

PLANNING APPLICATIONS COMMITTEE
18th August 2022.

Item No:

UPRN **APPLICATION NO.** **DATE VALID**
 21/P2571 29.06.2021

Address/Site Sandham House
 Boundary Business Court
 92 - 94 Church Road
 Mitcham
 CR4 3TD

Ward: Cricket Green

Proposal: Erection of a single storey extension, including alterations to the car park layout plus associated works to existing office unit to facilitate use as a Tesco retail store.

Drawing Nos; Site location plan and drawings PL006-REV17, PL007-REV16, PL008-REV06, PL010-REV09, PL011-REV08, PL012-REV03 & PL016-REV02.

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to relevant conditions and a s106 agreement for highway alterations/adoption.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 38
- Press notice – No
- Site notice –Yes
- External consultations: No
- Archaeological Priority Zone – No
- Controlled Parking Zone – No
- Number of jobs created: 25 full time equivalent

1 INTRODUCTION

- 1.1 The application has been brought before the Committee due to the level of public interest. The application is subject to a requirement for planning permission because it involves the erection of a new extension to the existing building and this is not an option under permitted development or prior approval.
- 1.2 The application and its linked application 22/P2570 were deferred from the June 2022 PAC meeting because of outstanding concerns relating to trees.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a semi vacant office building located at the northern end of the Boundary Business Court, an industrial park situated on the eastern side of Church Road in Mitcham. The building has car parking areas to the north and east and an unused vehicle entrance from Church Road to the north. To the north of the site is a new as yet unfinished residential development of flats on the former site of the Fosters Auto Care Centre. The site is bounded to the east and south by the Business Court whilst residential properties to the west are located on the opposite side of Church Road and behind a large grass verge area.
- 2.2 The site is not located within a conservation area nor is it in anyway listed. The site is not located within a controlled parking zone and has a public transport accessibility level (PTAL) of 2 (0 being the lowest and 6b being the best).

3. CURRENT PROPOSAL

- 3.1 The proposal is for erection of a single storey extension, including alterations to the car park layout plus associated works to existing office unit to facilitate use as a Tesco retail store.
- 3.2 The new extension would be single storey and nearly 7m deep with an 86sqm footprint and be located on the eastern car parking area along with a designated delivery bay. The extension is required to provide sufficient floor space for trading areas, refrigerators, checkout areas and customer circulation space to enable the site to operate as a Tesco Express. The extension would increase the property's ground floor area to 316 sqm, including a trading area measuring 240 sqm. The extension would be single storey and be accompanied by a fenced service yard for mechanical plant and equipment, together with a refuse compound.
- 3.3 The existing entrance to the upper floor office would be retained and a new store entrance created in the north elevation.

- 3.4 The existing northern car park area would be reconfigured to provide 12 customer parking bays for the new retail use with a new security gate and fence. The layout has been amended to reflect concerns of the impact of the proposals on trees on site and includes one disabled bay and 2 active charging points. 18 covered cycle parking spaces would be provided.
- 3.5 As the pedestrian approach to the site from the south is currently quite restricted with an abnormally narrow pavement the application is accompanied by a proposal to widen the footpath by reducing the depth of the green verge in front of the other offices at Strudwick and Richardson Houses.
- 3.6 Following the deferral from the June PAC officers entered into further discussions with the applicants in relation to site trees and layout. As a result the car parking layout has been amended to protect the Rowan tree (T4). The arrangements for the refuse store have been amended to create a more porous base and the hard standing office entrance path narrowed and a strip of greenery added. The details of this are expanded upon with the trees section.

4. **PLANNING HISTORY**

- 4.1 21/P2570 - Application for advertisement consent for the display of new shop signage, comprising 1 x non-illuminated fascia sign, 2 x internally illuminated fascia signs and 1 x internally illuminated totem sign – Application decision for consideration at the August Planning Committee
- 4.2 21/P0162 - Lawful Development Certificate issued in respect of the proposed re-classification from class B1 to class E.
- 4.3 88/P1359 - Planning permission granted for redevelopment of the site by the erection of 21 no. new industrial units (use classes b1 & b2) with car parking landscaping fencing and formation of new access off Church Road.

Other relevant planning history

4.4 96 Church Road (Fosters' Autos site)

19/P0191 - Outline application (with landscaping a reserved matter) for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats (revision of 17/P4147). Approved by PAC 22/08/2019.

19/P3178 - Application for approval of reserved matters (landscaping) relating to LBM outline permission 19/P0191 for the redevelopment of the site involving the erection of a 4 storey residential block to provide 20 x flats. Approved.

5. CONSULTATION

5.1 Consultation letters sent to neighbours and site notice posted. Objections were received from 42 persons raising concerns relating to;

Neighbour Amenity

- To build a commercial use like a supermarket will impact amenity of occupiers of the new flats
- Noise and disturbance from customers and their vehicles in close proximity to the new flats.
- Light pollution, but if not enough lighting then crime likely to rise as a result.
- There are also environmental/pollution concerns. Residents will have to suffer the increased impact of vehicles using the Tesco parking bays and increased flow of delivery vehicles passing your property. Stationary vehicles with their engines on will create noise and environmental pollution. The proposed store is likely to be open throughout the evening into late hours and this will also cause noise concerns.
- Noise report ignores those flats and concentrates on existing residential neighbours at Goodwin Close.
- Negative impact on other business users, the quiet space for office work within the court will be disrupted by the noise and refuse that is commensurate with a busy retail store, with vehicles, deliveries and packing boxes all impacting on the rear of the property and the neighbouring units.
- Members of the public will be able to gain access to the site, causing noise pollution and security concerns with a store open for 18 hours a day.
- The noise assessment was undertaken during the pandemic when things were quieter.

Highways

- Not enough car parking for a supermarket
- There will be overflow parking elsewhere on the industrial estate and surrounding roads
- Can't enforce that staff walk to work.
- Where will the upstairs office staff park?
- There won't be enough parking space left for the rest of the estate.
- Articulated lorries will have to use the whole site causing disturbance
- The extension would be located on parking spaces provided to other companies as part of their lease agreements (Manroland Sheetfed 1st flr Southerton House)
- Pedestrian access to the site is severely constrained
- There will be inevitable overspill of parking from staff/customers using the store and the spaces currently used for existing business staff may be lost

- An increase in traffic going in and out of the business park itself and outside is likely to cause an accident prone area. There are neighbouring schools and the area is also surrounded by an elderly/aged population.
- The estate could not cope with the extra traffic
- C&W is instructed by Royal Mail Group (RMG) to submit a holding objection to the above planning application on the grounds that the proposed development will have a significant adverse impact upon the ability of occupiers to use the Sandham House Boundary Business Court and will create significant highway safety risks by virtue of the layout of the proposed car park and the proposed car parking arrangement is likely to create significant operational and safety issues for RMG and other occupiers of the estate.

Use/Design

- The loss of office space will outweigh any job creation that is likely to result from the new supermarket opening. The current office building blends in well with the area and offers a "clean" and "modern" look. However, changing the structure of the property to include a retail entrance, with large retail glass front, illuminated signs will take away from the Property's current appearance.

Other

- If the shop sells alcohol it will have a negative impact on local safety with increased anti-social behaviour
- The estate has attracted anti-social behaviour before and this will drive it up.
- Businesses currently using the Court will be driven away by the disruption that having a busy Tesco store will. The noise, refuse, compromised security, increased public footfall and the sale of liquor on the site will make the prospect of renting units within the court significantly less attractive, both for newcomers and for existing businesses.
- Other local businesses will not be able to compete with this large-scale supermarket and will eventually run them out of business. As the owner of a local post office myself, I am obligated to dispute this as I will have to take my post office shutdown eventually as well. Not only will this reduce local market competition but will lead to the closing of the many small businesses like small corner shops and nearby Londis.
- The proposed use of part of the property as a retail outlet (in particular one selling alcohol) is inconsistent with the purposes of the business park situated at the Property. The business park is wholly commercial in nature. There is no access to the public and members of the public do not visit inside the business park unless required. Allowing members of the public access to the business park is likely to make the businesses therein more vulnerable to crime and anti-social behaviour. Unauthorised and unnecessary

visits by members of the public to the business park are also likely to impact financially on your existing tenants as they will have to put procedures in place to deal with the consequences.

- No suitable site security for the other estate users is proposed
- The Police has said they have no objections but have not been to the site so their opinion should be given limited weight
- The subsequent amendments to the proposals do not overcome our initial concerns.

Merton Tree Wardens Group

- 5.2 Merton Tree Wardens Group raised concerns at claims that the trees were all Category C. There should be mitigation for the loss of the hedges as they are also important. A more eco-friendly surfacing material than tarmac should be used.

Former Cllr Alderman Munn

- 5.3 Alderman Munn commented that the proposed new function would cause demonstrable harm to the business court and the new neighbours at 96 Church Road. The proximity of those flats to the car park would lead to pollution and noise harmful to those residents. There would be a need for improved security for the rest of the business court.

Metropolitan Police

- 5.4 Metropolitan Police Safer by Design Officer noted that “security and safety should be of paramount importance given the location within a high crime area. Personally I have had no major crime issues with Tesco Express or Sainsbury stores having completed several in Lambeth and Wandsworth. Usually they will put in place security guards for the first 4 months of store opening to combat shoplifting and opportunistic theft at school times but this is subject to local policies.

Whilst I am not familiar with the local crime risk in Merton but I believe it to be considerably lower than Wandsworth and Lambeth. There may be issues with some Traveller activity at times which may well increase local crime rates occasionally and local Safer Neighbourhood Police who have local knowledge on this would be better placed to advise on this specific activity.

Tesco have a comprehensive corporate management and security plan for all their store portfolio and I would ask them to provide you this so that you can evaluate it against the local crime risk.

Deliveries sometimes cause residents’ concerns due to lorry activity and parking on busy roads however this can be sorted with a dedicated area that can be assessed by your transport and highways team.

Cigarette theft has occurred in some supermarket retail units but risk assessments now cater for this so the risk whilst there is low.

There have been some cases of drug dealing in supermarket car parks in London but again this is not common and where it has occurred it has been managed and risk assessed for.

Hours and operation are rarely a problem unless it is a 24 hour store again this will be licensing's area of expertise as they know the local crime / alcohol issues.

I would recommend the following:

- 1) That Tesco provide the council a comprehensive management plan and risk assessment for their store.
- 2) That Tesco have comprehensive CCTV coverage both inside the store and covering their curtilage / car park/ external cash machine (if applicable) etc.
- 3) That staff are trained to deescalate conflict (Covid masks etc).
- 4) You may feel that local policies in consultation with Licensing specialists may put in place restrictions on the sale of alcohol and Knives (such as kitchen knives).

In conclusion there is not enough specific evidence to object to this application as the benefits provided may be more positive to the community however if this does go to committee then the 4 recommendations above may be considered to mitigate any risks that are identified by other consultees”.

Councils Tree Officer

- 5.5 The Council's Arboricultural officer initially shared resident and colleague concerns regarding the loss of the trees and lack of suitable replacements and was involved in discussions with the applicants to improve arboricultural matters at the site. Following the improvements to the layout and the provision of five new trees the officers' concerns were addressed subject to conditions.
- 5.5.1 The officer raised no objections to the latest landscape drawings subject to the imposition of suitable conditions relating to; Tree Protection, Site Supervision, Landscaping and Existing retained trees.

Transport Planning

- 5.6 The proposed rear extension will result in the loss of eight of the existing 15 parking spaces shared between Sandham House and adjacent Southerton House. The seven remaining parking spaces will serve the remaining first floor office at Sandham House and adjacent Southerton House.

The proposal identifies 14 parking spaces to the north of the building, flanking the existing Boundary Business Court access road. These spaces to be for use by the proposed convenience store.

Two of the 14 convenience store parking spaces allocated for disabled users, with two spaces with active electric charging facilities for the use by customers and staff. The proposed car parking satisfies the London plan parking standards.

The proposed development will result in an additional 42 vehicle trips during the AM weekday peak, 35 during the PM weekday peak and 41 during the Saturday peak.

I concur with the applicant's assessment the trips to the convenience store will be derived from people who live close to the site, with a significant proportion linked with a trip made for another purpose (e.g. way home from work).

The proposed development is unlikely to have a significant impact on the adjoining highway network.

Raise no objection subject to:

- Car parking (with electric Charging points) as shown maintained
- Cycle parking (secure & undercover) maintained.

Following the reduction in the car parking to 12 spaces the Transport Planning Officer commented that the reduction in only two spaces was acceptable and the disabled and EV bays would still be provided.

5.7 Mitcham Village Residents' Association

- There are no formal security proposals and the costs should not be passed to other businesses on the site.
- Other businesses are initiating their break clauses and leaving which will reduce employment
- Loss of trees at a time of climate change, they help mitigate the impact on the new flats being built.
- Proposals will have a negative impact on the new occupiers because the sites are so close

Environmental Health

- 5.8 I would raise some concern regarding this development. The new residencies at 96 Church Road would have a façade that fronts the proposed car park of the Tesco and the new dwellings would be subjected to potential noise disturbance from vehicles engines, door slamming and customers particularly in the evening/night. There also seems to be provision of a 24h cash machine.

In addition, during the evenings, the vehicles headlights using the car park could also be distracting to the occupants in the dwellings facing the development.

It is not clear what the boundary treatments between the two sites will consist of.

I consider that the above issues should be addressed within the application.

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

- 1) Due to potential impact on the surrounding locality from the development the noise criteria specified in the 'Auricl Acoustic Consultancy' Plant Noise Assessment Report dated 18 May 2021, Document Reference: R/PNA/1/210518 shall be implemented in full and maintained as a minimum standard. A post completion noise assessment shall be undertaken to demonstrate compliance and submitted to the LPA for approval.
- 2) Any lighting installations should be assessed against the Institute of Lighting Professionals' "Guidance notes for the reduction of obtrusive light", relevant British Standards and codes of practice to prevent any light spillage or glare at residential premises.
- 3) The opening hours of the retail unit shall be limited to 7 am and 11pm.

6. POLICY CONTEXT

- 6.1 Relevant policies in the London Plan 2021 are;
- H2 (Small sites)
 - D1 (London's form, character and capacity for growth)
 - D3 (Optimising site capacity through a design lead approach)
 - D5 (Inclusive design)
 - D11 (Safety & Security)
 - D13 (Agent of Change)
 - D14 (Noise)
 - E 1 (Offices)
 - E9 (Retail, markets and hot food takeaways)
 - G7 (Trees and Woodlands)
 - GG2 (Making the best use of land)
 - GG6 (Increasing efficiency and resilience)
 - SI 2 (Minimising greenhouse gas emissions)
 - SI.3 (Sustainable drainage)
 - T4 (Assessing and mitigating transport impacts)
 - T5 (Cycling)
 - T6.3 (Retail Parking)

- 6.2 NPPF 2021
- 6.3 Merton Local Development Framework Core Strategy (2011)
Relevant policies include:
- CS 11 Infrastructure
 - CS 13 Open space and nature conservation
 - CS 14 Design
 - CS 15 Climate Change
 - CS 17 Waste
 - CS 18 Transport
 - CS 20 Parking servicing and delivery
- 6.4 The relevant policies in the Council's Adopted Sites and Policies Plan 2014 are:
- DM D1 Urban design and the public realm
 - DM D2 Design considerations
 - DM O2 Nature conservation, trees and hedges
 - DM T2 Transport impacts of development
 - DM T3 Car Parking and servicing standards

7. PLANNING CONSIDERATIONS

- 7.1 The principal planning considerations in this case relate to the principle of the retail use, the design and appearance of the extension, neighbour amenity, parking and trees.

7.2 Principle of retail use

- 7.2.1 Amendments to The Town & Country Planning Act Use Class Order 1987 were made in 2020 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into effect on 1st September. The amendments re-classified a number of use classes under Schedule 2, Part A, with the introduction of a new class named 'Commercial, Business and Service' under 'Class E', incorporating previous classes A1, A2, A3, B1(a, b & c), D1 & D2. Offices are now categorised under Class E (g)(i).
- 7.2.2 The former A1 use class for retail use has now been reclassified as 'E(a) Display or retail sale of goods other than hot food'. Therefore, as both the existing office use and the proposed retail use are now both within the same use class (E) there is no requirement for planning permission for the change of use.
- 7.2.3 It must be noted that the principle of the change of use from office to retail has already been clarified/established under Lawful Development Certificate LBM Ref 21/P0162 - lawful development certificate issued in respect of the proposed re-classification from class B1 to class E. The change of use of the building from office to retail is already permitted and

is therefore not a material planning consideration for members of the planning committee to consider. Consequently, the principle of a retail use is acceptable and the application must be determined on the basis of the acceptability of the extension works, albeit that the extension is required to facilitate the Tesco Express use, and other physical changes to the site and the impact of those and not the retail use.

7.3 The impact of the design and appearance on the street scene

7.3.1 London Plan 2021 policy D3, Core Strategy policy CS14 and SPP DM D2 require developments to relate positively and appropriately to the siting, scale, proportions and massing of surrounding buildings and existing street patterns and which would enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

7.3.2 The site has an industrial character from both the office blocks and the more functional looking industrial units to the east of the site. The proposed extension would be single storey and set in from the side of the building such that it would not be visible from the street. The extension would be finished in brickwork to match existing, masonry construction with grey metal cladding dressed over parapet. The extension would have an associated enclosed service yard with hit and miss metal fencing enclosing it. That style of fencing enclosure reflects the existing site boundary fencing.

7.3.3 The proposed works are considered to be in keeping with the commercial nature of the industrial estate within which the site is located and are of a scale and design commensurate with the building and its proposed use. The proposal is therefore considered to respect the original building, surrounding area and is therefore considered to be acceptable.

7.4 The impact on neighbour amenity

7.4.1 SPP policy DM D2 and London Plan policy D3 require that proposals do not have a negative impact on neighbour amenity from loss of light, privacy, visual intrusion or increased disturbance and that people feel comfortable with their surroundings.

7.4.2 The proposals have generated objections on the grounds of amenity for future occupiers of the new flats on the basis of noise, anti-social behaviour and visual disturbance from the activity of the retail use and the proximity of the car parking area.

96 Church Road (previous Fosters' Auto Centre site)

7.4.3 The approved drawings show that the adjoining development of flats was designed to utilise as much of the site as possible and consequently the

flats closest to this application site were built within half a metre of the site boundary. All the ground floor habitable rooms in the closest flat would have primary windows directly overlooking the site. The flats at first and second floor levels would have the secondary windows in one of the bedrooms and in the combined lounge/kitchen/dining room facing the site whilst on the third floor the amenity terraces would face the site.

7.4.4 It would appear that that development was designed to utilise the existing boundary with the application site with some landscaping/planting. To mitigate the impact on the ground floor flats, the applicants have proposed a 1.5m high double slatted fence and 1.2m high planting along the boundary adjoining these neighbours. Additionally the associated advertising (subject of planning application ref 21/P2570) has been amended to reduce the illumination and visual intrusion it could cause. It is considered that these elements would assist in reducing the visual impact of car noise and headlights and it should be noted that the applicants could erect a 2m high solid boundary fence along the boundary without the need for planning permission.

7.4.5 With the upper level flats the windows are secondary to the main front and rear facing windows and consequently whilst there would be a level of overlooking this would be mitigated by the fact that they would be secondary to the main windows.

Boundary Business Court

7.4.6 The other business units within the estate are non-residential uses, therefore they do not have the same level of weight given to amenity value as that attached to residential uses which are protected by planning policy. Whilst there would be some additional noise and activity created by the proposal, given the commercial nature of the estate, location of the site on the periphery of the estate, the modest scale of the proposal and the nature of the retail activity, there would be no undue loss of amenity.

Noise

7.4.7 The commercial retail use of the site has the potential to generate noise disturbance from two main sources, the three condenser units and a refrigeration unit that are proposed within the proposed ground floor plant area at the north-eastern corner of the site and the general noise of customers, staff, car and delivery movements.

7.4.8 In relation to the plant noise, the application was accompanied by a Plant Noise Assessment Report which assessed the potential impact of the plant on the closest residential occupiers which would be those in the flats to the north at 96 Church Road. The report found that total predicted noise levels associated with the proposed plant do not exceed the proposed noise limits.

7.4.9 The Council's Environmental Health team were satisfied with the findings of the report and have recommended a condition that the noise criteria shown in that assessment shall be implemented in full and maintained as a minimum standard whilst a post completion noise assessment shall be undertaken to demonstrate compliance and submitted to the LPA for approval.

7.4.10 Noise generated by general activity is more difficult to quantify but the Environmental Health Officer has recommended opening hours of 7am to 11pm to limit impact on neighbouring amenity. This can be controlled via planning condition.

Conclusion

7.4.11 In view of the factors above and subject to the imposition of suitable conditions, the proposals are not considered to be materially harmful to the amenity of neighbouring such as to warrant a refusal of planning permission and the proposals are consequently recommended for approval.

7.5 Parking, servicing deliveries and access.

7.5.1 Core Strategy Policy CS 20 is concerned with issues surrounding pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.5.1 The proposals generated objections on the grounds of a harmful impact on parking and traffic movements. The new car park for the store would be creating 12 new customer parking bays, reduced from an initial figure of 14 in order to retain more trees. The new extension would see a reduction in overall estate parking by 8 bays although these were bays allocated to the previous ground floor use.

Car Parking

7.5.2 The application was submitted with a car parking assessment which has been considered by the Council's Transport Officer. Car parking is currently privately managed with a set number of bays allocated to companies on the site as part of their lease agreements. None of the bays are currently allocated to the ground floor of Sandham House as Tesco will be taking this space and they will have their own car park which is to be built as per the application plans. In terms of the first floor at Sandham House the Estate management company have enough spaces to the side of unit 5 and unit 1 to offer to a new tenant wishing to take the first floor space.

7.5.3 The tenant of Southerton House will lose 2 spaces where the new extension will be built but the Estate management company have the ability in the lease to move those spaces, i.e. they only have a right to

use a set number of spaces and they will simply be allocated spaces opposite which are currently not in use or allocated to any other tenants on the estate.

- 7.5.4 The applicant has confirmed that the other bays to be removed as part of the proposed extension were allocated to the previous ground floor use. Therefore, there would be no loss of parking for the other units on the estate and therefore no material changes to parking allocation on the estate. The Councils Transport Planner has raised no objection to the proposal subject to conditions.
- 7.5.5 Staff parking would be discouraged and be subject of an internal company travel plan. Staff on site would be responsible for the management of this private car park. This management system would be reviewed six months after the opening of the new store and thereafter as necessary if it is apparent that the car park management system is not meeting its objective. As a commercial enterprise it would be to the applicants' benefit that parking was efficiently and effectively managed in order not to discourage customers in cars.
- 7.5.6 Objectors stated the proposals would lead to overflow parking elsewhere on the estate however the only access to the store and the car park would be through the northern site access which will be shut off from the rest of the estate by gates along the eastern site boundary.

Servicing

- 7.5.7 Access to the premises for servicing of the retail use, with deliveries and refuse collections etc, would be through the associated entrance from Church Road with a hashed area for the delivery vehicle set aside to the rear of the building and extension.

Cycle Parking

- 7.5.8 Core Strategy policy CS18 Active Transport and London Plan policy T5 Cycling encourage the provision of adequate amounts of secure sheltered cycle storage facilities. The proposals include space for secure cycle storage in the front of the building, 18 covered spaces in total and it is recommended that details of this proposed store be secured by condition.

Pedestrian Access

- 7.5.9 SPP policy DM D2 requires that developments provide safe and secure access. Given that currently there is virtually no footpath to the south of the site the proposal has been amended to include the provision of a new footpath to the south of the site which whilst not the standard 2m width would be sufficiently wide to allow a buggy to pass along to both the proposal site as well as the flats to the north. The proposed highway works are therefore seen as a benefit to the proposal as well as a wider

public benefit by providing enhanced pedestrian environments to the application site and beyond. The highway improvements can be secured via a S106 agreement. Details relating to whether the footpath is adopted by the Council will be agreed as part of the S106 process (discussion between the applicant and Councils Highway Section). In addition, the S106 agreement will ensure that the applicant is responsible for the costs of the works.

Members Comments

7.5.10 Members had raised a number of points of concern in relation to parking and road safety which have been put to the applicant and their comments sought;

7.5.11 Members queried;

1. A proper safety study for the provision of much wider/safer access and indeed provision of pavements to access the site.
2. Study of safety given that the store will be positioned opposite a very busy junction with Phipps Bridge Road where buses turn.
3. The inclusion of provision of safe crossing to the site, traffic lights or zebra crossing. The estates opposite have many children and mums with buggies, their safety is paramount given the proximity of two primary schools.

The applicants commented ;

In terms of items 1-3, it's important to stress that the applicant has already committed to providing substantial improvements to the footpath to the south of the site, which will provide good quality access for mums with buggies, children and vulnerable people. 100m to the south of the footpath improvements is an existing pedestrian crossing. Moreover, there are two further crossing points, one which is adjacent to Sandham House and the other which is 50m to the north of the site. It's also worth noting that Church Road is restricted to 20 mph. On the basis of the proposed enhancements together with the existing network around the site, it is considered the pedestrian environment is sufficiently safe.

In addition, the planning application was accompanied by a Transport Statement which covered pedestrian access / infrastructure which has been reviewed by the highway authority who considered the arrangement provides a suitable level of safety. That being said, and as a compromise, the applicant / Tesco would be willing to undertake an independent Road Safety Audit for the proposed footway improvements, which could be secured by way of a planning condition.

- 7.5.11 Members questioned the possibility of Preventative measures for "fly parking of cars" in front of the proposed store e.g. zigzag lines in tandem with a zebra crossing.

The applicants commented;

In terms of measures to stop vehicles parking on Church Road, this already has double yellow lines which, I suspect, would be a sufficient enough deterrent in itself. If further evidence is required of how this can be effectively managed, we could look into incorporating measures into a management plan.

- 7.5.12 Members asked about Cameras to catch poor parking practices.

The applicant responded;

'There will be comprehensive CCTV coverage of Tesco's dedicated car park but not on Church Road. As confirmed above, we consider the double-yellow lines would act as a deterrent for customers parking on the street'.

It should be noted that Tesco would not be legally permitted to enforce poor parking practices outside of the confines of their site but CCTV may have a deterrent value.

- 7.5.13 In relation to a question about Fast charge EV points the applicant has noted that the proposal comprises 2 EV charging points and the applicant/Tesco is happy for these to be 'fast charge' EV points.

7.6 **Trees**

- 7.6.1 London Plan policy G7, Core Strategy policy CS 13 and Sites and Policies Plan policy DM O2 all seek to protect against the loss of trees. Initially the application included a 14 space car park which necessitated the loss of 7 trees. Officers shared objector concerns regarding impact on trees which, although located within an industrial estate, included attractive specimens that improved the visual amenity of the wider area.

- 7.6.2 It should be noted that none of the trees on the site are protected, however the applicant has agreed to retain some trees and provide new planting following discussions with officers which is welcomed. Unfortunately two trees were damaged in the storms earlier this year and were consequently removed (noted permission would not have been required for removal in any event).

- 7.6.3 Along the northern boundary with the new flats there are currently four trees, T1 to T4. It would not be possible to retain all four trees and provide the parking bays. Following further discussions, the proposal would now move the parking bays to the west allowing for T1 & T4 to be retained. Of the four trees T4, a mature Rowan, is the best of the trees with the

other three being of low amenity view. To mitigate the loss of the two trees it is proposed to provide two new semi mature trees between the road and the parking bays.

7.6.4 T11 and T12 are attractive Silver Birch trees on the opposite side of the car park. The changes to the road surfaces have meant that the layout has required changes to facilitate the refuse store and provide suitable and sufficient space for the trees to thrive. In order not to reduce water access it is proposed that the refuse store be based on a grasscrete system that will allow for water to drain down whilst still being fit for purpose and the store would be enclosed within a lightweight fence arrangement supported on four wooden posts so as to minimise the impact on the roots. Further drawings have been supplied to demonstrate that the refuse store can fit within/under the canopy area without harming the trees. Further drainable space would be provided by reducing the amount of hardstanding in the office entrance area and providing a wider strip of greenery next to a reduced width footpath to the offices.

7.6.5 A further two new trees would be provided on the Church Road elevation and the advertising totem repositioned so as not to conflict with the closest retained tree with an additional new tree being added next to it. A total of five new trees are proposed.

7.6.6 Consequently, subject to the imposition of suitable conditions, the proposals will retain a number of attractive trees on site and provide four new specimens and are therefore considered to comply with relevant policies in this regard.

7.7 **Anti-social behaviour**

7.7.1 The application generated a number of objections suggesting that the proposals would lead to significant increases in anti-social behaviour particularly in relation to late night drinking. There is no evidence to suggest that this would be any more of an issue at these premises than it would at any other off licence or convenience store in Mitcham that had an off sales licence.

7.7.2 With regards to managing nuisance within the site, Tesco has run this store through their risk matrix and the store would get a minimum of 80 hours of guarding based on its risk positioning, meaning the store would have a security officer every night as a bare minimum. The MET police has also not raised any objection to the proposed development subject to conditions.

7.8 **Impact on the operation of the industrial estate**

7.8.1 There have been objections that the proposals would have a negative impact on the operation of the industrial estate for other businesses.

7.8.2 Royal Mail submitted an objection that the proposals would negatively impact their operations and the movement of their larger vehicles. As their premises are at the far end of the estate a site visit was conducted with a manager who confirmed that their vehicles used the southern estate access and not the northern one which is normally kept locked and consequently he could see no conflict between their use of the site and that of the proposed retail use.

7.8.3 Objectors have stated that companies were leaving the estate because of the proposals. The applicants have confirmed that only one tenant has exercised their lease break clause, but this was due to them needing to downsize.

7.9 Refuse

7.9.1 Core Strategy policy CS 17 relates to waste management. The applicant has indicated the provision of a refuse store within a dedicated enclosure near the store and away from residential properties which given the nature of the operation would be emptied/serviced on a more regular basis than would be the current situation.

7.9.2 The refuse store design has been amended to be a lighter structure to minimise impact on trees.

8. Sustainable design and construction.

8.1 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage.

8.2 As a minor non-residential development of less than 500sqm of Gross Internal Floorspace there are no specific targets beyond current Building Regulations compliance.

9. Other matters

9.1 Objection letters refer to the proposals as a 'large scale' supermarket. The extension would facilitate a Tesco Express retail premises which with a trading area of less than 240sqm is small enough that it is not constrained by the same operating hours as a larger supermarket operation. This is explained within the applicants planning statement which states that a Tesco Express is designed as a 'top-up' facility to meet community retail needs. It has been proposed to predominantly serve an identified primary retail catchment of 500m from the site who will generally walk to the premises. The applicant states that there is limited convenience retail provision within the site's 500m walking catchment and it is for this reason that Tesco considers the Site to be suitable for an Express format store.

10. CONCLUSION

- 10.1 As a result of changes to the Use Classes Order the use of the existing building for retail purposes do not require planning permission and therefore the principle is considered acceptable. The proposed extension and its associated works along with the creation of the new car park require planning permission and are required to facilitate the use of the site as a Tesco Express store.
- 10.2 The extensions works are proposed to be single storey and situated to the rear of the building and are considered to be of an appropriate size and scale.
- 10.3 The car parking for customers has been amended and reduced to allow for the retention of more trees on site and is considered acceptable and with new security gates would not allow customer access to the rest of the estate.
- 10.4 The site would be operated with Tesco's security methodology and include appropriate CCTV provision along with on site security guarding measures in the evenings.
- 10.5 Through the use of appropriate boundary treatments and conditions relating to hours of operation and noise emissions from plant it is considered that the impact on neighbour amenity can be suitably mitigated.
- 10.6 The proposed provision of a new access footpath to the south of the site will improve accessibility and safety for persons walking on this side of Church Road, assisting access to this proposal as well as the flats at 96 Church Road.
- 10.7 In view of these considerations the proposals are considered to provide additional facilities for nearby residents, the extension/alterations are considered to be in keeping with the existing building and surrounding area with no undue impact on highway, trees or neighbour amenity to warrant refusal of planning permission. The development is therefore recommended for approval subject to conditions and a legal agreement for the new access path.

RECOMMENDATION

GRANT Planning Permission subject to:

The completion of a Legal Agreement covering the following heads of terms:-

1. Highway improvements (new pedestrian footpath) with associated costs.

2. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And Conditions

1. A1 Commencement of Development
2. A7 Approved Plans; Site location plan and drawings PL006-REV17, PL007-REV16, PL008-REV06, PL010-REV09, PL011-REV08, PL012-REV03 & PL016-REV02.
3. B1 External Materials to be Approved
4. C07 Refuse & Recycling – The retail use shall not commence until the refuse facilities shown on the approved plans are available and operational.
5. D10 External Lighting – Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
6. D11 Construction Times – No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
7. F1 No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority.
8. B5 No development shall take place until details of all boundary walls, fences and gates are submitted in writing for approval to the Local Planning Authority.
9. B4 No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the Local Planning Authority.
10. Cycle Parking – The use of the development hereby approved shall not commence until the secure cycle parking facilities for visitors to the development shown on the approved drawings have been fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
11. Car Parking - The use of the development hereby approved shall not commence until the car parking facilities, including disabled

and active vehicle charging bays, for the visitors to the development shown on the approved drawings have been fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times

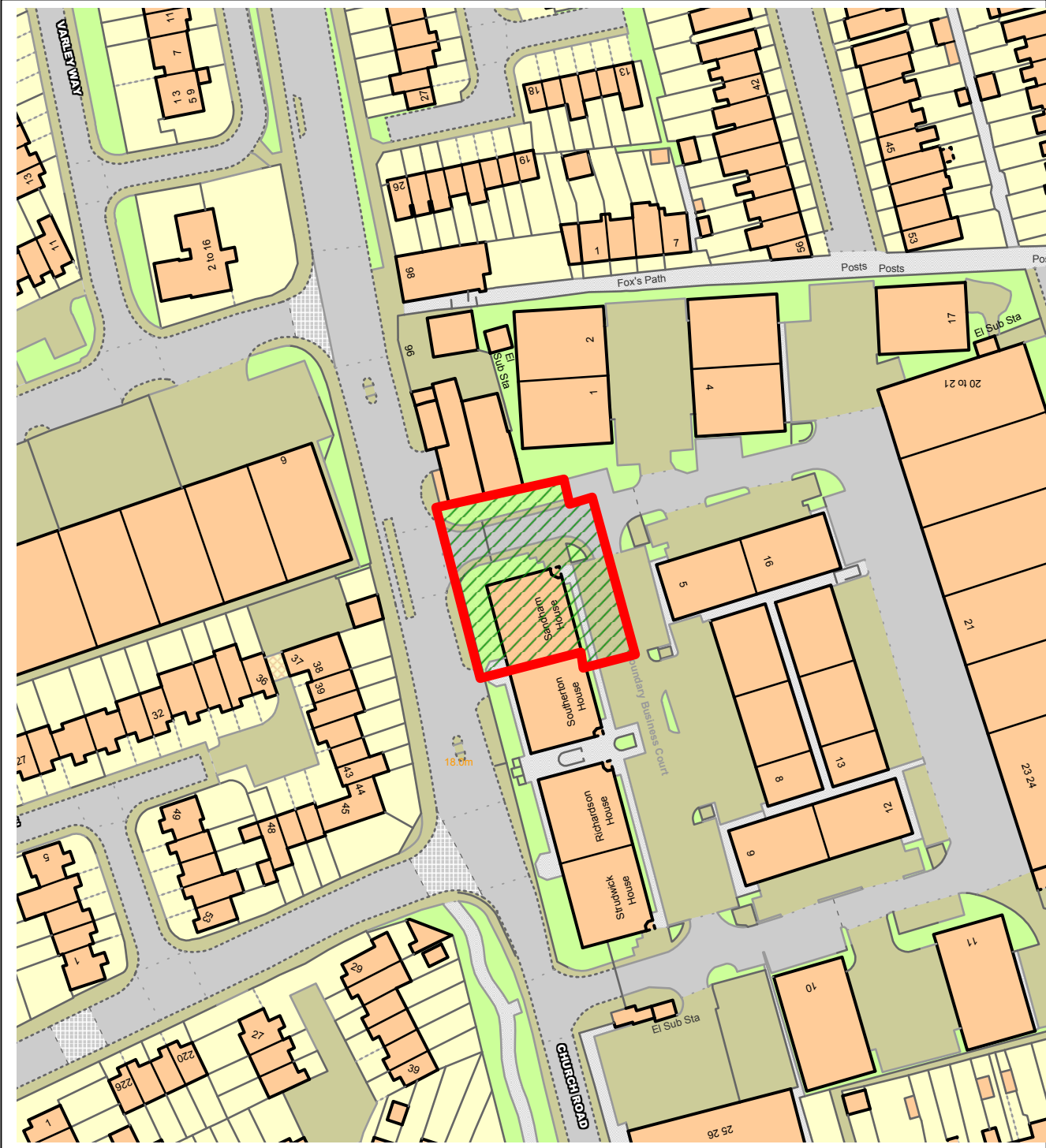
12. Due to potential impact on the surrounding locality from the development the noise criteria specified in the 'Auricl Acoustic Consultancy' Plant Noise Assessment Report dated 18 May 2021, Document Reference: R/PNA/1/210518 shall be implemented in full and maintained as a minimum standard. A post completion noise assessment shall be undertaken to demonstrate compliance and submitted to the LPA for approval.
13. The opening hours of the retail unit shall be limited to 7 am and 11pm.
14. F5 - Tree Protection
15. F8 - Site Supervision
16. Non Standard; Existing retained trees - The existing trees shown for retention on the approved plan drawing no. 'PL007 Rev.16' shall be retained and any trees that become seriously damaged, diseased, dying or dead, or removed within a period of 10 years from the completion of the development shall be replaced in the next planting season with another tree of the same/similar species and be a minimum 14 - 16cms girth at the time of planting.

Reason To protect and enhance biodiversity and arboricultural amenity.
17. Prior to the commencement of the retail use a comprehensive management plan and risk assessment including details of CCTV, security and crime prevention methodology and relevant staff training shall be submitted to and approved in writing by the Local Planning Authority.

Reason; To promote a safe and secure environment for staff and visitors in accordance with policy DM D2 of the Merton Sites and Policies Plan 2014.
18. Any lighting installations should be assessed against the Institute of Lighting Professionals' "Guidance notes for the reduction of obtrusive light", relevant British Standards and codes of practice to prevent any light spillage or glare at residential premises.

19. Travel Plan
20. Road Safety Audit

NORTHGATE SE GIS Print Template



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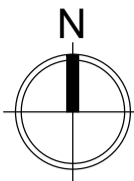


Site Location Plan
1:1250


Disclaimer:
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Survey information taken from
Greenhatch Topographical/Measured Survey
dated 10/02/2021 ref. 38114

Notes:



Site Area

Ownership Site Area 
 Approx. 24,165 sq m
 Approx. 260,112 sq ft
 Approx. 5.971 acres

Proposed Works Site Area 
 Approx. 1,122 sq m
 Approx. 12,087 sq ft
 Approx. 0.277 acres

06	Planning Issue	23.06.2021	ZG	HA
05	Draft Planning Issue	15.06.2021	JW	HA
04	Draft Planning Issue	01.06.2021	JW	HA
03	Scale bar added.	01.06.2021	JW	HA
02	Planning Issue	19.05.2021	JW	HA
01	Draft Planning Issue	18.02.2021	JW	HA
-	First Issue	15.02.2021	ZG	HA
Rev:	Notes:	Date:	Dwn:	Iss:
Suitability Code:				



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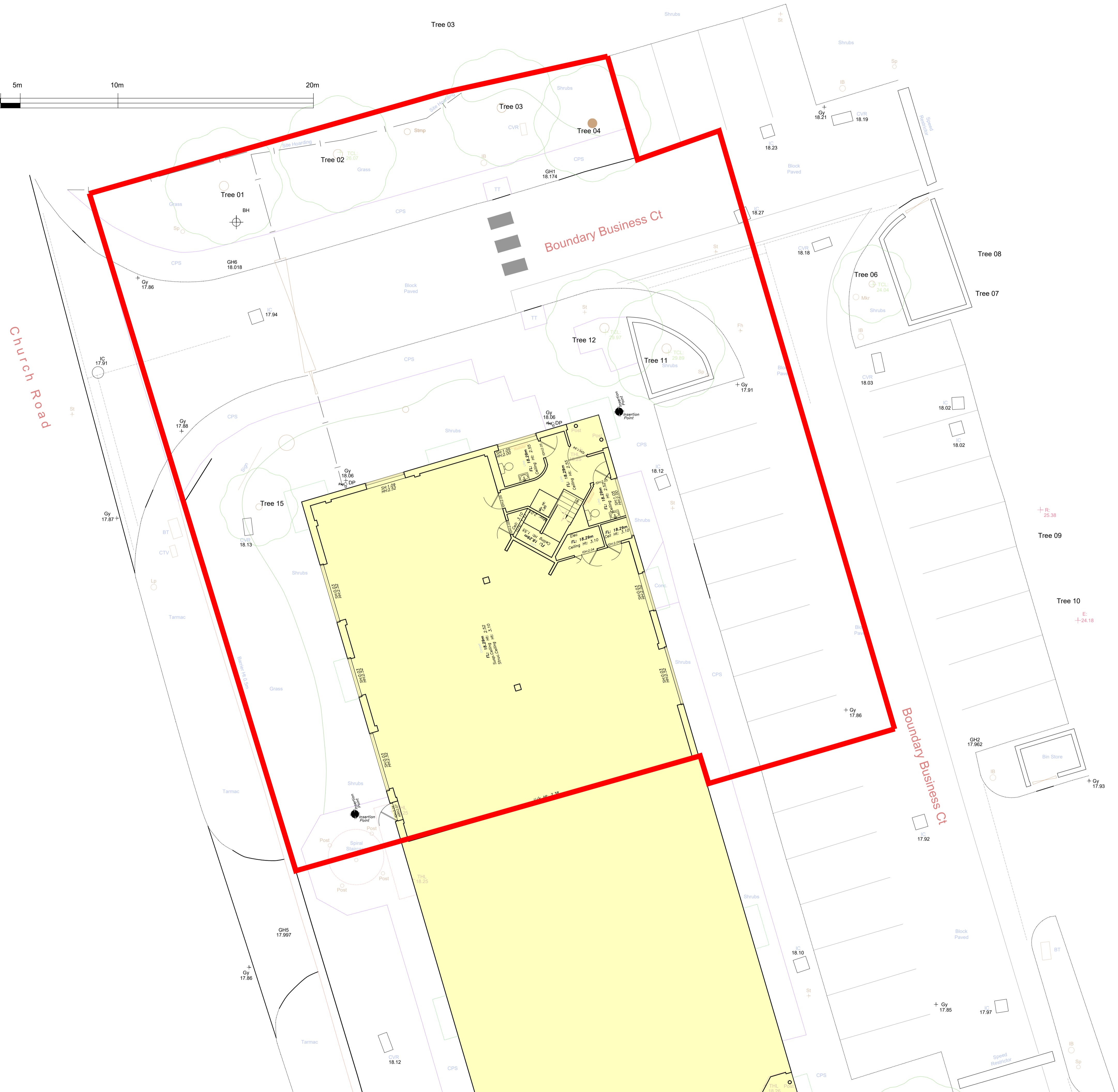
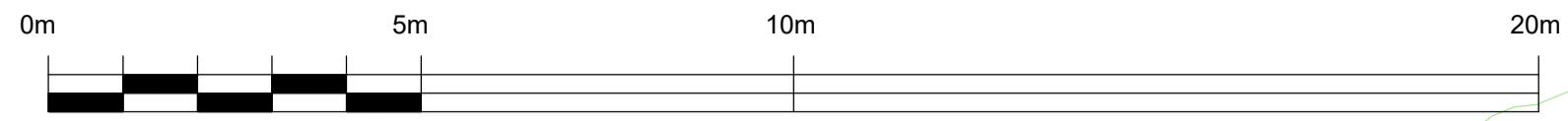
22c Leathermarket Street, London, SE1 3HP

Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD

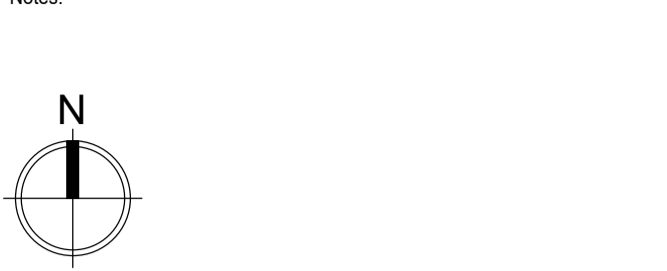
Drawing Title:
Site Location Plan

Project No: 00000	Scale @ A1 1: 1250 / 200	Revision: 06
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Drawing No:
PL001



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Notes:

08	Trees Ammended	29.07.2022	JR	HA
07	Planning Issue - Exltg trees updated.	23.02.2022	jw	HA
06	Planning Issue - Exltg trees updated.	12.10.2021	jw	HA
05	Planning Issue	15.06.2021	jw	HA
04	Draft Planning Issue	02.06.2021	jw	HA
03	Scale bar added.	01.06.2021	jw	HA
02	Draft Planning Issue	19.05.2021	jw	HA
01	Draft Planning Issue	18.02.2021	jw	HA
-	First Issue	17.02.2021	ZG	HA

Rev: Notes: Date: Dwn: Iss:

Suitability Code:



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ARCHITECTURE
22c Leathermarket Street, London, SE1 3HP

Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD

Drawing Title:
Existing Site Plan
Existing Topo / Utilities Survey

Project No: P0035 / 21088	Scale @ A1/A3: 1: 100 / 1:200	Revision: 08
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Drawing No:
PL002

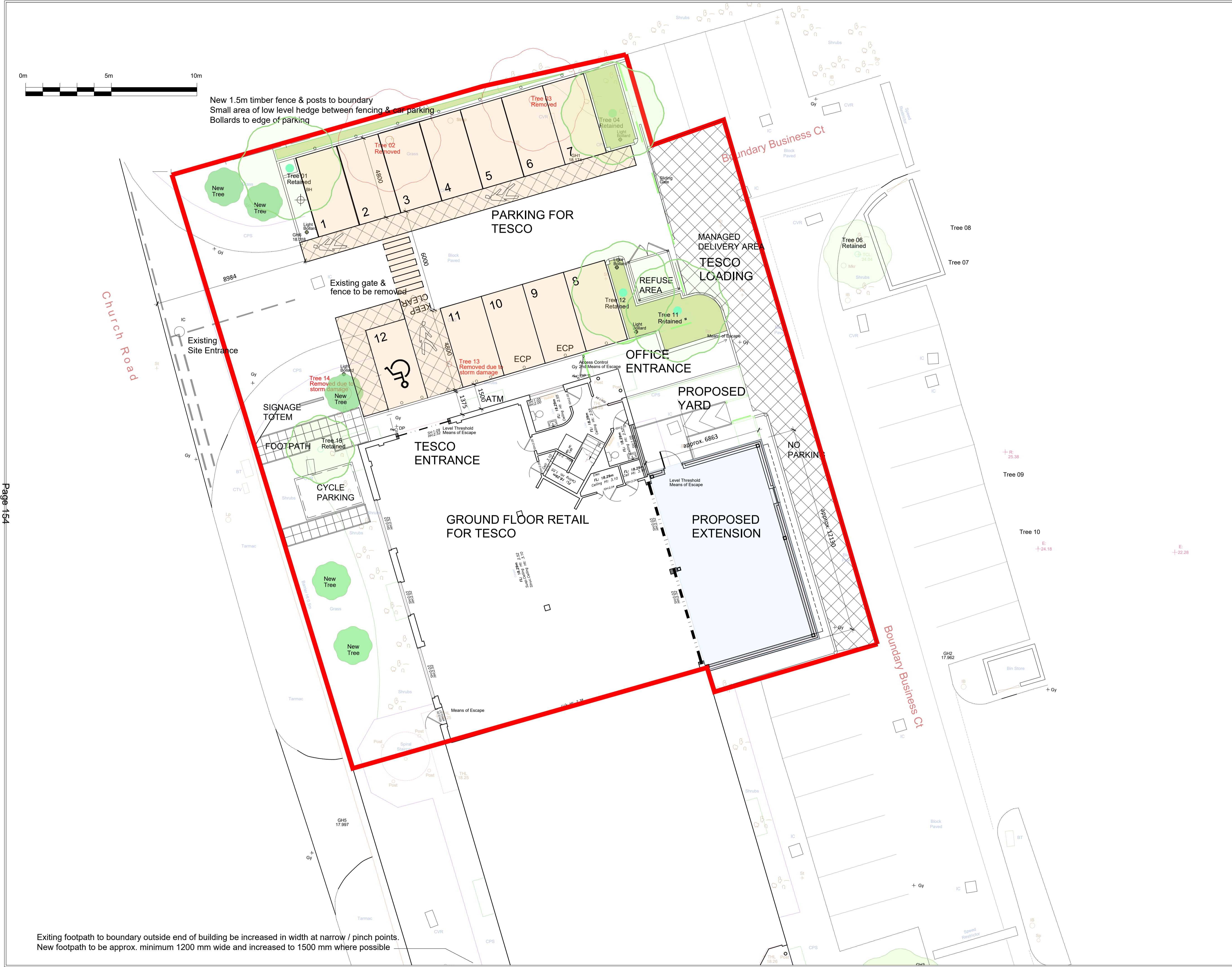


New 1.5m timber fence & posts to boundary
 Small area of low level hedge between fencing & car parking
 Bollards to edge of parking

Church Road

Boundary Business Ct

Boundary Business Ct



Exiting footpath to boundary outside end of building be increased in width at narrow / pinch points.
 New footpath to be approx. minimum 1200 mm wide and increased to 1500 mm where possible

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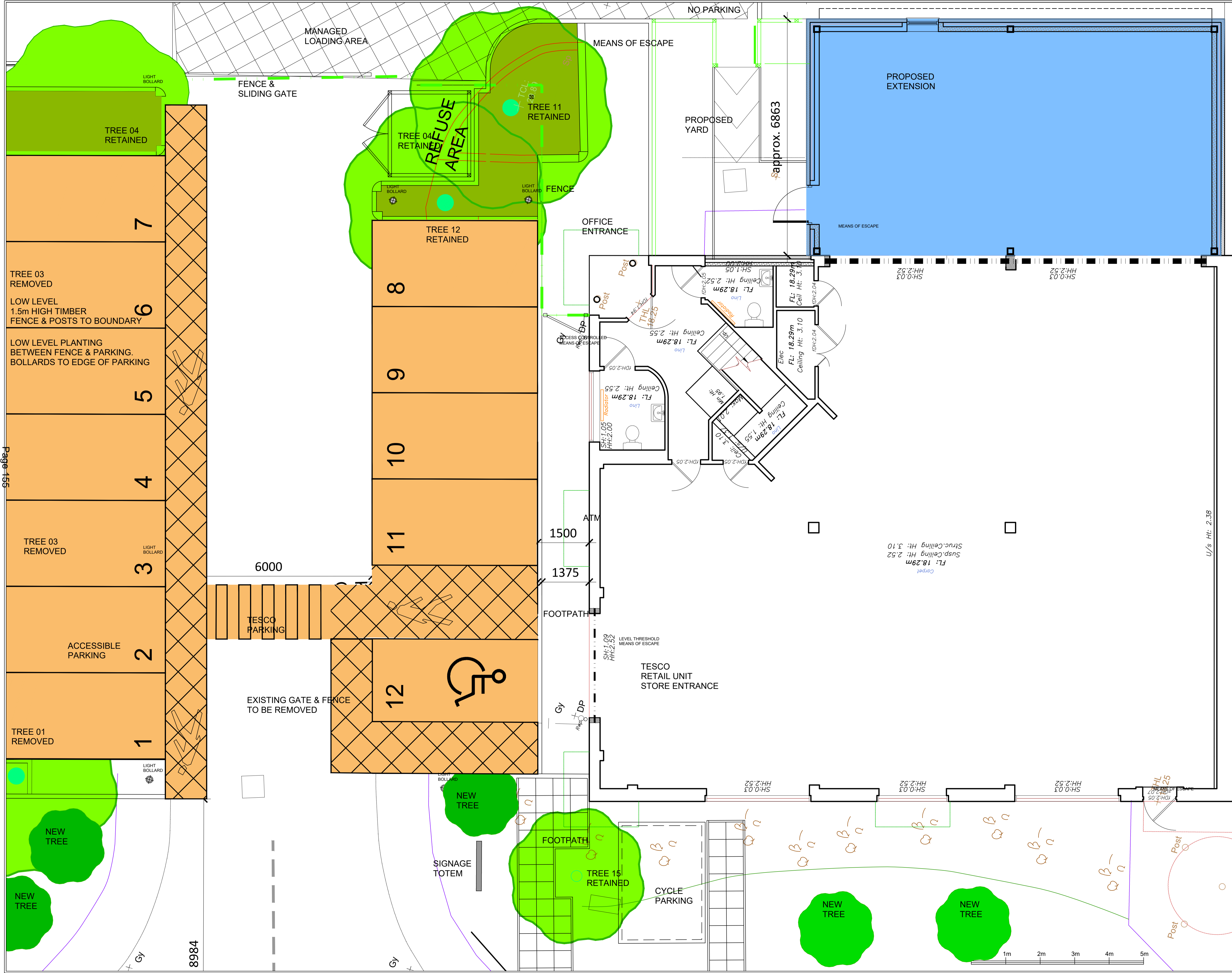


Rev	Notes	Date	Dwn	Iss
17	Planning Issue. Trees updated. Omit Tree 03 / Retain Tree 04 / Add new tree to entrance. Landscaping updated to suit Planning requirements.	26.07.22	jw	HA
16	Planning Issue. Storm damaged trees updated. Light bollards added to suit Planning requirements.	10.03.22	jw	HA
15	Planning Issue. Alternative parking layout to suit Planning requirements.	03.02.22	jw	HA
14	Planning Issue. Tree 014 retained to suit Planning requirements. 2 no. trees added to frontage.	03.02.22	jw	HA
13	Planning Issue. Tree 014 omitted to suit Planning requirements.	27.01.22	jw	HA
12	Planning Issue. Parking updated to suit 18.11.2021 Tesco requirements.		jw	HA
11	Planning Issue. Exlg. trees updated.	12.10.2021	jw	HA
10	Planning Issue. Parking amended.	07.09.2021	jw	HA
09	Planning Issue. Parking layout & trees amended.	06.09.2021	jw	HA
08	Planning Issue.	24.06.2021	jw	HA
07	Planning Issue.	15.06.2021	jw	HA
06	Draft Planning Issue.	02.06.2021	jw	HA
05	Site boundary amended.	02.06.2021	jw	HA
04	Scale bar added.	01.06.2021	jw	HA
03	Planning Issue. Site layout updated	27.05.2021	jw	HA
02	Parking layout updated	19.05.2021	jw	HA
01	Planning Issue	18.02.2021	jw	HA
-	First Issue	18.02.2021	ZG	HA



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 Project:
 Sandham House
 Boundary Business Court,
 92-94 Church Road, Mitcham, CR4 3TD
 Drawing Title:
 Proposed Site Plan

Project No: P0035 / 21088	Scale @ A1/A3: 1: 100 / 1:200	Revision: 17
Drawing No: PL006		



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Notes:

16	Planning Issue. Trees updated. Omit Tree 03 / Retain Tree 04 / Add new tree to entrance. Landscaping amended to suit Planning requirements.	26.07.2022	jw	HA
15	Planning Issue. Storm damaged trees updated. Light bollards added to suit Planning requirements.	10.03.2022	jw	HA
14	Planning Issue. Alternative parking layout to suit Planning requirements.	03.02.2022	jw	HA
13	Planning Issue. Tree 014 retained to suit Planning requirements. 2 no. trees added to frontage	03.02.22	jw	HA
12	Planning Issue. Tree 014 omitted to suit Planning requirements.	27.01.2022	jw	HA
11	Planning Issue. Parking updated to suit Tesco requirements.	18.11.2021	jw	HA
10	Planning Issue. Extg trees updated.	12.10.2021	jw	HA
09	Planning Issue. Parking amended.	07.09.2021	jw	HA
08	Planning Issue. Car Parking & trees amended	06.09.2021	jw	HA
07	Planning Issue. Hatching Amended	25.06.2021	ZG	HA
06	Planning Issue.	02.06.2021	jw	HA
05	Site boundary amended.	02.06.2021	jw	HA
04	Scale bar added.	01.06.2021	jw	HA
03	Planning Issue. Refuse area updated	27.05.2021	jw	HA
02	Layout updated	19.05.2021	jw	HA
01	Draft Planning Issue	18.02.2021	jw	HA
-	First Issue	18.02.2021	ZG	HA
Rev:	Notes:	Date:	Dwn:	Iss:
Suitability Code:				

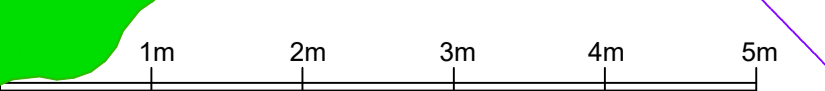
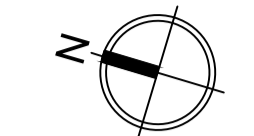
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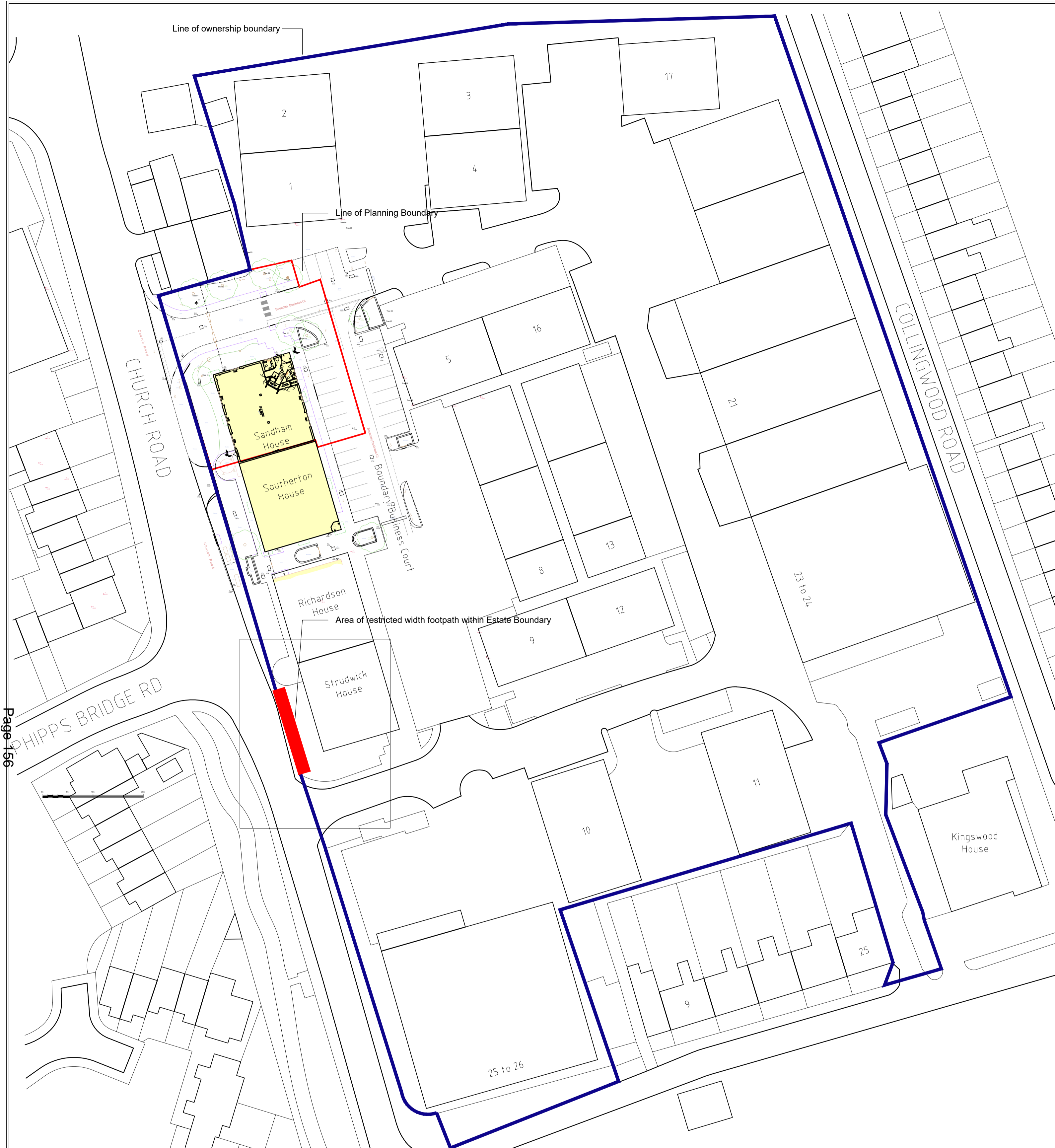
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22c Leathermarket Street, London, SE1 3HP

Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD

Drawing Title:
Proposed Ground Floor Plan
Proposed Single Storey Extension

Project No: P0035 / 21088	Scale @ A1/A3: 1: 50 / 1:100	Revision: 16
Drawing No: PL007		

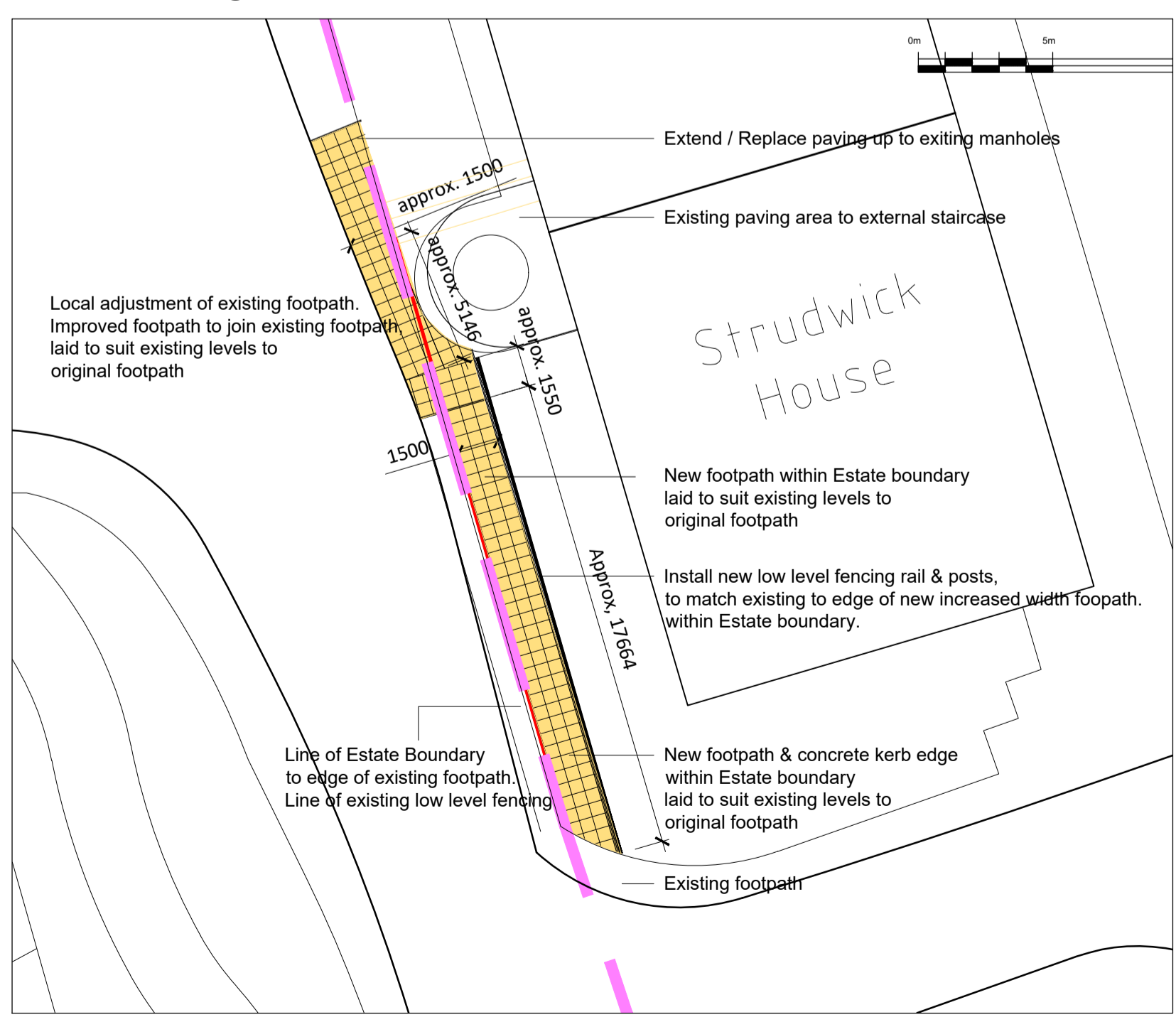




01 Existing Estate Site Plan
1:500 @ A1



02 Proposed Estate Site Plan (Part)
1:500 @ A1



03 Proposed Footpath Improvements
1:200 @ A1

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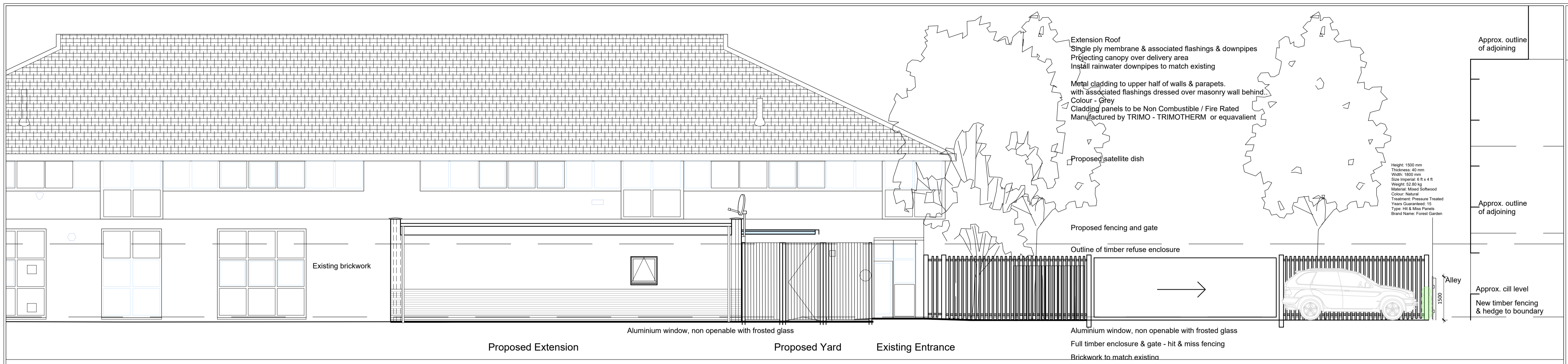
Rev:	Notes:	Date:	Dwn:	Iss:
06	Trees amended	29.07.2022	JR	HA
05	Planning Issue Trees & car parking & external works updated to suit Planning requirements.	26.07.2022	jw	HA
04	Planning Issue Trees & car parking & external works updated.	10.03.2022	jw	HA
03	Planning Issue Car parking layout & external works	03.03.2022	jw	HA
02	Planning Issue Footpath works updated	03.03.2022	jw	HA
01	Planning Issue	27.01.2022	jw	HA

Rev: Notes: Date: Dwn: Iss:
Suitability Code:



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22c Leathermarket Street, London, SE1 3HP
Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD
Drawing Title:
Existing Estate Site Plan
Proposed Estate External Works

Project No: P0035 / 21088	Scale @ A1/A3: 1: 500 / 1:200	Revision: 06
Drawing No: PL008		



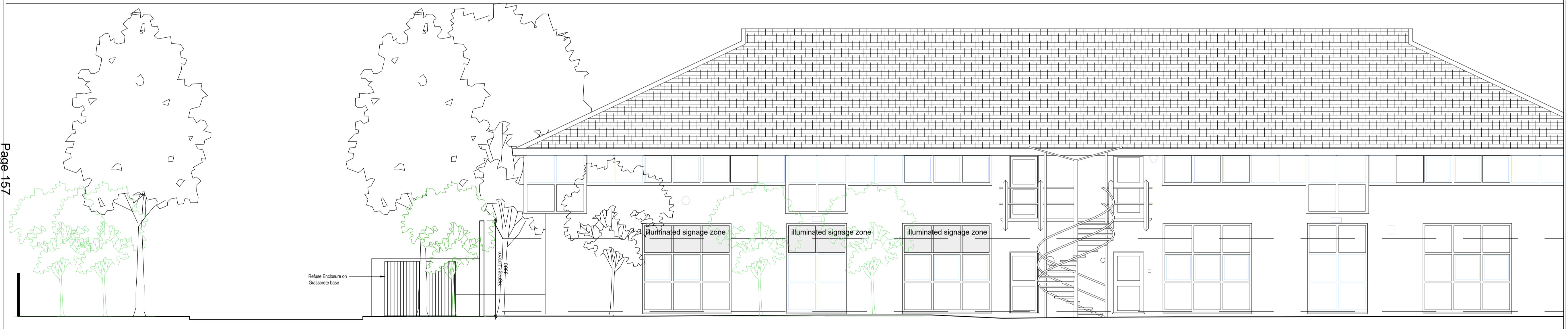
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Notes:

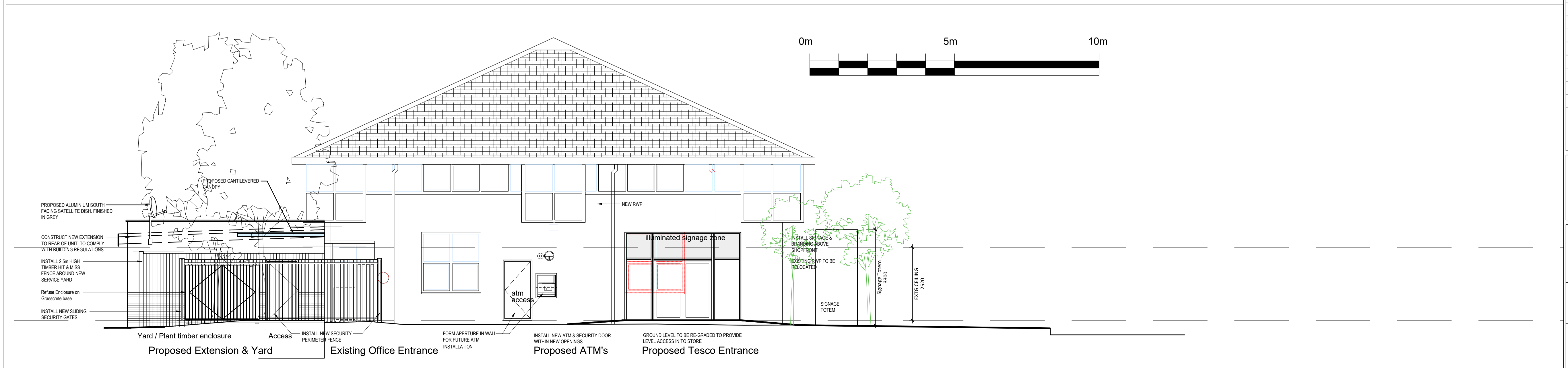
01 Proposed Elevation

1:150 @ A3



02 Proposed Elevation

1:150 @ A3



03 Proposed Elevation

1:150 @ A3

09	Refuse enclosure added	28.07.2022	JR	HA
08	Planning Issue. Trees updated.	26.07.2022	JW	HA
07	Planning Issue. Totem Sign added	18.11.2021	JW	HA
06	Planning Issue. Elevation Amended	25.06.2021	ZG	HA
05	Planning Issue. Scale bar added.	01.06.2021	jw	HA
04	Planning Issue	19.05.2021	jw	HA
03	Labels Amended	24.02.2021	ZG	HA
02	Planning Issue	22.02.2021	jw	HA
01	Draft Planning Issue	18.02.2021	jw	HA
-	First Issue	17.02.2021	ZG	HA
Rev:	Notes:	Date:	Dwn:	Iss:
Suitability Code:				



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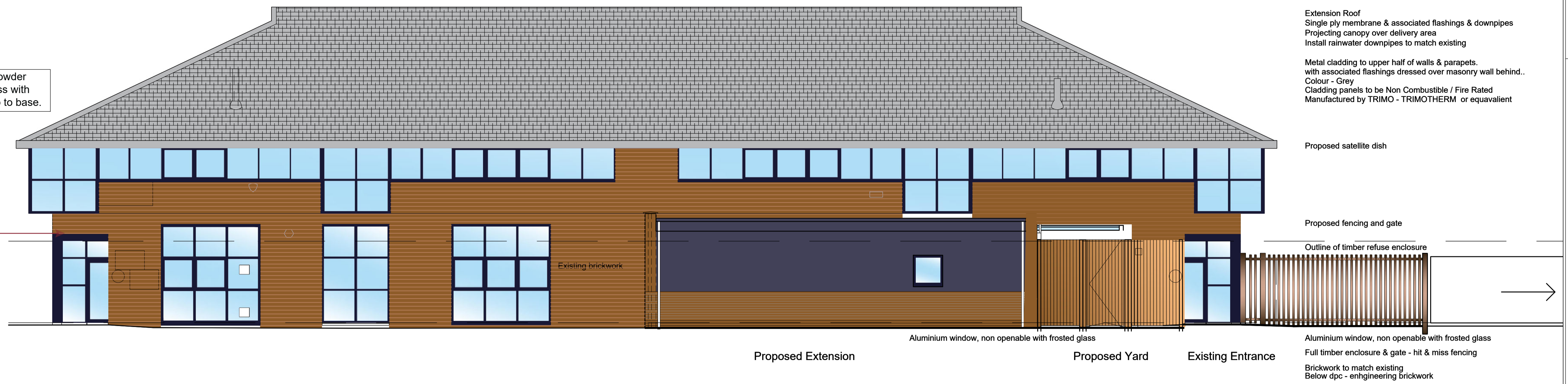
Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD

Drawing Title:
Proposed Elevations

Project No: P0035 / 21088	Scale @ A1/A3: 1: 75 / 1:150	Revision: 09
Drawing No: PL010		

New fascia panel in Aluminium powder coated Blue RAL 5005, 30% Gloss with Brown Arizona Oak woodtex strip to base.

SIGN 4
6420x650mm



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Notes:
Signage
Refer to Tesco signage drawings for details of specific signs

This drawing is an extract of the Tesco drawing Proposed Elevation Signage Drawing no. 03-MITC-03 B

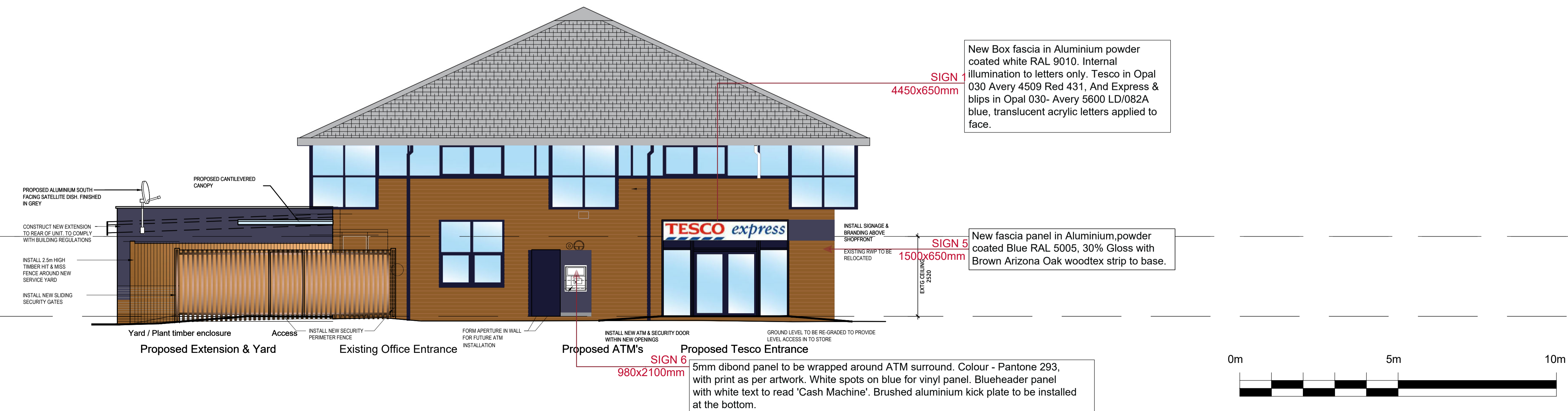
01 Proposed Rear Elevation

1:150 @ A3



02 Proposed Front Elevation

1:150 @ A3



03 Proposed Side Elevation

1:150 @ A3

01 First Issue	17.06.2021	ZG	HA
Rev:	Notes:	Date:	Dwn: Iss:
Suitability Code:			

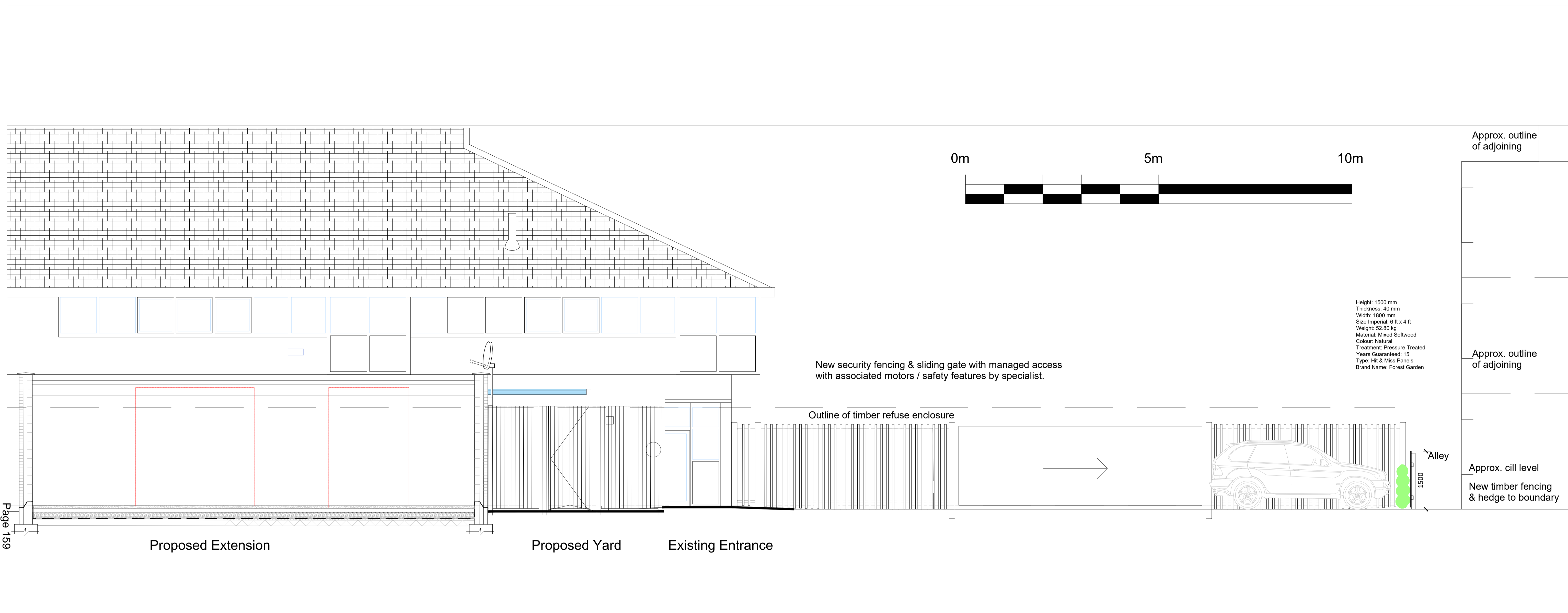


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Project:
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Drawing Title:
Proposed Elevations
Proposed Signage

Project No: 00000	Scale @ A1/A3: 1: 75 / 1:150	Revision: 02
Drawing No: PL012		



Page 159

01 Proposed Fencing Elevation to Yard Area

1:50 @ A1



02 - Example of 1.2m high mature hedge



03 - Example of Double slatted fence panel



Rev:	Notes:	Date:	Dwn:	Iss:
-	First Issue	17.02.2021	ZG	HA
01	Draft Planning Issue	24.02.2021	jw	HA
02	Planning Issue	19.05.2021	jw	HA
03	Draft Planning Issue. Scale bar added.	01.06.2021	jw	HA
04	Planning Issue	25.06.2021	ZG	HA
05	Vehicle and Fence added	10.03.2022	JR	HA
06	Boundary fence details and hedge example added	11.03.2022	JR	HA
07	Fence panel height amended	11.03.2022	JR	HA
08	Title block amended	14.03.2022	JR	HA

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Notes:

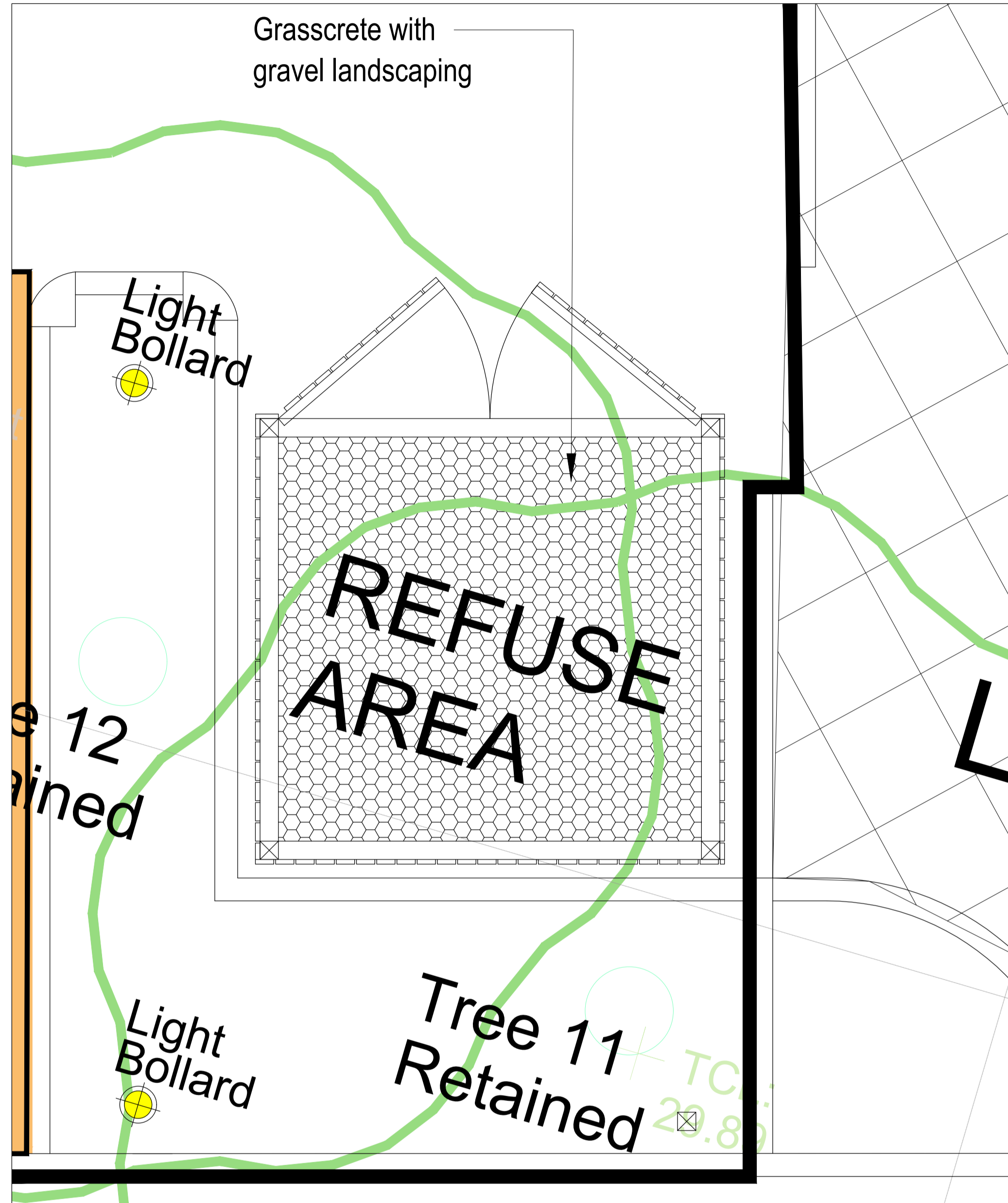
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22c Leathermarket Street, London, SE1 3HP
Client:
IPIFY

Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD
Drawing Title:
Proposed Fencing Elevation to Yard
Proposed Section

Project No:
P0035 / 21088
Scale @ A1/A3:
1: 50 / 1:100
Revision:
08

Drawing No:
PL011

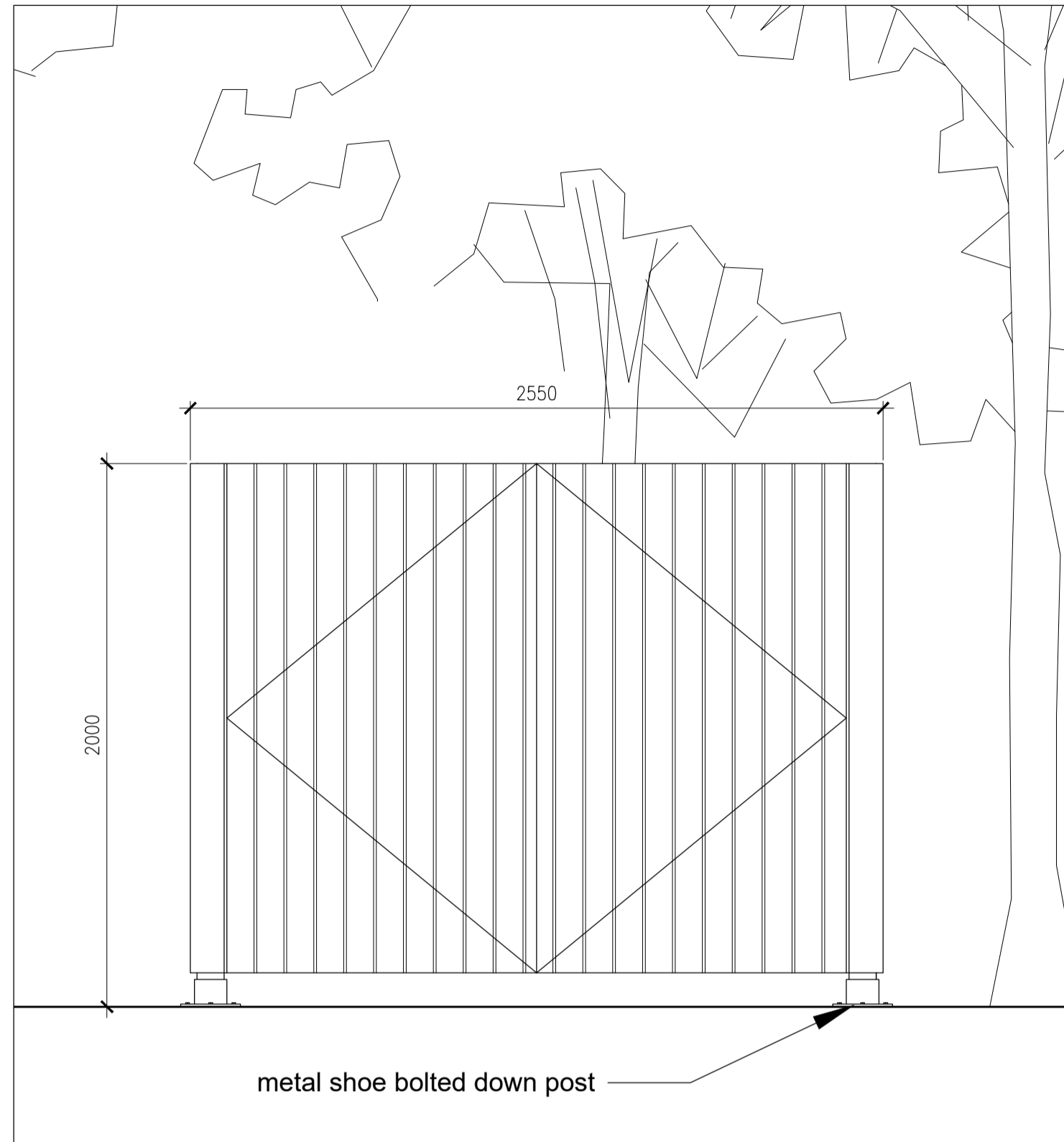
Issue Purpose:



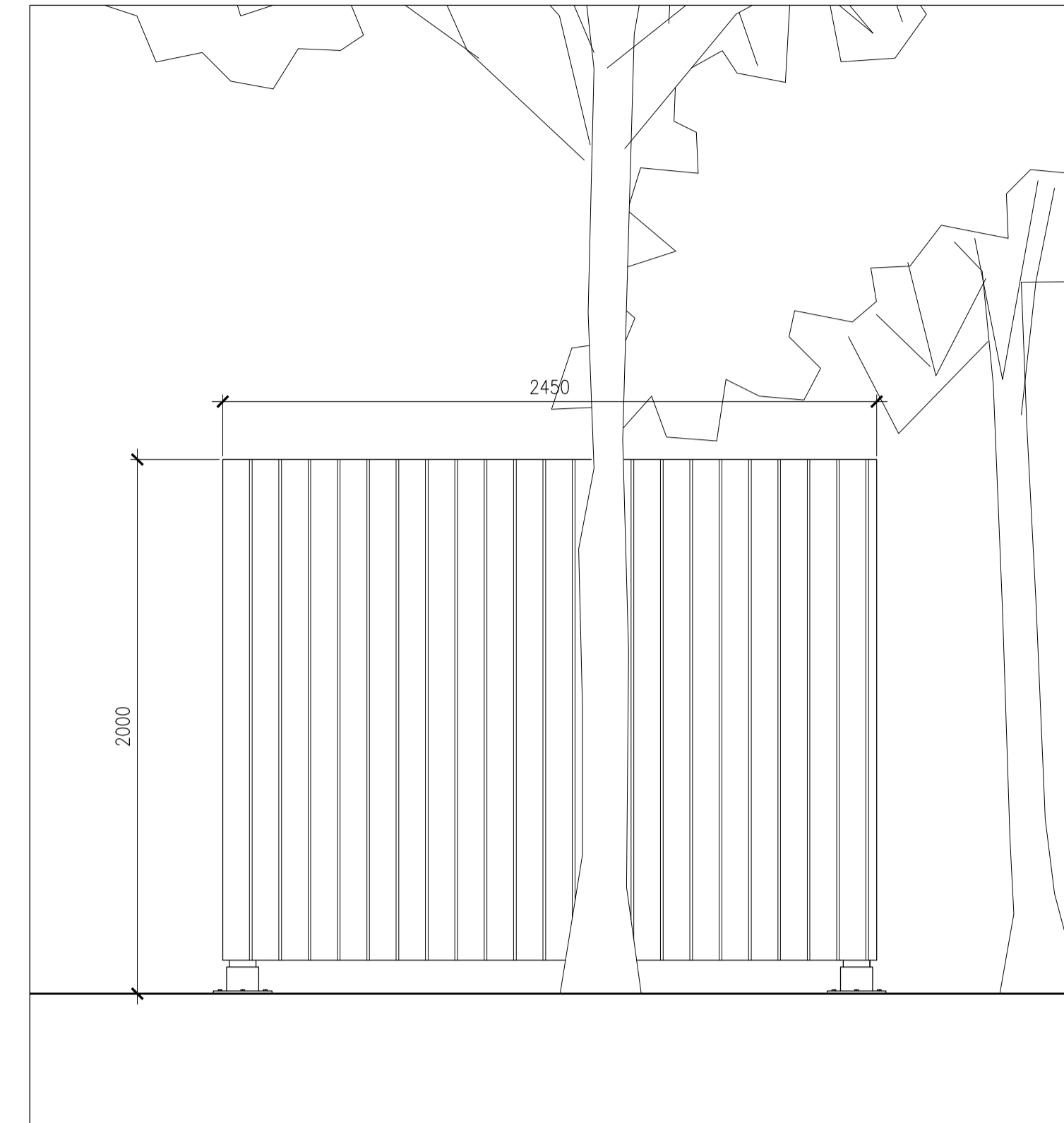
01 Proposed Plan
1:40 @ A3



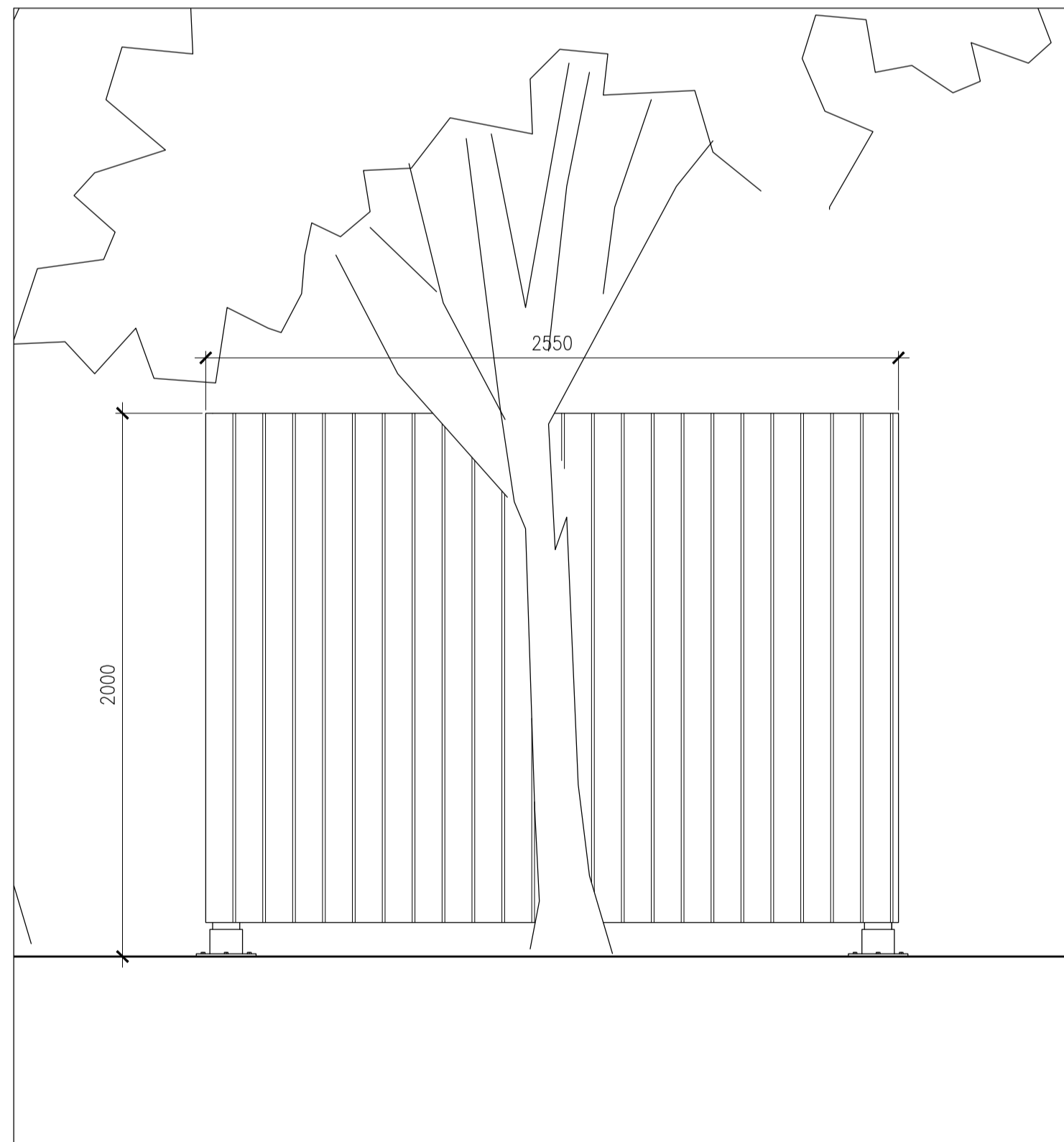
06 - Example fence panel



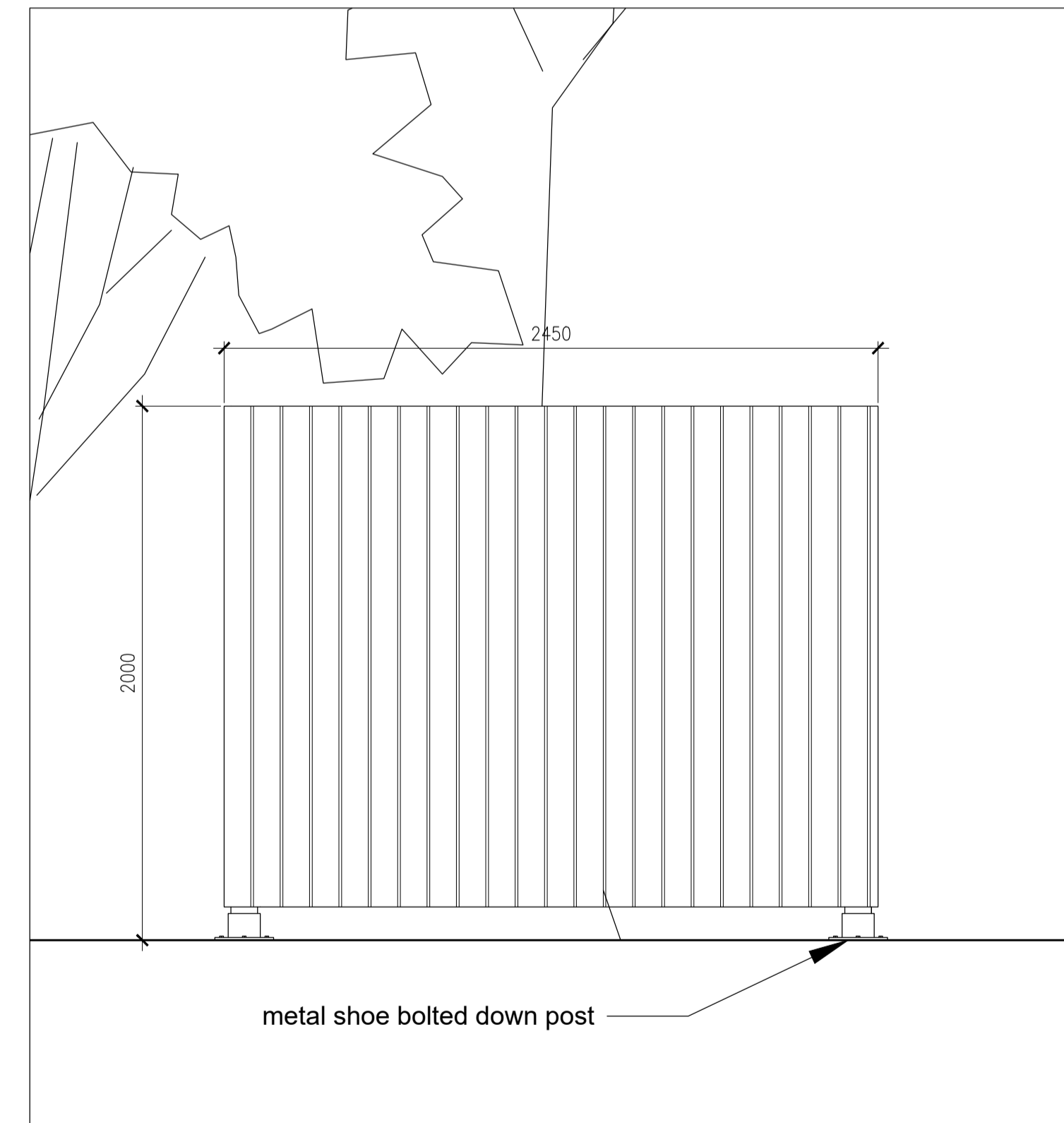
02 Proposed Front Elevation
1:40 @ A3



03 Proposed Side Elevation
1:40 @ A3



04 Proposed Rear Elevation
1:40 @ A3



05 Proposed Side Elevation
1:40 @ A3

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Greenhatch Topographical/Measured Survey
dated 10/02/2021 ref. 38114

Notes:

SCALE
0 0.2 0.5 1m

02 post shoe amended	29.07.2022	JR	HA
- First Issue	28.07.2022	JR	HA
Rev: Notes:	Date:	Dwn:	Iss:
Suitability Code:			



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Project:
Sandham House
Boundary Business Court,
92-94 Church Road, Mitcham, CR4 3TD

Proposed Refuse Enclosure

Project No: P0035 / 21088	Scale @ A1/A3: 1: 20 / 1:40	Revision: 02
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Drawing No:
PL016