

PLANNING APPLICATIONS COMMITTEE
26th March 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P3856	06/11/2014
Address:	34 - 40 Morden Road, South Wimbledon, SW19 3BJ	
Ward	Abbey	
Proposal	Application for outline planning permission considering access and scale for the demolition of the existing two storey buildings at 34-40 Morden Road [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] and erection of a building up to a maximum of five storeys [previously up to 8 storeys] providing an 'aparthotel' consisting of 17 serviced apartments including 7 studio units and 10 one bedroom units provided short term accommodation together with 9 residential flats providing 6 one bedroom, 2 two bedroom and 1 studio flat [Outline planning application with access and scale considered at this stage with external appearance, landscaping, layout reserved matters for future consideration].	
Drawing No's	DMWR/A3/21; PL2-00001; PL2-00002; PL2-00003; PL2-00004; PL2-00032; PL2-00033; PL2-00034; PL2-00035; Planning Statement; Daylight and Sunlight Assessment Design and Access Statement; Transport Note; explanatory note 'The Concept of an Aparthotel [C1 Use]'	
Contact Officer	Tony Ryan [020 8545 3114]	

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

CHECKLIST INFORMATION.

- S106: public realm improvements.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Conservation Area – No
 - Archaeological Priority Zone – No
 - Area at Risk from Flooding - No
 - Site notice – Yes
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 217
 - External consultations – Transport for London, Police Crime Prevention Design Advisor and Thames Water.
 - PTAL: 6a [TFL Planning Information Database]
 - Density – 383 habitable rooms per hectare
 - Number of jobs created: 1
-

1. INTRODUCTION

- 1.1 The consideration of this planning application was deferred at the meeting of the Planning Applications Committee on the 12 February 2014 to allow a separate consultation exercise to be concluded. This separate consultation that finished on the 9 March 2015 related to the potential inclusion of the buildings on the application site on the Council's local list of historically important buildings.
- 1.2 In addition to the assessment already carried out by officers English Heritage advice highlights the importance of public consultation as part of the assessment as to whether buildings should be included on a local list of historically important buildings. Public consultation is considered important in order "*...to identify errors or inaccuracies in supporting information*".
- 1.3 As a result of consultation 44 responses were received in favour and 8 responses against the inclusion of the application site on the list of historically important buildings. The reasons given for the inclusion of the buildings on the local list included objections to the proposed aparthotel; to protect the buildings from demolition and as a means to allow the buildings to be restored.
- 1.4 These reasons are not valid considerations in the assessment of whether a building should be included on the local list. The consultation responses also did not identify any new information that would change the earlier assessment by officers that the buildings are not suitable for inclusion on the local list of historically important buildings. A summary of the consultation responses received by the Council in relation to potential inclusion on the local list are provided as an appendix to this report.
- 1.5 It is considered that the existing buildings do not have sufficient heritage value to justify the refusal of planning, with an assessment of the proposed development provided in the following officer report.

2. SITE AND SURROUNDINGS

- 2.1 The application site [0.1 hectares] is located on the west side of Morden Road [A219] at the road junction with the cul-de sac called The Path and opposite the road junction with High Path. The application site is currently occupied by two storey pitched roof buildings that provide 1 two-bedroom house, 2 one-bedroom flats and 7 studio flats. The existing pitched roof buildings are 7 metres high at the roof eaves and 9.8 metres high at the roof ridge.
- 2.2 The existing buildings are set back from the front boundary of the site, with front gardens separating the existing buildings from the pavement in Morden Road. The buildings are constructed in different facing materials including yellow brick, red brick and render. The majority of the buildings have previously been extended with single and double storey rear extensions and a large double storey side extension facing The Path.
- 2.3 A private access road separates the rear gardens of the properties on the application site from the side elevation of a terrace of two storey residential

properties on the north side of The Path [with the Nelson Industrial Estate located to the south of The Path]. This private access road provides access to garages and off street parking located to the rear of properties on the application site and in The Path.

- 2.4 The application site forms part of a group of buildings located between the road junctions with The Path and Milner Road. The residential building at 30 Morden Road that is located immediately to the north of the application site is part two storey, part three storeys in height with an additional fourth storey of accommodation within a mansard roof. This building constructed of yellow brick with red brick detailing is set back behind the front elevation of the buildings on the application site and provides 12 flats. The adjacent four storey flat roofed residential building at 26 Morden Road is constructed in buff brick and provides 23 flats.
- 2.5 The three storey red brick commercial building [11.3 metres high] at 16-20 Morden Road is occupied by Barclays Bank with vacant office space on the upper floors. Spur House is located at the junction of Morden Road and Milner Road and currently provides residential and commercial uses. Construction work is currently taking place to implement a planning permission for extensions and alterations to provide a nine-storey building [see planning history section of this report].
- 2.6 To the south of the application site are commercial buildings set back from Morden Road that are within the Nelson Trading Estate. On the eastern side of Morden Road opposite the application site is the High Path Housing Estate with two four-storey buildings called Priory Close [32 flats] and Gilbert Close [20 flats]. The High Path Housing Estate also including three 12-storey tower blocks. Circle Housing have recently carried out public consultation on regeneration plans for the High Path Estate that include an additional 642 homes. The proposed increase in residential density is in line with the Mayor of London's designation of the area between South Wimbledon and Colliers Wood as an 'area of intensification'.
- 2.7 The open space called Nelson Gardens and St John the Divine Church are located on the eastern side of Morden Road. The church was built in 1913 to mark the centenary of the death of Admiral Lord Nelson, whose country house Merton Place was formerly located nearby. The church is not included on the national statutory list of historically important buildings. The church is included on the Council's separate non-statutory list of buildings in the borough that are considered to be of local rather than national significance. The church is described as a stone built gothic church, with the main features of interest the squat tower, the large west facing window, and the roof which is covered in greenish coloured slate. The nave and aisle each have separate gabled roofs. Nelson Gardens does not appear on the national or local list.
- 2.8 The site has a Public Transport Accessibility Level rating of 6a [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. South Wimbledon Underground Station is 130 metres to the north and Morden Road tram stop 570 metres to the south. The site is located within a controlled parking zone [zone S1] with double yellow line waiting

restrictions along the main Morden Road frontage and along part of the secondary frontage in the Path. A bus lane also passes the front of the site. The railings associated with a nearby traffic light controlled pedestrian crossing are along the pavement to the front of the site. There is a large area of pavement to the side of the application site at the Morden Road/The Path road junction and includes a marked cycle route.

- 2.9 The main traffic route in the local area is the strategic A24 red route that forms part of the Transport for London road network. The A24 runs from Morden Town Centre in a northerly direction along Morden Road to the road junction with Merantun Way [100 metres to the south of the application site]. At this junction the A24 turns eastwards off Morden Road onto Merantun Way towards central London and Colliers Wood. The other arterial route in the area is Kingston Road/Merton High Street (A238) that is 170 metres to the north of the application site. The application site is located off these main traffic routes on a section of Morden Road that forms part of the A219.
- 2.10 The application site is not in an archeological priority area, and not in an area at risk from flooding [June 2012]. A purple leaf plumb tree in the rear garden of the adjacent property at 30 Morden Road is the subject of a Tree Preservation Order.

3 CURRENT PROPOSAL

- 3.1 The current application has been submitted as an 'outline' planning application with a request that the Council only consider certain standard aspects of the development. The applicant has requested that the submitted outline application considers 'means of access' and 'scale. Further information on what these matters include is provided below:
- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
 - 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 3.2 If outline planning permission is granted, a 'reserved matters' application must be made within three years of the planning permission. The details of the 'reserved matters' application must be in accordance with the matters that were agreed as part of the outline planning approval, including any conditions and planning obligations attached to the planning permission.
- 3.3 The applicant has requested that in this case the reserved matters include 'appearance', 'landscaping' and 'layout.' It should be noted that aspects of the development that are shown on the submitted drawings that relate to these reserved matters are only illustrative. Further information on what these reserved matters include is provided below:
- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or

place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

- Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
 - Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 3.4 The redevelopment of the site will provide a new building providing an 'aparthotel' consisting of 17 serviced apartments including 7 studio units and 10 one bedroom units. The proposed building also provides 9 residential flats including 4 one bedroom, 4 two bedroom and 1 three bedroom flats that will be provided as general market accommodation. A schedule providing information on room sizes, amenity space provision and tenure is provided as an appendix to this report.
- 3.5 The ground floor has a main entrance from Morden Road and a secondary entrance from an undercroft parking area at the rear of the site. This parking area with a proposed new vehicular access from 'The Path' provides five car parking spaces, including two spaces suitable for those with disabilities. This undercroft area also provides a self-contained store for 21 cycles and a self-contained refuse store. Two lifts and a staircase in the centre of the building provide access to the upper floors of the building.
- 3.6 Following the dismissed appeal the current proposal includes a reduction in the height of the proposed building from 8 storeys to 5 storeys; a reduction in number of serviced apartments from 31 to 17; with the number of flats remaining as 9 units and changes to the shape and layout of the building.
- 3.7 The proposed 17 serviced apartments are located on at first and second floor level of the building. The proposed aparthotel accommodation concept is aimed at those persons that are seeking residential accommodation for time periods that are longer than the typical hotel stay, but shorter than the six months minimum period that is required for a tenancy agreement. The units would be suitable for persons seeking accommodation for a period of a few months whilst they are working locally. The accommodation would generally offer a 24 hour reception and aims to provide a 'home away from home' feeling in a hotel-like environment.
- 3.8 The accommodation typically uses a hotel booking system but is able to provide accommodation that is cheaper than a normal hotel as the accommodation would not include all the normal services of a hotel such as room service, or a hotel bar. The apartments are different than normal

residential accommodation because a resident of an aparthotel will not be required to enter into a tenancy contract. There would be no minimum level of stay for a resident of an aparthotel and they would not be directly responsible for utility bills, maintenance and ground rent.

- 3.9 Central Government circular guidance [ODPM Circular 03/2005] advises "...short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called Apart-Hotels..." fall within the C1 Planning Use Class. Planning Use Class C1 also includes hotels, guesthouses and boarding houses but excludes hostels.
- 3.10 The following table provides a comparison between the previously refused application and the current proposal.

Table 1 Comparison between the previous and current proposals

	Previous proposal refused permission reference 13/p1898	Current proposal reference 14/p3856
Building height	Up to 8 storeys	Up to 5 storeys
Total no. of Aparthotel units	31	17
Studio flats	10 [10 habitable rooms]	7 [7 habitable rooms]
One bed flats	19 [38 habitable rooms]	10 [20 habitable rooms]
Two bed flats	2 [6 habitable rooms]	0[0 habitable rooms]
Total no. of flats	9	9
Studio flats	1 [1 habitable room]	1 [1 habitable rooms]
One bed flats	6 [12 habitable rooms]	6 [12 habitable rooms]
Two bed flats	2 [6 habitable rooms]	2 [6 habitable rooms]

- 3.11 The proposed 9 residential flats are located on the top two floors of the building at on the third and fourth storeys. This accommodation includes external amenity space in the form of shared roof terraces and private balconies to the majority of the proposed units.

4. PLANNING HISTORY.

- 4.1 The planning history associated with the application site at 34, 36, 38, 40 is provided below. The planning history for the nearby site at Spur House, 14 Morden Road is also provided. This site is considered relevant as an appeal has recently been allowed which allows three additional storeys to the existing six storey building on this nearby site.

34, 36, 38, 40 Morden Road

- 4.2 On the 5 December 2012 an outline planning application [reference 12/P1891] was withdrawn for the site 34-40 Morden Road South Wimbledon. The applicant withdrew the application after the applicant was advised that the application was likely to be recommended for refusal. This application was for the demolition of the existing two storey buildings [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] and erection of a nine-storey building providing an 'aparthotel' consisting of

58 serviced apartments [22 studio units and 29 one bedroom units] provided short term accommodation together with 10 residential flats (2 one bedroom, 8 two bedroom and 1 three bedroom flats).

- 4.3 An application for outline planning permission [considering access and scale] was refused on the 25 October 2013 [reference 13/P1898, overturned officer recommendation] for the demolition of the existing two storey buildings [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] at 34-40 Morden Road and erection of a eight storey building providing an 'aparthotel' consisting of 31 serviced apartments [10 studio units, 19 one bedroom units and 2 two bedroom units] provided short term accommodation together with 9 residential flats [4 one bedroom, 4 two bedroom and 1 three bedroom flats]. The reasons for refusal are provided below:

“The proposals fail to demonstrate that the development (i) would respond to and reinforce the locally distinctive pattern of development and landscape; (ii) respect the siting, rhythm, scale, density, proportions, height, and massing of surrounding buildings; (iii) achieve a high standard of design that would complement the character and local distinctiveness of the adjoining townscape and landscape and; (iv) not adversely affect the nearby Nelson Gardens; and would be harmful to the visual amenities of neighbours and of the area generally. The proposals would be contrary to policies 3.5 and 7.4 of the London Plan, policy CS.14 of the Merton LDF Core Planning Strategy, and policies BE16 (i) and BE.22 (i) and (ii) of the Merton Unitary Development Plan (2003)”

- 4.4 A subsequent appeal to the Secretary of State against the Council's refusal of planning permission was dismissed in August 2014 and the Inspectors decision letter is appended to this report.

36 Morden Road

- 4.5 Planning permission was approved in May 2004 [reference MER105/84] for alterations to and conversion of dwelling house into two flats involving erection of a single storey rear extension, new front porch and two garages at rear.

34 and 36 Morden Road

- 4.6 Planning permission was refused on the 17 March 2008 [reference 07/P3503] for the demolition of 34 and 36 Morden Road and the construction of 14 one-bedroom flats. The reasons for refusal are provided below:

“The current proposal fails to demonstrate that adequate living standards can be provided for future occupiers of the building or that an appropriate mix of dwelling can be provided without adverse impacts which would result to neighbouring occupiers by reason of loss of outlook and overshadowing, contrary to policies BE15, BE22, HS1 and HN3 of the Adopted Unitary Development Plan 2003”.

- 4.7 A subsequent appeal to the Secretary of State against the decision to refuse planning permission was dismissed.
- 4.8 An application was withdrawn in October 2008 [reference 08/P1897] for outline planning application [with access to be determined], for demolition of the residential properties at 34 and 36 Morden Road and construction of a new building providing nine, one bedroom residential units.

40 Morden Road

- 4.9 In December 1987 planning permission [reference 87/P1324] was refused for the conversion of property to form 2 one-bedroom flats and two studio flats involving the erection of two 2 storey extensions at the rear and the provision of 4 parking spaces. Planning permission was refused on the following grounds:
- 1. The proposed conversion would bring about an over intensive use of the property and will result in substandard units of accommodation contrary to policy P3.13 (as revised) of the Adopted Borough Plan.**
 - 2. The proposed two storey rear extension nearest the southern boundary would by reason of its size and siting be detrimental to the amenities of the adjoining residential property.**
- 4.10 In March 1988 planning permission was approved for the [reference 88/P0162] for alterations to and conversion of property into 4 studio flats involving erection of a two storey extension at rear and a new enclosed entrance staircase at side together with provision of four parking spaces at rear involving the demolition of the existing entranceway and single storey rear extension.
- 4.11 In July 1990 planning permission [reference 90/P0127] was refused for the erection of a two-storey extension at rear of building for use as a bedsitting unit at first floor level together with the provision of two off street car parking spaces at ground floor level. Planning permission was refused on the grounds:
- 1. The proposed bedsitting unit by reason of its layout and size represents a substandard unit of accommodation contrary to Policy H.15 of the Merton Borough U.D.P. Pre-Deposit Draft Plan.**
 - 2. Having regard to the extant planning permission granted on 31st March 1988 (ref.88/P0162) for the conversion of the existing building to use as four flats, the proposed development would bring about an over intensive use of the site, resulting in inadequate provision of amenity space for the benefit of prospective occupiers of the proposed flats, contrary to Policy H.12 of the U.D.P. Pre-Deposit Draft.**
 - 3. The proposed extension would result in a loss of daylight/sunlight to rooms at the rear of the existing building at 40 Morden Road,**

causing a loss of amenity to the occupiers of this accommodation, contrary to Policy H.17 of the U.D.P. Pre-Deposit Draft.

- 4. The proposed extension is unacceptable in that it would be detrimental to the amenities of the occupiers of No. 38 Morden Road by reason of a loss of daylight/sunlight, contrary to Policy H.17 of the U.D.P Pre-Deposit Draft.**

Spur House 14 Morden Road

- 4.12 In November 2009 the Planning Applications Committee resolved to refuse planning permission [LB Merton Ref 09/P2219] for the extension and refurbishment of Spur House to provide a building ranging from one to nine storeys in height providing 46 private flats (21 one bedroom, 20 two bedroom and 5 three bedroom) on the upper floors with external amenity area at first floor level and a retail shop unit (986 square metres) at ground floor level including an internal service area, electricity substation and cash point machines on the Milner Road elevation.
- 4.13 Planning permission was refused for the following reasons:

“The proposed development, by reason of its size, bulk and scale, would be unduly dominant and visually prominent and would fail to either respect the height and massing of surrounding buildings, or enhance the character of the area, detracting from visual amenities of the locality and the surrounding street scenes. The proposal would therefore be contrary to Policies BE.22 and BE.23 of the Adopted Unitary Development Plan (October 2003)”.
- 4.14 Following an appeal to the Secretary of State an appeal decision letter dated 11 May 2010 overturned the decision of the Council to refuse planning permission and granted planning permission for the redevelopment of Spur House.
- 4.15 In March 2010 the Planning Applications Committee resolved to grant planning permission [LB Merton Ref 10/P0049] subject to a section 106 agreement for the extension and refurbishment of Spur House to provide a building ranging from one to eight storeys in height providing 49 private flats (29 one bedroom and 20 two bedroom) on the upper floors with external amenity area at first floor level and a retail shop unit (986 square metres) at ground floor level including an internal service area, electricity substation and cash point machines on the Milner Road elevation. The developer chose not to proceed with the S106 in relation to this development and the application was withdrawn in January 2011. This proposal included a reduction in building height from 9 storeys to 8 storeys and an additional three residential properties when compared to the proposal that was approved as part of the decision to allow the planning appeal.
- 4.16 On the 4 June 2013 planning permission was approved [reference 12/P2165] following a committee resolution for the demolition of existing commercial buildings fronting Milner Road and forming part of Spur House and the construction of two residential blocks, one four storey and one

three storey containing 16 apartments [8 two bedroom and 8 one bedroom] with access on to Milner Road.

5. **CONSULTATION**

5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 217 local properties. As a result of this consultation 55 letters [including 39 circular letters] have been received objecting to the proposal and two letters expressing support for the development. The objections to the development were on the following grounds:

5.2 **Design and scale**

- Reducing the height by three storeys does not resolve the issue raised by the planning inspector in relation to impact on local character;
- The development is contrary to policies 7.1 and 7.4 of the London Plan; policies ST18, BE15, BE16 and BE22 of the UDP and policy CS14 of the Core Strategy;
- The development will lead to the loss of local historic buildings worthy of protection;
- The development does not have any architectural quality;
- Potential mobile phone equipment will further increase the height of the building;
- This is an overdevelopment of the site;
- The development does not respect, reinforce and enhance the local area contrary to policy CS14.
- The approval of a nine storey building on the Spur House site does not justify a taller building on this site;
- The height of the building will damage the character of the area.
- Other commercial development has been kept low to avoid any loss of character.
- The building is out of proportion with its surroundings;
- The development fails to complement the local housing stock and is contrary to policy CS Policy 14: Design;
- The development is incongruous to the design of the St John the Divine Church and the neighbouring Nelson Gardens;
- The lack of maintenance of the existing buildings is a reason to allow demolition;
- The development is contrary to Council policy in that it includes a tall building with no architectural merit.

5.3 **Car Parking**

- The development will result in pressure on local on street parking within the CPZ and other local private car parking areas.
- The obligations on parking put forward by the applicant do not cover the aparthotel users;
- The users of the aparthotel are likely to use their own vehicles rather than public transport;
- The development will harm the safety of the nearby vehicle access.

5.4 **Nuisance and amenity**

- The point at which the proposed building rises to 5 storeys was raised as an issue by the planning inspector and this has not changed significantly;
- The development will dominate, be overbearing and will lead to visual intrusion and loss of outlook;
- The development will lead to a loss of sunlight and daylight to adjacent dwellings contrary to policy BE15;
- The development will have an adverse impact on the privacy of adjacent properties.

5.5 **Proposed accommodation**

- There is a concern that the aparthotel will turn into a 'low quality hostel';
- The proposal would create few local jobs;
- A hotel is inappropriate in this area;
- There is no need for an additional hotel in this area;
- There is insufficient local infrastructure to support the development.
- The applicant has not demonstrated a need for the aparthotel;
- If the aparthotel is not successful the Council will be forced into considering a change to something else which is more harmful;
- There are safety concerns as this is temporary and low cost accommodation;
- The short term nature of the proposed accommodation will bring residents who will not consider existing residents and will increase crime rates;
- The development does not add anything including employment or facilities.

5.6 **Car Parking**

- The development will result in pressure on local on street parking within the CPZ and other local private car parking areas.
- The obligations on parking put forward by the applicant do not cover the aparthotel users;
- The users of the aparthotel are likely to use their own vehicles rather than public transport;
- The development will harm the safety of the nearby vehicle access.

5.7 **Other comments**

- It is questioned why a full planning application has not been submitted with all the sustainability measures that the applicant is promoting;
- The proposal is driven by a desire to make profit but this will be at the expense of the local community;
- There have been too many construction projects and this must stop;
- The development will decrease local property values.

5.8 Two letters have been received in support of the development, with these letters making the following points:

- The development would be a vast improvement to the current site;

- The mail distributed locally urging people to object hides the truth that the existing buildings are “...more like ‘squats’ than properties of architectural heritage” with nothing of visual or historic value;
- If we are to improve South Wimbledon than badly judged sentiment should not stand in the way of progress;
- The current proposal removes previous objections to the development;
- The development will provide new quality accommodation;
- The development is an opportunity to improve this part of Morden Road which is ‘...an ugly blight on the area”.

5.9 Councillor Andrew Judge The following concerns are raised about the proposed development:

- The application involves the demolition of a heritage asset in the form of the existing buildings that retain the original proportions, roof line and characterful arched windows.
- The application includes no Heritage Statement and there should be one. The opportunity should be taken during the development control process to identify the heritage value of the site.
- A petition that these cottages be given a local listing has been submitted and the local listing process should continue during the planning application, including local consultation.
- The proposed building is too high for the site, by at least a storey, being higher than nearby buildings in Morden Road and the Path. As such it affects the visual amenity of 2A The Path.

5.10 Councillor Katy Neep The following concerns are raised about the proposed development:

- The application involves the demolition of a heritage asset in the form of the existing buildings that retain the original proportions, roof line and characterful arched windows.
- The application includes no Heritage Statement and there should be one. The opportunity should be taken during the development control process to identify the heritage value of the site.
- A petition that these cottages be given a local listing has been submitted and the local listing process should continue during the planning application, including local consultation.
- The proposed building is too high for the site, by at least a storey, being higher than nearby buildings in Morden Road and the Path. As such it affects the visual amenity of 2A The Path.

5.11 LB Merton Transport Planning Transport Planning have no objection to the proposal on the basis that conditions are used to seek further details in relation to intended cycle and pedestrian movements; the new vehicle access, cycle parking, the submission of Delivery and Servicing Plan, submission of a Parking Management Plan, a planning obligation stating that occupants will not be able to obtain on street parking permits and informatives relating to construction of accesses and works affecting the public highway.

- 5.12 LB Merton Tree and Landscape Officer There is no objection to the development as the proposal is unlikely to have any impact on the tree protected by a Tree Preservation Order in the rear garden of the adjoining property at 30 Morden Road.
- 5.13 Transport for London There is no objection to the proposed development subject to the following:
- The footway and carriageway on the A219 Morden Road must not be blocked during the development. Temporary obstructions during works must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A219 Morden Road.
 - All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
 - No skips or construction materials shall be kept on the footway or carriageway on the Transport for London Road Network at any time.
 - The proposed cycle parking spaces are welcomed are in line with relevant standards;
 - A car free development without any off street parking would be supported in this location;
 - The development will not cause a significant impact on the Transport for London Road Network;
 - The borough should seek electric vehicle charging points in line with London Plan policy.
 - To ensure the impact of the access and servicing activities on the existing contraflow cycle lane is minimised at the detailed design stage of the section 278 agreement, it is recommended that the borough seeks and agrees the details of this access to ensure a continuous safe cycle route is maintained.
 - It is recommended that a travel plan is secured and measures to prevent future occupants from applying for parking permits in the surrounding Controlled Parking Zone, in order to promote public transport.
 - The submission and agreement of a Construction Logistics Plan before work commences should be secured by a planning condition.
- 5.14 Metropolitan Police Crime Prevention Design Advisor It is recommended that Secured by Design should be incorporated as a minimum standard for security in this development. There have been no adverse comments on this application from the local Counter Terrorism Security Advisor.

6 POLICY CONTEXT

Further Alterations to the London Plan 2015

- 6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 4.5 [London visitor infrastructure]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7

[Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.1 [Building London's neighbourhoods and communities]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

Merton Sites and Policies Plan [adopted July 2014]

- 6.2 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DM D4 [Managing heritage assets]; DMEP2 [Reducing and mitigating against noise]; DMEP4 [Pollutants]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

Merton Supplementary Planning Guidance

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

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

- 6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; Policy CS5 [Wandle Valley]; CS7 [Centres]; CS.8 [Housing choice]; CS.9 [Housing provision]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

National Planning Policy Framework [March 2012]

- 6.5 The National Planning Policy Framework [NPPF] is a key part of central government reforms '*...to make the planning system less complex and more accessible, and to promote sustainable growth*'.
- 6.6 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.7 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development

proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations include assessing the principle of the development in terms of the loss of the existing buildings, the need for the proposed accommodation; the relationship with St John the Divine Church and Nelson Gardens, residential density, the impact of the development including in terms of design, scale and layout, the standard of the proposed residential accommodation; the impact on residential amenity including privacy daylight and sunlight and the impact on access and parking.

7.2 These issues are considered in the context of the appeal inspector's decision letter dated 4 August 2014 that is a material consideration. A copy of this decision letter report is attached to this report.

Loss of the existing buildings

7.3 Policy CS8 within the LDF Core Strategy [2011] states that all development needs to be designed in order to respect, reinforce and enhance the local character of the area in which it is located and to contribute to Merton's sense of place and identity. This will be achieved by conserving and enhancing Merton's heritage assets and wider historic environment including other non-designated heritage assets.

7.4 The existing buildings on the application site are not located in a conservation area. The existing buildings do not appear on either the statutory national list of historically important buildings or on the Council's own local list of buildings that are considered to have historic, architectural or townscape value.

7.5 Historic maps suggest that the existing buildings on the application site were built around 1820. The buildings have suffered from various subsequent inappropriate building extensions and alterations, including a large and prominent two storey side extension and rear extensions. These alterations and extensions severely detract from the appearance of the buildings and any historic or other value that they may have had. In this context it is considered that the loss of the existing buildings is acceptable and this loss does not constitute grounds on which to refuse planning permission for the current development.

7.6 Minutes from the meeting of PAC at which the earlier application was considered record that in addition to concerns regarding height and impact on neighbouring land and buildings members considered that "the proposals would result in the demolition of existing buildings of character". At that time officers advised that the buildings on the site were not protected from demolition or development by being Listed Buildings or located within a conservation area.

7.7 The Planning Applications Committee refused planning permission but did not cite the loss of the buildings amongst the reasons for refusal. When considering a Planning Appeal an Inspector reviews the proposals afresh and identifies what they consider to be the key issues. In this instance the

Inspector identified the main issues to be the effect of the proposed development on the character and appearance of the surrounding area and the effect on the living conditions of the residents of surrounding properties with particular regard to outlook. The Inspector identified as matters of fact that the site presently accommodates a two storey terrace of modest 19th houses but did not comment further on the merits or otherwise of these buildings in his assessment of the appeal.

- 7.8 At the full Council meeting on 5th February 2014 a petition was presented by Cllr Judge asking for the Council's Conservation and Design Team to consider including the buildings on the application site on the local list of historically important buildings. While adopted policy DM.D4 aims to conserve and, where appropriate, enhance Merton's heritage assets (which includes locally listed buildings) and distinctive character, inclusion on the local list would not provide any statutory protection and would not prevent their demolition.
- 7.9 The Council's Conservation and Design officers have considered the request and have concluded that the buildings are of insufficient merit for inclusion on the local list of historically important buildings. In respect of the current application the officers have raised no objection to the demolition of the buildings. The detailed assessment carried out by the Conservation and Design Team of the buildings is appended to this committee report. With a number of similar requests for other buildings to be included on the local list public, consultation through the Council's web site is due to conclude in early March 2015. Notwithstanding the on-going consultation, in light of the advice received from Conservation Officers and the absence of any formal protection afforded by local listing members may take the view that determination of the application should not be delayed.

Need for the proposed accommodation

- 7.10 In terms of current planning policy, policy CS9 within the Council's Adopted Core Strategy [2011] states that the Council will support the provision of well-designed housing located to create socially mixed and sustainable neighbourhoods.
- 7.11 The existing buildings on the application site provide 1 two bedroom house, and 9 flats [2 one bedroom flats and 7 studio flats]. The current development as well as the 17 serviced apartments within the aparthotel will provide 9 residential flats [4 one bedroom, 4 two bedroom and 1 three bedroom flat]. The removal of the 7 studio flats and the provision of an improved mix of residential accommodation are both welcomed and are considered to outweigh the overall loss of one residential unit as part of this development.
- 7.12 The supporting text to policy CS7 of the Council's Adopted Core Strategy [2011] states that new hotels will be directed to parts of the borough that are very accessible by public transport, as this will minimise traffic congestion and help support surrounding restaurants, shops, cafés and theatres. Policy 4.5 of the London Plan states that developments should contribute towards the hotel provision target of 40,000 net additional hotel

bedrooms by 2031 and ensure that at least 10 per cent are wheelchair accessible.

- 7.13 The application site has a Public Transport Accessibility Level rating of 6a which is one level below the highest possible Public Transport Accessibility rating of 6b. South Wimbledon Underground Station is 130 metres to the north of the site and Morden Road tram stop 570 metres to the south. There are also various bus routes that pass the application site. With the high public transport accessibility and access to the underground network this location is considered suitable for the provision of hotel accommodation.
- 7.14 The current development is considered in keeping with policy CS7 of the Council's core strategy and policy 4.5 of the London Plan. There are no planning policies in the development plan that restrict hotel provision in certain areas and it should also be noted that the current proposal seeks to provide accommodation that is different to that which is currently provided locally.

Residential density,

- 7.15 To ensure the sustainable and efficient use of land the London Plan states that in urban areas, along main arterial routes and with a public transport accessibility level of between 4 and 6 new residential development should be within a density range of between 200 and 700 habitable rooms per hectare. The areas of the borough such as the application site with good access to public transport and access local facilities provide opportunities for more intensive development in terms of the sustainable use of land.
- 7.16 The proposed development that has a public transport accessibility level of 6a has a residential density of 383 habitable rooms per hectare. The density of the proposed development will ensure the efficient use of land in this location which has good access to public transport and access to facilities without the need to use a car. The density range is considered appropriate for this location and is within the London Plan density range.

Relationship with St John the Divine Church and Nelson Gardens

- 7.17 St John the Divine Church is included on the Council's list of historically important buildings. The application site is located on the opposite side of Morden Road to the church and there would be a distance of 65 metres separating the proposed building from the church. The nearby four-storey building called Priory Close is located 40 metres from the church. In this context, and with the separation between the buildings, it is considered that the proposed development will have no significant impact on St John the Divine Church.
- 7.18 In the assessment of the earlier appeal the planning appeal Inspector considered that an 8 storey building on the application site [now reduced to 5 storeys] was acceptable in terms of the relationship with Nelson Gardens. The inspector states in the decision letter at paragraph 14 that *"...given the separation across Morden Road and the urbanised location, although the building would be visible especially in winter months, it would not harm the function or nature of that space. Nelson Gardens"*.

Building appearance, layout and landscaping.

- 7.19 Policy CS8 within the LDF Core Strategy [2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 within the Council's Adopted Core Strategy [2011] states that development should respect, reinforce and enhance local character and contribute to Merton's sense of place and identity.
- 7.20 The nearby existing development along Morden Road does not have a defined front building line with the Barclays Bank building set forward of all other existing buildings. The front elevation of the proposed building is set back 5 metres from the front boundary of the application site to reflect the position of the front elevation of Spur House and this is considered appropriate for this location.
- 7.21 If outline planning permission is granted, a 'reserved matters' application must be made within three years of the date that the planning permission is issued. The details of the 'reserved matters' application must be in accordance with the matters that were agreed as part of the outline planning approval, including any conditions and planning obligations attached to the planning permission.
- 7.22 The applicant has requested that in relation to this application the reserved matters include 'appearance' [aspects of a building or place which affect the way it looks, including the exterior of the development], 'landscaping' [improvement or protection of the amenities of the site this could include planting trees or hedges as a screen]; and 'layout' [buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development]. It is highlighted that aspects of the development that are shown on the submitted drawings that relate to the reserved matters layout' are only illustrative. These details are included to assist in the assessment of the planning application and to show what could be achieved on the site. .

Building scale and means of access

- 7.23 The applicant has requested that the submitted outline application considers 'scale' [information on the size of the development, including the height, width and length of buildings] and 'means of access [accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site].
- Scale
- 7.24 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character.

- 7.25 Policy CS14 of the Council's Core Strategy states that the Council will protect the valued and distinctive suburban character of the borough by resisting the development of 'tall buildings' where they will have a detrimental impact on this character. Tall buildings may therefore only be appropriate in the town centres of Colliers Wood, Morden and Wimbledon. The London Plan defines tall buildings as those that are a) substantially taller than their surroundings; b) that cause a significant change to the skyline, c) or are larger than the threshold size for the referral of planning applications to the Mayor of London.
- 7.26 In terms of local context, the existing development along Morden Road between the application site and South Wimbledon Underground Station is mainly four storeys in height and provides a mix of residential and commercial uses. This includes the flat roof building at 26 Morden Road on the same side of the road as the application site. The building immediately adjacent to the application site at 30 Morden Road is also four storeys high with this including accommodation within a mansard roof. In the consideration of the appeal against the earlier refusal of planning permission for an 8 storey building the appeal inspector [paragraph 10] advised that the adjacent buildings "...fronting Morden Road provide a strong visual sense of scale which in my view is characterised by buildings of up to four storeys".
- 7.27 In dismissing the appeal the Inspector considered that an 8 storey building would be a 'tall building' because it was twice the height of and '*substantially taller*' than the predominant local building height of 4 storeys. In seeking to address the concerns raised by the appeal inspector the height of the proposed building has been reduced. The building height has been reduced from eight storeys to five storeys. Using the reasoning of the planning Inspector the proposed building which is one storey higher than adjacent development is not '*substantially taller*' than adjacent buildings and is considered in keeping with the character of the area that was highlighted by the appeal inspector. The bulk and scale of the proposed building is further reduced by the set back on the top floor of the building.
- 7.28 The area to the west of the application site provides a 'grid iron' pattern of residential development, with buildings typically of a smaller scale than those on Morden Road. The nearby two storey residential properties at 4a, 8, 14 The Path have previously had rear roof extensions to the original pitched roof creating three storeys of accommodation. Other properties on The Path and on the application site have pitched roofs with a height equivalent to that of a three storey building.
- 7.29 The revised proposal includes a building that is five storeys at the front of the site but stepping down along the secondary elevation in The Path to four storeys, two storeys and then a single storey. The single storey part of the proposed building is separated by a distance of 3.5 metres from the side boundary and blank side elevation of the two storey residential property at 2a The Path. The two storey part of the proposed building is separated by a distance of 7 metres, the three storey part of the proposed building separated by a distance of 11 metres and the fourth storey by a distance of 17 metres from the side boundary of 2a The Path.

- 7.30 It is considered that the overall reduction in building height has successfully addressed the concerns expressed by the appeal inspector in relation to the scale of the development and that the development will be in keeping with the character and appearance of the surrounding area. Using the reasoning of the appeal inspector it is considered that the proposed building which is a single storey higher than neighbouring four storey buildings reflects the local “*visual sense of scale*”.
- Access
- 7.31 Policy CS 20 of the adopted Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developments to incorporate safe access to and from the public highway as well as on-site parking, refuse storage and collection, and for service and delivery vehicles. London Plan policy 4.5 states that The Mayor will, and boroughs and relevant stakeholders should seek to achieve 40,000 net additional hotel bedrooms by 2031, of which at least 10 per cent should be wheelchair accessible. Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards.
- 7.32 The applicant has stated that the vehicle access to the proposed 6 off street car parking spaces will be provided in the southern boundary of the site fronting The Path. The main pedestrian access to the building will be provided from the main Morden Road elevation. used in to the proposed
- 7.33 The submitted plans show a shared refuse storage room and a room providing parking for 21 cycles within the proposed building. The external access to these storage rooms is shared with the vehicle access provided from The Path with double doors providing internal access provided to the buildings staircase core. This provision is considered acceptable and planning conditions are recommended to ensure that these storage areas are provided and retained for the benefit of future occupiers.
- 7.34 A further planning condition is recommended seeking further details from the developer on the proposed new vehicle access from The Path and access and servicing activities. This condition will seek to ensure that there is no adverse impact on the operation of the existing contra flow cycle lane outside the application site.
- 7.35 The Council’s Transport Planning Team and Transport for London have both confirmed that they have no objection to the proposed development in terms of the arrangements for servicing and access.
- 7.36 The applicant has stated that all floors of the building will be served by twin lifts and that the development will comply with Lifetime Homes standards and building regulations. A planning condition is recommended to ensure that prior to first occupation of the proposed new dwellings; the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. It has been confirmed that the development In line with policy London Plan policy 4.5

the applicant has stated that 10 per cent of the aparthotel units will be wheelchair accessible.

- 7.37 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements and with the planning condition seeking to protect the nearby cycle lane the proposal is considered in line with Policy CS20 of the Core Strategy [July 2011]. The accessibility of the development is acceptable in terms of routes to and within the site and the relationship of the development to roads and pathways outside the site.

Impact on residential amenity

- **Loss of privacy and overlooking**

- 7.38 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure the quality of living conditions including in terms of privacy. The Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.

- 7.39 The planning appeal inspector made the following conclusions in terms of loss of privacy and overlooking *"Given the relationship with the adjoining properties and the orientation of the proposed development, with the likely aspect for the scheme to be to the front and rear, privacy could be adequately secured through appropriate design measures. The terrace areas could similarly be secured and privacy screens designed and provided to ensure there was no significant impact on the privacy enjoyed by occupiers of adjoining properties"*.

- 2A The Path.

- 7.40 The proposed residential accommodation is provided with external amenity areas on the upper floors of the building. It is considered that the proposed screening to these areas that are annotated on the submitted drawings will ensure that these areas do not result in overlooking or loss of privacy. A planning condition is recommended seeking further details of this screening to be submitted and for the approved screening to be in place prior to occupation of the building.

- 7.41 The west elevation of the proposed building faces towards the side elevation of the adjacent residential building at 2A The Path. Whilst there is a non-habitable staircase window located to the side elevation of 2A The Path there are no windows on this part of the proposed building.

- 7.42 The new building includes windows at first floor level to studio 108 and 109 that are separated from the side elevation of 2A The Path by a distance of 15 metres. At second, third floor levels the proposed lift lobby windows are separated from the side elevation of 2A The Path by a distance of 14 metres. It is considered that these windows will not result in a loss of privacy or overlooking due to the separation distance and the screening provided by the proposed building and the potential for frosted glazing around the new external amenity area.

- 30 Morden Road
- 7.43 The proposed building includes external amenity areas at first, second third and fourth floor levels with windows at second and third floor levels. It is considered that these windows will not result in a loss of privacy or overlooking due to the screening provided by the proposed building and the potential for frosted glazing around the new external amenity area.
- Noise
- 7.44 Policy DM EP2 of the sites and policies plan states that development which would have a significant effect on existing or future occupiers or the local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.45 The planning appeal inspector made the following conclusions in terms of noise *“I am satisfied that the proposed use as an apart-hotel and residential flats would not introduce an activity that would add significantly to the local noise environment”*.
- 7.46 With the nature of the development proposed there is the potential for noise and disturbance to be caused through both the construction process and secondly the proposed new use of a site. It is generally accepted that during the construction process there is likely to be unavoidable short term noise and disruption to adjoining occupiers. Planning conditions are recommended to ensure that this disruption is minimised with these conditions controlling matters such as hours of construction work and suppression of the dust generated as a result of the demolition process.
- Visual intrusion and outlook
- 2A The Path
- 7.47 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure the quality of living conditions to both proposed and adjoining buildings and gardens and should protect new and existing development from visual intrusion so that living conditions are not unduly diminished.
- 7.48 The planning inspector in the decision letter noted several concerns that contributed to his conclusion that the previously proposed eight storey building *“...would result in material harm to the living conditions of the occupants of the neighbouring properties 2a and 4a The Path with particular reference to outlook”* These factors are set out below with details of how the revised proposal has been amended to address these concerns.
- 7.49 In terms of the relationship of a three storey part of the building with properties in the Path the Inspector noted that *“The height and bulk of this part of the building sited so close to the boundary would dominate the views from the rear gardens of the adjoining properties in The Path and would be particularly obtrusive and oppressive”*. In response to these comments the building has been reduced to from three storeys to a single storey in the same location at the rear of the site. The separation distance

between the three storey part of the proposed building and 2A The Path has been increased from 3.2 metres to 11 metres.

7.50 The Inspector noted that the five storey part of the proposed building would be slightly in excess of 10 metres from the side boundary of 2A The Path. In addition to the overall reduction in the height of the building from eight storeys to five storeys the current proposal increases the separation distance between the five storey part of the building and the side elevation of 2A The Path to 17 metres.

- 30 Morden Road

7.51 After assessing the impact of an eight storey building on the adjacent building at 30 Morden Road the Inspector noted that *“The impact on the outlook of the occupiers of 30 Morden Road would not be affected to the same degree given the relationship of that building with the proposed building. Whilst there may be some intrusion into their views this would not be so significant as to warrant resisting the scheme”*.

7.52 In conclusion it is considered that the proposed development of a building up to five storeys in height will not unduly diminish the living conditions of adjacent occupiers and is acceptable in terms of visual intrusion and outlook. The proposal is considered in line with Policy DM D2 of the adopted Sites and Policies Plan.

• Sunlight and daylight

7.53 The appeal inspector stated that *“The appellant had submitted with the application a report by GIA entitled Daylight, Sunlight and Overshadowing which demonstrated that there would be no substantial breaches of daylight or sunlight to any of the surrounding properties. During the site visit I was satisfied that this was a reasonable conclusion”*.

7.54 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight and the quality of living conditions. In order to protect daylight and sunlight to existing properties the Council’s Supplementary Planning Guidance on Residential Development advises on general building design and location. As part of the application the applicant has also submitted the conclusions of a more detailed BRE investigation into the daylight and sunlight impact of the proposed new building.

- 2A The Path.

7.55 The application site is located to the east of the properties in The Path. Whilst the existing building on the application site protrudes past the building line of properties in The Path, the proposed building is in line with the front elevation of adjacent properties. The proposed new building will be separated from the rear garden of the property at 2A The Path by a private shared road providing access to the rear of neighbouring gardens. The proposed building will a single storey [reduced from three storeys] where it is closest to the property at 2A The Path and then the building will step up to five storeys at the junction with Morden Road.

7.56 A distance of 3.2 metres will separate the single storey part of the proposed building from the two storey side elevation of 2A The Path. At the closest point a distance of 7 metres will separate the two storey part of the proposed building from 2A The Path. The three and four storey parts of the building will be separated by a distance of 11 metres and the five storey part of the building will be separated by 17 metres from the side elevation 2A The Path.

- 30 Morden Road

7.57 The residential building at 30 Morden Road is located immediately to the north of the application site. The building is part two storey, part three storeys in height with the two storey part of the building adjacent to the boundary with the application site. There are no windows at ground floor level adjacent to the boundary as a rear under-croft vehicle access is provided. A dormer window in the front mansard roof provides natural light to the roof space of the building.

7.58 The existing two storey building on the application site with a pitched roof currently extends 6 metres past the front elevation of the adjacent building at 30 Morden Road. The proposed building at ground and first floor level would extend 8.5 metres past the front elevation of 30 Morden Road.

7.59 There would be a separation distance of one metre between the two buildings and two metres separation distance between the side elevation of the new building and the existing window in the front elevation of 30 Morden Road. At second and third floor levels the section of the new building closest to the boundary would extend 3.4 metres past the front elevation of 30 Morden Road. The top floor the building is set back a further 1.5 metres from the boundary and extends 1.8 metres past the front of located with this distance

- Priory Close

7.60 This four storey building on the opposite side of Morden Road provides 32 flats. There is a distance of 50 metres separating the proposed building from this existing residential accommodation. The BRE study commissioned by the applicant concluded that due to the orientation of the front elevation windows the level of daylight and sunlight to this building would be within recommended limits.

7.61 In conclusion, the BRE study commissioned by the applicant found that whilst the previously proposed eight storey building would result in some increased overshadowing to the rear garden of this adjacent property, this impact was well within recommended thresholds. The methodology used by the applicant in assessing daylight and overshadowing issues is considered to be sound and follows the assessment criteria that are recognised in the justificatory text to the relevant Council's planning policies. With the reduction in the scale of the proposed building towards the rear of the site, the separation distances from the adjacent garden and the building orientation it is considered that the proposal is acceptable in terms of impact on sunlight and daylight.

Standard of the proposed new accommodation.

- 7.62 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- Internal layout and room sizes
- 7.63 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan. Further advice on internal layout is provided within the Supplementary Planning Guidance on Housing published by the Greater London Authority in November 2012.
- Serviced apartments
- 7.64 The serviced apartments are located on the first and second floors of the building. There are no internal space standards within the London Plan or in supplementary guidance for hotel accommodation or serviced apartments. The minimum floor space standards for permanent accommodation [set out as gross internal areas] are provided in a table appended to this report only as a guide against which to judge the proposed temporary residential accommodation.
- 7.65 Whilst a number of the serviced apartments provided in excess of the general minimum space requirements, seven of the serviced apartments are under the minimum floor space requirement. It is considered that whilst these units do not meet the general minimum space standards for permanent accommodation, the proposed temporary accommodation is considered acceptable in light of the nature of the accommodation and the length of proposed stay.
- General market flats
- 7.66 The flats are located on the third and fourth floors of the proposed building. Three of the flats [units 305, 306 and 307] are below the minimum gross internal areas specified in the London Plan for this type and size of accommodation [total of 15 square metres deficit]. The applicant has stated that unit 307 will be used by the building concierge.
- 7.67 A number of the proposed units provide accommodation above minimum standards [total of 14 square metres]. It is considered that amendments could be made to the internal layout to improve the space available to units 305, 306 and 307 that are currently below minimum standards. The current application is for outline planning permission considering only 'scale' and 'access'. The future consideration of matters such as layout provides the opportunity to seek these changes to the internal layout of the development.

- External amenity space
- 7.68 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.
- 7.69 In accordance with the London Housing Design Guide, the Council's Sites and Policies Plan states that there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed space. The table provided as an appendix to this report sets out the areas of external space provided for each of the 9 residential units.
- 7.70 All of the proposed nine flats are provided with private external private amenity space in the form of a balcony. Whilst the provision of external space is below the Council's normal standards for three of the proposed flats, the units also have access to a shared external amenity space covering 327 square metres. In other similar developments accommodation has been found to be acceptable without any provision of private external space. This includes the redevelopment of Spur House site, with members resolving to grant planning permission for development of this site in March 2010 for the application under LB Merton Ref 10/P0049.
- 7.71 There are no external amenity space standards set out in the development plan for the proposed serviced apartments, however the table provided as an appendix to this report the units are assessed against the standards for normal flats. Whilst some of the serviced apartments significantly exceed the external space standards, five of the units are below standard including two units without any external space. With the serviced apartments providing temporary accommodation the level of external amenity space that is proposed is considered acceptable.
- 7.72 In conclusion it is considered that the proposal is well designed and provides adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants in accordance with policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] and and the Mayor's Supplementary Planning Guidance on Housing.

Traffic impact, access, servicing, car parking, and cycling

- Traffic impact
- 7.73 Policy CS 19 of the adopted Core Strategy [2011] states that the Council will support and enhance the public transport network by ensuring that the proposals do not have an adverse effect on transport within the vicinity of the site.
- 7.74 The application site is in an accessible location in terms of the road network with the A24 [Transport for London road network], the A238 and the A219 located nearby. A planning condition is recommended seeking the submission of a bespoke travel plan that will be required to

demonstrate how an operator will minimise impact on the public highway. It is considered that the anticipated traffic that would be generated by the proposed development can be adequately and safely accommodated on the existing road network. A consultation response has raised concerns about the width of the private access road at the rear of the application site. The submitted planning application does not encroach on to the rear access road and this road will retain the current width.

- Car parking

- 7.75 Policy 6.13 of the London Plan [2015] states that a maximum of one car parking space should be provided for a three bedroom flat and less than one space for each one or two bedroom flat. A maximum of one car parking space should be provided for each ten members of hotel staff with no standard for residents of hotels. The standards for car parking are set at maximum levels rather than minimum levels with the aim of discouraging the use of the private car.
- 7.76 The site is located within a controlled parking zone [zone S1] with double yellow line waiting restrictions along the main Morden Road frontage and along part of the secondary frontage in the Path. The application site is located in an area of very good public transport accessibility. The proposal includes 5 parking bays 2 of which are suitable for disabled use.
- 7.77 In order to promote public transport, a planning obligation is recommended to ensure that future residents of the proposed flats and serviced apartments are unable to apply for on street parking permits in the surrounding Controlled Parking Zone. A planning condition is also recommended seeking the provision of an electric vehicle charging point as part of the development.

- Cycling

- 7.78 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.
- 7.79 The submitted plans show cycle storage within the new building in line with Transport for London cycle parking standards and a planning condition is recommended to seek further details of this cycle storage and to ensure that this storage is maintained.
- 7.80 In conclusion the proposal is considered acceptable and in line with Policy CS 19 of the adopted Core Strategy [2011]. The Council's Transport Planning Team and Transport for London have both confirmed that they have no objection to the proposed development in terms of any potential impact on the road network. The previous reasons for the refusal of planning permission did not raise any concerns about traffic impact and the revised proposal has reduced the overall number of units from 31 to 17 units. The level of off cycle parking is considered acceptable and the

development in accordance with Policy CS 18 of the adopted Core Strategy [July 2011]

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT **Sustainability**

- 8.1 Policy CS 15 of the adopted Core Strategy [2011] states that proposals will be required to demonstrate how resources have been used effectively. Proposals would also need to demonstrate how they make the fullest contribution to minimising carbon dioxide emissions. Residential development should achieve Code for Sustainable Homes level 4 certification. Proposals should meet the CO2 reduction targets in line with the London Plan. Policy 5.2 of the London Plan [2015] states that development proposals should make the fullest contribution to minimising carbon dioxide emissions.
- 8.2 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that Code for Sustainable Homes Level 4 is achieved for the residential flats and BRE 'Very Good; standard for the aparthotel accommodation together with a minimum 25% improvement in the dwelling emissions rate in accordance with Policy 5.2 of the London Plan.

Environmental Impact Assessment

- 8.3 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £37,100 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 1,060 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

London Borough of Merton Community Infrastructure Levy

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

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £233,200. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 1,060 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- Affordable housing
- 9.8 The current application involves the demolition of the existing two storey buildings that provide ten residential units [1 two bedroom house, 2 one bedroom flats and 7 studio flats] and the erection of a eight storey building that includes 9 residential units [4 one bedroom, 4 two bedroom and 1 three bedroom flats].
- 9.9 On Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing should not be sought from small scale and self-build development. Following this change, the Council can no longer seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000 square metres; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 *housing choice*, no longer applies.
- 9.10 The proposed development also includes an 'aparthotel' consisting of 17 serviced apartments. To ensure that the proposals remain in compliance with the relevant local and national policies in relation to affordable housing provision, a planning condition is recommended to ensure that the apartments do not become permanent residential units within the terms of

Class C1 or Class C3 of the Town and Country Planning (Use Classes) Order 2005.

- A restriction preventing future occupants from obtaining an on street car parking permit.
- 9.11 In order to encourage public transport use in this sustainable location a planning obligation is recommended to prevent future occupants from obtaining on street car parking permits.
- The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;
- 9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fee would be £250 with legal fees agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units that would meet a need for hotel accommodation set out in the London Plan.
- 10.2 The development is of a scale that is sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. The revised proposal with the reduction in building height is considered to have satisfactorily addressed the concerns of the appeal Inspector that resulted in the dismissal of the earlier appeal. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.

1. A planning obligation preventing future occupants from obtaining on street car parking permits.
2. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [to be agreed].
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£250].

And the following conditions:

1. Standard condition [Time period - outline] The development to which this permission relates shall be commenced before the expiration of 3 years from the date of this permission or 2 years from the approval of the last of the reserved matters as defined in the condition below, whichever is the later. Reason for condition: To comply with Section 92 (as amended) of the Town & Country Planning Act 1990.
2. Standard condition [Submission of reserved matters] Details of the reserved matters set out below ('the reserved matters') shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission: (i) layout; (ii) appearance; and (iii) landscaping. The reserved matters shall be carried out as approved and the approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced. Reason for condition: To

comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

3. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: DMWR/A3/21; PL2-00001; PL2-00002; PL2-00003; PL2-00004; PL2-00032; PL2-00033; PL2-00034; PL2-00035; Planning Statement; Daylight and Sunlight Assessment Design and Access Statement; Transport Note; explanatory note 'The Concept of an Aparthotel [C1 Use]' Reason for condition: For the avoidance of doubt and in the interests of proper planning.
4. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.
5. Non-standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with Sites and Policies policy DM D2.
6. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
7. Amended standard condition [Construction Logistics Plan] Prior to the commencement of development [including demolition], a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

8. Amended standard condition [Parking Management Strategy] Prior to the commencement of development a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
9. Amended Standard condition [New vehicle access] No development shall commence until details of the proposed vehicular access to serve the development including the relationship with the nearby cycle lane have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. Reason for condition: In the interests of the safety of vehicles and pedestrians and to comply with adopted planning policies.
10. Non standard condition [Car parking spaces] Prior to occupation of the development hereby permitted the car parking spaces shown on the approved drawing that will include an on site facility for charging electric vehicles to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the London Plan 2015.
11. Non-standard condition [Cycle storage and parking] Prior to first occupation of the proposed new dwellings the cycle storage shown on the approved drawing to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for cycle parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
12. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings the refuse and recycling facilities shown on the approved drawing to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for refuse and recycling purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to

comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].

13. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings written evidence shall be submitted to and approved by the Local Planning Authority that confirms that the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
15. Non Standard condition [Aparthotel – length of stay] The short-term let /serviced apartments forming part of the aparthotel shall not be used other than for temporary sleeping accommodation (periods of less than 90 consecutive nights) only and for no other purpose including any other purpose falling within Class C1 and Class C3 of the Town and Country Planning (Use Classes) Order 2005 Reason for condition: To ensure that the short-term lets/serviced apartments are not used for permanent residential purposes without the provision of affordable housing, and the provision of accommodation of a suitable standard in accordance with Central Government Guidance, the London Plan, policy CS8 of the Core Strategy, and supplementary planning advice.
16. Amended standard condition [Landscaping] Prior to occupation of the proposed accommodation landscaping shall be in place that is in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of 5 years from planting if any trees that form of the approved landscape plan die, if they are removed, if they become seriously damaged or diseased or are dying, they shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.
17. Amended Standard condition [Timing of deliveries] All deliveries, loading, unloading or other servicing activities associated with the operation of the completed building shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.

18. Amended standard condition [Screening of external amenity areas] Prior to first occupation of the proposed new dwellings screening to the proposed external amenity areas above ground floor shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved screening maintained permanently thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
19. Standard condition [Code for Sustainable Homes Pre-Commencement - flats] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 has been submitted to and approved in writing by the Local Planning Authority. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
20. Standard condition [Code for Sustainable Homes Pre-Occupation-flats] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies, 5.2 of the London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
21. Standard condition [BREEAM - Pre-commencement-aparthotel] No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a ‘standard’ BREEAM or a ‘bespoke’ BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than ‘Very Good’ has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

22. Standard condition [BREEAM - Pre-occupation - aparthotel] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets relevant at the time of determination of the application (equivalent to minimum emissions reductions required to achieve BREEAM excellent) Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes Standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- c) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway.
- d) The applicant is advised that should they wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>
- e) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
- f) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and

Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

- g) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.

Appendix 1: Room sizes, amenity space and tenure information for the proposed residential accommodation

- Ground floor – no residential accommodation.
- **Table 1: First floor accommodation providing 9 aparthotel units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Polices standard [Sq. M]	Tenure
Unit 101	62	50 [one bedroom two person]	4.8*	5	Aparthotel unit - market rent
Unit 102	56	50 [one bedroom two person]	5.6*	5	Aparthotel unit - market rent
Unit 103	51	50 [one bedroom two person]	5.6*	5	Aparthotel unit - market rent
Unit 104	51	50 [one bedroom two person]	5.7*	5	Aparthotel unit - market rent
Unit 105	50	50 [one bedroom two person]	3.8*	5	Aparthotel unit - market rent
Unit 106	28	37 [one person unit]	5*	5	Aparthotel unit - market rent
Unit 107	32	37 [one person unit]	5.7*	5	Aparthotel unit - market rent
Unit 108	35	37 [one person unit]	0*	5	Aparthotel unit - market rent
Unit 109	35	37 [one person unit]	0*	5	Aparthotel unit - market rent

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 2: Second floor accommodation providing 8 aparthotel units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Polices standard [Sq. M]	Tenure
Unit 201	56	50 [one bed two person]	5.6*	5	Aparthotel unit - market rent
Unit 202	51	50 [one bed two person]	5*	5	Aparthotel unit - market rent
Unit 203	51	50 [one bed two person]	7.6*	5	Aparthotel unit - market rent
Unit 204	50	50 [one bed two person]	4*	5	Aparthotel unit - market rent
Unit 205	47	50 [one bed two person]	18*	5	Aparthotel unit - market rent
Unit 206	33	37 [one person unit]	5*	5	Aparthotel unit - market rent
Unit 207	29	37 [one person unit]	5*	5	Aparthotel unit - market rent.

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 3: Third floor accommodation providing 7 general market units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 301	56	50 [one bed two person]	7.6*	5	General market flat
Unit 302	51	50 [one bed two person]	6.8*	5	General market flat
Unit 303	51	50 [one bed two person]	7.6*	5	General market flat
Unit 304	50	50 [one bed two person]	4*	5	General market flat
Unit 305	47	50 [one bed two person]	8*	5	General market flat
Unit 306	33	37 [one person flat]	4.7*	5	General market flat
Unit 307	29	37 [one person flat]	4.7*	5	General market flat

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 4 Fourth floor accommodation providing general market units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 401	65	61 [two bed three person]	68*	5	General market flat
Unit 402	61	61 [two bed three person]	57*	5	General market flat
Unit 403	53	50 [one bed two person]	43.5*	5	General market flat

*Occupants will also have access to 327 square metres of on site shared external amenity space.