

**PLANNING APPLICATIONS COMMITTEE**  
**29<sup>th</sup> June 2021**

**UPRN APPLICATION NO. DATE VALID**

20/P3364

04/12/2020

**Address/Site** Bennets Courtyard, Watermill Way, SW19  
2RW

**(Ward)** Colliers Wood

**Proposal:** ERECTION OF ROOF EXTENSIONS TO  
THE THREE RESIDENTIAL BLOCKS  
WHICH COMPRISE BENNETS  
COURTYARD TO PROVIDE 15 X SELF  
CONTAINED FLATS (COMPRISING 5 x 1  
BED AND 10 x 2 BED FLATS)

**Drawing Nos:** WP-0730-A-BC-0150-P-00 Rev A, WP-  
0730-A-BC-0153-P-03 Rev A, WP-0730-A-  
BC-0154-P-04 Rev B, WP-0730-A-BC-  
0155-P-05 Rev B, WP-0730-A-BC-0250-E-  
X Rev B, WP-0730-A-BC-0251-E-X Rev B,  
WP-0730-A-BC-0260-E-X Rev B

**Contact Officer:** Tim Lipscomb (0208 545 3496)

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**RECOMMENDATION**

**Grant Permission subject to conditions and s.106 legal agreement.**

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**CHECKLIST INFORMATION**

- Heads of Agreement: Yes, restrict parking permits and affordable housing commuted sum of £71,425 and financial viability claw-back mechanism for affordable housing
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Not required
- Site notice: Not required
- Design Review Panel consulted: No
- Number of neighbours consulted: 649

- External consultations: Yes
- Conservation area: Yes
- Listed building: Bennets Courtyard is locally listed and adjacent to Listed Buildings
- Controlled Parking Zone: No
- Green corridor – Yes (bordering the site to the south and west)
- Site of importance for nature conservation (SINC) – Yes (bordering the site to the south and west)
- Adjacent to Wandle Valley Regional Park
- Archaeological Priority Zone
- PTAL: 2

## 1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

- 2.1 The site is located within the heritage site known as Merton Abbey Mills in Colliers Wood, and is designated within the Wandle Valley Conservation Area (Sub Area 3: Merton Priory). The wider Merton Abbey Mills site is bounded to the west by the River Wandle, by Merantun Way (a primary arterial road) to the north and by Watermill Way to the east and south. The precinct features a mixture of statutory and locally listed buildings. Within the precinct, there are a range of uses, including pub/restaurants, creative and craft based businesses, retail/service businesses and office spaces.
- 2.2 The site consists of three four storey buildings, arranged on three sides on a communal landscaped area which accommodate 52 flats (25 x 1 bed and 27 x 2 bed). The building is known as 'Bennets Courtyard' and is locally listed. The footprint of two of the buildings is rectangular and the other building is square. The buildings are identified as the East, North and West Block within the submission.
- 2.3 The site has an area of 0.25 hectares (the residential density is currently 208 dwellings per hectare).
- 2.4 At ground level the buildings are linked by a ground floor undercroft, which accommodates 45 car parking spaces. A communal garden is provided on the roof of the undercroft. 78 cycle parking spaces are located within the undercroft.
- 2.5 The East and North Block have commercial use on part of the ground floor at their northern end. Residential

accommodation is also provided on the remainder of the ground floor and the floors above.

- 2.6 The buildings are a buff brick with aluminium windows, with a central atrium feature.
- 2.7 The site is located to the south of the historic core of buildings at Merton Abbey Mills which is a collection of former industrial buildings that are in commercial use. The William Morris pub also forms part of this group. (This area forms part of the Wandle Valley Conservation Area)
- 2.8 To the east are seven storey blocks of residential flats.
- 2.9 The site is bordered to the south by a stream which is a tributary to the River Wandle. There are mature trees along either side of the stream. Beyond this are the rear gardens of the semi-detached properties which front Runnymede.
- 2.10 The River Wandle runs along the western side of the site, which again benefits from extensive, mature tree coverage on both banks. Beyond this is a large industrial estate.
- 2.11 The site is part of the wider area of Colliers Wood, which includes a number of large retail stores/ parks to the north east of the site.
- 2.12 Colliers Wood underground station is located approximately 800 metres to the north east.
- 2.13 The site has the following designations and restrictions:
  - Archaeological Priority Zone Tiers 1-3
  - Flood Zone 2 and 3
  - Wandle Valley Conservation Area
  - Wandle Valley Regional Park 400m buffer
  - Colliers Wood Town Centre
  - PTAL 2
  - Adjacent to Wandle Trail Nature Park and Lower River Wandle Site of Importance for Nature Conservation (to the south and west of the site).
  - Adjacent to Green Corridor (to the west of the site).

### 3. **PROPOSAL**

- 3.1 The proposal is for the erection of a single storey roof extension to all three buildings within the site identified as the East, North and West Block. The scheme would provide 15 new units (5 x 1 bed and 10 x 2 bed).

- 3.2 Access to the units is via an extension to the existing cores, including an extension of the lift shafts to the new top floor.
- 3.3 The top floor would be set back from the floors below and it is proposed that the extension would be finished in a light grey zinc paneling.
- 3.4 Windows, balustrades and louvers would be in grey aluminium to match the existing.
- 3.5 Additional refuse provision and an additional 32 cycle parking spaces will be provided for residents within the buildings undercroft, within existing bin and cycle stores, which would be modified and reconfigured to accommodate the additional requirements, with Sheffield type cycle racks installed. One small additional bin store is proposed within the undercroft area.
- 3.6 No additional car parking is proposed.
- 3.7 The accommodation schedule and housing mix would be as follows:

<b>Unit</b>	<b>Type</b>	<b>GIA (sqm)</b>	<b>Private External amenity space (sqm)</b>
<b>West Block</b>			
1	2B/3P	61	
2	2B/3P	62	
3	2B/4P	70	
4	2B/4P	70	
5	2B/4P	70	
6	2B/4P	71	
<b>North/Central block</b>			
7	2B/4P	70	
8	1B/2P	50	
9	2B/3P	61	
<b>Eastern Block</b>			
10	1B/2P	50	
11	1B/2P	50	
12	1B/2P	53	
13	1B/2P	53	
14	1B/2P	75	

15	2B/4P	75	
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**Housing mix:**

1b 2p	5
2b 3p	3
2b 4p	7

- 3.8 External amenity space is provided in a communal shared manor, as per the existing building. There is a total of 1880sqm of shared external amenity split between ground and first floor podium level. 15 new residential units require 101sqm of external amenity collectively under the London Plan requirements). No private external amenity space is proposed.
- 3.9 The density of the proposed development would be 268 dwellings per hectare.
- 3.10 The application is accompanied by a Flood Risk Assessment, which sets out that the proposed development will not result in any increase in impermeable surface areas on site. As such, there will be no significant changes to the runoff regime. A “blue roof” is proposed to the building.
- 3.11 The application was amended on 15<sup>th</sup> May 2021 to show a greater setback to the top floor, which has resulted in a reduction of units from 17 to 15.
- 3.12 The application is accompanied by the following documents:
- Design and Access Statement;
  - Air Quality Screening Assessment;
  - Design & Access Statement, amended 15<sup>th</sup> March 2021;
  - Built Heritage Statement;
  - Flood Risk Assessment;
  - Letter from EB7 (daylight and sunlight), dated 30th September 2020;
  - Energy and Sustainability Statement and Updated Sustainability Appraisal 13<sup>th</sup> April 2021;
  - Noise Impact Assessment;
  - Transport Statement;
  - Viability Report.

**4. CONSULTATION**

- 4.1 469 letters were sent out to adjoining and nearby neighbours and a site notice was displayed on site. 39 letters of representation have been received raising objection on the following grounds:

- The building won the Housing design Awards in 2005 and the extension is not in keeping with the character of the building or the adjacent Merton Abbey Mills Conservation Area and listed Buildings and would damage this historic context.
- Adverse impact on outlook from users of Merton Abbey Mills.
- The building was built at an appropriate height for its context and should not be taller than it already is.
- Overdevelopment
- The new 2020 permitted development rights “right to rise” development laws do not apply to Conservation Areas.
- Materials are inappropriate.
- Concerns over noise and disturbance from construction process if flats below are occupied (also general concern as to the impact on local businesses throughout the construction process).
- Adverse impact on mental health as a result of the construction process.
- Concerns over potential impact on the structural stability of the building.
- Loss of daylight and sunlight to flats below and properties on Runnymede.
- Overlooking to flats below.
- Concerns that an approval may set a precedent for other buildings in the area (and other Conservation Areas across the borough).
- Loss of light to market area and adverse impact on trade as a result.
- The Council should reject the application unless a quantitative daylight analysis demonstrates there are not adverse impacts on usable daylight hours to the cafes (and eating areas), offices and retail units within the Merton Abbey Mills buildings to the north of the site.
- A pedestrian wind comfort and safety assessment should be made to ensure wind speeds do not increase at ground level.
- Query whether new planning rules to protect those working from home have been introduced as a result of the pandemic.
- Potential temporary loss of communal garden throughout construction process.
- If the building is over 18m in height it would require a EWS1 (External Wall Survey) relating to fire regulations. Existing leaseholders should not be forced into a situation where they should be brought

into these regulations. Query if legal advice from the Housing Minister has been sought in this regard.

- Query whether infrastructure is sufficient.
- No affordable housing is proposed. Suggest that financial viability argument is scrutinised in this regard.
- Query where any additional cars would park. The common parking spaces would be utilised by the new occupiers.
- Increase in traffic and congestion.
- The proposal is purely profit driven.
- Harm to biodiversity due to development in close proximity to this green corridor and increased overshadowing.
- Increase in light pollution.
- The 'Liberty Works' application for a large building was refused (17/P0390) and this should also be refused for similar reasons.
- Previous applications for increases in height have been refused.
- This area/site is not identified for additional housing in the existing or draft Local Plan.
- Insufficient lift access to accommodate additional flats.
- The Conservation Area Character Assessment sets out that the buildings to the east of Bennets Courtyard have a negative effect on the historic character of this part of the conservation Area due to their monolithic appearance. This scheme is within the Conservation Area and will have a similar negative impact.
- Occupiers of the building would not have bought the top floor flats if there was a possibility that additional flats would be built above.
- Devaluing of existing flats.
- The plans are deliberately confusing and obscure.
- Increase in litter and vermin.
- The access road cannot cope with the additional pressure of the increase in use as a result of 17 additional units on site.
- There is no urgent need for housing as other areas nearby are being redeveloped.
- The entrance to the block does not accord with MET Police recommendations and is often used by smokers. This may increase with additional units.
- The planning agent refers to the previous planning applications on site as historic but many residents do not agree with that position.
- The sustainability credentials of the proposal cannot be used as a reason for granting permission.
- Increased security concerns as a result of additional units.

#### 4.2 Wandle Valley Forum:

1. Wandle Valley Forum provides support and an independent voice for 140 community groups, voluntary organisations and local businesses and for everyone who shares a passion for the Wandle.
2. We have considered the emerging plans for the upward extension of Bennets Courtyard in the context of the Wandle Valley Forum Charter (<http://bit.ly/27Yal2m>). This is an important and sensitive site alongside the river and Merton Abbey Mills and within Wandle Valley Conservation Area and Wandle Valley Regional Park.
3. The existing building demonstrates the value of the Conservation Area which has required a much higher quality of building than elsewhere in the locality. It is important that this quality and distinctiveness is retained.
4. We do not consider that the upward extension helps the integrity of the existing architecture but the impact is relatively marginal in relation to the elevations facing Merton Abbey Mills and Prospect House.
5. We have significant concerns about the impact of the upward extension on the elevation facing the Wandle. This has a negative impact on the Conservation Area where development is legally bound to preserve or enhance its character.
6. There is also an indication in the applicant's modelling that the upward extension will increase shading of the river. This is not addressed in the supporting information on sunlight/daylight and further information should be required before determination.
7. The development should also be used to provide public access and a higher quality of public realm between the building and the river.
8. We object to the plans as being in conflict with Merton Local Plan policies CS5, CS14, DM O2, DM D1, DM D2 and DM D3

#### 4.3 Merton Green Party

Policy CS8 in the council's core planning strategy sets a borough-wide affordable housing target of 40% for developments of 10 or more units. The applicant's application form states that none of the 17 units will be affordable housing. We ask the Council to require that its 40% target be met.

#### 4.4 Internal consultation responses:



#### 4.5 Transport Planner

As the car parking is managed privately Merton transport officers will not insist the disabled parking provision. It is for the management company to provide disabled provision as and when required.

#### 4.6 Flood Risk Officer:

Pre-application comments highlighted the need for safe means of escape to be identified but set out that neither an exception or sequential test would be required as there is no additional footprint created relating to a 'more vulnerable' use (as it is a roof top development).

#### 4.7 Climate Change Officer:

Summary of comments:

- The energy and sustainability statement provided indicates that the proposed development will achieve at least a 37% improvement against Building Regulations using SAP 10 carbon emission factors in line with Merton's minimum requirements.
- Queries set out in relation to specific calculations in the Sustainability Statement.
- Carbon Offset Requirements – The final carbon offset contributions will need to be confirmed once the detailed issues have been addressed.

#### 4.8 Environmental Health (air quality):

No objections subject to the following conditions:

*Air Quality:* The applicant has submitted an Air Quality Assessment report: AQ108769R2 dated September 2020 and completed by Ensaf.

The AQS objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> are predicted to be met at all existing receptor locations considered in the assessment.

Based on the assessment results the site is considered suitable for the proposed end use without the inclusion of any air pollution mitigation measures.

Condition – Non-Road Mobile Machinery (NRMM)

All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it

complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To ensure that the development would not result in a deterioration of air quality.

Construction: It is expected that there will be noise, dust, and vibration disruption to local residents and businesses. Consequently, the applicant/client/principle contractor is expected to detail mitigation measures to ensure that any disruption is kept to a minimum.

This can be controlled by pre commencement conditions detailed below.

Condition – Construction Management Plan/ Dust Management Plan

1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:
  - a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include continuous dust monitoring.
  - b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.
2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

4.9 External consultation responses:

4.10 Independent Financial Viability Assessors (Altair Ltd):

From our analysis of the applicant's viability assessment we conclude that an on-site affordable housing contribution is not currently possible from the proposed development. However, the applicant could provide an off-site contribution of £131,593.

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

Updated response, following scrutiny of response set out by the agent (18<sup>th</sup> June 2021):

We would expect the developer to enter into a restrictive covenant within the s106 agreement so that ground rents are not charged on the development if they are not to be assumed in the viability appraisal.

We therefore conclude a commuted sum of £71,425 is payable. This is a reduction of £60,168 from our original conclusion of £131,593.

#### 4.11 Met Police - Secured by Design Officer:

Concerns about the entrance lobbies to each block. A local issue is bored young person's congregating in the evenings in stairwells, especially during inclement weather. They cause anti-social behaviour and criminal offences. The residential entrance lobbies should be 'air locked' by a second set of access controlled doors to prevent unauthorised access by tailgating.

A zoned fob controlled system should be installed to control access throughout the blocks including the new units. This can assist with the management of the development and allow access to residents to specific designated areas only. Any trades persons buttons must be disconnected. The fobs should always be encrypted to reduce the risk of them being copied by a third party.

As bicycles and their parts are extremely attractive to thieves, the basement cycle store should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the space. The door of the store should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The new bicycle storage racks should be secured into concrete foundations, and be of an design that enables cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

#### 4.12 Environment Agency:

We have **no objection** to the planning application as submitted. The proposed development does not increase the building footprint, and therefore does not encroach towards the nearby main river. We would like to offer the following advice.

#### **Flood risk standing advice – advice to LPA**

The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category.

These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

#### **Environmental permit - advice to applicant**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environmentagency.gov.uk](mailto:enquiries@environmentagency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

## **5. RELEVANT PLANNING HISTORY**

- 5.1 00/P1879 - REDEVELOPMENT OF THE SITE FOR RESIDENTIAL PURPOSES TOGETHER WITH ANCILLARY CAR PARKING (OUTLINE PLANNING APPLICATION). Grant Outline Planning Permission 07-06-2002
- 5.2 00/P1882 - REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL AND TWO RESTAURANTS, TOGETHER WITH A CANOPIED EXHIBITION AREA AND ENHANCEMENT OF THE CHAPTER HOUSE; PROVISION OF CYCLE WAY AND PEDESTRIAN FOOTPATH, WORKS TO BENNETS DITCH AND PROVISION OF ANCILLARY PARKING FOR THE DEVELOPMENT AND FOR THE ADJOINING MERTON ABBEY MILLS (OUTLINE PLANNING APPLICATION). Grant Outline Planning Permission 07-06-2002
- 5.3 01/P2546 - ERECTION OF 3 X 4 STOREY BUILDINGS TO PROVIDE 26 X 1 BED, 21 X 2 BED FLATS AND GROUND FLOOR ACCOMMODATION FOR RETAIL, FOOD & DRINK/RESIDENTIAL AND CRAFT WORKSHOP USES ( CLASSES A1, A3/C3 & B1c), ERECTION OF A NEW BRIDGE ACROSS THE RIVER WANDLE, PROVISION OF AN AREA OF LAND WITHIN THE MARKET COMPLEX FOR THE FUTURE DEVELOPMENT OF A "RENUUE" ALTERNATIVE TECHNOLOGY CENTRE, PROVISION OF HARD AND SOFT LANDSCAPING, CYCLEWAY AND PEDESTRIAN FOOTPATH, WORKS TO BENNETS DITCH, IMPROVEMENTS TO THE ACCESS TO WATERMILL WAY AND PROVISION OF CAR PARKING FOR 55 VEHICLES. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 07-06-2002
- 5.4 03/P0066 - APPLICATION FOR APPROVAL OF RESERVED MATTERS REGARDING LANDSCAPING FOLLOWING GRANT OF OUTLINE PLANNING PERMISSION REF 00/P1882 - REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL AND RESTAURANTS. Grant Permission Subject to conditions 21/05/2003.
- 5.5 04/P0424 - REDEVELOPMENT OF LAND FOR RESIDENTIAL PURPOSES TOGETHER WITH ANCILLARY CAR PARKING (VARIATION OF CONDITION 18 TO ALLOW PARKING SPACES TO BE USED BY RESIDENTS/OCCUPIERS AND THEIR VISITORS OR BY RESIDENTS/OCCUPIERS AND THEIR VISITORS OF

THOSE RESIDENTIAL UNITS FORMING PART OF PLANNING PERMISSION 00/P1882 FOR THE REDEVELOPMENT OF LAND ADJOINING TO THE NORTH AND EAST, FOR FLATS, A HOTEL, HEALTH AND FITNESS CLUB AND RESTAURANTS) OUTLINE PLANNING APPLICATION. Grant Permission Subject to conditions 22/03/2004.

- 5.6 05/P0978 - APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION REFERENCE 00/P1882 FOR:- REDEVELOPMENT OF THE SITE INVOLVING THE ERECTION OF A HEALTH AND FITNESS CENTRE, RESIDENTIAL FLATS, HOTEL AND TWO RESTAURANTS, TOGETHER WITH A CANOPIED EXHIBITION AREA AND ENHANCEMENT OF THE CHAPTER HOUSE; PROVISION OF CYCLE WAY AND PEDESTRIAN FOOTPATH, WORKS TO BENNETS DITCH AND PROVISION OF ANCILLARY PARKING FOR THE DEVELOPMENT AND FOR THE ADJOINING MERTON ABBEY MILLS; TO EXTEND THE TIME PERIOD FOR THE SUBMISSION OF DETAILS IN RESPECT OF THE CANOPIED EXHIBITION AREA AND ENHANCEMENT OF THE CHAPTER HOUSE TO 30 SEPTEMBER 2005 FROM 7 JUNE 2005. Grant Permission Subject to conditions 11/05/2005.

- 5.7 Adjacent to the site:

19/P0390 - DEMOLITION OF TEMPORARY PAVILLIONS AND ERECTION OF A PART 4 PART 5 STOREY BUILDING TO CREATE OFFICE SPACE (CLASS B1A) AND GROUND UNITS FOR USE WITHIN CLASS A1 (RETAIL), CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES), CLASS A3 (CAFES AND RESTAURANTS) AND CLASS B1A (OFFICES) (AMENDED PROPOSALS - THE LATEST AMENDMENTS WOULD PROVIDE FOR GREATER FLEXIBILITY FOR USE OF THE GROUND FLOOR). Refuse Permission 11-06-2018 for the following reason:

1. **The proposed development, by reason of its height, scale, form, design and appearance, would result in material harm to the character and appearance of the Wandle Valley Conservation Area (Sub-Area 3) and would result in an inappropriate relationship with the smaller neighbouring historic buildings, contrary to Policies DMD1, DMD2, DMD3 and DMD4 of the Sites and Policies Plan 2014, Policy CS14 of the Core Planning Strategy 2011, Policies 7.4, 7.5, 7.6 and 7.8 of the**

## **London Plan 2016 and Section 12 of the National Planning Policy Framework 2012.**

### **6. POLICY CONTEXT**

The key policies of most relevance to this proposal are as follows:

#### **6.1 National Planning Policy Framework (2019)**

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

#### **6.2 London Plan 2021:**

- D1 London's form, character and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D8 Public realm
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D14 Noise
- H1 Increasing housing supply
- H2 Small sites
- H10 Housing size mix
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure
- SI 7 Reducing waste and supporting the circular economy
- SI 8 Waste capacity and net waste self-sufficiency
- SI 13 Sustainable drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

#### **6.3 LDF Core Planning Strategy (July 2011)**

- CS8 Housing Choice

CS9 Housing Provision  
CS11 Infrastructure  
CS13 Open space, nature conservation, leisure and culture  
CS14 Design  
CS15 Climate Change  
CS16 Flood Risk Management  
CS17 Waste Management  
CS18 Active Transport  
CS20 Parking, Servicing and Delivery

6.4 Sites and Policies Plan and Policies Map (July 2014)

DM H2 Housing mix  
DM O2 Nature Conservation, Trees, hedges and landscape features  
DM D2 Design considerations in all developments  
DM D3 Extensions and alterations to existing buildings  
DM EP2 Reducing and mitigating noise  
DM EP3 Allowable solutions  
DM F1 Support for flood risk management  
DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure  
DM T1 Support for sustainable transport and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T5 Access to the Road Network

6.5 Other guidance:

DCLG Technical Housing Standards - Nationally Described Space Standard 2016  
London Sustainable Design and Construction - SPG 2014  
London Character and Context SPG - 2014  
GLA Guidance on preparing energy assessments - 2018  
Merton's Design SPG 2004  
LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018  
The Mayor's Air Quality Strategy – 2010  
London Housing SPG – 2016  
London Town Centres SPG – 2014  
London Affordable Housing and Viability SPG – 2017  
London Play and Informal Recreation SPG – 2012  
Accessible London: achieving an inclusive environment SPG – 2014  
GLA Guidance on preparing energy assessments – 2018  
Merton's Development Viability SPD (2017-2018) – Consultation draft  
London Development Agency's Inclusive Design Toolkit – web based resource  
SPG Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment - 2014.



## 7. **PLANNING CONSIDERATIONS**

### 7.1 Key Issues for consideration

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

- Principle of development
- Need for additional housing and residential density
- Housing mix
- Affordable Housing
- Design and impact upon the character and appearance of the area and Conservation Area
- Impact on neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage and collection
- Fire Safety
- Safety and Security considerations
- Sustainable design and construction
- Flooding and Drainage
- Air quality
- Biodiversity
- Response to issues raised in objection letters

### 7.2 Principle of development

7.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

7.2.2 The proposal would provide 16 residential units within a relatively sustainable location and is considered to be acceptable in principle subject to compliance with the relevant policies of the Development Plan.

7.2.3 The site is within the Wandle Valley Conservation Area, wherein development should preserve or enhance the character and appearance of the Conservation Area.

7.2.4 Officers consider that the principle of development is acceptable, subject to consideration against the policies of the Development Plan.

### 7.3 Need for additional housing and residential density

- 7.3.1 The National Planning Policy Framework requires Councils to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.3.2 Policy H1 of the new London Plan sets the ten-year targets for net housing completions that each local planning authority should plan for. The ten year target for the London borough of Merton is 9,180 (i.e. 918 per year)
- 7.3.3 Against the requirement of 918 units per year, which equates to 4083 over 5 years (the year 20/21 would remain as per the previous London Plan target), the London Borough of Merton can demonstrate a supply of 4369 units, a provision of 107% of the required five year land supply.
- 7.3.4 Notwithstanding the above the scheme would make a valuable contribution towards the Council's housing stock.
- 7.3.5 Policy D3 of the new London Plan requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site.
- 7.3.6 The proposed development would have a density of 268 dwellings per hectare (compared to the existing 208 dwellings per hectare).
- 7.3.7 New London Plan, Policy D6 sets out that:
- “Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:
1. the site context
  2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)
  3. the capacity of surrounding infrastructure”
- 7.3.8 The new London Plan does not include a density matrix as it does not necessarily provide a consistent means of comparing proposals. Density has been measured and monitored in London over recent years in units per hectare (u/ha). Average density across London of new housing approvals in the monitoring year 2015/16 was 154 u/ha with the highest average density being recorded in Tower

Hamlets at 488 u/ha. However, comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units. Planning application boundaries are determined by the applicant. These boundaries may be drawn very close to the proposed buildings, missing out adjacent areas of open space, which results in a density which belies the real character of a scheme. Alternatively, the application boundary may include a large site area so that a tall building appears to be a relatively low-density scheme while its physical form is more akin to schemes with a much higher density.

7.3.9 Therefore, whilst density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.

#### 7.4 Housing mix

7.4.1 New London Plan Policy H12 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.

7.4.2 Policy DM H2 sets out that residential development proposals will be considered favourably where they contribute to meeting the needs of different householders such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix.

7.4.3 The supporting text to the policy explains that there has been a disproportionate provision of smaller homes compared to larger homes: 84% of dwellings completed in the borough between April 2000 and March 2011 consisted of 1 or 2 bedroom units.

7.4.4 The supporting text to the policy sets out borough level indicative proportions which are as follows:

<b>Number of bedrooms</b>	<b>Percentage of units</b>
One	33%
Two	32%

Three+	35%
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- 7.4.5 The mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment 2010.
- 7.4.6 The current scheme proposes the following mix: 1 bed (33.3%), 2 bed (66.6%).
- 7.4.7 The new London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.
- 7.4.8 Policy H12 Housing size mix of the new London Plan sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. The supporting text to Policy H12 sets out that such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H12. Moreover, they do not necessarily meet the identified need for which they are being required; for example, larger units are often required by boroughs in order to meet the needs of families but many such units are instead occupied by sharers.
- 7.4.9 The housing mix proposed has been influenced in part by the layout of the existing building below. While the scheme includes 2b/4p flats which may be suitable for some degree of family occupation it is open to debate as to whether a rooftop extension with no immediate access to outdoor space would fulfil the day to days needs of families. Given the number of additional units to be provided it is considered that greater weight may reasonably be attached to this rather than to resist the proposals on the grounds of the absence of larger units. No objection is therefore raised in this regard.

## 7.5 Affordable Housing

- 7.5.1 The Council's policy on affordable housing is set out in the Core Planning Strategy, Policy CS8. For schemes providing over ten units, the affordable housing target is 40% (of which 60% should be social rented and 40% intermediate), which should be provided on-site.
- 7.5.2 In seeking this affordable housing provision LMB will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.

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

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

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

7.5.4 These requirements are reflected in the New London Plan, which states that:

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

- 1.meet or exceed the relevant threshold level of affordable housing on site without public subsidy,
- 2.be consistent with the relevant tenure split (Policy H7 Affordable housing tenure),
- 3.meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant,
- 4.demonstrate that they have taken account of the strategic 50 per cent target in Policy H5 Delivering affordable housing and have sought grant where required to increase the level of affordable housing beyond 35 per cent.”

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

- 7.5.6 The application is accompanied by a financial viability assessment which indicates that the proposal would not be able to deliver any on-site affordable housing or a commuted sum and remain financially viable.
- 7.5.7 This assessment has been scrutinised by independent financial viability assessors, employed by the Council, who have scrutinised the submission and conclude that the scheme could not provide any on-site affordable housing but could contribute a commuted sum of £71,425 and remain viable.
- 7.5.8 Therefore, officers recommend that the legal agreement includes provision for this commuted sum as well as a clawback mechanism to ensure that any potential uplift in profit can be utilised for affordable housing contributions (and a restrictive covenant within the s106 agreement so that ground rents are not charged on the development - if they are not to be assumed in the viability appraisal.).

7.6 Design and impact upon the character and appearance of the area and Conservation Area

- 7.6.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London-wide planning policy advice in relation to design is found in the new London Plan in Policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering Good Design). These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.
- 7.6.2 Policy DM D2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to ensure that development within Conservation Areas either preserves or enhances their character and also seeks to protect heritage assets. Core Planning Policy CS14 supports these SPP Policies.
- 7.6.3 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The

following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

7.6.4 According to Paragraph 129, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

7.6.5 Sites and policies plan policy DM.D4 requires that:

b) All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

7.6.6 Merton Abbey Mills is an enclave of historically significant buildings related to the historic mill use. Generally, the buildings are low level (one and two storeys in height). More recent development to the south and southeast of the site is at a greater scale, with buildings up to 6/7 storeys in height. The application site accommodates buildings of 4 storeys in height.

7.6.7 The Wandle Valley Conservation Area Sub-Area 3 Character Assessment (Post Consultation Draft 2007) describes the buildings on site as follows:

“More recent development to the south of Merton Abbey Mills is also predominantly of brick and although architecturally of a contemporary design it reflects the character of the conservation area in terms of the scale and massing of the buildings and also the design of the fenestration which reflects the more industrial character of the buildings at Merton Abbey Mills.”

7.6.8 In relation to the existing buildings on the application site, Bennets Courtyard, the Assessment sets out:

“The new residential development, Bennets Courtyard, to the South of Merton Abbey Mills has been identified as making a positive contribution to the character and appearance of the conservation area is considered to merit inclusion on the Council’s non-statutory local-list.”

In terms of negative features, the Character Assessment identifies the modern buildings to the south of the application site as harmful to the setting of the Conservation Area:

“The new residential development immediately to the east of the conservation area to the south of Merantun Way is of a rather monolithic appearance and does not relate to the existing character of the area in terms of its architectural appearance. Although not itself within the conservation area it does have a negative impact on the historic character of this part of the conservation area.

- 7.6.9 Similarly the new hotel and fitness centre to the east of the Merton Priory Scheduled Ancient Monument does not relate to the character of the nearby conservation area in terms of its built form, scale, size and materials used in its construction and has a negative impact on the setting of the conservation area to the west.”
- 7.6.10 It is important that the scheme respects the impact on the character, appearance and setting of the Conservation Area and in particular, the historic core of buildings within Merton Abbey Mills.
- 7.6.11 It is of note that the scheme for the existing buildings on site was the overall winner of the 2005 Housing Design Awards and winner of the 2005 Medium Housebuilder Award and are Locally listed buildings.
- 7.6.12 The existing flatted blocks were originally constructed in the early 2000s and particular care was taken to ensure that the bulk and massing respected the lower rise nature of Merton Abbey Mills. The flatted buildings form a ‘book-end’ to the historic enclave with the tallest buildings being located the furthest away from the lower level historic buildings. Whilst it is acknowledged that the proposed development would increase the height of the existing buildings, officers consider that the extension has been designed in a sympathetic manner to appear relatively unobtrusive. The contrasting roof material and physical setback from the edges of the building is considered to result in a sufficiently subordinate appearance to the existing building which would



satisfactorily preserve the character of the Conservation Area.

7.6.13 Officers note the concerns raised in representations relating to the impact on the character of the existing building and Conservation Area but it is concluded that the rooftop extension would be a well-designed, modest addition which would not appear visually overpowering in local views and would, in the officer's judgement, satisfactorily preserve the character of the existing buildings and that of the Conservation Area and wider area.

#### 7.7 Impact on neighbouring amenity

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

#### 7.7.2 Privacy and overlooking

7.7.3 The proposed rooftop extensions would not result in any greater level of overlooking or intervisibility between properties than the current layout. The concerns of existing top floor occupiers is noted and it is acknowledged that there would be views over to these new flats and views from the new flats. However, the layout would replicate the relationship that exists at the lower floors currently and given the separation distances between blocks, officers consider that an objection on this basis could not be reasonably sustained.

#### 7.7.4 Loss of light, shadowing and visual intrusion

7.7.5 The additional floor would have a marginally lesser bulk and massing than each of the floors below and would effectively result in a similar relationship to the flats on the lower floors as currently exists between floors. However, officers acknowledge that the additional floor would have some marginal increased impact in terms of daylight/sunlight and outlook on the floors below.

7.7.6 The adjacent building, Vista House, has a number of windows to the western elevation facing the application site, although the main outlook for Vista House is to the north and south. Given that a number of the windows on this elevation

are serving dual aspect rooms, the impact on daylight and sunlight to this building would not be harmful.

7.7.7 The properties along Runnymede are sufficiently separated from the proposed rooftop extension that whilst there would be some views of the development, it would not result in material harm to amenity.

7.7.8 In terms of the impact on the existing flatted properties at Bennet's Courtyard, the orientation of the Bennet's Courtyard properties results in them maintaining an open aspect to the south such that sky visibility is not directly blocked by the extension scheme. There would be some marginal loss of morning and evening sun but not to the extent that it would amount to a material harm to amenity.

7.7.9 The proposal is not considered to result in material harm to residential amenity.

## 7.8 Standard of Accommodation

7.8.1 Policy D6 of the London Plan states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas).

7.8.2 All units would meet or exceed the minimum GIA and private external amenity space requirements of the London Plan.

7.8.3 Policy DMD2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of sunlight and daylight and quality of living conditions for future occupants.

7.8.3 The majority of units proposed are dual aspect with some single aspect units in the central parts of the blocks. However, this layout is similar to the existing layout below and light levels to the proposed properties would be similar to those in the existing flats on site.

7.8.4 Policy S4 of the London Plan deals with the provision of children's playspace. In terms of amenity space provision, given the extensive communal space associated with the existing buildings, there would be no justification in planning terms to require any additional provision of outdoor amenity space.

## 7.9 Transport, highway network, parking and sustainable travel

- 7.9.1 Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS20 requires developers to demonstrate that their development will not adversely affect on-street parking or traffic management. Policies DMT1-T3 seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking.
- 7.9.2 The Council's Transport Planner has considered the proposals and raises no objection as the proposal is unlikely to have a significant impact on the adjoining public highway.
- 7.9.3 Watermill Way is a no parking zone with double yellow lines along both sides of the road. Private residential parking areas are provided in relation to the existing buildings. A pay and display car park (operated and managed privately) is located to the northeast in relation to the existing food court. Unrestricted on-street car parking is located to the south of the site including on Runnymede.
- 7.9.4 It is noted that Watermill Way is a private road and therefore controlled by the management company on-site rather than the Council, as Highway Authority. Therefore, parking and access within the site is handled by the management company. A number of objections have focussed on the issues of car parking and access concerns as a result of additional parking pressure created by the additional units.
- 7.9.5 In planning policy terms, the London Plan sets out maximum provision and in Outer London PTAL 2 areas the maximum parking provision is one space per unit.
- 7.9.6 Currently there are 52 residential units on site and 45 car parking spaces (a ratio of 0.86 spaces per unit). The current proposal would result in 67 units on site (a ratio of 0.67 spaces per unit). An average of 31.4% of households have no car (2014/15 -2016/17) London Travel Demand Survey data representing a slight decrease on previous years. With good levels of public transport connectivity, access to services and shops and an emphasis by the Council more generally to encourage and facilitate improvements to more active forms of transport (cycling and walking) officers conclude that any additional parking demand could be adequately managed on site, and would not warrant a refusal in planning terms.

7.9.7 The provision of cycle parking would meet the requirements of the London Plan and no objection is raised on this basis.

7.9.8 The scale of the development is unlikely to result in trip generation which would have a significant impact on highway capacity.

7.9.9 Whilst the concerns raised in representations are noted, there is no reasonable planning basis to refuse the application based on highway or servicing arrangements and the proposal is considered to comply with the relevant development plan policies.

#### 7.10 Refuse storage and collection

7.10.1 Policies SI8 and SI 10 of the London Plan and policy CS 17 of the Core Strategy requires details of refuse storage and collection arrangements.

7.10.2 A storage area for refuse has been indicated on the ground floor, which provides suitable access to residents and for the transportation of refuse for collection. It is considered this arrangement would be acceptable and a condition requiring its implementation and retention will be included to safeguard this.

#### 7.11 Fire Safety

7.11.1 In terms of fire safety, the London Plan sets out, in the supporting text to Policy D12, that “fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that development proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage, taking into account the diversity of and likely behaviour of the population as a whole.”

7.11.2 As set out above, officers advise that the issue of fire safety is a consideration under the building regulations. However, officers note that the application includes a Fire Strategy, which indicates that matters of fire safety have been considered in the proposed development. The proposed development will be subject to Building Regulations relating to fire safety and therefore, this matter would be considered in its entirety, at that stage.

#### 7.12 Safety and Security considerations

7.12.1 Policy DMD2 sets out that all developments must provide layouts that are safe, secure and take account of crime prevention and are developed in accordance with Secured by Design principles.

7.12.2 The comments of the Secured by Design Officer have been carefully considered. However, the existing entrance arrangements are considered sound and would not provide an area for concealment to the extent that the building should be redesigned.

7.12.3 The proposal is considered to be acceptable in terms of safety and security considerations.

### 7.13 Sustainable design and construction

7.13.1 London Plan policies SI 2 to SI 5 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.

7.13.2 As per CS policy CS15, major residential developments are required to achieve a 35% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. The Council's Climate Change Officer has confirmed that the proposal would achieve at least a 37% improvement on Part L and as such no objection is raised on that basis. The applicant has provided additional information to set out that a carbon offset contribution would not be required as the development will achieve net-zero carbon emissions on site. This has yet to be verified by the Council's Climate Change officer and a combination of a planning condition and S106 requirement would safeguard the Council's position and avoid delay in the determination of the application.

7.13.3 Subject to a suitable S106 obligation and conditions, the proposal is considered to be acceptable in terms of sustainable design and construction.

### 7.14 Flooding and Drainage

7.14.1 New London Plan policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage), Core Planning Strategy policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the

environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.

7.14.2 The proposed development would be "More Vulnerable" and the NPPF flood risk vulnerability of the site will remain unchanged post-development

7.14.3 The risk of the proposed development increasing flood risk elsewhere is considered negligible.

7.14.4 The proposed development will not result in any increase in impermeable surface areas on site. As such, there will be no significant changes to the runoff regime, rate or volumes post-development. London Plan Policy recommends SuDS should be implemented where practical and reasonable - small-scale SuDS measures such as blue roofs are considered in the SUDS strategy.

7.14.5 Following the guidelines contained within the NPPF, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures and means of escape) can be maintained for the lifetime of the development (this matter can be secured by way of condition)

7.14.5 Officers conclude that subject to condition, to ensure these measures are employed, that the proposed development would be acceptable in terms of flooding, drainage and runoff.

## 7.15 Air quality

7.15.1 Planning Policy DM EP4 of Merton's Adopted Sites and Policies plan (2104) seeks to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on people, the natural and physical environment in Merton. The policy states that to minimise pollutants, development: a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development. b) Individually or cumulatively, should not result in an adverse impact against human or natural environment. London Plan policy SI 1 (Improving Air Quality) recognises the importance of tackling air pollution and improving air quality to London's development and the health and wellbeing of its people. In accordance with the aims of the National Air Quality Strategy, the Mayor's Air Quality Strategy seeks to minimise the emissions of key pollutants

and to reduce concentration to levels at which no, or minimal, effects on human health are likely to occur. To meet the aims of the National Air Quality Objectives, the Council has designated the entire borough of Merton as an Air Quality Management Area (AQMA).

7.15.2 The Council's Environmental Health Service has reviewed the proposals and raises no objection subject to a condition to ensure that dust and emissions are controlled throughout the construction process. Subject to this condition, officers raise no objection.

#### 7.16 Biodiversity

7.16.1 The site is directly adjacent to a Green Corridor and Site of Nature Conservation Importance. The development itself would not encroach onto this area but concerns have been raised by residents regarding light to the riverside area. It is acknowledged that there may be some marginal overshadowing of the riverside area but the additional roof extension is modest in terms of the overall scale and bulk of the buildings and officers conclude that an objection could not be reasonably substantiated on this basis.

7.16.2 The submission of Construction Method Statement will ensure that storage of materials or equipment/plant ensures that there is no encroachment into the SINC and Green Corridor (this matter can be secured by way of condition).

#### 7.17 Response to issues raised in objection letters

7.17.1 The majority of issues raised in the objection letters have been addressed in the body of the report. However, in addition, the following response is offered:

- There would be some marginal overshadowing to Merton Abbey Mills, however, this impact would be marginal and it is noted that there are no formal requirements in relation to the impact of daylight and sunlight on commercial uses such as cafes, shops and the market in general from new development that would be applicable.
- The proposal does have the potential to cause disturbances throughout the construction process. Whilst this cannot reasonably form a reason for refusal officers recommend that conditions are imposed to minimise this impact where possible.
- Issues relating to the structural stability of the application are not material planning considerations

but would be considered under the Building Regulations.

- The addition of one additional floor to these buildings would not result in such a high building as to warrant further submissions in terms of wind modelling.
- Issues relating to fire safety are primarily addressed at the Building Regulations stage and therefore whether the proposal would result in the building being subject to a EWS1 (External Wall Survey) relating to fire regulations is not a material planning consideration.

## 8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

## 9. **Conclusion**

9.1 The principle of residential development is considered to be acceptable.

9.2 The proposal would provide additional housing units, for which there is a measurable and considerable need. The proposal is considered to be a modest and relatively discrete addition to the existing flatted blocks, which would replicate existing relationships with other nearby flats and houses and which would not result in a relatively neutral impact on the Conservation Area. For the reasons set out above in this report, it is concluded that the proposal would be acceptable in planning terms.

## **RECOMMENDATION**

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Affordable housing commuted sum £71,425 and Financial viability claw-back mechanism.
- A suitable carbon off set contribution in the event that CO2 reductions fail to meet the zero emissions target.
- The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.

And the following conditions:



1. A1 Time limit
2. A2 Approved Plans
3. B1 External Materials to be Approved
4. The development shall be carried out in accordance with the recommendations of the following approved documents:
  - Design and Access Statement;
  - Air Quality Screening Assessment;
  - Design & Access Statement, amended 15<sup>th</sup> March 2021;
  - Built Heritage Statement;
  - Flood Risk Assessment;
  - Energy and Sustainability Statement and Updated Sustainability Appraisal 13<sup>th</sup> April 2021;
  - Noise Impact Assessment;
  - Transport Statement;
5. C07 Refuse & Recycling (Implementation)
6. D10 External Lighting
7. H07 Cycle Parking to be implemented
8. H10 (Construction vehicles, washdown facilities, etc)
9. H13 (Construction Logistics Plan)
10. Non Standard Condition. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.  
Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and the London Plan.
11. Non Standard Condition. Prior to the first occupation of the development hereby approved a Secured by

Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and the London Plan.

12. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new external plant/machinery shall not exceed LA90-5dB at the boundary with any residential property.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

13. Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the ALN Acoustic Design, Noise Impact Assessment Report J0504\_R01, dated November 2020, must be implemented as a minimum standard for the development.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

14. 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

Reason: To protect the amenities of future occupiers and those in the local vicinity.

15. Construction Management Plan, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated  
Reason: To protect the amenities of future occupiers and those in the local vicinity.
16. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>  
Reason: To ensure that the development would not result in a deterioration of air quality.
17. 1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include:  
a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include continuous dust monitoring.  
b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development.  
2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not raise local environment impacts and pollution.

18. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved not less than the minimum CO2 reductions as currently required by adopted policy, and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources.

Informatives:

1. Carbon emissions evidence requirements for post construction stage assessments must provide: 'As Built' SAP Compliance Reports and detailed DER and TER worksheets for the as built development. The output documents must be based on the 'as built' stage of analysis and must account for any changes to the specification during construction. The outputs must be dated and include the accredited energy assessor's name and registration number, the assessment status, plot number and development address. OR, where applicable: A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; AND Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation. AND, where the developer has used SAP 10 conversion factors: The completed Carbon Emissions Reporting Spreadsheet based on the 'As Built' SAP outputs. AND, where applicable: MCS certificates and photos of all installed renewable technologies.
2. Water efficiency evidence requirements for Post Construction Stage assessments must provide:
  - Documentary evidence representing the dwellings 'As Built'; detailing:
  - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);

- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; AND:
  - Water Efficiency Calculator for New Dwellings; OR
  - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
3. INF 15 Discharge conditions prior to commencement of work
  4. INF 20 Street naming and numbering
  5. INFORMATIVE: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
  6. NPPF Note to Applicant – approved schemes
  7. Informative: Flood Risk Activity Permit Under the Environmental Permitting (England and Wales) Regulations 2016, you must submit plans to the Environment Agency and apply for a Flood Risk Activity Permit if you want to do work:
    - In, over or under a main river
    - Within 8m of the bank of a main river, or 16m if it is a tidal main river (check the location of main rivers here)
    - Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river
 Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment. Further guidance on applying for flood risk activity permits can be found on the following link <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>.

