

PLANNING APPLICATIONS COMMITTEE

19 June 2014

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P1241	23/04/2014
Address:	191 - 193 Western Road, Mitcham, London, SW19 2QD	
Ward:	Lavender Fields	
Proposal:	Demolition of the existing buildings [940 square metres of B8 floor space] and the redevelopment of the site for residential purposes [48 residential units in three and four storey buildings comprising 11 one bedroom flats; 21 two bedroom flats, 14 three bedroom houses and 2 four bedroom houses] together with associated landscaping, car parking [27 off street spaces] and other associated works.	
Drawing No's:	P0-001; P0-100D; P1-100; P1-101; P1-102; P1-103; P1-104; P1-100; P1-200; P1-110; P1-111; P1-112; P1-101; P1-101 P1-102; P1-105; P1-103; P1-106; P1-104; Design and Access Statement; Planning Statement; Flood Risk Assessment and Surface Water Drainage Strategy; Transport Statement; Energy Statement; Sustainability Statement; Archaeological Assessment; Ecological Report; Arboricultural Assessment and Tree Constraints Plan; Services Appraisal; Contamination Report; and Waste Management Plan.	
Contact Officer:	Tony Ryan [020 8545 3114]	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.

CHECKLIST INFORMATION.

- S106: Affordable housing [dependent on outcome of viability assessment]
 - Has an Environmental Impact Assessment been submitted: No
 - Press and site notice: Yes
 - Design Review Panel consulted: No
 - Archaeological Priority Zone: Yes
 - Area at risk of flooding: Yes [Zone 2]
 - Controlled Parking Zone: No
 - Conservation Area: No
 - Trees: No Tree Preservation Orders.
 - Number of neighbours consulted: 47
 - Sites and Policies DPD: Proposal Site 78 – residential use.
 - UDP: Proposal Site 15 - B1 business purposes.
 - External consultations – Secured by Design Officer, Environment Agency Transport for London, English Heritage and Western Road Allotments Society
 - PTAL: 3 [TFL Planning Information Database];
 - Density – 296 habitable rooms per hectare [151HR and 0.51H]
 - Number of jobs created: N/A
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1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration as it represents a departure from the existing site designation in the Unitary Development Plan.

2. SITE AND SURROUNDINGS

- 2.1 The irregular shaped application site (0.51 hectares) is located on the south west side of Western Road. The land on the opposite side of Western Road is located within an industrial area as designated by the adopted Unitary Development Plan [UDP] [October 2003] and the draft Sites and Policies Development Plan Document [DPD].
- 2.2 To the north west and south east of the application site along Western Road there are semi-detached and terraced residential properties. Residential properties in Church Road are located to the west and to the south properties in a cul-de-sac called Reynolds Close. The Western Road allotments are located to the south east of the application site; with a pedestrian access from the allotments on to Western Road provided between the application site and the two storey semi-detached property at 189 Western Road.
- 2.3 The general scale of local development is of buildings of up to four storeys in height. A three storey commercial building with a flat roof is located opposite the application site, with two storey residential buildings with pitched roofs next to the site and to the rear in Reynolds Close and Church Road. Several 45 detached three and four storey residential buildings are located on the opposite side of Western Road further to the east.
- 2.4 Western Road is a classified road [A236] which forms part of the Strategic Road Network (SRN) and carries a large quantity of traffic as a busy arterial thoroughfare. The application site is proposal 15P in the Adopted UDP which designates the site for business use [Planning Use Class B1], the site is also proposals site 78 in the emerging Sites and Policies DPD that designates the site for residential use.
- 2.5 The site is located in an archaeological priority zone and over half of the site is located in an area at risk from flooding [flood risk zone 2]. The site is not located in a controlled parking zone, the site is not in a conservation area and there are no buildings on the site or nearby that are on the statutory or local list of historically important buildings.
- 2.6 A red brick commercial building is currently located on the application site, with this building fronting Western Road. The land at the rear of the site consists of small scale structures associated with open yard storage uses. The site currently has a double width vehicle access from Western Road with two advertisement hoardings incorporated into the front boundary fencing to the site.

3. CURRENT PROPOSAL

- 3.1 The current application involves the demolition of existing building [940 square metres of B8 floor space] and the removal of existing structures and

advertisement hoardings and the redevelopment of the site for residential purposes.

- 3.2 The development consists of a four storey residential building at the front of the site that will provide 32 flats [11 one bedroom – 2 person, 9 two bedroom - three person and 12 two bedroom – four person flats]. These flats are separated between three staircase cores that have been annotated on the submitted plans as blocks A, B and C.
- 3.3 In the eastern part of the site and to the rear of 364 to 376 Church Road the proposal includes a part two storey, part three storey terrace. This terrace will provide five houses [3 three bedroom- 6 person houses and 2 four bedroom 6 person houses]. At the rear of existing adjacent properties in Reynolds Close the proposal includes a terrace of 11 houses, all of these houses will provide 3 bedrooms and would accommodate up to 6 persons.
- 3.4 The existing vehicle access to the application site is in the centre of the Western Road frontage. The proposed development involves the relocation of this access to the western end of the site frontage and adjacent to the existing property at 195 Western Road.
- 3.5 Further information on the proposed residential accommodation is provided in the two tables that are included as an appendix to this report. These tables set out the number of bedrooms for each individual residential unit, the number of bed spaces, gross internal areas and the level of external space provided for future occupants. The table also sets out current relevant policy requirements set out in London Plan and the adopted Unitary Development Plan and emerging standards in the Sites and Policies Development Plan Document that is due to be adopted in July.

4. PLANNING HISTORY.

- 4.1 In November 2007 planning permission was refused [LB Merton reference 06/P3006] for the use of the current application site for the storage of skips and lorry parking. The proposed use also included office floor space that was ancillary to the skip hire use.
- 4.2 The reasons for the refusal of planning permission are provided below. A subsequent appeal to the Secretary of State against the Council's decision to refuse planning permission was dismissed:

“The skip hire business, by reason of the mode of operation involving re-cycling of scrap metal, and the noise and activity associated with the use, is considered detrimental to the amenities of neighbouring occupiers and an inappropriate use of the land, which is designated for use for B1 purposes in the proposals map, and contrary to policies E1, E6, E7, E8 of the Merton Unitary Development Plan (2003)”.
- 4.3 Planning permission was granted in September 2010 [LB Merton reference 10/P1354] for the use of part of the current application site for open car

storage and overflow parking for a garage located in Plough Lane. This permission was for a temporary period with a planning condition attached to this permission stating *"This permission is for a temporary period and the use hereby permitted shall cease and the land restored to its former condition on or before 09/09/2013"*. The reason for this condition was that the use was not be considered an appropriate long term use of the site. In November 2013 planning permission was approved [LB Merton reference 13/p2877] that extended the temporary open car storage use on the site until 20 November 2016.

5. CONSULTATION

- 5.1 Prior to the submission of the current planning application the applicant distributed leaflets to 50 local addresses advising of the impending planning application and providing details of the proposed development.
- 5.2 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 47 neighbouring properties. There have been no written responses to this consultation from neighbouring addresses.
- 5.3 Transport for London There is no objection to the proposal on the basis that planning conditions are used to secure the provision of electric vehicle charging points on the site; to secure additional visitor cycle parking in accordance with the draft revisions to the London Plan, and the submission of a Construction Logistics Plan.
- 5.4 Environment Agency There is no objection to the proposal on the basis that planning conditions are used to secure the submission of a further site investigation report, measures to consider unexpected contamination found during construction work; the submission of verification information once works have been completed; a programme of long term monitoring; a restriction on sustainable drainage and foundation design.
- 5.5 English Heritage [Archaeology] There is no objection to the proposal on the basis that planning conditions are used to preserve the archaeological interest that is expected to have survived on the application site.
- 5.6 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to the reinstatement of redundant crossovers; submission of details of the new vehicle access; submission of further details of cycle parking, further details on the management of construction vehicles; details of car parking layout and an informative highlighting to the applicant the need for separate approval for any works affecting the public highway.
- 5.7 LB Merton Environmental Health There is no objection to the development subject to planning conditions requesting the submission of a contaminated land survey, measures to protect existing and future residents from light pollution and noise disturbance including the timing of construction work.

- 5.8 Design Review Panel. At the pre-application stage the Council's Design Review Panel considered the proposed development on the 18 January 2014. The comments from the panel are provided below and are followed by a response from the applicant to the points that were made.
- 5.9 *"The Panel felt that this was a generally well resolved development. The Mews approach was felt to be appropriate for the site and the buildings were had a well detailed, refreshing palette. The Panel welcomed the contemporary style of the buildings, which it felt worked very well.*
- 5.10 *The difference between the front and back of the flats was felt to be good – both the vertical and horizontal styles worked well. At the front, however, it was important to get a quick and positive impression of the whole 'DNA' of the scheme and this needed further work. It was felt there was a danger of the frontage having a 'blocky' feel. It was suggested that strong attention to detail was needed on the stairwell glazing. It was felt the mansard was jarring a bit with the otherwise simple architectural language. It sat uncomfortably with the base of the building, the proportion of roof to wall could be adjusted, the attic could possibly be set back with a vertical face.*
- 5.11 *At the rear of the flats some concern was raised about the amount of light that would reach it from over the mews housing, and that this was an important space. The single aspect one-bed units on the south side were noted. It was suggested that these units could be projected forward a little more to allow some small windows with a side aspect, dependent on resolving any privacy issues.*
- 5.12 *Whilst the Panel liked the mews concept, they felt the open space had been designed as a road, rather than having been designed as a place. This was evident with some of the planting, and the footpath on the north side. It was suggested that the space be designed as a mews from the outset and this would lead to a more informal feel and more meaningful planting. The footpath on the north side of the mews would become unnecessary and the space added to the communal garden. The arrangement of the space could possibly become more efficient – especially the turning head at the southern end.*
- 5.13 *Questions were raised about the quality and security of the undercroft space to access the sub-station. It was felt this needed careful detailing and lighting. The fence at the rear would reduce light penetration and should be lowered or removed. The applicant was urged to explore either gating the front of the undercroft or negotiating with the utility company to access it from the rear via the mews. This latter solution could then enable more units to be provided.*
- 5.14 *The Panel felt that the ends of both the housing and flats buildings needed to be treated differently. The design wasn't taking advantage of the locations to make them more visually appealing or maximising their saleability and distinctiveness. The south-east and north-western houses in the main terrace for example, could express their unique situation. This could include architectural detailing, side windows etc. or even a more significant change.*

- 5.15 *The Panel felt that the most uncomfortable part of the site was the ‘annex’ at the north-western end. The Panel was unsure whether the layout worked successfully here and suggested the applicant explore possible alternatives, though they themselves struggled to find any in the discussion.*
- 5.16 *The close and somewhat awkward proximity with the back gardens on the east side of this area seemed to be driving this unease and one suggestion was that a new brick wall would go some way to addressing this – instead of the current fence. Overall, though the Panel felt the layout was good and appropriate and the architecture refreshing. VERDICT: GREEN”*
- 5.17 In response to the comments from the Design Review Panel various amendments were made to the design and layout of the development and the description of these changes provided in the submitted Design and Access Statement is copied below:
- 5.18 *“The height of blocks A-C was reduced by 400 mm and the brick parapet raised by 200 mm to increase the wall to roof proportion. The mansard was reviewed to include a vertical face and was discounted due to the ‘blocky’ feel identified by the DRP.*
- 5.19 *The path along the eastern boundary was removed and the amenity space increased. The turning head and road have been designed and tracked to be as pedestrian friendly as possible. The gate and fence to the undercroft have been reduced to 1.3m from 1.8m to allow more light into the space. Windows have been added to the east and west elevations to the southern terrace to take advantage of the aspect. A new brick wall has been included to address the awkward proximity with the back gardens on the west side of the development”.*
- 5.20 In response to the concern raised about the amount of light that the amenity space would receive, the Design and Access Statement highlights additional diagrams included with the application that seek to demonstrate that the amenity space receives a good level of natural sunlight all year.

6 POLICY CONTEXT

The London Plan [July 2011].

- 6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people’s play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 4.1 [Developing London’s Economy]; 4.4 [Managing industrial land and premises]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 5.12 [Flood risk management]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive

environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 7.21 [Trees and woodlands] and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

- 6.2 The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).

Policies retained in Adopted Unitary Development Plan [October 2003]

- 6.3 The application site is proposal site 15P in the Unitary Development Plan that designates the site for B1 use. The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE13 [Archaeological Protection and Preservation]; BE15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design]; BE22 [Design of new development]; BE25 [Sustainable development]; C1 [Location and access of facilities]; E2 [Access for disabled people]; E6 [Loss of employment land outside the designated areas]; E7 [Land uses on sites outside the designated industrial areas]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; L9 [Children's play facilities]; NE11 [Trees protection]; PE5 [Risk from flooding]; PE7 [Capacity of water systems]; PE9 [Waste minimisation and waste disposal]; PE11 [Recycling points]; PE12 [Energy generation and energy saving]; RN3 [Vehicular access].

Merton Supplementary Planning Guidance

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

Policies within Merton LDF Core Planning Strategy [adopted July 2011]

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

National Planning Policy Framework [March 2012]

- 6.6 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.7 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.

- 6.8 The NPPF states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.9 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- Emerging policies within the Draft Sites and Policies Plan.
- 6.10 Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.11 The London Borough of Merton draft 'Sites and Policies Plan' was considered by the independent Planning Inspector appointed by the Secretary of State at a public hearing in January 2014 and the final report was published on 4 June 2014. No changes are required to the February 2014 version 'Sites and Policies Plan (including all modifications) and the Plan is due to be formally adopted in July.
- 6.12 The site at 191-193 Western Road is proposal site 78 within the Draft Sites and Policies Plan with a suggested designation for residential use. The other relevant policies within the Draft Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DME1 [Employment Areas in Merton]; DME3 [Protection of scattered employment sites]; DMEP2 [Reducing and mitigating against noise; DMEP4 [Pollutants]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].
- 6.13 The Inspector did not raise and concerns in relation to these policies, or the site designation and did not make any indication that the submitted Plan was not sound. The policies and site designation should be given significant weight in determining the current planning application.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development in terms of the loss of the existing employment floor space; the

UDP and Sites and Policies site designations; the introduction of residential accommodation, the design and appearance of the proposed buildings, the standard of the residential accommodation including potential ground contamination, the impact on residential amenity and impact on car parking and traffic generation.

Existing and proposed land uses

- 7.2 In assessing the loss of the existing employment use on the application site, the appropriateness of this use needs to be considered in terms of the impact on amenity and in relation to adopted planning policy. The introduction of a residential use also then needs to be considered in the context of both adopted and emerging planning policies and the departure from the existing site designation for business use [Planning Use Class B1].

Loss of the existing land use

- 7.3 Retained Unitary Development Plan policy E.7 states that outside the designated industrial areas planning permission will not be granted for general industrial and storage and distribution developments. The reason for this policy is that general industrial [Planning Use Class B2] and storage and distribution [Planning Use Class B8] are not considered appropriate outside designated industrial areas due to the negative impact on the amenities of nearby residential occupiers.
- 7.4 The application site is currently occupied by general industrial and storage and distribution uses and it is located outside a designated industrial area and bordered on three sides by residential properties. The activities on the application site have in the past been the source of complaints from adjacent residents including in relation to noise disturbance. The site planning history shows the earlier refusal of planning permission for an employment use [Planning Use Class B2] on the grounds of the adverse impact on residential amenity. This decision to refuse planning permission was subsequently supported by an appeal inspector.
- 7.5 In conclusion, in these circumstances outlined above the loss of the existing general industrial and storage and distribution uses on the application site is considered acceptable in principle and the current proposal is considered in line with Retained Unitary Development Plan policy E.7

Existing planning policy background

- 7.6 Retained Unitary Development Plan policy E.6 provides a detailed framework for assessing whether a site such as the application site outside the main industrial areas [a scattered employment site] should be released from employment use. This policy states that the loss of employment land in an area such as this will only be permitted where it can be demonstrated that the size, configuration, access arrangements or other characteristics of the site make it unsuitable and financially unviable for alternative employment use.
- 7.7 As part of the current planning application the applicant has provided information on the current occupation of the application site. The submitted information shows that the majority of the land and buildings are occupied by

businesses on short term leases and that these existing uses support a low number of jobs [8-10 employees]. These existing uses appear to include floor space used by a removals company and a company manufacturing a hand sanitiser. An open car storage use also operates on the site that is used in association with a local garage.

- 7.8 The applicant has stated that the existing commercial building and land on the application site is unlikely to attract a commercial occupier that will make efficient and long term economical use of the space that is available. The land and building are in a poor state of repair and the building currently provides sub-standard commercial floor space that fails to meet current health and safety and environmental standards. With the age and design of the building there are also additional costs for any prospective tenant. The applicant also highlights “...a healthy supply of modern and better employment floor space within the local area” that would be more attractive to prospective tenants both in terms of the building and location.
- 7.9 In conclusion, whilst the applicant has not provided any evidence of the marketing of the site, officers are satisfied that there is no realistic prospect of a suitable alternative employment use being attracted to the application site. It is considered that the provision of modern employment floor space [Planning Use Class B1] on the application site, in accordance with the existing site designation would not be economically viable due to the significant investment that would be required and the uncertainty in finding a future tenant. The submitted proposal is considered in line with Retained Unitary Development Plan policy E.6.

Departure from the Unitary Development Plan and emerging planning policy.

- 7.10 The departure from the Unitary Development Plan is on the basis that the application site is proposal site 15P with the adopted Unitary Development Plan with this plan stating that the Council’s preferred land use on this site is for business use [Planning Use Class B1]. Notwithstanding the likely imminent adoption of the Sites and Policies Plan, the Council is required to assess whether there are other material planning considerations, which would warrant the granting of planning permission contrary to the existing UDP site designation.
- 7.11 The National Planning Policy Framework advises that from the date of publication, decision-takers may attach weight to relevant planning policies in emerging plans. The weight that is attached by decision makers is dependent on the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework.
- 7.12 The London Borough of Merton draft ‘Sites and Policies Plan’ was considered by the independent Planning Inspector appointed by the Secretary of State at a public hearing in January 2014 and the final report was published on 4 June 2014. No changes are required to the February 2014 version ‘Sites and

Policies Plan (including all modifications) and the Plan is due to be formally adopted in July.

- 7.13 The application site at 191-193 Western Road is proposal site 78P in the draft Sites and Policies Development Plan Document, with this document stating that the Council's preferred land use on this site is for residential use [Planning Use Class C3]. This designation is in accordance with guidance in the National Planning Policy Framework that states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. With no objections received to the site designation as a result of public consultation it is considered that this emerging designation for residential use can be given substantial weight and is a material planning consideration that provides strong justification for a departure from adopted UDP policy in this instance.
- 7.14 In conclusion, the loss of the existing employment use on the application site is considered acceptable due to the incompatibility of these existing employment uses with adjacent residential properties. As part of the current application and through the preparation of the emerging Sites and Policies DPD it has been adequately demonstrated that there is no reasonable prospect of any alternative employment use being attracted to the current site and buildings or of the whole site being redeveloped with modern B1 employment floor space. It is considered that a new residential development on the application site has greater potential to make a positive contribution towards regeneration of the area and a sustainable community than seeking to retain the existing buildings and uses.

Need for additional housing, residential density and housing mix.

Need for additional housing

- 7.15 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition. Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible including a minimum of 1550 to 1850 homes in the Mitcham sub area where the proposal site is located.
- 7.16 The Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including the development of sites that have been designated in the Sites and Policies Development Plan Document as being suitable for residential accommodation.
- 7.17 The current application site has been designated as suitable for residential use within the emerging Sites and Policies Development Plan Document with this document at an advanced stage of preparation. The application site is on

brownfield land and in a sustainable location adjacent to other existing residential properties and benefits from good access to public transport and other local facilities accessible without the use of a car.

- 7.18 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

Residential density

- 7.19 The London Plan states that in urban areas such as the application site with a Public Transport Accessibility Level of 3 the residential density should be within a range of 200 to 450 habitable rooms per hectare. With the application site covering a site area of 0.51 hectares and provision of 151 habitable rooms the residential density of the development is 296 habitable rooms per hectare.
- 7.20 In conclusion the residential density of the proposed development is within the density range set out in the London Plan and is considered acceptable for this location.

Housing mix

- 7.21 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.22 The application site is located in an area, where there is currently a mixture of housing types with terraced and semi-detached houses adjacent to the site and blocks of flats located further to the west. The current application provides 48 residential units consisting of 11 one bedroom flats; 21 two bedroom flats, 14 three bedroom houses and 2 four bedroom houses.
- 7.23 In conclusion it is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Layout, scale and design

- 7.24 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public

realm, and buildings should have details that complement, but not necessarily replicate the local architectural character.

- 7.25 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Retained UDP policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

Building layout

- 7.26 The general building layout shown on the submitted plans consists of building along the Western Road site frontage providing 32 flats with three entrances and staircase cores providing access to 11 flats [block A] , 11 flats [block B] and 10 flats [block C]. At the rear of the site there are two terraces proposed, the first terrace that is parallel to Western Road will provide 11 houses, [block D three bedroom houses] and the second terrace that is parallel to nearby properties at the rear of the site in Church Road will provide 5 houses [block E - 2 four bedroom and 3 three bedroom].

- 7.27 It is considered that the proposed layout would successfully address the Western Road frontage with a building that is set back from the back edge of the pavement to reflect the layout of existing adjacent buildings. It is considered that the layout of the buildings makes efficient use of this irregular shaped site whilst maximising land that is available for amenity space and car parking. As discussed later in this report the buildings have also been positioned to provide a good standard of residential accommodation and to reduce any potential impact on residential amenity.

Building design and materials

- 7.28 The existing buildings on application site are of poor quality and are considered to detract from the appearance of the local area. As a result subject to the design and appearance of a replacement building it is considered that the loss of the existing buildings will enhance the character of the area.

- 7.29 In terms of references for the design and appearance of a replacement building there is some variety in building design present in the local area with two storey Victorian properties in London stock brick located to the east along Western Road. These properties have protruding front bay windows, red brick detailing around first floor windows, walls running up the roof slope between the houses and a number of front roof gables. To the west of the application site there are larger semi-detached properties; that are part of a larger group located along this side of Western Road. These buildings are of a simpler design finished with light coloured render. Commercial buildings of a simple red brick appearance are located opposite the application site with further red

brick residential buildings in a variety of styles located to the east of these commercial uses.

7.30 The design of the front elevation is considered appropriate in this location and would provide a rhythm that reflects that of existing adjacent residential properties. The development respects the existing building lines in Western Road and provides defensible space in the form of gardens in front of the proposed ground floor windows.

7.31 The submitted design and access statement lists the proposed facing materials for the new building. The proposed facing materials include timber panelling, glass balustrades, light buff coloured brick. The Design and Access statement highlights a reference to the William Morris textile printing works that were present in this area with areas of William Morris patterned laminated glass on some of the balconies. The proposed materials are considered in keeping with the surrounding area whilst also reflecting the contemporary design of this development.

Building scale and massing

7.32 The scale of nearby development ranges from two storey residential buildings with pitched roofs adjacent to the site to three storey commercial building with a flat roof located opposite the application site and four storey residential buildings with a pitched roof located nearby to the east.

7.33 The proposed development includes a four storey building with a flat roof [12.6 metres high] along the Western Road site frontage with the bulk and massing of the building reduced by a set back from the front elevation on the top floor of the building. The scale of this building is considered in keeping with the existing commercial building on the application site and comparable to the three storey commercial buildings opposite. The height of the proposed building is also considered in keeping with the height of adjacent residential buildings. These adjacent two storey buildings [roof ridge height of 9 metres] have a pitched roof and as a result with the height of the pitched roof visually the proposed flat roof building will appear as a single storey higher than these adjacent buildings.

7.34 The two proposed terraces [blocks E and D] located at the rear of the site are three storeys high with a flat roof to the front elevation [9.5 metres high] with a pitched roof sloping down to two storeys at the rear elevation. The scale of these two terraces is considered in keeping with nearby development

7.35 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan.

7.36 Whilst the proposal was given a 'Green' verdict by the Council's Design Review Panel at the pre application stage, the architect has subsequently

amended the proposal to address the comments that the panel made. These changes are set out earlier in the consultation section of this report.

Neighbour amenity.

- 7.37 Policy HS.1 of the adopted Unitary Development Plan [October 2003] states that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties in terms of maintaining adequate daylight and sunlight and the protection of privacy. Policy BE15 of the Unitary Development Plan states that new buildings will be expected to maintain sunlight and daylight levels to adjoining buildings and gardens; ensure the privacy of neighbours; protect from visual intrusion and not result in harm to living conditions through noise or disturbance.

Loss of privacy and overlooking

- 7.38 To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.

- Blocks A, B and C

- 7.39 Blocks A, B and C are in a building fronting Western Road. The side [east] elevation of this proposed building is separated from the side elevation of the adjacent property at 189 Western Road by a distance of 4.3 metres across the pedestrian access to Western Road allotments. There are existing windows on the side elevation of 189 Western Road that appear to be secondary windows or to serve non habitable floor space.

- 7.40 The side [west] elevation of this proposed building is separated from the side elevation of the adjacent property at 195 Western Road by a distance of 10 metres across the relocated vehicle access to the site. There is one ground floor window on the side elevation of 195 Western Road that appears to serve non habitable floor space.

- 7.41 In order to ensure that the development does not give rise to overlooking or a loss of privacy a planning condition is recommended to ensure that the proposed non habitable floor space and secondary windows on the side elevation of the proposed building [blocks A, B and C] on the upper floor levels are fitted with obscured glass.

- 7.42 The rear elevation of blocks A, B and C includes balconies on the upper floor levels both within the building envelope and protruding past the rear elevation. With the screening provided by the side wall of the building it is considered that the balconies within the building envelope and closest to the boundary at first and second floor level [flats C4 and C7] do not require any additional screening. A planning condition is recommended to ensure that screening is provided to the third floor balcony [flat C10] and to the balconies protruding past the rear elevation and that the screening is maintained to the other balconies in this location.

- Block E
- 7.43 The separation distance between the main rear building elevations of properties in Church Road and the rear elevation of block E is 27 metres. Whilst a number of the properties in Church Road have had substantial two storey rear extensions, a minimum separation distance of 20 metres is also maintained provided between existing and proposed windows in the respective elevations. There are no windows proposed on the side elevations of block E and a planning condition is recommended to ensure that the future insertion of windows would require planning permission.
- 7.44 At the closest point a distance of 24 metres will separate the front elevation of block E from the rear elevation of the adjacent properties at 195 to 209 Western Road. With this separation distance it is considered that the development would not result to a loss of privacy or overlooking to these adjacent occupiers. At the closest point a distance of 7 metres would separate first floor windows from adjacent garden boundaries and this is considered a sufficient distance to maintain the privacy of the nearest adjacent gardens.
- Block D
- 7.45 Whilst the rear elevation of block D does not directly face the rear elevation of the existing adjacent property at 12 Reynolds Close, there is still a separation distance of 15 metres at the closest point. This separation distance is considered sufficient to avoid any loss of privacy or overlooking. The windows in the side elevations of block D overlook either the adjacent allotments or the circulation space within the application site and as a result do not raise any issues in terms of overlooking or loss of privacy.

Loss of daylight, sunlight and visual intrusion.

- 7.46 In support of the application the applicant has conducted a detailed daylight and sunlight assessment following the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'. The submitted proposal was found to pass this detailed assessment.
- 7.47 With the height of the proposed development, the separation from adjacent residential buildings [outlined in the previous section of this report] and the proposed orientation of the buildings it is considered that the proposed development will not give rise to visual intrusion or a loss of daylight or sunlight to adjacent residential occupiers.
- 7.48 In conclusion it is considered that the new development would not have a harmful impact on residential amenity in terms of loss of daylight and sunlight, overlooking and privacy or be visually intrusive. The proposed development is considered to be in line with the requirements set out in the Council's Supplementary Planning Guidance.

Standard of residential accommodation.

- 7.49 Policies HS.1 and BE.15 of the adopted Unitary Development Plan [2003] state that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate

internal space, a safe layout and access for all users; and provision of adequate external amenity space to serve the needs of future occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.50 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.
- 7.51 The tables provided as an appendix to this current report set out the gross internal areas for the proposed residential accommodation. The tables show that the proposed accommodation provides good levels of internal floor space that complies with the London Plan standards. The internal layout of the accommodation is considered to make good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.

External amenity space

- 7.52 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The standards within policy HS.1 state that private rear garden space for flats should be a minimum of 10 square metres per habitable room. The standard within the emerging Sites and Policies DPD states that in accordance with the London Housing Design Guide 5 square metres of external space should be provided for one and two bedroom properties with an extra square metre provided for each additional bed space.
- 7.53 The proposed houses are each provided with private rear garden space with amenity space for the flats provided as either garden space at ground floor level or balconies on the upper floor levels. The flats also have a communal amenity space covering 351 square metres.
- 7.54 Whilst it is highlighted that the development would fail to meet the current amenity space standards in the Unitary Development Plan, the development would meet the standards within the emerging Sites and Policies DPD that is due to be formally adopted by the Council next month. It is a matter of planning judgment as to the relative weight that should be attached to the failure to meet external amenity space standards set out in Unitary Development Plan policy HS.1.
- 7.55 In conclusion it is considered by officers that the proposed residential accommodation is of a good general standard and that this overall assessment should be given greater weight than meeting individual amenity space standards that are due to be replaced in the near future.

Lifetime Homes standards.

- 7.56 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. As part of the planning application the applicant has confirmed that the development aims to meet Lifetime Home Standards.
- 7.57 A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

Trip generation, car parking, servicing and access.

- 7.58 The site is located on Western Road [A236] that forms part of the Strategic Road Network. The site has a public transport accessibility level [PTAL] of 3 [On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility]. This PTAL level indicates that the site has a fair level of access to public transport services, however it is highlighted that the site is within a reasonable walking distance of Colliers Wood underground station and various buses servicing Colliers Wood Urban Centre. The application site benefits from access to the day-to-day facilities in the Colliers Wood Urban Centre including shops, places of employment and recreational areas and from direct access to the strategic highway network.

Car parking

- 7.59 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.60 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with one or two bedrooms a 'maximum' of 1.5 spaces for three bedroom dwellings and a 'maximum' of 2 spaces for four bedroom dwellings. The proposed development includes 27 off street car parking and this provision is in line with the 'maximum' car parking standards set out within the London Plan.
- 7.61 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles [a requirement of 20% of total spaces]. The applicant has stated an intention to provide facilities to charge electric vehicles and a planning condition is recommended to ensure that these facilities are provided.

Trip generation and vehicle access

- 7.62 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to, and from the public highway.
- 7.63 The proposed development includes the relocation of the existing vehicle site access from the middle of the Western Road frontage to the western end of the site. The vehicle access to the commercial site on the opposite side of Western Road is located opposite the existing access on the application site. The relocation of the vehicle access is welcomed in principle as it will more efficient use of the application site and will remove the conflict with vehicles exiting the commercial site opposite. Planning conditions are recommended to seek the submission of further details of the new access for approval. In order to improve the environment for pedestrians, a second planning condition is recommended to seek the reinstatement of the pavement in the location of the existing vehicle access.
- 7.64 In order to ensure that traffic and vehicles associated with the construction phase do not impact upon the public highway a planning condition is recommended seeking the submission of a Construction Logistics Plan.
- 7.65 The applicant has submitted a transport statement in support of the current planning application. This statement has been considered by the Council's transport planning officer and it was found that the trip generation from the proposed development can be safely accommodated on the existing road network.

Refuse storage and collection.

- 7.66 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.67 The submitted application drawings show refuse and recycling storage areas for the new flats and houses. These storage locations are considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.

Cycling and pedestrian access

- 7.68 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. Policy CS20 of the Core Strategy [July 2011]

states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect pedestrian and cycle movements.

- 7.69 The proposed development includes a total of 64 cycle parking spaces. A planning condition is recommended to ensure that this cycle parking is provided for the benefit of future residents and following advice from Transport for London that additional visitor cycle parking is also provided.
- 7.70 Subject to attaching suitable conditions to any planning permission it is considered that the proposed development is acceptable in terms of the impact on trip generation, car parking, servicing and access and has been designed with adequate access and servicing arrangements in line with Policy CS20 of the Core Strategy [July 2011].

Trees, landscaping and biodiversity

- 7.71 Policy CS.13 within the Adopted Core Strategy [2011] states that development should seek to integrate new or enhanced habitat or design and landscaping that encourages biodiversity.
- 7.72 The conclusions of a tree survey commissioned by the applicant found ten existing trees on the application site. The majority of these trees are along the rear site boundary in an area that will provide private gardens for new family housing as part of the proposed development.
- 7.73 The tree survey found that the trees on the application site have suffered from poor management and as a result the survey concludes that two of these trees should be felled. These trees are a self-seeded sycamore [T1] that is growing out from a fence on the side boundary and a second sycamore adjacent to the rear boundary that has suffered from storm damage and is currently supported by an adjacent building. In these circumstances the felling of the trees is considered acceptable and to represent good arboricultural management. Management works such as crown reductions are also recommended to the retained trees on the site.
- 7.74 A planning condition is recommended to seek details of tree protection measures during construction and for details of proposed new landscaping to be submitted, approved and in place prior to the occupation of the proposed new dwellings.
- 7.75 As part of the planning application the applicant has submitted the results of a biodiversity survey of the application site that included a bat survey. The areas of the application site not occupied by the building or structures are mainly covered in hardstanding and as a result little biodiversity was found on the site, there was also no evidence of bats found in the building or on existing trees. As part of a recommended planning condition that relates to new landscaping, measures to increase biodiversity on the site have been requested.

Site contamination and flooding

- 7.14 The London Plan (Policy 5.21) indicates that the Mayor supports bringing contaminated land into beneficial use. Unitary Development Plan policy PE.8 states that subject to other planning policies the Council will encourage the recycling of derelict or vacant land and brownfield sites for appropriate development having regard to the need to treat polluted or contaminated sites, particularly where there is a threat to public safety.
- 7.15 In light of the commercial uses on the application site there is a potential for the site to suffer from ground contamination that has originating from these uses. Following advice from the Council's Environmental Health Officer planning conditions are recommended seeking further site investigation prior to work commencing on site to carry out site investigations and how any contamination would be dealt with.
- 7.16 Over half of the area of land on the application site has been determined by the Environment Agency to be in an area at risk from flooding. This land is in flood risk zone 2 [between a 1 in 100 and 1 in 1000 chance of flooding from rivers in any one year]. A Flood Risk assessment has been submitted in support of the application and this has been considered by the Environment Agency.
- 7.17 The Environment Agency has advised that the application site is located over a Secondary Aquifer and the application form indicates that contamination is suspected on this land due to previous commercial uses. In line with the Environment Agency advice planning conditions are recommended in relation to investigations and mitigation of potential contamination and a restriction on infiltration by surface water drainage.

Sustainable design and construction.

- 7.76 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.77 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is over 0.5 hectares in area the site falls within the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context screening opinion has been issued stating that there is no requirement for an Environmental Impact Assessment as part of this development.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £134,589 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 3,845 square metres]. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

London Borough of Merton Community Infrastructure Levy

9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.

9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.

9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £845,99. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 3,845 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Financial contribution towards education provision;
9.8 Funding towards education provision would now be provided from the Merton Community Infrastructure Levy.

Financial contribution towards open space;
9.9 Funding towards education provision would now be provided from the Merton Community Infrastructure Levy.

Financial contribution towards provision of affordable housing;
9.10 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.

9.11 Having regard to characteristics such as site size, site suitability, financial viability issues and other planning contributions Core Strategy policy CS 8 states that affordable housing provision on developments of ten or more residential units should include a minimum of 40% of new units on the site as affordable housing. Within this affordable housing provision, 60% of the units should be provided as social rented and 40% as intermediate accommodation. In relation to proposals of over ten units policy CS 8 states that off-site financial contributions towards affordable housing will only be allowed in exceptional circumstances and must be justified.

9.12 The applicants have submitted a financial viability assessment that concludes that for the proposed development to remain viable it is not capable of providing affordable housing at the level that is set out in Core Strategy policy CS 8. Discussions are on-going after the third party assessor considered the applicant's submitted financial viability assessment

Monitoring and legal fees
9.13 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution [£to be agreed]. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

10. CONCLUSION

10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions and no further material.

1. Subject to the conclusions of the viability assessment; on site affordable housing provision at 40% on site to include 60% social rented and 40% intermediate
2. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£to be agreed].

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: P0-001; P0-100D; P1-100; P1-101; P1-102; P1-103; P1-104; P1-100; P1-200; P1-110; P1-111; P1-112; P1-101; P1-101 P1-102; P1-105; P1-103; P1-106; P1-104; Design and Access Statement; Planning Statement; Flood Risk Assessment & Surface Water Drainage Strategy; Transport Statement; Energy Statement; Sustainability Statement; Archaeological Assessment; Ecological Report; Arboricultural Assessment and Tree Constraints Plan; Services Appraisal; Contamination Report; and Waste Management Plan. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Non-standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
5. Amended standard condition [Construction Logistics Plan] Prior to the commencement of development [including demolition], a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place be in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian

safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

6. Amended standard condition [Archaeology - commencement] Prior to the commencement of development [including demolition] the applicant (or their heirs and successors in title) shall have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing with the development proceeding in accordance with the approved Written Scheme of Investigation
Reason for condition: In order to provide the opportunity to record the history of the site and to comply with policy BE.13 of the Adopted Merton Unitary Development Plan 2003.
7. Amended standard condition [Archaeology - occupation] Prior to first occupation of the proposed new dwellings the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under the preceding planning condition and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
Reason for condition: In order to provide the opportunity to record the history of the site and to comply with policy BE.13 of the Adopted Merton Unitary Development Plan 2003.
8. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
9. Amended standard condition [Tree Protection] Prior to the commencement of development [including demolition] details of construction exclusion zones shall be submitted to and approved in writing by the Local Planning Authority with ground protection as detailed in BS 5837:2012, [or as required by the Local Planning Authority] in place for areas of the site outside the exclusion zone but within an area identified for root protection with the submitted details in place and maintained until the completion of all site operations. Reason for condition: To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
10. Amended standard condition [Redundant Crossovers] Prior to first occupation of the proposed new dwellings the existing crossover made redundant by this development shall have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority.

Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.

11. Non-standard condition [Car parking spaces] Prior to first occupation of the proposed new dwellings details of how the car parking spaces are allocated to individual residential units and details of electric vehicle charging points in accordance with the London Plan, shall be submitted to and approved in writing by the Local Planning Authority with the car parking spaces shown on the approved drawing to serve the development and the charging points provided and thereafter kept free from obstruction and retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
12. Standard condition (Removal of permitted development - extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.
13. Standard condition (Removal of permitted development - windows and doors) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer, roof light or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.
14. Non-standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings walls and fences or other means of enclosure shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.

15. Non-standard condition [Access to under croft] Prior to first occupation of the proposed new dwellings measures to restrict general access to the proposed under croft area adjacent to 189 Western Road shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with these measures retained for the lifetime of the development. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
16. Amended standard condition [Landscaping] Prior to first occupation of the proposed new dwellings landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority with the landscaping scheme to include on a plan, full details of the size, species, spacing, quantities and location of plants, and measures to increase biodiversity together with any hard surfacing and means of enclosure and measures to prevent vehicles encroaching on to amenity space areas and graffiti prevention measures for exposed flank walls. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
17. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 together with a minimum improvement in the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
18. Amended standard condition [Code for Sustainable Homes Pre-Occupation-New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. Reason for condition: To ensure that the development achieves a high standard of

sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

19. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
20. Standard condition [New vehicle access] Prior to first occupation of the proposed new dwellings the new vehicle access to the site shall be in place in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the access maintained permanently as such thereafter Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
21. Amended standard condition [Screening of external amenity areas] Prior to first occupation of the proposed new dwellings screening to the proposed external amenity areas above ground floor shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved screening maintained permanently thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan.
22. Amended standard condition [Obscured glazing] Prior to first occupation of the proposed new dwellings the windows in the side elevations of the building providing blocks A, B and C above ground floor level shall be fitted with obscured glass and fixed shut and shall be permanently maintained as such thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan.
23. Non-standard condition [Landscaping] Prior to first occupation of the proposed new dwellings or the first planting season following occupation new landscaping shall be in place that is accordance with a landscaping scheme that will have previously been submitted to and approved in writing by the Local Planning Authority, with the submitted plan including full details of the size, species, spacing, quantities and location of plants, together with any hard surfacing, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.

24. Non-standard condition [Cycle storage and parking] Prior to first occupation of the proposed new dwellings cycle storage and cycle parking for visitors shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
25. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
26. Non-standard condition [External noise] Prior to first occupation of the proposed new dwellings measures shall be place to prevent nuisance to future occupiers from external noise with these measures achieving the noise criteria detailed in BS8233:2014 [Guidance on sound insulation and noise reduction for buildings] and with these measures in accordance a scheme that has previously been submitted to and approved in writing by the local planning authority with the scheme including details of additional passive or mechanical ventilation that will be installed in habitable rooms that do not meet the aforementioned noise criteria with windows open and including the results of a noise assessment carried out prior to first occupation to validate the predicted noise levels have been achieved. Reason for condition In order to safeguard the amenities of future residential occupiers and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
27. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.3 of the Adopted Merton Unitary Development Plan 2003.
28. Non-standard condition [Land contamination – site investigation] No development shall commence until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved by the Local Planning Authority with agreed measures in place prior to first occupation of any residential unit. Reason for condition: In order to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination
29. Non-standard condition [Land contamination – site investigation] The submitted scheme to deal with the risks associated with contamination of the site shall include 1) a preliminary risk assessment identifying all previous uses

and potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination. 2) A site investigation scheme, based on 1 providing information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment including an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination

30. Non-standard condition [Land contamination – construction phase] If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination
31. Non-standard condition [Land contamination – validation] Prior to first occupation of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.

32. Non-standard condition [Groundwater contamination monitoring] Prior to the commencement of development a long-term monitoring and maintenance plan in respect of groundwater contamination shall be submitted to and approved in writing by the Local Planning Authority with monitoring, maintenance and any necessary contingency action arising from the monitoring completed in accordance with the approved plan for the lifetime of the development. The plan should include a timetable of monitoring, and the submission of reports of this monitoring to the Local Planning Authority Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.
33. Non-standard condition [No infiltration of surface water drainage] No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, this consent may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.
34. Non-standard condition [Foundation design] Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.
- c) The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.

- d) The applicant is advised that there are potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. The Environment Agency recommend that where soil contamination is present, a risk assessment is carried out in accordance with Environment Agency guidance. The Environment Agency will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.
- e) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
- f) The applicant is advised that the written scheme of investigation in relation to archaeology will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.

Appendix 1: Bedrooms, bed spaces, internal areas and amenity space.

Table 1: Proposed building adjacent to the front site boundary

Unit	Type	Floor / size	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]			UDP standard [Sq. M]	Emerging standard
							Garden	Balcony	Shared		
A1	Flat	Ground	2	3	79	61	27	-	351	30	6
A2	Flat	Ground	2	4	88	70	26	-	351	30	7
A3	Flat	First	2	4	75	70	-	7	351	30	7
A4	Flat	First	1	2	50	50	-	5	351	20	5
A5	Flat	First	2	4	74	70	-	7	351	30	7
A6	Flat	Second	2	4	75	70	-	7	351	30	7
A7	Flat	Second	1	2	50	50	-	5	351	20	5
A8	Flat	Second	2	4	74	70	-	7	351	30	7
A9	Flat	Third	2	3	63	61	-	8	351	30	6
A10	Flat	Third	1	2	50	50	-	5	351	20	5
A11	Flat	Third	2	3	61	61	-	7	351	30	6
B1	Flat	Ground	1	2	50	50	10	-	351	20	5
B2	Flat	Ground	2	4	73	70	31	-	351	30	7
B3	Flat	First	2	4	73	70	-	7	351	30	7
B4	Flat	First	1	2	50	50	-	5	351	20	5
B5	Flat	First	2	4	73	70	-	7	351	30	7
B6	Flat	Second	2	4	73	70	-	7	351	30	7
B7	Flat	Second	1	2	50	50	-	5	351	20	5
B8	Flat	Second	2	4	73	70	-	7	351	30	7
B9	Flat	Third	2	3	61	61	-	7	351	30	6
B10	Flat	Third	1	2	50	50	-	5	351	20	5
B11	Flat	Third	2	3	61	61	-	7	351	30	6
C1	Flat	Ground	2	3	78	61	36	-	351	30	6
C2	Flat	First	2	4	73	70	-	7	351	30	7
C3	Flat	First	1	2	50	50	-	5	351	20	5
C4	Flat	First	2	3	73	61	-	7	351	30	7
C5	Flat	Second	2	4	73	70	-	7	351	30	7
C6	Flat	Second	1	2	50	50	-	5	351	20	5
C7	Flat	Second	2	3	73	61	-	7	351	30	6
C8	Flat	Third	2	3	61	61	-	7	351	30	6
C9	Flat	Third	1	2	50	50	-	5	351	20	5
C10	Flat	Third	1	2	61	50	-	8	351	20	5

Table 2: Proposed terraces at the rear of the application site

Unit	Type	Floor / size	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]			UDP standard [Sq. M]	Emerging standard
							Garden	Balcony	Shared		
D1	House	3 storey	3	6	125	113*	70	-	-	50	50
D2	House	3 storey	3	6	125	113*	55	-	-	50	50
D3	House	3 storey	3	6	125	113*	52	-	-	50	50
D4	House	3 storey	3	6	125	113*	55	-	-	50	50
D5	House	3 storey	3	6	125	113*	51	-	-	50	50
D6	House	3 storey	3	6	125	113*	54	-	-	50	50
D7	House	3 storey	3	6	125	113*	55	-	-	50	50
D8	House	3 storey	3	6	125	113*	52	-	-	50	50
D9	House	3 storey	3	6	125	113*	54	-	-	50	50
D10	House	3 storey	3	6	125	113*	51	-	-	50	50
D11	House	3 storey	3	6	125	113*	168	-	-	50	50
								-			
E1	House	3 storey	4	6	164	113	52	-	-	50	50
E2	House	3 storey	3	6	125	113*	107	-	-	50	50
E3	House	3 storey	3	6	125	113*	53	-	-	50	50
E4	House	3 storey	3	6	125	113*	53	-	-	50	50
E5	House	3 storey	4	6	164	113	93	-	-	50	50

* NB: Members are advised that there is no standard within the London Plan for 3 bedroom, 6 person dwellings and as a result the standard for a 4 bedroom, 6 person has been used.



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 3/6/2014

191-193 Western Road

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DEVELOPMENT CONTROL

