inclusive design
- D6 Housing quality and standards
- D8 Public realm
- E4 Land for industry
- E7 Industrial intensification, co-location and substitution
- H1 Increasing housing supply
- H2 Small sites
- SI2 Minimising greenhouse gas emissions
- SI5 Water infrastructure
- SI10 Aggregates
- SI13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6.1 Residential parking
- T7 Delivery servicing and construction

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 2 Mitcham sub area
- CS 8 Housing choice
- CS 9 Housing provision
- CS 12 Economic development
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Active Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM E1 Employment areas in Merton
- DM E3 Protection of scattered employment sites
- DM EP4 Pollutants
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations
- DM F2 Sustainable urban drainage systems
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

6.5 Supplementary planning considerations

- London Housing SPG – 2016
- London Character and Context SPG -2014
- DCLG - Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Housing mix
- Transport and parking
- Refuse storage and collection
- Cycle storage
- Sustainable design and construction
- Contaminated land

Principle of development

- 7.2 The proposal in part involves the change in use of the land from an employment use to residential use. The site is situated just outside the Mitcham Town Centre, and positioned in an area of transition between different prevailing uses. Lidl supermarket is opposite the site and there are a number of commercial sites, located to the north with frontages onto Western Road (A236). This includes an MOT garage, a vehicle repair business, and a roofing supplier. Areas south of the site are in predominantly residential use, mainly in the form of terrace housing. A detached residential house is also located immediately north.
- 7.3 The application site is a “scattered employment site” as defined by the Merton Development Plan. Policy CS 12 of the Core Strategy and Policy DM E1 of the SPP all seek to promote employment opportunities both locally and regionally. Policy DM E3 of the SPP relates specifically to scattered employment sites and sets out criteria by which proposals resulting in the loss of such sites for other uses may be acceptable. The London Plan policy E7 provides similar provisions concerning the protection of employment land and recognises that residential development proposals should only be supported where there is no reasonable prospect of the site being used for industrial and related purposes.
- 7.4 The planning application is supported by a market analysis report. This report finds that the main demand from light industrial occupiers for properties within Mitcham, primarily derives from businesses that provide London or nearby regions with services or goods, such as trade counter operators, craftsman and couriers. The applicant’s market research finds that such businesses are mainly in demand for larger office/warehouses units than the existing building on site. In addition, occupiers require industrial units to have good loading/storage facilities with 24 hours a day access, as well as good staff amenities within the property.
- 7.5 The key shortcoming of the site and existing building, which limit its attractiveness to tenants have been concluded within the report as follows:

- The property is situated in a predominantly residential area, and therefore noise and traffic disturbance generated by commercial operations would result in nuisance to neighbouring residents. This therefore restricts the site's capacity to trade and hours of operation.
 - Articulated vehicles would have difficulty reaching the site due to the narrowness of Love Lane, and the site's lack of a turning circle. As a result loading and unloading would be problematic.
 - The property has only a small yard area. The building's roof eaves are also low restricting an operator's ability to move goods through entrances.
 - The premises were last refurbished in the 1960's, and therefore the property is poorly configured for current requirements and is in a dilapidated state. The building is therefore considered obsolete, and thus difficult to let.
 - It is not considered financially viable to invest in alterations, repair or replacement of the building, given that site operations would be constrained by its residential surroundings, and because the site itself does not lend itself to suitable delivery provision.
- 7.6 Planning Officer's note that local policy objectives, drafted as part of the preparation of the current local plan and adopted 7 years ago, normally sought showing marketing of the site with appropriate lease terms and at market rates suitable for the type, use and size for a 2½ years period. However, Officer perspectives after visiting the site, noting site constraints along with the applicant's supporting documents, is that there is likely a genuine lack of demand for this type of site by commercial operators, meaning that the building could remain unoccupied for the foreseeable future. This view is further supported given current market difficulties for employment uses appropriate in a predominantly residential area, such as offices, workshops and other creative workspaces following the pandemic.
- 7.7 In these instances, it is considered pragmatic to take a more flexible approach in terms of land use, knowing that it would not be optimal for the site to be left empty, which in itself would act as a major disincentive for investment and improvements to the area.
- 7.8 Weighing up the proposal, the loss of the commercial use and redevelopment of the land to provide 9 flats is considered on balance compliant with policy objectives. The 9 new dwellings would provide valuable planning benefits, namely through their contribution to Merton's housing stock. Policy E4 of the London Plan further recognises that any release of industrial capacity should be focused in locations that are well-connected by public transport, walking and cycling and contribute to other planning priorities including housing. To this end the site has a PTAL of 3, meaning occupiers would have reasonable connections to public transport. Furthermore, the site's location on the edge of the Mitcham Town Centre, would provide occupiers with good access to shops and other town centre provisions, thus in part fulfilling London Plan criteria.
- 7.9 Therefore, notwithstanding the need to carefully consider design, amenity, transport and other technical aspects of the proposal in more detail, Officers consider that a residential development could be supported in principle.

Design and impact upon the character and appearance of the area

- 7.10 London Plan policies D3 and D4, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, height, bulk, proportions and character of the original building and their surroundings.

Building height:

- 7.11 The site is sandwiched between two-storey residential houses with pitch roofs. The development although three stories in height at front, would have a similar overall height as neighbouring buildings given that a flat roof form is utilised. The proposed building would therefore largely reinforce the predominant roofline heights of buildings along this part of Love Lane. It should be further noted that the 3rd floor level is recessed from both the front and sides of the main building, and uses differing materials. These design elements should further reduce the perceived height of the building from external views.
- 7.12 The building steps down in height from three to two stories moving to the site's rear, where the central and rearward flats would be located. At this part of the site the total height of the building would be similar to the current height of the existing warehouse building, and therefore the scale of the proposal as visible from the rear gardens and windows of adjacent neighbours would appear largely comparable to the existing situation.
- 7.13 The part of the building positioned at the rear most of the site replaces an existing pitch roof outbuilding. This building would be taller than the existing outbuilding, by 1.2m, but would share a similar dual pitch roof profile. The rear part of the proposed building would therefore largely replicate the current style of building located here, which would create a visually acceptable relationship to neighbouring sites.

Massing:

- 7.14 The proposed building would respect the established front building line along Love Lane, as the southern part of the building is positioned with a similar depth to the pavement as the rest of the terrace properties. The building's central entrance and northern element are stepped further back from the pavement. This is acceptable given that it provides space for landscaping, and provides a clear level of separation between the entrance of the building and the public pavement.
- 7.15 The building is configured so that each flat has private external amenity space. To achieve this, the building is positioned with a 2.5m gap between its southern side boundary and the flank wall. Within this space private gardens would be formed. The proposed massing of the scheme along with separation between the proposed building and neighbouring sites would ensure that the

visible scale of the building does not appear unduly dominant, and largely seeks to mirror the visual mass of the existing built form on site.

- 7.16 A courtyard has been created between the building's northern flank wall and neighbour at No. 137 Love Lane, which contains an external walkway to the rearmost flats and cycle storage unit. This open space along the site's northern side, shares similarities in size and position to the massing of the existing building, which has a driveway between the building and boundary.

Design and Materials:

- 7.17 The front of the building would have doors and window openings onto Love Lane. This would provide a greater level of activity with the street than the existing building, which has limited visual interest or animation. The centrally positioned front door would also provide a clear arrival point to this part of the building. The proposed windows have a co-ordinated appearance both on the building and with other neighbouring dwellings. The recessed balconies at first floor level are not considered to appear out of place on a new block of flats, and should act to provide additional visual interest. At upper level the recessed 3rd floor level will sit behind a parapet wall. This recessed level would establish itself as a secondary component to the main building.
- 7.18 The southern flank wall of the building visible from properties along Love Lane and Westfield Road, would be in brick with limited external openings. This should ensure that this part of the building appears unassuming from neighbouring vantages. Openings along this part of the building would predominantly be at ground floor level, and largely obscured by the side boundary fencing.
- 7.19 The northern flank elevation would contain a first floor level balcony and the central first floor flat windows. However, this elevation has a limited number of external vantages towards it, and would not appear out of character for a flat building.
- 7.20 The rear of the building is also appropriate considering its context overlooking a car-park for the commercial properties that front Western Road
- 7.21 The finished external façades are proposed to be red brick with a decorative brick detail at the parapet height, with the intent to emphasise the verticality of the building form at the Love Lane elevation. It is intended that an industrial aesthetic is continued through to the apartments at the rear of site. A condition has been included requiring the applicant to provide full details of the materials to be used on all external areas of the building prior to development. Such a condition is necessary to safeguard appearance, and ensure that material details including any variation in material textures work together to create an aesthetically pleasing scheme.

- 7.22 Overall the building height, massing, design and materials are considered acceptable by officers. The built form largely seeks to replicate the parameters set by the existing building. The design is considered to be well considered and would complement its surroundings. Subject to the recommended conditions, the proposal is considered to be in compliance with London Plan policies D3 and D4, Core Strategy policy CS14 and SPP Policy DMD2.

Impact upon neighbouring amenity

- 7.23 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

Visual dominance and sense of enclosure:

- 7.24 The majority of the new building replicates the bulk, mass and height of the existing buildings on the site. Therefore, it is not considered that there would be an undue impact to the neighbouring occupiers in terms of sense of enclosure or visual dominance from the new building.
- 7.25 In terms of the recessed upper level, which is taller than the existing building, a large component of this level would be situated between the blank flank walls of both neighbouring houses. The parts at upper level that project beyond the neighbouring rear building line would not be considered to cause harmful impacts to amenity. This position is taken given that the upper level would be recessed by 2.5m from the side boundary of No. 129 Love Lane, which is considered satisfactory in terms of alleviating the building's visual presence to this neighbour. The upper level has only a slight recess between the flank wall and other adjoining neighbour at 137 Love Lane. However, given that this neighbour sits deeper within the site than the opposite neighbour, the level of projection past this neighbour's rear wall would be minor, approx. 3m. Officers consider that the upper level would create an acceptable relationship with adjoining buildings.
- 7.26 The rear part of the building with pitch roof would be taller than the existing rear outbuilding on site. However, its location at the ends of neighbouring rear gardens, and thus away from habitable spaces would not create a sense of enclosure to these properties.
- 7.27 The site's neighbours to the northern rear corner are occupied by commercial operations. This includes an MOT garage and a carpark. The increased massing on the site here would have no impact on the amenity or operation of these commercial properties.

Daylight / sunlight:

- 7.28 The applicant has provided a daylight/sunlight assessment to support the planning application. The report was carried out in accordance with Building Research Establishment Guidance and assesses the effect of the

development upon daylight/sunlight to the adjacent properties at 123-129 Love Lane, 137 Love Lane and 1-4 Westfield Road. The report confirms that there will be no discernible effects upon the daylight/sunlight received to the any of these adjoining properties. Planning Officers have reviewed this report and concur with the finding made from the assessment.

Privacy:

- 7.29 In terms of impacts of the proposal on neighbouring privacy levels, the houses considered most sensitive to privacy loss are those located at No. 123-129 and 137 Love Lane, as well as houses that front the northern side of Westfield Road whose rear elevations face the southern elevation of the proposal. The proposed scheme is considered to be sensitively designed to limit any harm to privacy. This has been achieved through window and balcony/terrace positioning, alongside the placement of privacy screens and boundary fencing.
- 7.30 The side (southern elevation) of the proposal has only one window above ground floor level that faces towards Westfield Road. This window serves a stairwell and has been conditioned to be obscure glazed. The other windows to the side elevation are at ground floor only and positioned 2.5m from the side boundary. Being at ground floor level there would be no overlooking resulting from the development. The windows and side gardens along the southern edge of the site would be distanced approximately 15m from the rear upper windows of properties along Westfield Road. Conditions have been recommended requiring that the applicant erects a 1.8m timber fence around the side and rear boundaries of the development. The new boundary fences would act as an additional element of screening between new occupiers and existing neighbours. This screening along with the 15m distance between windows is considered adequate to address privacy issues.
- 7.31 The building has rear (west) facing windows within the front part of the building and at rear. The rear windows within the front part of the building would serve bedrooms at first and floor second level. The views attained from these windows towards the rear garden of 129 Love Lane, would be similar to those already achieved from neighbouring rear windows of other houses along Love Lane, and therefore there would be no notable reduction in privacy. Rear (west) facing windows within the rear part of building would look onto a commercial carpark.
- 7.32 Flat 8 (at rear) would have a window facing eastward towards the rear of properties within 123-129 Love Lane. This window is small, serves a bedroom and the angles of view attained are in part blocked by the corner walls of Flat 7. This window sited approximately 20m distance from the rear elevation of the terrace houses along Love Lane is not considered to result in any undue loss of privacy.
- 7.33 The property has north facing windows that face towards 137 Love Lane, and the MOT garage adjoining the site. Officer's site visit established that the rear of 137 Love Lane comprises limited garden space. Instead the rear area

contains a large outbuilding whose footprint encloses most of the space behind the residential building. No. 137 Love Lane therefore has limited rear spaces considered sensitive to the views attained from the development's north facing windows.

- 7.34 In terms of balconies and terraces, overlooking issues from these spaces towards adjacent properties along Love Lane and Westfield Road have been appropriately mitigated through their positioning, use of obscure glazed privacy screens, and restricting certain areas of the building's flat roofs from use. A condition has been imposed requiring that the applicant fully installs the proposed 1.7m privacy screening shown on the drawings before occupation as well as restrictions on the use of certain roof spaces for amenity purposes. Subject to conditions, neighbouring privacy levels would not be materially harmed by the proposal.

Noise:

- 7.35 In terms of noise, the residential use would replace a light industrial operation and would be unlikely to generate a greater level of noise. The 9 new dwellings would be located within a predominately residential location and it is not considered that the residential dwellings would cause a harmful level of disturbance to neighbours.

Overall:

- 7.36 Overall it is officer's view that the proposal would not unduly impact the amenity of adjoining occupiers, and is consistent with SPP policy DM D2.

Standard of accommodation

- 7.37 London Plan Policy D6 Housing development should be of high quality design and provide adequately-sized rooms, with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures. Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.

7.38 The table below provides a breakdown of the internal space for each flat along with private external amenity space.

Flat	Type	GIA (sqm)	London Plan requirement for GIA (sqm)	External amenity space (sqm)
1 (ground)	1b/2p	50	50	7
2 (ground)	studio	45	39	5
3 (ground)	2b/3p	64	61	32
4 (ground)	2b/3p	68	61	41
5 (1st floor)	1b/2p	50	50	5
6 (1st floor)	1b/2p	50	50	4
7 (1st floor)	2b/3p	68	61	6
8 (1st floor)	2b/3p	68	61	6
9 (2nd floor)	3b/4p	77	74	21

- 7.39 All of the flats would meet or exceed Internal Space Standards (GIA), and would have adequately sized rooms and convenient and efficient room layouts, which are functional and fit for purpose. Good outlook as well as adequate daylight / sunlight would be received into habitable rooms. All except one of the flats, Flat 7, would be dual aspect. With respect to policy, London Plan D6 seeks to avoid single aspect dwellings unless they would optimise site capacity through the design-led approach than a dual aspect dwelling, and with consideration towards adequate passive ventilation, daylight and privacy. In this case, the constraints of the site mean that windows to this part of the building can only be configured to the north elevation to prevent overlooking. The applicant has endeavoured to ensure that this unit receives good levels of natural light through roof lights above each habitable room to complement the unit's single aspect windows. Overall Flat 7, would have good levels of privacy, daylight and ventilation further enhanced through the unit's balcony.
- 7.40 In terms of privacy of flats within the development, the placement and angles of windows and external amenity areas are such that the views between other flats are minimised. Conditions further controlling privacy screens and boundary fences would ensure further mitigation is built into the development to avoid views either within the development or from neighbouring houses towards habitable spaces of the proposed flats.
- 7.41 All flats except Flat 6 would have private external amenity spaces that meet or exceed minimum standards. This would be achieved through the provision of private garden spaces for all ground floor level flats, with first floor flats comprising balconies, and the 3rd floor flat having external terraces. Flat 6 would have a balcony 1sqm short of the 5sqm normally expected under the London Plan. However, this east facing balcony accessed from double doors from the open plan living area, would provide a good quality open feel for residents, as well as a usable amenity space for the two expected occupants.
- 7.42 The application was consulted with LBM Environmental Health Officers who raised no objections towards the scheme, subject to a conditions in place

requiring that the applicant submits a Demolition/Construction Method Statement for the development.

- 7.43 In terms of housing mix, whilst the proposal would not match the Council's indicative housing needs as set within the Merton's Housing Strategy (2011-2015), which aims for an even split between 1, 2 and 3+ bedroom dwellings. The scheme would still contain a range of sized homes (1, 2 and 3 bedroom) that are in need within the borough.
- 7.44 Overall, the proposed development would provide a good quality standard of accommodation.

Transport and parking

- 7.45 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Core Strategy Policy CS 18 promotes active means of transport, and CS 19 promotes public transport.
- 7.46 The applicant has outlined within their planning statement that they would be willing to enter into a legal agreement to become parking permit free for the additional flats created by the scheme. The application has been consulted with the Council's Transport Planner who noted that the property has a moderate public transport accessibility level (PTAL 3), and therefore new occupants would have a reasonable ability to get around using public transport alone. The site is also adjacent to Mitcham Town Centre, in which there are a number of supermarkets and other shops and services for convenience shopping.
- 7.47 The site is located within a Controlled Parking Zone. A legal agreement to restrict all future occupiers of the flats from obtaining on-street residential parking permits would mean that the impact of the development on traffic and highways would be largely neutral to that of the existing situation. The Council's Transport Planner noted that there is no off-street space available for servicing or deliveries, and that double yellow line restrictions are in place along the adjoining carriageway. Although this could pose some difficulties for collections and drop-offs to the site, this issue would not warrant refusal of the scheme given that only 9 units are proposed. It is further noted that all other houses within the surrounding area have limited spaces for delivery vehicles to park off-street, and therefore servicing would be no different in procedure to that used to service existing homes.
- 7.48 The site has an existing vehicle crossovers onto Love Lane. The vehicle crossover would be made redundant by the development given that no off-site car parking is proposed. To ensure that after building works are completed the redundant cross-over is not retained, a condition has been recommended that requires that dropped kerb and setts be removed and replaced with new kerb line and tarmac surface. Such a condition would improve the functionality of the pedestrian pavement along this part of Love Lane through the reinstatement of level pavement.

Refuse Storage and Collection

- 7.49 Refuse storage has been indicated on the plans, and show that a sufficient level of refuse storage would be provided on site. The refuse storage would be located at the front of the property, conveniently placed for collection vehicles. The proposal has been consulted with the Council's Refuse and Recycling Officer, who notes that the area has had some issues with fly-tipping. In this case the refuse storage would be partly recessed into the building side elevation at ground floor level, to appear discreet from the public highway. Furthermore, its position setback from the footpath and within the private entrance frontage of the property should create a secure design that discourages fly-tipping.
- 7.50 A condition has been recommended requiring that the developer submits full details of the refuse and recycling storage facilities to ensure the storage and associated facing details are visually acceptable and fit for purpose.

Cycle Storage

- 7.51 Cycle storage is required for new development in accordance with London Plan policy T5 and Core Strategy policy CS 18. The proposal would thereby require 1 space per studio or 1 person 1 bedroom unit and 1.5 spaces per 2 person 1 bedroom dwelling. For the proposed development the requirement will be 16 cycle spaces (secure & undercover). The submitted drawings show that cycle storage would be provided within the internal courtyard. A condition has been recommended requiring full details of the proposed cycle storage prior to development to ensure that this facility has good functionality.

Sustainable design and construction

- 7.52 London Plan policies SI2 and SI5, and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.53 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. A condition has been recommended which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Contamination

- 7.54 The proposal has been consulted with the Council's Environmental Protection Officer who notes that the site has a level of risk from contamination due to previous uses in and around the area. Conditions have been recommended requiring the applicant to undertake a preliminary risk assessment and if

necessary site remediation necessary to safeguard the health of future occupants.

8. COMMUNITY INFRASTRUCTURE LEVEY

- 8.1 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £160 per additional square metre of floorspace to be paid to Merton Council and an additional £35 per additional square meter to be paid to the Mayor.

9. PLANNING OBLIGATIONS

- 9.1 The creation of 9 new dwellings would not trigger affordable housing requirements. However, given that the scheme comes close to this trigger of 10 dwellings, officers have recommended that approval of the scheme is subject to a S.106 agreement, which secures that in the event that following substantial implementation of the approved scheme a planning application is submitted that enables the creation of one or more additional unit/units. The entire scheme would be subject to a full viability assessment, and for the Council to levy an off-site affordable housing contribution and/or carbon offset. This is considered necessary to ensure that any later relevant development on site can contribute towards the standard planning obligations of a major development.

10. CONCLUSION

- 10.1 The loss of the 'scattered employment' site is considered acceptable in this instance given the site's constraints, its residential location, along with market demand. The proposal would provide 9 new homes within the borough, which furthers a London Plan requirement for Merton to deliver 918 homes each year. The scale, form, design and positioning of the proposed two storey building with recessed upper level is considered to respond well with the suburban character adjacent to the Mitcham Town Centre.
- 10.2 The proposed homes would provide a good standard of accommodation. Planning conditions and a section 106 agreement (parking permit free and (potential) major development contributions) have been recommended to ensure that the impacts of the development and future development are adequately addressed.
- 10.3 The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.

RECOMMENDATION: Grant planning permission subject to conditions and a S.106 agreement to secure:

1. All flats are to be parking permit free.

2. That in the event that following substantial implementation of the approved scheme a planning application is submitted that enables the creation of one or more additional unit/units. The entire scheme would be subject to a full viability assessment, and for London Borough of Merton to levy an off-site affordable housing contribution and/or carbon offset.
3. The developer agreeing to meet the Council's costs of reviewing and entering into [including legal fees] the legal agreement
4. The developer agreeing to meet the Council's costs of monitoring the legal agreement.

Conditions:

- 1) Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

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

- 2) Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

- 3) No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 4) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 5) No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning

authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- emissions from Non Road Mobile Machinery during construction
- produced by the Contractor responsible for excavation, underpinning and construction of the basement retaining walls. This shall be reviewed and agreed by the Structural Engineer designing the temporary and permanent retaining structures.
- plan showing any temporary works, underpinning sequence and sections of the retaining walls produced by the relevant appointed Contractor.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies T4 and T7 of the London Plan 2021, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 6) A preliminary risk assessment, then an investigation shall be undertaken to consider the potential for contaminated-land, and if necessary, a detailed remediation scheme to bring the site to a suitable state for the intended use by removing unacceptable risks to health and the built environment, and submitted to the approval of the LPA.

Reason: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy SI 10 of the London Plan 2021 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 7) The approached remediation shall be completed prior to completion. And a verification report, demonstrating the then effectiveness of the remediation, subject to the approval of the LPA.

Reason: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy SI 10 of the London Plan 2021 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 8) The obscure glazed screening and enclosures to the balconies and terraces as shown on the approved plans shall be implemented and completed in full before the development is first occupied and retained permanently thereafter. In addition, the areas labelled 'not for terrace use' on the proposed plans shall be for maintenance or emergency purposes only, and shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: to ensure appropriate levels of privacy for the occupiers of the development along with neighbouring occupiers, and to comply with policy D3 of the London Plan 2021, and policy DMD2 of the Sites and Policies Plan 2014.

- 9) The development shall not be carried out except in accordance with the submitted Landscaping Plan (drawing No. P/06 Rev C), which shall be completed in full prior to occupation of the development

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policy G7 of the London Plan 2021, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

- 10) No part of the development hereby approved shall be occupied until evidence has been submitted to, and approved in writing by, the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water consumption rates of no greater than 105 litres per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy SI2 and SI5 of the London Plan 2021 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 11) Except for demolition, no development shall take place until details of the front boundary walls or fences are submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 12) Except for demolition, no development shall take place until a scheme for the storage of refuse and recycling has been submitted in writing for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

- 13) Except for demolition, no development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved

facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy T5 of the London Plan 2021, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

- 14) Before the development hereby permitted is first occupied, 1.8m high close-board timber fencing shall be installed along the full length of the site's side and rear boundaries. The erected fencing shall be permanently retained in good repair thereafter.

Reason: To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies D4 and D8 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

- 15) Before the development hereby permitted is first occupied, the window within the rear stairwell to access Flat 4 shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policies D3 and D4 of the London Plan 2021, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

- 16) The development shall not be occupied until the existing redundant crossover onto Love Lane has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

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

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

- 18) The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy SI13 of the London Plan 2021, policy CS16 of Merton's Core Planning Strategy 2011 and policy DMF2 of Merton's Sites and Policies Plan 2014.

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