# Agenda Item 6

# PLANNING APPLICATIONS COMMITTEE 17<sup>th</sup> March 2022

# Item No:

<u>UPRN</u>	APPLICATION NO.	DATE VALID
	21/P2028	20/07/2021
Address/Site	16 – 20 Morden Road, 3BN	South Wimbledon, SW19
(Ward)	Abbey	
Proposal:	use scheme including 2 Class C3) and 2 x comm level, together with	building to provide a mixed 5 x residential units (use percial units at ground floor associated parking and lemolition of the existing ding
Drawing Nos:	•	H, P/02 K, P/03 G, P/04 G, P/09 G, P/10 J, P/11 G and
Contact Officer:	Tim Lipscomb (0208 545	3496)

# RECOMMENDATION

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

# **CHECKLIST INFORMATION**

- Heads of Agreement: Yes, restrict parking permits
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 137
- External consultations: Yes
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: Yes (S1)

# 1. **INTRODUCTION**

1.1 The application has been brought before the Planning Applications Committee for consideration as it falls outside of the Scheme of Delegation due to the nature and scale of the development, officer recommendation of grant permission subject to conditions and S106 agreement and the number of objections received from local residents.

# 2. SITE AND SURROUNDINGS

- 2.1 The application site is located on the west side of Morden Road, South Wimbledon. The site is occupied by a flat roof, three storey building (11.2m in height), comprising A2 use on ground floor with ancillary offices above. To the rear of the building is parking lot. The site is generally regular in shape and has an approximate area of 770sq.m.
- 2.2 Adjoining the site to the north is Spur House, a nine storey mixed use building (recessed top floor 25.7m to parapet, 28.3m to lift overrun) with residential on the upper floors and retail at ground floor level (permitted under application ref. 09/P2219). To the rear of the site, beyond the carpark, is a terrace row of two storey dwellings (with additional loft level). Immediately south of the site is an 8.4m wide shared vehicle access (provides access to the site), beyond which is a four storey block of flats. Opposite the site, across Morden Road within the High Path Estate, are four storey blocks of flats. However, outline planning permission has been granted for the redevelopment of the High Path Estate (17/P1721), with Reserved Matters for Phase 2 approved under application ref. 19/P1852 (03/10/2019), which would result in nine storey buildings opposite the application site (buildings of 34m in height).
- 2.3 The surrounding area is characterised by a mix of land uses, albeit it is predominantly residential in nature, becoming more commercial to the north of the site. The area is very well connected, being 70m from South Wimbledon Underground Station and having a public transport accessibility level (PTAL) of 6a.
- 2.4 The site has the following designations and restrictions:
  - Controlled parking zone (CPZ) Yes
  - Conservation area No
  - Building listed No
  - Tree Protection Orders No
  - Flood Zone Yes (zone 2)
  - PTAL 6a
- 2.5 The site is also identified with the Draft Merton Local Plan as being on the edges of a new proposed Local Centre. However, that plan is not yet adopted and as such limited weight can be attributed to this potential designation.

# 3. **PROPOSAL**

3.1 The proposal is for the demolition of the existing three storey mixed use building and the erection of a part 5, part 6 storey building, with basement, to provide 25 residential flats and three commercial units at ground floor level, fronting London Road. The proposal is a revision of refused application 19/P3772.

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- 3.2 The building would have a height of 19.7m (with a maximum height of 20.7m) to the top of the lift shaft overrun.
- 3.3 The building would stand to the frontage of the site, with a slight setback to provide some defensible space at ground floor level. To the rear of the site the existing ground level car park would be reconfigured to provide parking for three cars only, a standalone single storey building to house air source heat pump plant and refuse storage. A new communal garden/playspace would be provided to the rear of the standalone building (with an area of 130sqm). At fifth floor level a roof terrace would be provided (area of 42sqm), along with a sedum green roof (on a non-accessible part of the roof)
- 3.4 A basement would be created beneath the entrance lobby/bike store area, and would be non-habitable, providing a servicing/maintenance/plant area accommodating boilers, tanks and electric meters.
- 3.5 Vehicular access would be via the existing access road to the south of the site, which currently provides vehicular access to the site. No changes to the access are proposed. A reconfigured parking area would be provided to the rear of the site to include three Blue Badge holder spaces.
- 3.6 The building would feature partly projecting balconies, with integrated winter gardens, to the front and rear elevations.
- 3.7 4 street trees are proposed to the immediate frontage of the site (within land owned by the applicant). An area of planting and soft landscaping would be provided to the immediate rear of the proposed building which would serve as private amenity space for the ground floor units.
- 3.8 The building would be finished in light grey and dark grey facing brickwork, with projecting window frames in dark grey coated aluminium.
- 3.9 The building would be 6 storeys to the frontage, with a reduced height of 5 storeys to the rear elevation (in order to seek to minimise the impact on residential properties to the rear).
- 3.10 The existing mature tree to the southwest corner of the site would be retained.
- 3.11 There would be a main entrance to the frontage of the building, leading to a lift lobby and bicycle store (parking for 44 bicycles). There would also be a rear entrance to the building leading to the lobby. The bike store could be accessed from the lobby or directly from the rear of the building. The building would be served by a single staircore and lift shaft. The two units at ground floor level would each have an individual entrance to the rear of the site, along with some limited private garden space to the rear, enclosed by a 1.8m high brick wall, with indicative hedge planting behind.
- 3.12 In terms of servicing a refuse vehicle would service from the adjacent access road to the south, as is the existing situation.

- 3.13 14 of the proposed units would be dual aspect. 11 units would be single aspect (N.B. The single aspect units are all east or west facing).
- 3.14 All three bed units would be dual aspect (with windows to front and rear). The single aspect units would be studios and one-bedroom flats only, other than one 2b/4p unit on the ground floor.

	Туре	Habitable rooms	GIA	External amenity space
Ground floor	1b/2p	2	58	15
	2b/4p	3	85	20
First floor	Studio	1	40	6
	1b/2p	2	60	6
	1b/2p	2	53	6
	2b/4p	3	72	6
	3b/4p	4	88	6
Second Floor	Studio	1	40	6
	1b/2p	2	60	6
	1b/2p	2	53	6
	2b/4p	3	72	6
	3b/4p	4	88	6
Third floor	Studio	1	40	6
	1b/2p	2	60	6
	1b/2p	2	53	6
	2b/4p	3	72	6
	3b/4p	4	88	6
Fourth floor	Studio	1	40	6
	1b/2p	2	60	6
	1b/2p	2	53	6
	2b/4p	3	72	6
	3b/4p	4 2	88	6
Fifth floor	1b/2p	2	50	6
	1b/2p	2	56	6
	2b/3p	3	71	6

3.15 The proposal would provide the following accommodation:

# Housing mix:

Studio	4
1b 2p	11
2b 3p	1
2b 4p	5
3b 4p	4

The proportional housing mix is:

2 bedroom - 24% 3 bedroom - 16%

- 3.16 In terms of affordable housing, no affordable housing or commuted sum is offered as part of the application. The application is accompanied by a Financial Viability Statement which states that the proposed scheme is unable to support the provision of affordable housing whilst remaining deliverable.
- 3.17 The application is accompanied by the following supporting documents:
  - Covering Letter
  - CIL Additional Information Form
  - Design and Access Statement
  - Planning Statement
  - Arboricultural Impact Assessment Report
  - Basement Impact Assessment and Ground Investigation Report
  - Environmental Noise Report Air Quality Assessment
  - SUDS Statement
  - Flood Risk Assessment;
  - Transport Statement
  - Energy and Sustainability Statement
  - Daylight and Sunlight Assessment
  - Services Strategy
  - Financial Viability Assessment
- 3.18 It is of note that the application has been amended since it was originally submitted. The proposed bike store was originally to the frontage of the building, with 2 commercial units adjacent. The current proposed plans move the bike store to a central position and provides 3 commercial units at ground floor.
- 3.19 It is of note that the bulk, massing, materials and general design of the proposed building remain as per the previous application. The ground floor layout has altered and the current scheme does not involve residential units at ground floor fronting on to Morden Road, but instead would provide glazed shopfront commercial units to this frontage. As a result, the previously proposed ground floor, family sized, dual aspect residential units have been omitted from the scheme and smaller single aspect units have been proposed in their place. This reduces the overall number of residential units from 26 to 25. The layout of the upper floors and rear amenity/parking area remains as per the previous application, the changes are limited to the ground floor layout.
- 3.20 The current application is also accompanied by details of mechanical ventilation to the proposed single aspect units.
- 4. PLANNING HISTORY
- 4.1 There is extensive planning history on the site, albeit the majority is not relevant to the current proposal. The most relevant history is summarised as follows: Page 39

- 4.2 MER397/75: OUTLINE APPLICATION 5 STOREY BUILDING, GROUND FLOOR SHOWROOM AND FLAT ON 1ST, 2ND, 3RD AND 4TH FLOOR WITH CAR PARKING SPACES AND AMENITIES – Granted.
- 4.3 MER513/79: OUTINE 5 STOREY BLOCK COMPRISING OFFICES AND 18 FLATS, PARKING SPACES AND AMENITY OPEN SPACE – Granted.
- 4.4 MER7/80: OUTLINE APPLICATION FOR 5 STOREY DEVELOPMENT FOR OFFICES AND FLATS Granted.
- 4.5 MER414/81(O): OUTLINE ERECTION OF A 3 STOREY OFFICE BLOCK WITH ANCILLARY PARKING AND A 2 STOREY BLOCK OF 4 FLATS AT REAR – Granted.
- 4.6 MER414/81(D): DETAILS FOR 4 STOREY OFFICE BLOCK Granted.
- 4.7 MER868/82: CHANGE OF USE OF SECOND FLOOR TO OFFICES Granted.
- 4.8 MER654/83: MODIFICATIONS TO MAIN ENTRANCE TO PROVIDE ACCESS FOR INVALIDS Granted.
- 4.9 99/P1068: APPLICATION FOR A CERTIFICATE OF LAWFULNESS IN RESPECT OF THE PROPOSED INSTALLATION OF AN ATM – Granted.
- 4.10 01/P0401: INSTALLATION OF ACCESS RAMP Granted.
- 4.11 11/P2782: INSTALLATION OF 1 x CCTV CAMERA, A DOWNLIGHTER ABOVE ATM AND AN AIR-CONDITIONING UNIT Granted.
- 4.12 21/P1181 APPLICATION TO DETERMINE WHETHER PRIOR APPROVAL IS REQUIRED FOR THE PROPOSED CHANGE OF USE OF OFFICES (CLASS B1(a)) AT FIRST AND SECOND FLOOR LEVEL ABOVE A FORMER BANK (CLASS A2) TO RESIDENTIAL (CLASS C3). No decision made as s.106 agreement not submitted.
- 4.13 19/P3772 DEMOLITION OF EXISTING BANK (CLASS A2) AND ERECTION OF A NEW RESIDENTIAL BLOCK (CLASS C3), COMPRISING 26 x SELF-CONTAINED FLATS WITH ASSOCIATED PARKING AND LANDSCAPING. Refuse Permission 08-01-2021. Appeal Dismissed 20-12-2021

Reasons for refusal:

1. The proposed development, by reason of the internal layout and staircore arrangement, would result in a high proportion of single aspect and units that are not fully dual aspect, and, with a reliance on winter gardens for primarily single aspect units facing east towards a busy main road would result in a poor living environment for future opcupants The proposals would be contrary to policy 3.5 of the London Plan (2016), the objectives of

Standard 29 of the London Plan Housing SPG 2016, policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).

- 2. Notwithstanding the metropolitan planning objective of optimising housing potential, as set out in policy 3.4 of the London Plan, the proposals by reason of their architectural form and facing materials, would result in a development that fails to relate positively and appropriately to local character to the detriment of the visual amenities of the area and failing to deliver a housing development of the highest quality in relation to its context. The proposals would be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (2016), the objectives of Standard 1 of the London Plan Housing SPG 2016, policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014).
- 3. The proposed development, by reason of the location of the site on a busy main road where traffic conditions result in queuing and congestion giving rise to a hostile living environment, juxtaposed with the provision of residential units at ground floor level with front doors entering directly into the main living space, and the limited degree of setback from the public highway, insufficient defensible space, insufficient soft landscaping and screening, coupled with the limited private amenity space to the rear, accessible only through bedrooms, would result in a poor quality residential environment for future occupants and a substandard living environment. The proposals would be contrary to policy 3.5 of the London Plan (2016), policy CS.14 of the Merton Core Planning Strategy (2011), and policy DM.D2 of the Merton Sites and Policies Plan (2014)
- 4.14 The key findings of the Inspector in dismissing the appeal were as follows:

The limited nature of such setback space (landscaped strip to the frontage of the site) and urban greening for the proposed scale of residential development, in proximity to the intense traffic activity and dominance of the A219 road corridor, would impede the achievement of comfortable living conditions for future residents of the block.

Front doors would enter directly into the main living space of the proposed front ground floor flats. This would exacerbate the sense of intrusiveness of the traffic for occupants of these dwellings.

Also, single aspect dwellings would be contained as a numerical proportion to nine units, leaving around a two-thirds majority as dual aspect dwellings. The building frontage would be relatively open and expansive, assisting with receipt of light to dwellings. Also, the proposed single aspect dwellings' windows would face other than northwards. As such, the proposed development would go some way towards meeting some of the guideline criteria for 'good' single aspect homes,

No substantive cooling and ventilation assessment of the proposed nine single aspect dwellings, to decisively demonstrate that they

would avoid overheating without reliance on energy intensive mechanical cooling systems, is presented.

Glazed, partly recessed balcony areas are proposed as 'winter gardens'. These would provide some sound, heat and noise insulation, and visual and spatial relief from the traffic's dominance for future occupants

The proposed landscaped frontage area would appear inadequate in proportion to the highway corridor, the proposed block, and more traditional landscaped setbacks between the highway and housing on Morden Road. This aspect of the residential proposal would be discordant with the character of the area

- 4.15 Opposite the application site at the High Path estate:
- 4.16 High Path Estate, South Wimbledon, SW19 2JL

16/P3738 - DEMOLITION OF EXISTING STRUCTURES ASSOCIATED WITH THE OLD LAMP WORKS, ALL GARAGES (74 IN TOTAL) AND MARSH COURT PLAYAREA TO PROVIDE RESIDENTIAL ACCOMMODATION (134 UNITS - CLASS C3) IN BUILDINGS OF THREE - NINE STOREYS, PROVISION OF CAR PARKING (31 SPACES INCLUDING 5 DISABLED SPACES), CYCLE PARKING (249 SPACES), LANDSCAPING AND PUBLIC REALM WORKS TOGETHER WITH ASSOCIATED UTILITIES AND INFRASTRUCTURE. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 05-10-2017.

- 4.15 High Path Estate, South Wimbledon, SW19 2TG:
- 4.16 17/P1721 - OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED, EXCEPT IN RELATION TO PARAMETER PLANS) FOR THE COMPREHENSIVE PHASED REGENERATION OF HIGH PATH ESTATE COMPRISING DEMOLITION OF ALL EXISTING BUILDINGS AND STRUCTURES; ERECTION OF NEW BUILDINGS RANGING FROM 1 TO 10 STOREYS MAX, PROVIDING UP TO 1570 RESIDENTIAL UNITS (C3 USE CLASS); PROVISION OF UP TO 9,900 SQM OF COMMERCIAL AND COMMUNITY FLOORSPACE (INC REPLACEMENT AND NEW FLOORSPACE. COMPRISING: UP TO 2.700 SQM OF USE CLASS A1 AND/OR A2, AND/OR A3 AND/OR A4 FLOORSPACE, UP TO 4,100 SQM OF USE CLASS B1 (OFFICE) FLOORSPACE, UP TO 1,250 SQM OF FLEXIBLE WORK UNITS (USE CLASS B1), UP TO 1,250 SQM OF USE CLASS D1 (COMMUNITY) FLOORSPACE; UP TO 600 SQM OF USE CLASS D2 (GYM) FLOORSPACE); PROVISION OF NEW NEIGHBOURHOOD PARK AND OTHER COMMUNAL AMENITY SPACES, INCL. CHILDREN'S PLAY SPACE; PUBLIC REALM, LANDSCAPING, LIGHTING; CYCLE PARKING (INCL VISITOR CYCLE PARKING) AND CAR PARKING (INC WITHIN GROUND LEVEL PODIUMS), ASSOCIATED HIGHWAYS AND UTILITIES WORKS. Grant Outline Planning Permission subject to S.106 Obligation. 29-04-2019.

# 5. **POLICY CONSIDERATIONS**

5.1 POLICY CONTEXT

- 5.2 National Planning Policy Framework (2021)
  - 2. Achieving sustainable development
  - 4. Decision-making
  - 5. Delivering a sufficient supply of homes
  - 6. Building a strong, competitive economy
  - 7. Ensuring the vitality of town centres
  - 8. Promoting healthy and safe communities
  - 9. Promoting sustainable transport
  - 11. Making effective use of land
  - 12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

- 5.3 London Plan (2021)
  - D1 London's form, character and capacity for growth
  - D2 Infrastructure requirements for sustainable densities
  - D3 Optimising site capacity through the design-led approach
  - D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standards

D7 Accessible housing

D8 Public realm

D11 Safety, security and resilience to emergency

D12 Fire safety

D13 Agent of Change

D14 Noise

H1 Increasing housing supply

H4 Delivering affordable housing

H5 Threshold approach to applications

H6 Affordable housing tenure

H7 Monitoring of affordable housing

H10 Housing size mix

S4 Play and informal recreation

E2 Providing suitable business space

E11 Skills and opportunities for all

G1 Green infrastructure

G4 Open Space

G5 Urban greening

G6 Biodiversity and access to nature

G7 Trees and woodlands

SI 1 Improving air quality

SI 2 Minimising greenhouse gas emissions

- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 5 Water infrastructure

SI 7 Reducing waste and supporting the circular economy

SI 8 Waste capacity and net waste self-sufficiency

SI 10 Aggregates

SI 12 Flood risk management

SI 13 Sustainable drainage

T1 Strategic approach to transport

T2 Healthy Streets

T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impacts

T5 Cycling

T6 Car parking

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- T6.1 Residential parking
  T6.3 Retail parking
  T7 Deliveries, servicing and construction
  T9 Funding transport infrastructure through planning
- 5.4 Merton Local Development Framework Core Strategy 2011 (Core Strategy)
  - CS 8 Housing choice
  - CS 9 Housing provision
  - CS 11 Infrastructure
  - CS 12 Economic development
  - CS 13 Open space, leisure and nature conservation
  - CS 14 Design
  - CS 15 Climate change
  - CS 17 Waste management
  - CS 18 Transport
  - CS 19 Public transport
  - CS 20 Parking servicing and delivery
- 5.5 Merton Sites and Policies Plan 2014 (SPP)
  - DM H2 Housing mix
  - DM H3 Support for affordable housing
  - DM E4 Local employment opportunities
  - DM EP2 Reducing and mitigating noise
  - DM EP3 Allowable solutions
  - DM EP4 Pollutants

DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

DM O2 Nature conservation, Trees, hedges and landscape features

DM D1 Urban Design and the public realm

DM D2 Design considerations

DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

DM T2 Transport impacts of development

- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure
- 5.6 Supplementary planning considerations National Design Guide – October 2019 DCLG: Technical housing standards - nationally described space standard March 2015 GLA Guidance on preparing energy assessments – 2018 London Environment Strategy - 2018 Mayor's Air Quality Strategy - 2010 Mayor's SPG - Housing 2016 Mayor's SPG – Sustainable Design and Construction 2014 Mayor's SPG – Character and Context 2014 Mayor's SPG – Affordable Housing and Viability 2017 Mayor's SPG – Play and Informal Recreation 2012 Mayor's SPG - Accessible London 2014 LB Merton – Air quality action plan - 2018-2023. LB Merton - Draft Sustainable Drainage (SUDS) Design and Evaluation Supplementary Planning Document (SPD) 2018 Merton's Waste and Recycling Storage Requirements – A Guidance for Architects Merton Estates Local Plan 2018

# 6. CONSULTATION

- 6.1 Press Notice, Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Representations have been received from 9 individuals, raising objection on the following grounds:
  - Concern that displacement parking would occur in the car park due to lack of parking proposed.
  - Suggestion that the council should pay for gates to Falcon House to deter unlawful parking.
  - Concern that commercial units would remain vacant.
  - Concern that servicing of commercial units would lead to erosion of the access road to Falcon house.
  - Another tower block is not needed.
  - Over development
  - Loss of light.
  - Daylight/Sunlight report does not consider the impact on the most affected properties, Topham or 3 Milner Road.
  - Overbearing impact on Falcon House and houses to the rear.
  - Overlooking to Falcon House.
  - Recommendation that vibration issues, noise and pollution from the road are strictly controlled.
  - Suggest EV Charging Points be installed.
  - Concern as to structural problems from basement.
  - Increased density will result in congestion and anti-social behaviour.
  - This application presents the same problems as 19/P3772.
  - This area is already overdeveloped with flats.
  - Noise, disruption and chaos from lorries and construction machinery.

One of the representations received expressed support in principle for the development.

# 6.2 Internal consultees:

# 6.3 *LBM Environmental Health Officer (contaminated land):*

With regards contaminated-land we recommend three conditions, the first two, subject to prior agreement:

No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and peliop5DM EP4 of Merton's sites and policies plan 2014.

Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.

## 6.4 LBM Environmental Health Officer (air quality):

An Air Quality Assessment (AQA) has been prepared by Accon UK in support of the proposed development (Ref: A3589/AQ/001).

The application should also submit an air quality neutral assessment to determine that the proposed development is "Air Quality Neutral" in accordance with Policy 7.14 of the London Plan (GLA, 2016a).

If sufficient information can be provided in the near future, then I will be able to make recommendations in terms of Air Quality.

# Further comments:

The AQA concluded that air quality is acceptable and that no mitigation is required to protect the occupiers, however I do have a query relating to model verification but I don't suspect that the outcome would significantly change the conclusion of the report. I understand that the plans have changed and commercial now occupies the ground floor, which from an AQ perspective is preferable.

There are a couple of issues:

- There is no Air Quality Neutral Assessment which is a requirement.
- There is no air quality risk assessment for the demolition/construction phase. A risk assessment and dust management plan are required.

The former is preferred at the application stage should any mitigation be required, the latter can be conditioned and form part of the CEMP.

# 6.5 LBM Environmental Health Officer (noise):

Should you be minded to approve the application then I would recommend the following planning conditions:-

Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the plant noise and heat pumps associated with the development shall not exceed LA90-10dB at the boundary with the nearest residential boundary not associated with the development.

Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to page population of the glazing system and

ventilation system. The internal noise levels shall meet those within BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

Depending on the use of the commercial unit (Class E) additional mitigation/restrictions may need to be applied particularly with regards to noise, hours of opening and odour.

Any external lighting, associated with new development, shall be positioned and angled to prevent any light spillage or glare that will affect any existing or new residential premises.

No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

-hours of operation

-the parking of vehicles of site operatives and visitors

-loading and unloading of plant and materials

-storage of plant and materials used in constructing the development

- -the erection and maintenance of security hoarding including decorative
- -measures to control the emission of noise and vibration during construction. (including the methodology for the basement excavation and any 24 hour generator/pumping)

-displays and facilities for public viewing, where appropriate

-wheel washing facilities

-measures to control the emission of dust and dirt during construction/demolition

-a scheme for recycling/disposing of waste resulting from demolition and construction works

# 6.6 <u>LBM Highway Officer:</u>

No objection subject to conditions, relating to Construction vehicles, Delivery and Servicing Plan and Construction Logistics Plan.

# 6.7 <u>LBM Transport Officer:</u>

No comments received but comments in relation to 19/P3772 were:

No objection subject to conditions relating to the provision of vehicle parking, including passive charging points, provision of cycle parking, a Demolition and Construction Logistics Plan.

In addition, the applicant should enter in a Unilateral Undertaking which would restrict future occupiers of the units from obtaining an on-street residential parking permit to park in the surrounding controlled parking zones to be secured by via S106 legal agreement and to provide free car club membership for all new residents for a period of three years.

# 6.8 <u>LBM Flood Risk Engineer:</u>

No comments received but comments in relation to 19/P3772 were:

No objection raised subject to conditions relating to a detailed proposal of how drainage and groundwater will be managed and mitigated during and post construction (permanent phase), a detailed scheme for the provision of surface and foul water drainage.

#### 6.9 LBM Climate Change Officer:

Specific technical queries raised in relation to SAP compliance reports and worksheets, "be lean" calculations and why a decentralised continuous mechanical extract ventilation system has been recommended.

Confirmed that the proposal would meet 105litres per person per day.

Energy Statement – It looks like the applicant has resubmitted exactly the same energy statement (dated October 2019) which was submitted for application 19/P3772; this still refers to a development consisting of 30 new dwellings whereas the new application consists of 26 new dwellings and 2 commercial units. It also doesn't look like the applicant has addressed any of Katie's comments raised for application 19/P3772 (please see email attached). The applicant will need to provide an updated energy statement which reflects the updated design and addresses the comments below. Given that this new application has been submitted following the approval of the New London Plan, the applicant will need to demonstrate that they have met all the requirements of the new London Plan.

SAP 10 - The applicant should note that from January 2019 and until central Government updates Part L of the Building Regulations, in line with GLA guidance, Merton is encouraging planning applicants for major schemes (both domestic and non-domestic) to use the updated SAP 10 carbon emission factors when estimating CO2 emission performance against London Plan policies. This is expected for a scheme of this size to ensure that the assessment better reflects the actual carbon emissions associated with the expected operation given the decarbonisation of the electricity grid, particularly given that the applicant is proposing to use an all-electric heating strategy. The applicant should continue to use the current Building Regulations methodology (using SAP 2012 emissions factors) for estimating energy performance against Part L 2013 requirements, but with the outputs manually converted for the SAP 10 emission factors. A spreadsheet (available here) has been developed by the GLA for this purpose which should be submitted alongside the energy assessment. It should be noted that the use of the SAP 10 emission factors in this context is for demonstrating performance against planning policy targets and, as such, is separate to Building Regulation compliance. The Applicant should therefore ensure that compliance with Building Regulations is maintained. Please refer to the GLA's Guidance for detailed guidance on using SAP 10. Product be

provided if the applicant is proposing not to use SAP 10 carbon factors.

SAP and BRUKL outputs – The applicant has used a sample of units to calculate the emissions for this development, however it is not clear what units have been used and if these are representative of the development. In the new energy statement, the applicant will need to clarify which units have been used as sample units, provide a plan showing these sample units and confirm which units each of these sample units is representative of; the total floor area represented by each sample unit will also need to be captured in the GLA's carbon reporting spreadsheet. The 2019 energy statement does not take into account the commercial units. The updated energy statement will need to consider the commercial elements and provide the supporting evidence for these. The applicant will need to provide the SAP outputs for the residential dwellings and the BRUKL outputs for the commercial units at each stage of the energy hierarchy, and GLA's carbon reporting spreadsheet, to confirm the figures quoted in the energy statement.

Be Lean – Under the New London Plan (and the GLA's 2018 and 2020 energy assessment guidance), all domestic development should achieve at least a 10% improvement against Part L through energy efficiency measures alone. Based on the energy statement provided, the proposed development only achieves a 1.89% improvement against Part L through energy efficiency which does not meet the Mayor's minimum requirements. The applicant will therefore need to consider further passive and active measures to maximise savings through energy efficiency (this could include improvements to the fabric efficiency, efficient MVHR, Waste Water Heat Recovery, etc.). Given that this is a new build development resulting from the demolition of an existing building, the applicant should look to maximise carbon savings through fabric efficiency and go beyond the notional Part L1A specification wherever possible. As per email attached, the applicant will also need to clarify why they are proposing to use a decentralised continuous mechanical extraction ventilation system and how energy demand will be minimised.

Be Clean – A site-wide heat network is proposed which will be future-proofed for connection to a future district heating network. This will need to be secured via condition.

Be Green - Solar PV – The energy statement provided states that solar PV is not proposed, however solar PV is included on the roof plan provided. Please can the applicant clarify if solar PV is proposed, the proposed capacity, solar PV area and expected renewable energy generation, and update the energy statement accordingly? In line with Merton and GLA guidance, all development is required to demonstrate that renewable energy generation has been maximised on site. The applicant will therefore need to demonstrate that solar PV has been maximised on the roof space available.

ASHP – The applicant is proposing to provide space and water heating to the domestic and appropriate degreestic elements of the development using a centralised ASHP system with a minimum coefficient of performance of 4.21. The applicant is also proposing to use gas top-up to supply 10% of the dwellings yearly heat demand. Please can the applicant clarify why back-up boilers are required and why the heat demand cannot be met by the ASHP system alone?

The applicant will need to provide the following information regarding the proposed ASHP system in line with the GLA's guidance:

Details of the Seasonal Coefficient of Performance (SCOP), the Seasonal Performance Factor (SFP) and Seasonal Energy Efficiency ratio (SEER), which should be used in the energy modelling. This should be based on a dynamic calculation of the system boundaries over the course of a year i.e. incorporating variations in source temperatures and the design sink temperatures (for space heat and hot water). Details of the assumptions should be included in the energy assessment, including manufacturer datasheets showing performance under test conditions for the specific source and sink temperatures of the proposed development and assumptions for hours spent under changing source temperatures.

Whether any additional technology is required for top up, for instance during peak loads. This should be incorporated into the energy modelling assumptions and explanation of how this has been done should be provided.

The approach to generating domestic hot water. To optimise the system's operation it will be expected that thermal store will be integrated in the majority of applications; the operation of the system should be provided.

A calculation of the CO2 savings that are expected to be realised through the use of this technology.

An estimate of the expected heating costs to occupants, demonstrating that the costs have been minimised through energy efficient design.

An estimate of the heating and/or cooling energy the heat pump would provide to the development and the electricity the heat pump would require for this purpose.

Applicants will need to provide a diagram of the proposed location of the heat pumps and the associated condenser units. Where condenser units are installed internally there should be adequate access to air flow. For developments in HNPAs, the diagram should include the pipework which will be installed for future connection to a heat network (see also paragraph 9.10).

Specifically for ASHPs, evidence that the heat pump complies with the minimum performance standards as set out in the Enhanced Capital Allowances (ECA) product criteria for the relevant ASHP technology as well as evidence that the heat pump complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements document at: http://www.microgenerationcertification.org Confirmation that end-users will be supplied with regular information to control and operate the system e.g. at point of occupancy and maintenance visits.

A commitment to monitor the performance of the heat pump system post-construction to ensure it is achieving the expected performance approved during planning, in line with the be seen policy.

Overheating – In line with the GLA's guidance on preparing energy assessments, all developments are required to demonstrate that the risk of overheating has been mitigated by undertaking dynamic overheating modelling in line with the guidance and data sets in CIBSE TM59 and TM49 respectively for domestic development and CIBSE TM52 and TM49 respectively for non-domestic development. Given the scale of development and that some units are single aspect, dynamic overheating should be carried out for this application to demonstrate that the risk of overheating has been mitigated; this should take into account heat losses from the communal heating system and any single aspect dwellings.

Carbon Offsetting – In line with the new London Plan, in order to meet the Mayor's zero carbon target, the applicant will need to offset any carbon shortfall from both the domestic and non-domestic elements of the development. This is currently not addressed in the energy statement provided. Please note, the applicant will first need to demonstrate that they have maximised carbon savings on site before carbon offsetting is considered.

District Heating – As the proposed development is located in a heat network opportunity area, the applicant will need to futureproof the development for connection to any heat networks that do become available in the future. This will need to be secured via precommencement condition to ensure that the development is designed to enable connection of the site to a future district heating network in accordance with the Technical Standards of the London Heat Network Manual.

Be Seen - All major schemes are required to monitor and report on energy performance to the Mayor for at least five years in line with the Mayor's 'Be Seen' Guidance. The applicant should review the 'Be seen' energy monitoring guidance to ensure that they are fully aware of the relevant requirements to comply with the policy. A commitment should be provided that the development will be designed to enable post construction monitoring and that the information set out in the 'be seen' guidance will be submitted to the GLA's portal at the appropriate reporting stages (including planning stage, as-built stage and in-use stages). This will need to be secured via legal wording.

Internal Water Usage Rates – The energy statement indicates that the proposed development will achieve internal water usage rates of less than 105 litres per person per day in line with Merton's requirements. This will need to be confirmed in the updated energy statement and secured via pre-occupation condition.

Water saving measures – In lipe with the new London Plan all development should incorporate measures such as smart metering,

water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise futureproofing. Please can the applicant clarify what they are doing to address this requirement?

BREEAM – Please can the applicant clarify the proposed commercial Gross Internal Area? Any non-domestic development over 500sqm is required to achieve BREEAM Very Good standard.

BREEAM Wat01 – In line with the new London Plan, all commercial development should achieve at least the BREEAM excellent standard for the 'Wat 01' water category or equivalent (i.e. achieve at least a 12.5% improvement over defined baseline performance standard). Please can the applicant confirm that this will be achieved?

# Officer comment:

As part of the s.106 proceedings the applicant will need to provide the information to calculate the carbon offset amount. Therefore, this matter can be controlled by way of legal agreement.

# 6.10 *LBM Structural Engineer:*

No comments received but comments in relation to 19/P3772 were:

The submitted documents demonstrate that the proposed basement works can be undertaken safely without adversely affecting the surrounding built and natural environment.

Conditions are recommended in relation to:

- a Detailed Demolition Method Statement,
- a Detailed Construction Method Statement produced by the Contractors appointed for the piling, excavation and construction of the basement,
- Structural drawings of the secant piled retaining wall and construction sequence drawings of the temporary works,
- Design calculations of the secant piled and temporary works,

Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from pre-construction to completion of the project works. a Detailed Demolition Method Statement,

a Detailed Construction Method Statement produced by the Contractors appointed for the piling, excavation and construction of the basement,

Structural drawings of the secant piled retaining wall and construction sequence drawings of the temporary works,

Design calculations of the secant piled and temporary works,

Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from pre-construction to completion of the project works.

6.11 LBM Tree and Landscape Officer:

#### Page 52 No comments received but comments in relation to 19/P3772 were:

No objection. It's a good tree that deserves to be tpo'd.

Conditions are recommended in relation to tree protection.

# 6.12 LBM Urban Design Officer

It is good that the commercial is full width, although this leads to a ground floor single aspect flat at the rear which is not ideal. It would be better if the whole ground floor was non-residential - the stair core could then be moved away from the front elevation to allow the space to be given to windows to flats and possibly a more efficient layout.

Now that there is no GF resi. the elevation needs to be amended to reflect this. The design does not allow for a shop/business fascia and signage and the planting in front of the building is no longer necessary.

The GF setback/recess may have made sense to create some res. privacy, but makes no sense for a commercial unit. It is a dingy space and will collect litter etc as many resi. conversions show. It also makes the building look squat and top-heavy. If the applicant insists on this then they should do it over the first two storeys as with the adjacent Spur House.

#### Officer comment:

The applicant has south to overcome the concerns raised and the planting has been removed from the frontage of the building, other than tree planting. The setback/recess at ground floor has now been omitted from the scheme.

- 6.13 External consultees:
- 6.14 <u>*TfL*</u>

With regards to the above planning application, TfL has the following comments:

- 1. The site of the proposed development is on A219 Morden Road, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
- 2. Additionally, the site of the development is located less than 210 metres from the A24 Merantun Way/Morden Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN.
- 3. Considering the location of the proposed development TfL Spatial Planning has consulted London Underground Infrastructure Protection and they will be responding to the application separately.

- 4. TfL understands the development consists of the demolition of a 3 storey office block and the construction of a 5 storey residential apartment block consisting of 26 individual apartments over 6 floors and 2 street fronting commercial units. This will comprise of 4 studio flats (2P), 10 one bedroom (2P), 5 two bedroom (4 x 4P and 1 x 3P), 4 three bedroom (4P), 3 one bedroom (2P) garden flats.
- 5. The site has a Public Transport Access Level (PTAL) of 6a, on a scale ranging from 0 to 6b where 6b represents the greatest level of access to public transport.
- 6. TfL request further clarification surrounding the number of proposed car parking spaces. Within the Design and Access Statement and Application Form it states there is to be 3 accessible spaces however within the Transport Assessment it states there is to be 4 spaces.
- 7. Further to the above point, the London Plan Policy T6 permits a maximum of 2 car parking spaces for disabled persons (based on 10% of the total dwellings). One off-street disabled persons parking space may also be provided for the proposed non-residential use. The allocation of the proposed car parking spaces should also be confirmed. Considering the high PTAL of the site, a reduction in spaces should be considered in order to contribute towards objectives of the Mayor's Transport Strategy to promote sustainable transport and reduce congestion. In addition, occupants should be exempt from applying for parking permits in the local CPZ, which should be secured through an appropriate legal mechanism.
- 8. It is understood that all 3 of the off-street disabled/accessible spaces will have active electric vehicle charging (EVC) infrastructure. This supports policy T6 of the London Plan.
- 9. It is understood that the applicant has proposed 17 x 2-tier communal bicycle racks and 6 lockup store units. However in order to be in line with the London Plan the applicant should provide a minimum of 44 long stay and 2 short stay cycle parking spaces which should be located in a secure, sheltered and accessible location, and should meet design standards set out in Chapter 8 of the London Cycle Design Standards (LCDS). TfL requests the applicant provide clarity surrounding number of cycle parking spaces proposed and whether provision of cycle parking is also provided for the commercial units in order to access compliance with the London Plan.
- 10. Further to the above, please could the applicant also confirm the dimensions of the 2- tiered racks in order to check compliance with LCDS standards.
- 11. A Parking Design and Management Plan should secured by condition in line with Policy T6 of the London Plan.
- 12. Due to the Bus Lane which runs in front of the proposed site on Morden Road, TfL requests details are submitted

surrounding confirmation of proposed loading activities, delivery, servicing and construction access arrangements as well as a Travel Plan in line with Policy T7 of the London Plan. These should be secured via a condition. This should be provided for both the commercial and residential units.

- 13. Due to the location of the site within the A24 Merantun Way corridor, TfL recommends the proposal is kept in line with the objectives outlined within the A24 Merantun Way Outcome Plan (June 2019) to accommodate demand for safe cycling and pedestrian facilities. TfL recommends the applicant respects these objectives.
- 14. All vehicles associated with the development must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions. They also must not block the operation of the tram line or bus stop outside of the site.

TfL requests additional information to address points 6, 7, 9, 10 and 11 prior to being supportive of the application.

#### Officer comment:

For clarity, three Blue Badge holder parking spaces are proposed. The planning merits of this provision is discussed later in this report. In terms of cycle parking spaces – this is addressed later in this report.

# 6.15 <u>Metropolitan Police – Designing out Crime Officer:</u>

A local issue is that bored young people congregate in the evenings in stairwells especially during inclement weather; they commit crimes and antisocial behaviour; the communal residential entrance lobby should be 'airlocked' by a second set of access controlled doors to prevent easy unauthorised access by tailgating.

The cycle store should have appropriate CCTV coverage to provide identity images of those who enter and activity images within the space. The door should have access control and a locking system operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The cycle storage should incorporate stands or racks secured into concrete foundations, which should enable cyclists to use at least two locking points so that the wheels and crossbar are locked to the stand rather than just the crossbar.

There is a communal roof patio with a sedum green roof adjacent to the windows of units 24 and 26. It is not clear if the use of sedum would restrict access to the windows of these units. Defensible space should be incorporated into the design to ensure the windows cannot be directly approached.

The design of the outbuildings for refuse and air source heat pumps and the gates to the buildings side are not clear from the drawings. These should be designed to eliminate missues by climbing and be securable. Gates should be robustly constructed, ideally metal due to the number of units, to be the same height as any adjacent fencing, not capable of being removed from the hinges and be part of the entry access control system.

A CCTV system should be installed with a simple Operational Requirement (OR) detailed to ensure that the equipment fitted meets that standard, without an OR it is hard to assess a system as being effective or proportionate as its targeted purpose has not been defined. The OR will also set out a minimum performance specification for the system. The system should be capable of generating evidential quality images day or night 24/7. For SBD CCTV systems there is a requirement that the system is operated in accordance with the best practice guidelines of the Surveillance and Data Protection Commissioners and the Human Rights Act.

Lighting should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). It should be as sustainable as possible with good uniformity. Bollard lights, under bench and architectural up lighting are not considered as good lighting sources. White light aids good CCTV colour rendition and gives a feeling of security to residents and visitors. Any public space lighting should also meet the current council requirements.

Crime Prevention and community safety are material considerations. If London Borough of Merton are to consider granting consent, I would seek that the following conditions details below be attached. This is to mitigate the impact and deliver a safer development in line with Merton Core Strategy, London Plan, Section 17 Crime and Disorder Act 1988 and National Planning Policy Framework (NPPF)

Suggested two part condition wording:-

A. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy D.11 Safety, security and resilience to emergency of the London Plan.

B. Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy D.11 Safety, security and resilience to emergency of the London Plan. The appropriate Secured by Design (SBD) requirements can be found in the design guides on the SBD web site (www.SecuredbyDesign.com)

## 6.16 Merton Green Party:

# No comments received but comments in relation to 19/P3772 were:

Policy CS8 in the council's core planning strategy sets a boroughwide affordable housing target of 40% for developments of 10 or more units. The applicant's planning statement states (paragraph 6.23) that none of the 30 units will be affordable housing. We ask the Council to require that its 40% target be met.

# 6.17 External Financial Viability Consultant (Summary of comments):

Comments on the current scheme are awaited. However, the consultants have indicated that the conclusion will be the same as the previous scheme, whereby the comments were:

We have considered the assumptions used in the Applicant's RLV calculation and how they compare to industry benchmarks and current economic factors and evidence. We have made appropriate adjustments and conclude the scheme cannot viability provide 40% affordable housing. Even based on 100% private tenure, the scheme is not viable.

# 6.18 <u>Wimbledon Swift Group:</u>

Advise that the development include Swift friendly features.

# 7. PLANNING CONSIDERATIONS

# 7.1 Key Issues for consideration

- 7.1.1 The key issues in the assessment of this planning application are:
  - Principle of development
  - Planning history background
  - Need for additional housing, residential density and housing mix
  - Affordable Housing
  - Design and impact upon the character and appearance of the area
  - Impact on trees
  - Impact on neighbouring amenity
  - Standard of accommodation
  - Transport, highway network, parking and sustainable travel
  - Sustainability
  - Air quality and potentially contaminated land
  - Basement considerations
  - Flooding and site drainage
  - S.106 requirements/planning obligations
  - Response to issues raised in objection letters
- 7.2 Principle of development Pa

- 7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2.2 The Development Plan comprises the following planning policy documents:
  - Merton Local Development Framework Core Strategy 2011
  - Merton Sites and Policies Plan 2014
  - Merton's new Local Plan 2021 (Final draft stage 3)
  - The London Plan 2021

# **Commercial**

- 7.2. The site is currently mixed use, comprising a vacant bank use on ground floor and ancillary office space above (previously known as A2 uses). It should be noted that as of 1st September 2020 the use as a bank and offices would comprise the new Class E (commercial).
- 7.2.3 There are no specific adopted policies which seek to protect A2 land uses. However, as part of the redevelopment of the site, there would be 3 commercial units at ground floor level and therefore a degree of employment would be retained on the site.

# <u>Housing</u>

- 7.2.4 The National Planning Policy Framework 2021, London Plan 2021 and the Council's Core Strategy Policy CS9 all seek to increase sustainable housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types dwellings at locations with good public transport accessibility. The site has a PTAL rating of 6a which is considered to be excellent.
- 7.2.5 The site is considered to be underutilised and suitable for redevelopment; A2 uses are not specifically protected; the proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets. Given the above, and having regard to the current policy circumstances, the principle of residential is considered to be acceptable.
- 7.2.6 Therefore, officers consider that the principle of development is acceptable, subject to the suitable resolution of design and technical considerations.
- 7.2.7 Notwithstanding this advice, it is important to note that Merton's emerging Local Plan proposes a new Local Centre at the heart of South Wimbledon focussed around the underground station and junction. The application site would fall within the proposed Local Centre.
- 7.2.8 The function of the Local Centre agents for the things, to

- Support shops, services and businesses commensurate with a local centre, particularly those that serve the day-today needs of local residents;
- Support measures to enhance the streetscene public realm in South Wimbledon, particularly along the main roads where most travel takes place;
- 7.2.9 The changing policy landscape is emerging however, the Local Plan is at an advanced stage and therefore significant weight can be placed on this emerging Local Centre designation. The provision of commercial units at ground floor level would be consistent with this emerging policy designation as a Local Centre and the principle of a ground floor commercial use with residential units to the rear and above is supported in principle.

#### 7.3 Planning history background

- 7.3.1 Application 19/P3772 was refused and subsequently dismissed at appeal. The decision of the Inspector is a key material consideration in the assessment of the current application.
- 7.3.2 The Planning Inspector concluded that the principle of development was acceptable but raised concern with the ground floor residential units fronting onto the main road and the associated adverse impacts on living standards in those units. The applicant has sought to respond to this by providing a commercial use at ground floor level, with residential units to the rear. This arrangement overcomes the concern regarding residential units fronting the main road and also overcomes the concerns regarding the visual impact of the proposed screening that would have been necessary to enclose the residential units. However, the rearranged ground floor is such that more of the residential units proposed would be single aspect. Notwithstanding this, officers consider that the applicant has responded adequately to the concerns of the Inspector and has further amended the application to ensure a more active front elevation by moving the bike store to the central part of the building.
- 7.3.3 In regards to single aspect units, it is noted that the site abuts another building to the north. All units would have an outlook directly east or west, with some having additional windows to the south elevation. Given the proportion of window to wall in the proposed flats and the details of mechanical ventilation submitted officers consider that the living standards of future occupiers would be acceptable.
- 7.3.4 The Inspector concluded that the use of winter balconies, in addition to communal amenity space, would provide a satisfactory standard of accommodation.
- 7.3.5 Members should consider whether the current proposal has overcome the concerns raised by the Inspector and whether the proposal is acceptable in its own right in planning terms.
- 7.4 <u>Need for additional housing, residential density and housing mix</u>

- 7.4.1 Policy H1 of the London Plan 2021 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.4.2 Policy H1 of the London Plan 2021 has set Merton a ten-year housing target of 9,180 new homes. The proposal would make a valuable contribution to meeting that target and providing much needed new housing.

# <u>Density</u>

- 7.4.3 The proposed development would have a density of 324 dwellings per hectare and 766 habitable rooms per hectare.
- 7.4.4 London Plan policy D3, Optimising site capacity through the designled approach, sets out that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.
- 7.4.5 London Plan, Policy D6 sets out that:

"Development proposals must make the most efficient use of land and be developed at the optimum density. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration should be given to:

1. the site context

2. its connectivity and accessibility by walking and cycling, and existing and planned public transport (including PTAL)3. the capacity of surrounding infrastructure"

- 7.4.6 The London Plan explains that comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units.
- 7.4.7 Whilst residential density can be a useful tool identifying the impact of a proposed development, officers consider that in this instance greater weight should be attached to assessing the impact on the character of the area and the amenity of neighbouring occupiers in this assessment.

# Housing mix

- 7.4.8 London Plan Policy H10 and associated planning guidance promotes housing choice and seeks a balance of unit sizes in new developments.
- 7.4.9 Policy DM H2 of the SPP aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwellipsize 60d type in the borough. The policy sets out the following indicative borough level housing mix:

Number of bedrooms	Percentage of units
One	33%
Two	32%
Three +	35%

7.4.10 The London Plan advises that boroughs should not set prescriptive dwelling size mix requirement but that the housing mix should be informed by the local housing need.

"H10 (London Plan Policy):

A. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decisionmakers should have regard to:

1. the range of housing need and demand identified by the London Strategic Housing Market Assessment and, where relevant, local assessments

2. the requirement to deliver mixed and inclusive neighbourhoods

3. the need to deliver a range of unit types at different price points across London

4. the mix of uses in the scheme

5. the range of tenures in the scheme

6. the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in more central or urban locations

7. the aim to optimise housing potential on sites

8. the ability of new development to reduce pressure on conversion and sub-division of existing stock

9. the role of one and two bed units in freeing up family housing 10.the potential for custom-build and community-led housing schemes.

B. Generally, schemes consisting mainly of one-person units and/or one-bedroom units should be resisted.

C. Boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes"

7.4.11 Policy H10 (Housing size mix) sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. Boroughs should not set policies or guidance that require set proportions of different-sized (in terms of number of bedrooms) market or intermediate units to be delivered. The supporting text to Policy H10 of the London Plan sets out that such policies are inflexible, often not implemented effectively and generally do not reflect the optimum mix for a site taking account of all the factors set out in part A of Policy H10. Moreover, they do not necessarily meet the identified need for which they are being required; for example, larger uniparted policies in order to meet the needs of families but many such units are instead occupied by sharers.

- 7.4.12 The Planning Statement sets out that the scheme comprises primarily one and two-bedroom units due to market factors including a lack of demand for 3 bed flats in the area. It is noted that the 2011 census showed that a very high proportion of dwellings in the Merton area have three bedrooms (78%). The proposed units are for flats on a main road. Such locations tend to be less attractive to families than the typical 3+ bedroom housing stock within the borough, which are often located in quieter areas and benefit from greater outdoor amenity space. By contrast, the site's PTAL 6b location, which incidentally should be utilised by supporting a higher density of units, and easy access to Wimbledon town centre and beyond, tend to be more attractive to smaller households made up of single people, young couples and small families.
- 7.4.13 The application does not accord with the indicative, borough wide mix set out in SPP Policy DM H2, in particular, in regards to the provision of three bed units (3 units are proposed – 16%). However, given the nature of the development proposed: flatted units, in a high PTAL area, within an established residential area with a range of larger home types, it is concluded that a slavish reliance on the preferred borough wide housing mix may not be warranted and that it may be unreasonable to refuse on this basis.
- 7.5 Affordable Housing
- 7.5.1 The Council's policy on affordable housing is set out in the Core Planning Strategy, Policy CS8. For schemes providing over ten units, the affordable housing target is 40% (of which 60% should be social rented and 40% intermediate), which should be provided on-site.
- 7.5.2 In seeking this affordable housing provision, officers will have regard to site characteristics such as site size, site suitability and economics of provision such as financial viability issues and other planning contributions.
- 7.5.3 The Mayor's SPG on affordable housing and viability (Homes for Londoners) 2017 sets out that:

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

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

- 7.5.4 Therefore, provided that the scheme meets the 35% provision, meets the tenure split set out in policy CS8 and demonstrates that the developer has engaged with Registered Providers and the LPA to explore the use of grant funding to increase the proportion of affordable housing, then the proposal could be dealt with under the Mayor's Fast Track Route, which would not require the submission of additional viability information.
- 7.5.5 If the proposal does not meet this 35% provision, it will be necessary to submit a full viability assessment in order to demonstrate that the scheme is delivering as much affordable housing as is financially viable.
- 7.5.6 The current scheme offers no affordable housing whatsoever, on the basis that it is not financially viable to do so.
- 7.5.7 The Council has employed an external financial viability consultant who has considered the argument put forward by the applicant and concludes that the scheme is not able to provide any contribution whatsoever towards affordable housing. Whilst this is disappointing, the information has been reviewed by the external financial viability consultant and as such, it would not be reasonable to resist the application on this basis.
- 7.5.8 In terms of the specific reasoning for this valuation, the external consultant employed by the Council indicates that the existing uses on the site are relatively valuable based on the evidence provided (£96,500 per plot) and the cost plan, which has been reviewed by PRP, has only reduced a little so costs are high on a relative basis as well. Therefore, as it stands, officers must advise that the lack of affordable housing would not, in this instance, form a reasonable reason for refusal which could likely be substantiated at appeal.
- 7.5.9 Officers note that the situation is similar to that in the last application, whereby it has been reasonably demonstrated that the provision of an affordable housing offering is not financially viable. Note, when officers state that the scheme is not financially viable to provide affordable housing, as part of the viability assessment, a developers profit is always included in the calculations/conclusions. However, any uplift in profit can be secured through s.106 legal agreement by way of a later review of the financial viability figures.

#### 7.6 Design and impact upon the character and appearance of the area

- 7.6.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London-wide planning policy advice in relation to design is found in the London Plan (2021), in Policy D1-D5. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.
- 7.6.2 Policy DM D2 seeks to ensure a bight quality of design in all development, which relates positively and appropriately to the siting,

rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports these SPP Policies.

- 7.6.3 The current built form on site represents an under development of the site. The buildings along Morden Road in this location vary in height from 4 storeys to 9 storeys and, therefore, officers consider that a building of the height proposed could be supported.
- 7.6.4 The site stands in a transition area, in terms of building heights. To the immediate north is Spur House, a nine storey flatted block; to the south is a four storey flatted block, with more traditional two-storey residential dwellings beyond. Officers consider that the scale and design of the building sufficiently takes account of this transition and responds positively to it.
- 7.6.5 The redevelopment of the site provides an opportunity to enhance the streetscape and whilst a more active use at ground floor level may appear more animated, the impact on the streetscene would be improved and is considered to be acceptable. It is noted that the residential use and associated screening/planting, on which the Inspector raised concern, has been omitted from the current scheme.
- 7.6.7 The visual impact of the proposed building is considered to relate positively to the streetscene in terms of form and design. The proposed building would not appear out of keeping with the existing neighbouring buildings and would not appear out of keeping with the new development being brought forward at the High Path Estate, opposite the site. Importantly, the Inspector did not raise concern regarding the bulk, massing, materiality of general design of the proposed building and given this clear indication from the inspector, officers advise that it would not be reasonable to refuse this application based on the visual impact of the 6 storey building proposed.
- 7.6.8 As with the previous application, whilst overall, the visual impact of the building is considered to be acceptable, the southern elevation is somewhat disappointing as it fails to take full advantage of the opportunity to enhance the streetscape and presents a large, somewhat inactive edge when approaching from the south. However, there is some articulation through the fenestration and, on balance, this element of the scheme is not considered to warrant a refusal on the basis of design. In addition, it is noted that the inspector did not raise concern in this regard.
- 7.6.9 The submission indicates that the partly recessed balconies to the front elevation would be part enclosed winter gardens. The use of winter gardens, and recessed balconies, as opposed to projecting balconies, is considered to be suitable along this busy road. This part of the proposal was also accepted by the Inspector.
- 7.6.10 The proposed layout of amenity space to the rear of the building would be enclosed by the proposed bin store/air source heat pump building, whilst benefiting from natural surveillance by the proposed development and surrounding properties. This solution to providing

both car parking and amenity space is considered to be a good use of the available space on the site.

- 7.6.11 The scheme shows a row of street trees to the frontage of the site, which would be on land owned by the applicant. There is a wider intention by the Council that this street additional street planting, irrespective of this scheme, and it is not clear at this stage how the proposed planting in the application would relate to the street tree planting scheme. However, this is a matter that can be addressed through conditions and would not affect the overall acceptability of this proposal.
- 7.6.12 The proposal is considered to provide a suitable transition between the taller buildings to the north and the lower, more residential scale buildings to the south. The proposal would not be out of keeping with the scheme to redevelop the High Path Estate. The proposal is considered to be acceptable in terms of its impact on the character and appearance of the area.

#### 7.7 Impact on trees

- 7.7.1 There is a significant mature Lime tree to the rear of the site standing on a grassed area adjacent to the access road. Officers consider that this tree has substantial visual public amenity value. The proposed works would not interfere with this grassed area and the tree would be retained throughout and following the development.
- 7.7.2 The Tree and Landscape Officer has raised no objection subject to condition.
- 7.7.3 The proposal is considered to be acceptable in terms of its impact on trees, subject to conditions.

# 7.8 Impact on neighbouring amenity

- 7.8.1 Planning Policy D6 (Housing quality and standards) of the London Plan 2021 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.
- 7.8.2 Planning policy CS policy 14 of Merton's Core Planning Strategy and policy DM D2 of Merton's Sites and Policies Plan seek to ensure new developments does not unacceptably impact on the amenities of the occupiers of any adjoining and nearby surrounding properties. Planning policy DM D2 (Design considerations in all developments) states that amongst other planning considerations that proposals will be expected to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens.
- 7.8.3 The scheme proposes a substantial increase in height of the building in comparison to the existing (the existing building is 11.2m in height, with the proposed building being a maximum of 20.7m in height, to the top of the lift shaft and 16.5mpc the top of the parapet to the rear elevation). It is noted that the original scheme has been amended to

include less bulk, massing and height to the rear part of the proposed building.

7.8.4 The site is surrounded on three sides by residential properties. To the immediate rear of the site is a row of terraced dwellings (22-24A Morden Road), which face towards the application site. To the north is Spur House, part eight, part nine storey building, with a lower outshot to the rear, (part three, part storeys). To the south, to the other side of the access road is 26 Morden Road (Falcon House), a four storey flatted block.

# 7.8.5 <u>22-24A Morden Road</u> – row of terraced dwellings to the rear:

7.8.6 The existing building on site is three storeys and therefore the houses to the rear currently enjoy a relatively unimpeded outlook to the front. The proposed development would present a rear elevation to a height of 16.5m (lower element at rear), separated from the houses to the rear by 19.5m. The rear wall of the existing building stands at a height of 8.5m-11.2m.

# Sun and Daylight

7.8.7 The Building Research Establishment (BRE) numerical guidelines should be considered in the context of the National Planning Policy Framework (NPPF), which stipulates that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. The NPPF states:

> "Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

- 7.8.8 The applicant's Daylight and Sunlight Report concludes that the windows to the dwellings to the rear would be affected to some limited degree but argue that ample light would be provided to the ground floor living area due to the dual aspect layout of the ground floor of the terraced houses. The bedrooms at first floor level would also experience a minor loss of light but this impact is limited and the relationship created is not considered to be unacceptable in this urban context.
- 7.8.9 Whilst officers note that there would be some limited loss of light and outlook to properties to the rear, the separation distance is considered sufficient to avoid a materially harmful impact.
- 7.8.10 In terms of overlooking, the separation distance of 19.5m is considered to be sufficient to avoid a loss of privacy and in line with usual development control requirements.

- 7.8.12 The part eight, part nine storey element of Spur House would not be adversely affected as it stands in line with the proposed building and would form part of a continuous street frontage. The three storey element to the rear has the potential to be affected. Similarly with the impact on the terraced dwellings to the rear, there would be some change to outlook and some marginal loss of light. However, the relationship created would not be unusual in this urban context.
- 7.8.13 There would be the opportunity for some oblique overlooking from the rear facing windows of the proposed building to the side facing windows of the rear part of Spur House. However, this arrangement is not dissimilar to the existing relationship between Spur House and the terraced dwellings to the rear of the site and whilst there would be significantly more bulk and massing in close proximity to these existing units, due to the oblique positioning, the impact is not considered to result in a material loss of privacy.
- 7.8.14 The separation distance to residential properties, such as Falcon House to the south, 7 Milner Road to the northwest and the flatted blocks opposite at the High Path estate is considered to be sufficient to avoid a materially harmful impact.
- 7.8.15 Officers acknowledge that the increase in bulk and massing would result in some limited harm to the outlook and light of neighbouring properties to the rear and side, however, officers conclude that this relationship would not result in material harm to residential amenity and would not be unusual in this urban context.
- 7.8.16 Officers note that the application was not refused previously on the basis of harm to neighbouring amenity and given that the bulk, massing and general fenestration pattern remains the same, officers conclude that it would not be reasonable to raise objection on this ground.

# 7.9 Standard of Accommodation

- 7.9.1 The detailed design of the proposed development should have regard to the requirements of the London Plan in terms of unit and room sizes and provision of external amenity space. The requirements of SPP Policy DM D2 will also be relevant in relation to the provision of amenity space (see paragraph 6.17 of the supporting text).
- 7.9.2 The proposed units would meet or exceed the minimum GIA set out in the London Plan.
- 7.9.3 The amount of private external amenity space provided would meet the minimum requirements of the London Plan and no objection is raised in this regard.
- 7.9.4 The provision of external amenity space is considered to be acceptable. The provision of amenity space to the rear, would provide areas that are well over-looked and secure and would provide high quality amenity space for future residents.
- 7.9.5 Officers advise that a scheme for lands approximation of suitable play equipment and ongoing maintenance

should be controlled by way of planning condition in the event that planning permission is granted.

- 7.9.6 At least 10% of units should be wheelchair accessible. In addition, Standard 18 of the Mayor's SPG on Housing sets out that each designated wheelchair accessible dwelling should have a car parking space that complies with Building Regulations Part M4(3). The plans show there to be 3 wheelchair accessible units with 3 disabled parking spaces and therefore no objection is raised in this regard.
- 7.9.7 Given that the ground floor residential units have been removed from the scheme and that the Inspector supported the use of winter balconies, in addition to communal amenity space, officers conclude that the application has overcome the concerns raised in regards to the standard of accommodation. The standard of accommodation is considered to be acceptable.

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

- 7.10.1 Policies DMT1-T3 of the London Plan seek to ensure that developments do not result in congestion, have a minimal impact on existing transport infrastructure and provide suitable levels of parking. Policy T6 of the London Plan states that Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. At a local level Policy CS.19 of the Core Planning Strategy states that the council will ensure that all major development demonstrates the public transport impact through transport assessments. Travel plans will also be required to accompany all major developments. Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers).
- 7.10.2 There are double yellow lines on the road immediately outside the site on both sides of the road, along with a designated bus lane running in a northerly direction. There is no parking permitted on Morden Road.
- 7.10.3 The site is located within Controlled Parking Zone (CPZ), Subzone S1, where restrictions operate between 08:30 and 18:30, Monday to Saturday. Milner Road nearby provides a mix of permit holder bays and pay & display.
- 7.10.4 The site is within a high PTAL area and therefore it is appropriate that car parking on site is limited to disabled users only. It will be necessary for the applicant to enter into a s.106 to restrict the issuing of parking permits, to future occupants, so as to avoid undue additional pressure on kerbside parking locally. In addition, passive electrical charging should be provided, which can be secured by way of condition.
- 7.10.5 The agent has confirmed that the proposed cycle store can accommodate 44 bike parking spaces, which would meet London Plan requirements in terms of cycle parking and no objection is raised on this basis. Page 68

- 7.10.6 In terms of refuse collection, there would be adequate space to accommodate the refuse storage requirements for the development and no objection is raised in this regard. The Council's Transport Planner has confirmed that the proposed development would be serviced by London Borough of Merton refuse vehicles and the proposed arrangements are acceptable.
- 7.10.7 The comments of TfL have been carefully considered. To clarify, three car parking spaces are proposed, which would be restricted to Blue Badge holder parking only. Given that the policy requirement for Blue Badge holder equates to 2 spaces (10% of units), the third space can reasonably be conditioned to provide parking for the proposed commercial uses on site. As set out above, the agent has clarified that 44 bicycles can be accommodated in the cycle store.
- 7.10.8 Details of a Parking Design and Management Plan are recommended to be secured by condition. In addition, a condition to secure details of proposed loading activities, delivery, servicing and construction access arrangements as well as a Travel Plan, are recommended, in line with Policy T7 of the London Plan, as per the comments of TfL.
- 7.10.9 Subject to legal agreement and conditions, the proposed development is considered to be acceptable in term of transport and highway impacts.
- 7.11 <u>Sustainability</u>
- 7.11.1 London Plan policies SI 2 to SI 5 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.11.2 An Energy & Sustainability Statement has been submitted with the application. This statement sets out that in order to comply with policy SI 2 of the London Plan a reduction in CO2 emissions of 35.25% has been achieved against the Baseline Emission Rate, including through the use of air source heat pumps on site.
- 7.11.3 The Council's Climate Change Officer has reviewed the submission and confirms that the scheme would meet the limit of 105 litres per person per day water usage. However, the officer has raised queries on specific, technical matters relating to energy usage. However, these are matters that can be reasonably addressed by way of condition, as it is considered that the scheme has provided detail on the sustainability credentials, including the incorporation of air source heat pumps and therefore these matters will be considered in the detailed design and construction of the building.
- 7.11.4 In addition to the above, further details are required relating to the methodology of the Energy Statement to ascertain what level of carbon offsetting, if any, is required. This potential financial contribution can be secured by way of s.106 legal agreement.

7.11.5 Subject to condition and legal agreement, the proposal is considered to be acceptable in terms of sustainability and climate change considerations.

# 7.12 <u>Air quality and potentially contaminated land</u>

- 7.12.1 The whole of Merton is an Air Quality Management Area (AQMA).
- 7.12.2 The application is supported by an air quality assessment, which concludes that there would be a reduction in traffic related emissions due to the decrease in vehicle movements (over and above the lawful use of the site). Officers note that only limited car parking has been provided, which is positive in terms of air quality. Subject to suitable conditions to control the construction process (demolition and construction method statement and a limit on noise levels from plant/machinery) and to secure additional information relating to air quality neutral status, it is considered that the proposed development would be acceptable in terms of its impact on air quality.
- 7.12.3 The comments of the Air Quality Officer, in that the Air Quality Neutral Assessment should be submitted with the application have been carefully considered. (Air Quality Neutral applies only to the completed development and does not include impacts arising from construction, which should be separately assessed in the Air Quality Assessment). Under the Inspector's decision, the issue of air quality was not explicitly referenced. Policy SI 1 sets out that development proposals should be at least Air Quality Neutral. The Inspector's decision was issued on 20th December 2021, after the London Plan was adopted. Therefore, this decision is assessed under the same policy landscape as the previous appeal decision. The previous application, 19/P3772, included an Air Quality Assessment but did not include an Air Quality Neutral Assessment. The current application would be an improvement over the previous application in terms of air quality considerations (as it no longer includes residential accommodation at ground floor level fronting the main road). However, further details will be required by condition to ensure that the proposed development achieves Air Quality Neutral status. In addition, officers advise that this matter is addressed through the legal agreement to ensure that any financial contribution for mitigating the potential impact on air quality is secured, should Air Quality neutral status not be achievable.
- 7.12.3 In relation to potentially contaminated land issues, conditions would be imposed relating to any potential contamination of the land on the site, to include remediation measures if necessary.

# 7.13 Basement considerations

7.13.1 The proposed development includes a basement and whilst the construction of basements is largely addressed under Building regulations, in accordance with the requirements of Policy DMD2 the applicant has provided a Structural Engineering Report and Outline Construction Method Statement detailing how the basement could be constructed to pose no significant threat to the structural stability of adjoining properties.

7.13.2 The Council's Structural Engineer has reviewed the submitted documents, in relation to the previous application, and raises no objection subject to suitable conditions.

#### 7.14 Flooding and site drainage

- 7.14.1 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.14.2 The site is within Flood Zone 1 (low probability of flooding) and is not within a critical drainage area. However, notwithstanding that, the scheme includes details of a Sustainable Urban Drainage System and demonstrate a sustainable approach to the management of surface water on site.
- 7.14.3 The Council's Flood Risk Officer has not made comments in relation to the current application but the general approach in terms of drainage, from the previous scheme, is carried through to the current application. Therefore, subject to conditions relating to a detailed proposal of how drainage and groundwater will be managed and mitigated during and post construction (permanent phase) and a detailed scheme for the provision of surface and foul water drainage, to be secured by way of condition, it is considered that the proposal is acceptable in terms of surface water runoff and flooding considerations.

#### 7.15 <u>S.106 requirements/planning obligations</u>

- 7.15.1 It will be necessary for the development to be parking permit free and to provide three years free car club membership, by way of legal agreement. In addition, it will be necessary for the s.106 agreement to secure the obligations set out below in this report.
- 7.15.2 The proposed development would be subject to the Community Infrastructure Levy (CIL). This would require a contribution of £220 per additional square metre of floor space to be paid to Merton Council and an additional £60 per additional square meter to be paid to the Mayor. Further information on this can be found at: http://www.merton.gov.uk/environment/planning/cil.htm

#### 7.16 <u>Response to issues raised in objection letters</u>

The majority of uses raised by objectors are addressed in the body of this report and a number of issues relate to the original application scheme, rather than the amended scheme. However, in addition, the following comments are provided:

• Any noise disturbance from air source heat pumps would be minimal as they are to be entirely enclosed. Use of the amenity area would not amount to material harm to residential amenity.

- The refuse and air source heat pump enclosure would be fully roofed.
- The amended positioning of the proposed refuse and air source heat pump enclosure would not give rise to increased opportunity for burglaries (it is now moved further from the direct boundary with residential properties).
- Issues of fire safety would be addressed at the Building regulations stage of the development, as opposed to the planning stage.
- Issues relating to the use of the access road to the site are not a material planning consideration – planning permission does not convey an ultimate right to develop land and if there are other legal obstacles, the granting of planning permission would not overcome these legal obstacles.
- All neighbouring properties are included in the Daylight and Sunlight Assessment, albeit they are not marked as Topham Yard or 3 Milner Road, but included as part of the building at Spur House.

#### 7.17 Fire Strategy

- 7.17.1 Planning Policy D12 (Fire safety) of the of the London Plan 2021highlights that fire safety of developments should be considered from the outset. How a building will function in terms of fire, emergency evacuation, and the safety of all users should be considered at the earliest possible stage to ensure the most successful outcomes are achieved, creating developments that are safe and that Londoners can have confidence living in and using. The policy requires all major development proposals to be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party, suitably qualified assessor.
- 7.17.2 The application is accompanied by an independent Fire Strategy Statement by Sweco (individuals involved in the development of the strategy hold relevant Masters and Honours degrees and are Members and Associates of the Institute of Fire Engineers). Sweco state that the Fire Strategy Statement demonstrates that the building has been designed to incorporate appropriate features which reduce the risk to life and serious injury in the event of a fire. The building will include appropriate passive and active fire safety measures, together with suitable means of escape and access and facilities for firefighting. The design will be based on the guidance outlined Approved Document B Volume 1 2019. (incorporating 2020 amendments). In addition, section D5 & D12 of the London Plan will be addressed. A planning condition can be imposed requiring the development to be carried out in accordance with Fire Strategy Statement.

#### 7.18 Inclusive Design

7.18.1 Planning Policy D5 (Inclusive Design) of the London Plan 2021 states that development proposal should achieve the highest standards of accessible and inclusive design. Inclusive design creates spaces and places that can facilitate social integration, enabling people to lead more interconnected lives. Development proposals should help to create inclusive neighbourhoods that cumulatively form a network in which people can live and work in a safe, healthy, supportive and inclusive environment. 7.18.2 The applicant confirms that the all areas of the building will be accessible to wheelchair and ambulant disabled residents and visitors, with an 8-person lift, and shall rise stairs serving all levels. The main entrance foyer and each common parts corridors will be wide enough for wheelchair users, and each apartment will meet the space standards for disabled access. The building entrances and exists will be provided with level thresholds to facilitate the free movement or wheelchairs and ambulant disabled users, all in accordance with the Building Regulations (Part M).

#### 7.19 Accessible Housing

- 7.19.1 Planning Policy D7 (Accessible housing) of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.
- 7.19.2 The applicant confirms that the three ground floor units (11.5% of the development total) will be fully wheelchair adaptable, designed to meet the Building Regulations Standards M4 (3), with the remaining upper floor apartments designed to meet the standards of M4 (2). Therefore the development would comply with the 10% wheelchair user dwellings threshold required by Policy D7 (Accessible housing) of the London Plan 2021.

#### 8. <u>Conclusion</u>

- 8.1 The principle of a mixed used development is considered acceptable, bringing forward new homes and retaining a source of employment on the site. The scheme would provide a range of unit sizes, including family sized units with private external amenity space, in addition to communal amenity space.
- 8.2 The proposal, as a result of the increased height over the existing, would result in some limited impact on properties to the side and rear of the site. However, as explained in this report, the impact is considered to be minimal and would not warrant a reason for refusal in this urban context, whereby there is a reasonable expectation that a building fronting a main road such as this would be enlarged. In addition, the Inspector did not find the bulk, massing and general design to be unacceptable, the concern related to the ground floor residential use only, which has now been omitted from the proposal.
- 8.3 Notwithstanding the lack of objection from the Inspector in relation to bulk and massing, the applicant has gone to effort to seek to overcome the concerns initially raised by the Council's Urban Design Officer and the Design Review Panel and it is concluded that the proposed building would be of a high architectural quality and would complement this part of the streetscene creating a suitable transition between Spur House and the lower buildings to the south.
- 8.4 Whilst officers are disappointed at the lack of affordable housing provided, this matter has been reviewed by an external expert who concludes that due to the residual value of the existing site, the proposed development could pot view 3 any affordable housing contribution, and, therefore, this matter could not reasonably form a

reason for refusal. It is noted that the previous application also proposed no contribution towards affordable housing.

8.5 Officers consider that the proposal is acceptable in planning terms and has overcome the concerns raised by the Inspector. The recommendation is, therefore, for approval subject to conditions and a legal agreement.

#### 9. **RECOMMENDATION**

Grant planning permission subject to s106 agreement securing the following:

- Restrict parking permits.
- Car club membership for all eligible adults for three years.
- and cost to Council of all work in drafting S106 and monitoring the obligations.
- Potential carbon offset financial contribution (the specific amount to be calculated).
- Potential Air Quality Neutral financial contribution (the specific amount to be calculated).
- Early and Late stage review of affordable housing financial contribution.

And the following conditions:

- 1. Time limit
- 2. Approved Plans
- 3. B1 External Materials to be Approved
- 4. B4 Details of surface treatment
- 5. B6 Levels
- 6. C03 Obscured Glazing (Fixed Windows)
- 7. C07 Refuse & Recycling (Implementation)
- 8. C06 Waste Management Plan (Details to be Submitted)
- 9. C08 No Use of Flat Roof
- 10. C10 Balcony or External Staircase (Screening details to be provided)
- 11. D09 No External Lighting
- 12. F01 Landscaping/Planting Scheme
- 13. F02 Landscaping (Implementation)
- 14. F5 Tree Protection
- 15. F8 Site supervision (trees)
- 16. F13 Landscape Management Plan
- 17. H06 Cycle Parking and workshop facility Details to be Submitted Page 74

- 18. H01 New Vehicle Access Details to be submitted
- 19. H02 Vehicle Access to be provided
- 20. H04 Provision of Vehicle Parking (including disabled parking and electric vehicle charging)
- 21. H05 Visibility Splays
- 22. H08 Travel Plan
- 23. H10 Construction Vehicles, Washdown Facilities etc (major sites)
- 24. H12 Delivery and Servicing Plan
- 25. H13 Construction Logistics Plan to be Submitted (major development) No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

-hours of operation

- -the parking of vehicles of site operatives and visitors
- -loading and unloading of plant and materials
- -storage of plant and materials used in constructing the development
- -the erection and maintenance of security hoarding including decorative
- -measures to control the emission of noise and vibration during construction. (including the methodology for the basement excavation and any 24 hour generator/pumping)

-displays and facilities for public viewing, where appropriate -wheel washing facilities

- -measures to control the emission of dust and dirt during construction/demolition
- -a scheme for recycling/disposing of waste resulting from demolition and construction works
- 26. H14 Doors/Gates
- 27. H11 Parking Management Strategy
- 28. L2 Sustainability Pre-Commencement (New build residential)
- 29. L6 BREEAM Pre-Commencement (New build nonresidential)
- 30. A Non Standard Condition: Due to the potential impact of the surrounding locality on the residential development, a scheme for protecting residents from noise shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The scheme is to include acoustic data for the glazing system and ventilation system. The internal noise levels shalpaget 75 within BS8233:2014

Guidance on Sound Insulation and Noise Reduction for Buildings and ProPG: Planning and Noise – Professional Practice Guide, Publ: (ANC, IOA, CIEH) May 2017 as a minimum. The approved scheme shall be implemented in accordance with the agreed details.

- 31. A Non Standard Condition: Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the plant noise and heat pumps associated with the development shall not exceed LA90-10dB at the boundary with the nearest residential boundary not associated with the development.
- 32. A Non Standard Condition: All Non-road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.
- 33. A Non Standard Condition: No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) via infiltration or at the agreed runoff rate (no more than 4.02l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards.
- 34. A Non Standard Condition: The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy D.11 Safety, security and resilience to emergency of the London Plan.

35. A Non Standard Condition: Prior to occupation a Secured by Design final certificate shall be submitted to and approved by the Local Planning Authority.

Reason: In order to achieve the principles and objectives of Secured by Design to improve community safety and crime prevention in accordance with Policy 14 (22.17) of Merton Core Strategy: Design, and Strategic Objectives 2 (b) and 5 (f); and Policy D.11 Safety, security and resilience to emergency of the London Plan.

- 36. A Non Standard Condition: No development shall occur until a preliminary risk-assessment is submitted to the approval of the LPA. Then an investigation conducted to consider the potential for contaminated-land and shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.
- 37. No development shall occur until a remediation method statement, described to make the site suitable for, intended use by removing unacceptable risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.
- 38. Prior to first occupation, the remediation shall be completed and a verification report, produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority. Reason: To protect the health of future users of the site in accordance with policy 9.10.6 of the London Plan 2021 and policy DM EP4 of Merton's sites and policies plan 2014.
- 39. Air Quality Neutral Assessment
- 40. Condition Construction Management Plan/ Dust Management Plan 1. Prior to the commencement of development, including demolition, a Demolition and Construction Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall include: a) An Air quality management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. To include

continuous dust monitoring. b) Construction environmental management plan that identifies the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and other air emissions resulting from the site preparation, demolition, and groundwork and construction phases of the development. 2. The development shall not be implemented other than in accordance with the approved scheme, unless previously agreed in writing by the Local Planning Authority. Reason: To ensure the development does not raise local environment impacts and pollution.

- 41. A Non Standard Condition: The development hereby approved shall not be commenced until a scheme for the provision and management of external amenity space, to include details of children's play equipment, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed facilities and management plan are implemented in accordance with the approved details.
- 42. A Non Standard Condition: No development above ground level other than demolition shall take place until drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details.

i) metal, glass and wood work including to private amenity spaces and balconies;

ii) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths);

iii) copings and soffits and junctions of external materials;

iv) rain water goods (including locations, fixings, material and colour).

- 43. J2 Wheelchair Accessible Homes
- 44. D11 Construction Times
- 45. A Non Standard Condition: Prior to occupation, the detailed design, specification and planting scheme for any green roof forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved prior to occupation of the relevant part of the development, retained and maintained in perpetuity thereafter.
- 46. A Non Standard Condition: [Local employment strategy] Prior to the commencement of development [including demolition] a local employment strategy shall have been submitted to and approved in writing by the Local Planning Authority setting out the measures taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase.
- 47. Prior to the commencement of development the following documents shall be submited for and approved in writing by

the Local Planning Authority, in consultation with London Underground:

- a Detailed Demolition Method Statement,
- a Detailed Construction Method Statement produced by the Contractors appointed for the piling, excavation and construction of the basement,
- Structural drawings of the secant piled retaining wall and construction sequence drawings of the temporary works,
- Design calculations of the secant piled and temporary works,
- Movement monitoring report produced by specialist surveyors appointed to install monitoring gauges to detect any movement of the highway/neighbouring properties from pre-construction to completion of the project works. a Detailed Demolition Method Statement,
- a Detailed Construction Method Statement produced by the Contractors appointed for the piling, excavation and construction of the basement,
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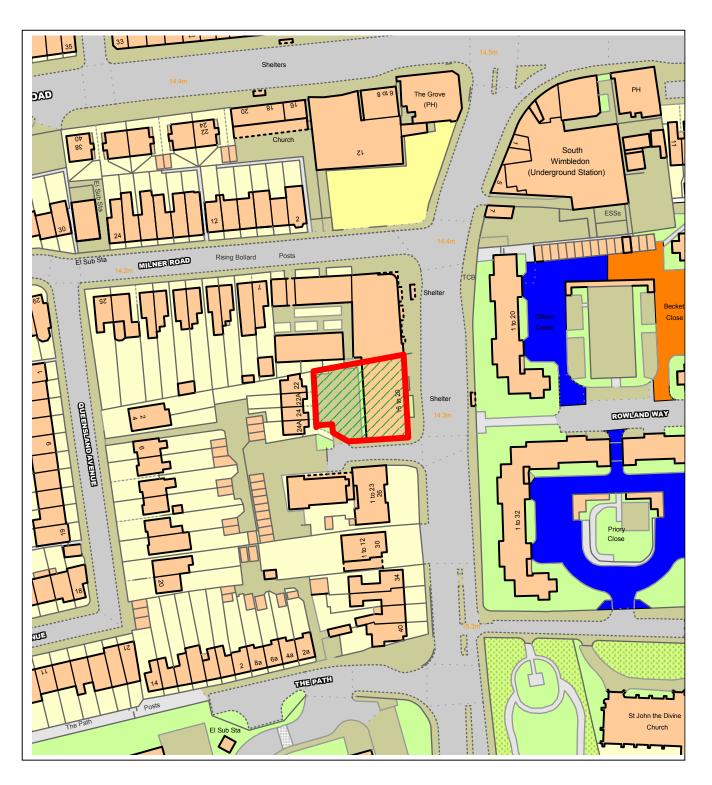
The development shall be carried out in accordance with the approved details.

- 48 Fire Strategy
- 49 <u>Accessible Housing/ Inclusive Design</u>

#### Informatives:

- 1. INF 15 Discharge conditions prior to commencement of work (or similar wording)
- 2. Note To Applicant Scheme Amended During Application Lifecycle
- 3. Informative: In the event the development is offered for adoption in the future all roads within the development should be constructed to adoptable standards.
- 4. Swift informative
- 5. INF9
- 6. INF12

## **NORTHGATE** SE GIS Print Template



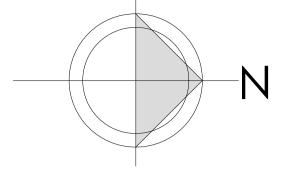
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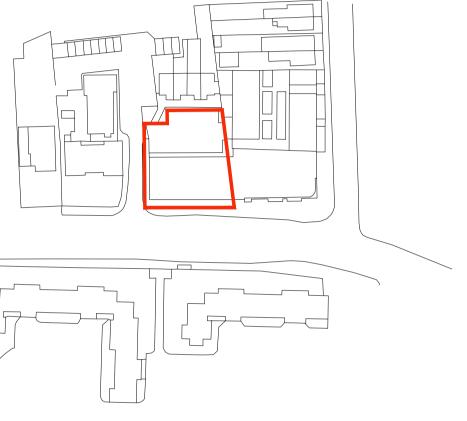






## LOCATION PLAN







Rev J: 07/01/2022: External enclosures relocated and bike store entrance amended. Front

forecourt trees repositioned.

Rev H: 11/10/2021: Units renumbered, bike store repositioned, rear flat omitted and new

Rev I: 22/11/2021: Amended to suit planners comments (shop fronts repositioned and planters removed).

commercial unit added. Commercial Refuse store added to rear of site. Rev G: 21/12/2020: Amended to suit planners decision comments.

burgess mean architects

drawing

unit 1, the warehouse

12 ravensbury terrace

revision

london SW18 4RL

Rev E: 19/09/2019: General update to suit planning consultants comments.

16-20 MORDEN ROAD, SOUTH WIMBLEDON

all dimensions to be checked on site. any discrepancy between this drawing and other information is to be referred to the partnership. This drawing is copyright

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project

scale

Rev C: 17/07/2019: Amended to suit planning pre-application report comments.

Rev D: 13/09/2019: Updated to suit planning application.

Rev F: 10/06/2020: Building repositioned to suit planning officers' comments.

title

client

description

SITE PLAN

AS PROPOSED

hm

**VIII** 

date: JANUARY 2019

drawn by: SA file name: checked:

LONDON SW19 3BN

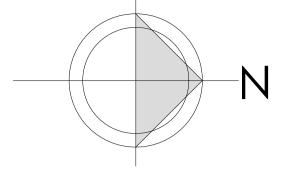
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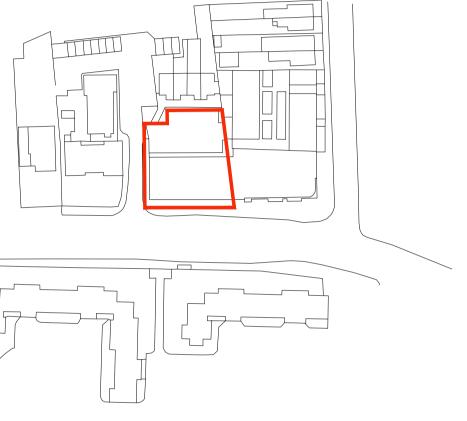






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AS PROPOSED

hm

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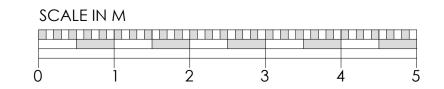
## REAR (WEST) ELEVATION



Wienerberger -Forum Smoked Branco



Wienerberger -Flashed Black



PLANNING DRAWING (25 FLATS)

## SIDE (SOUTH) ELEVATION

date: JANUARY 2019 drawn by: SA file name: checked:

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project

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revision

hm all dimensions to be checked on site. any discrepancy

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drawing

#### AS PROPOSED

description REAR (WEST) + SIDE (SOUTH) ELEVATIONS (MATERIALS

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LONDON SW19 3BN client

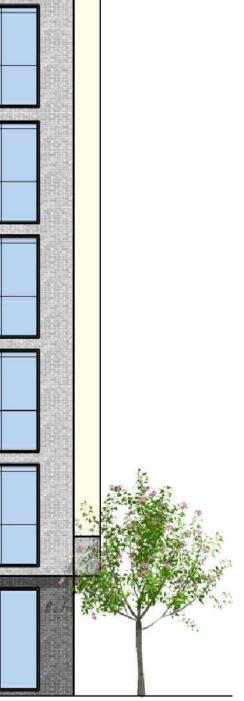
16-20 MORDEN ROAD, SOUTH WIMBLEDON

title

Rev F: 11/10/2021: Bike store repositioned, rear flat omitted and new commercial unit added. Rev E: 21/12/2020: Amended to suit planners decision comments. Rev D: 19/09/2019: General update to suit planning consultants comments. Rev C: 17/07/2019: Amended to suit planning pre-application report comments. Rev B: 18/04/2019: Side elevation feature panel amended. Rev A: 29/03/2019: Amended to suit planners comments.

windows altered).







REAR (WEST) ELEVATION

SIDE (SOUTH) ELEVATION

PLANNING DRAWING (25 FLATS)

SCALE IN M 0 1 2 3 4 5 6 7 8 9 10



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drawing

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**VII** 

description REAR (WEST) + SIDE (SOUTH) ELEVATIONS AS PROPOSED

scale

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LONDON SW19 3BN client

16-20 MORDEN ROAD, SOUTH WIMBLEDON

title

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FRONT (EAST) ELEVATION

SCALE IN M 0 1 2 3 4 5 6 7 8 9 10

PLANNING DRAWING (25 FLATS)

## SECTION AA

FIFTH	UNIT 24	
FOURTH	UNIT 22	UNIT 20
THIRD	UNIT 17	UNIT 15
SECOND	UNIT 12	UNIT 10
FIRST	UNIT 7	UNIT 5
GROUND	COMMERCIAL UNIT	UNIT 2

date: JANUARY 2019 drawn by: SA file name: checked:

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# hm **VIII**

description FRONT (EAST) ELEVATION + SECTION AA AS PROPOSED

scale

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title 16-20 MORDEN ROAD, SOUTH WIMBLEDON

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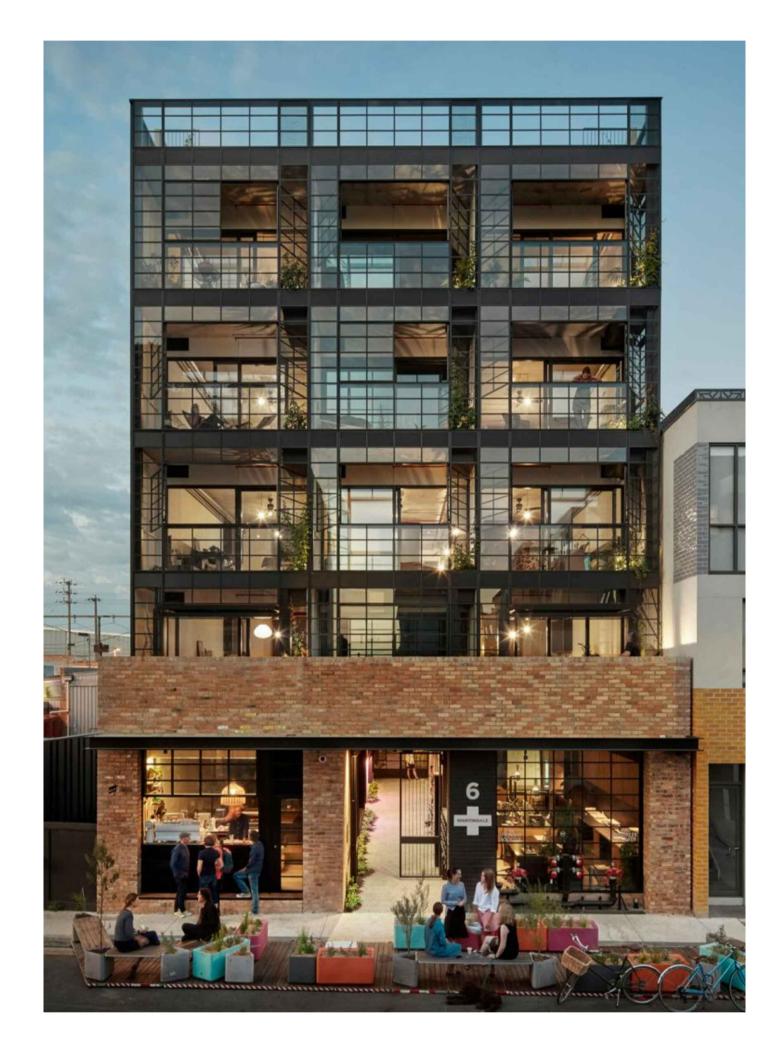
FRONT (EAST) ELEVATION

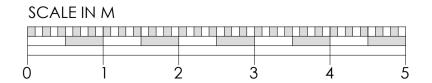


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Wienerberger -Flashed Black





## PLANNING DRAWING (25 FLATS)

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title

16-20 MORDEN ROAD, SOUTH WIMBLEDON LONDON SW19 3BN

client

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description FRONT (EAST) ELEVATION + SECTION (MATERIALS) AS PROPOSED



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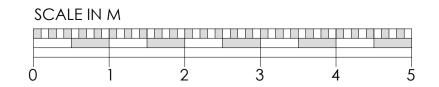
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FRONT (EAST) ELEVATION

## PLANNING DRAWING (25 FLATS)



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Rev B: 17/07/2019: Amended to suit planning pre-application report comments.

Rev A: 29/03/2019: Amended to suit planners comments.

title

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description

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architect:

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16-20 MORDEN ROAD, SOUTH WIMBLEDON

FRONT (EAST) ELEVATION - STREET SCENE

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