
Appeal Decisions

Hearing Held on 15 March 2021

Site visit made on 17 March 2021

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal A - Ref: APP/T5720/W/20/3253731

The White Hart, 350 London Road, Mitcham CR4 3ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gateway Realty Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 18/P2216, dated 25 May 2018, was refused by notice dated 5 December 2019.
 - The development proposed is for part change of use of existing building, minor demolition of rear extension, construction of a new 3-4 storey building to provide a total of 15 no. dwellings (Use Class C3) and retention of ground floor commercial unit (Use Class A4).
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Appeal B - Ref: APP/T5720/Y/20/3253732

The White Hart, 350 London Road, Mitcham CR4 3ND

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Gateway Realty Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 18/P2217, dated 25 May 2018, was refused by notice dated 5 December 2019.
 - The works proposed are for part change of use of existing building, minor demolition of rear extension, construction of a new 3-4 storey building to provide a total of 15 no. dwellings (Use Class C3) and retention of ground floor commercial unit (Use Class A4).
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Decisions

Appeal A - Ref: APP/T5720/W/20/3253731

1. The appeal is allowed and planning permission is granted for part change of use of existing building, minor demolition of rear extension, construction of a new 3-4 storey building to provide a total of 15 no. dwellings (Use Class C3) and retention of ground floor commercial unit (Use Class A4) in accordance with the terms of the application, Ref 18/P2216, dated 25 May 2018, subject to the conditions set out in the first schedule attached to this decision.

Appeal B – Ref APP/T5720/Y/20/3253732

2. The appeal is allowed and listed building consent is granted for part change of use of existing building, minor demolition of rear extension, construction of a new 3-4 storey building to provide a total of 15 no. dwellings (Use Class C3)

and retention of ground floor commercial unit (Use Class A4) in accordance with the terms of the application, Ref 18/P2217, dated 25 May 2018, subject to the conditions set out in the second schedule attached to this decision.

Procedural matters

3. At the Hearing, the appellants provided a draft Section 106 Unilateral Undertaking (UU), which was awaiting signing by mortgagees. However, this formed the basis for discussion at the Hearing. Subsequently, a properly executed UU has been submitted. The matter of the UU is considered later in this decision.
4. The application proposals were amended during the application from 20 no. dwellings to 15. I have considered the appeals on the basis of 15 no. residential units, which is reflected in the descriptions in the decisions. Accordingly, I have also amended the descriptions in the banner heading for completeness and to avoid uncertainty.
5. The London Plan 2021 was published in March 2021. The parties have been given the opportunity to comment on the relevance of the latest development plan policies to the appeals and accordingly, neither main party has been prejudiced by my consideration of the latest policies of the London Plan 2021 in reaching these decisions.

Main Issues

6. The main issues are:

Firstly, in respect of heritage matters: a) whether the proposed works and development would preserve the Grade II listed building known as The White Hart, 350 London Road or any features of special architectural interest that it possesses; b) whether the proposed development would preserve the character or appearance of the Mitcham Cricket Green Conservation Area; c) the effects of the development on the settings of The White Hart in particular and other nearby listed buildings.

Secondly, in terms of the effects of the development upon the living conditions of: a) existing occupiers of properties of Lower Green in terms of outlook, privacy and sunlight; b) future occupiers of the proposed apartments in terms of privacy, natural light, outlook, amenity and noise and general disturbance;

Thirdly, whether the proposed development would provide safe and effective servicing and loading and appropriate refuse/recycling facilities; and

Fourthly, whether the proposed development would provide adequate provision for affordable housing.

Reasons

Heritage

7. The Council does not object to the limited works proposed to The White Hart and I have no evidence to suggest otherwise. Therefore, taking into account all of the matters raised in the evidence and based on all I have heard and seen, I consider the overriding main issue in this decision to be whether the proposed development would preserve or enhance the character or appearance of Mitcham Cricket Green Conservation Area (MCGCA), and whether it would

preserve the setting and architectural and historic interest of the nearby listed buildings, including, in particular, The White Hart and those designated and non-designated heritage assets that face directly onto the junction of London Road with Cricket Green and along Lower Green West.

8. Considering the location of the appeal site to the rear of The White Hart and surrounded by development on three sides, there are a number of heritage assets to be considered in terms of impacts of the appeal proposal. As decision-maker I must consider this appeal in light of the statutory duties placed upon me in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
9. The White Hart occupies a prominent position at a busy road junction within the designated MCGCA and faces squarely down Cricket Green. The main building provides a focal point in views along Cricket Green heading towards the junction and forms part of an important if disparate group of listed buildings at this location. These include the Burn Bullock PH, 346-348 London Road, the Drinking Fountain and Horse Trough as well as a limited number of non-designated heritage assets comprising 352 London Road, the gas lamp (between the horse trough and cricket ground) and the Cricket Memorial Stone. I am conscious that the National Planning Policy Framework (the Framework) sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance.
10. The defining historic and architectural interest of The White Hart is its front elevation when viewed from Cricket Green and from the cricket ground itself. From increasing distances to the east, the prominence of The White Hart begins to dissipate and is viewed in the context of the group of buildings that front London Road. It is at closer distances that the visual interest in the detailing of the building becomes noticeable. At closer quarters, its fairly uniform window arrangement with the central three bays projecting slightly forward of the main facade, the projecting porch with Tuscan columns topped by a balustrade parapet, its traditional signage and column parapet front roof are defining features of the building and which reflect its former importance as a coaching inn. Views into the site are restricted to a few glimpsed views by taller buildings that surround the site.
11. The appeal property together with other nearby coaching inns and dwellings hold considerable special architectural interest, most evidently expressed in their lively well-articulated front elevations, their historical and prominent communal associations with the settlement of Mitcham and the history of cricket.
12. The MCGCA is characterised by the formally laid out streets and the wide expanse of the cricket green and other open spaces with mature perimeter trees behind which are numerous historic and locally significant buildings providing an orderly arrangement to the built form. Broad vistas across the Cricket Green and Lower Green provide a sense of openness when within those areas although mature trees filter full views of buildings. Heavy traffic at the junction of London Road and Cricket Green further reduce those already

restricted views. However, there is no doubting the scale and quality of buildings that surround these open spaces and the historic development pattern and character of the perimeter-built form prevails giving the area a genuine village-feel.

13. As stated above, there are no concerns regarding the proposed works to the listed building, which are limited to relocating the rear means of egress to the public house. The proposed development would see the retention of the building's use as a public house and the erection of an irregularly-shaped three and four storey building on the existing car park to the rear to provide 7 x 1 bedroom units, 7 x 2 bedroom units and one 3-bed unit.
14. The Council as well as the Mitcham Cricket Green Community & Heritage (the Community & Heritage group) believe that the upper storey to the proposed development would be visible above the existing roofline when viewed from Cricket Green and from the cricket green itself. From this location, the Hearing was told that the proposed development would contrast significantly with The White Hart and undermine its significance as a focal building at this important busy road junction. Whilst the ability to see part of the upper storey of the proposed development against the important front façade of The White Hart at certain points along Cricket Green is certainly true, as you move towards the building to a point where the detailing of the listed building comes into real focus, the proposed development recedes behind the front façade and is not visible above the existing roofscape.
15. The same would be true of views from alongside the listed Horse trough and drinking fountain. At this point, the existing gap between The White Hart and Nos.346/348 London Road would be infilled to a large degree although recessed sufficiently to avoid creating a sense of the development being viewed as an extension. I conclude that the development would have a neutral effect on this listed building.
16. Without question, there would be some minor changes to the setting of The White Hart when viewed from Cricket Green particularly as The White Hart is always in focus and acts as a focal point; however, this would be at some distance where the eye is also drawn to other buildings within a busy urban setting. The same would be true in terms of the impact of the development on the setting of Tate Almshouses, particularly in views of both the almshouses and The White Hart at the entrance to the almshouses on Cricket Green. At these distances the impact of the development on the setting and therefore the significance of the Tate Almshouses as a cluster of traditional single storey dwellings set within a courtyard and depicting the historic development of Mitcham would be neutral.
17. The proposed development includes much of the land to the rear of the White Hart that is currently the large car park to the public house. This area is largely screened from view by existing mature trees along the approach road and to the perimeter of the car park. I consider that the car park area makes a minor contribution to the significance of the listed building only because of its evidential value comprising the changes that have occurred over time. An important part of the rear of the listed building is the two storey nineteenth century range, which is to be retained. The transition between the range and the proposed development has been carefully crafted and would represent an

entirely acceptable design response that would not harm either the historic interest or architectural interest of the listed building.

18. On the opposite side of London Road lies the Burn Bullock PH. Both buildings contribute significantly to each other's settings as examples of their historic purposes providing accommodation for those travelling along the coaching route between London and Brighton. Although I was unable to inspect the appeal site from the upper storeys of the Burn Bullock PH itself, I was content that the development would not be sufficiently visible from the street level to have any harmful effects on the setting of this listed building.
19. Whilst I observed the very close relationship between the appeal site and 346-348 London Road and that through the gap between The White Hart and these listed cottages, the development would be noticeable, I consider the design response in the context of the urban character of the immediate area to be appropriate and would be read as forming part of other taller buildings alongside. The principal aspect to 346-348 is on to London Road; there are no rear facing windows or extensive curtilage. I am satisfied that the development would have a neutral impact on their setting and their significance as historic buildings occupying an important road frontage and illustrating the historic development of Mitcham.
20. Walking across Lower Green to the War Memorial, the significance of which is derived from its location within an area of open space and its use for solemn contemplation and celebration, there are glimpsed views of the roof and chimneys of The White Hart. The upper storeys of the proposed development would be viewed from the memorial but in the context of a foreground of buildings and mature trees. The same would be true of the impact on the setting of the Mitcham Parish Rooms where views would be restricted and indiscernible. The special significance and special architectural interest of the former parish rooms derives to a substantial degree from the composition of its Victorian front façade containing a clock and cupola above the two storey element and facing Lower Green and illustrating its former communal and civic uses and important part of the history of Mitcham. Given the attention to the design, including the height of the roof and use of appropriately subdued materials, the proposed building would be viewed in close association with other buildings of similar height. It would therefore have a neutral effect on the settings of both the War Memorial and the Mitcham Parish Rooms.
21. My attention was drawn to other locally listed buildings and structures within the local area including 352 London Road, 1 & 2 Cricketers Cottages, the former Mitcham Fire Station, the gas lamp on Cricket Green and the Cricket memorial stone. I visited each of those sites and was satisfied that the development would have a barely noticeable or no impact and therefore at worse, a neutral effect on the settings of these buildings and structures.
22. The MCGCA at this location is notable for its semi-rural character and its association with the world's oldest cricket green which along with Lower Green are expansive open spaces framed by mature trees behind which sit many historic and characterful buildings. The significance of the MCGCA derives to a significant degree from its association with cricket, its open spaces and variety of building styles that fit charmingly into their setting. Whilst the busy Jubilee Corner road junction by now imposes itself on the area in front of The White Hart, the presence of two historic coaching inns opposite the Cricket Green

along with expansive open spaces ringed by important historic buildings retain high communal value and association with the development of Mitcham over time.

23. The commanding presence, appearance and historic use of The White Hart as it fronts London Road on a historically important route into London contributes to the significance of the MCGCA. The rear of the building despite the historical and architectural interest of the service wing and those trees that have been retained does not contribute substantially to the heritage value of the MCGCA. Instead, the appearance of this area is neglected and forlorn taking on the character of wasteland. There is no surviving buildings or structures that would help provide context for development in this instance.
24. Instead, the proposed development has adopted a contemporary design approach incorporating a new 3-4 storey building on the existing car park. The Council's concern relates to the effects that a building appearing to extend higher than the present White Hart would have on the street scene. It recognised that the proposal received a "Green" verdict following submission at the Design Review Panel in April 2019. The appellant subsequently responded to the detailed points raised in the review findings but officers remained unconvinced that the design, scale, bulk and massing would sit appropriately adjacent to the listed building and within the MCGCA. The focus of evidence from both the Council and the Community & Heritage Group at the Hearing related to the impact on the skyline behind the silhouette of the frontage of The White Hart and from a number of other important views that have largely been identified above.
25. Whilst of a contemporary style, the proposed siting, scale and massing of the scheme would be acceptable on the site and would cause no harm to the MCGCA. Moreover, the scheme's detailing, rhythm and solid to void ratio to its facades together with the use of materials typically found in the local area are all appropriate elements of design as is its relationship with other buildings in the immediate area. Furthermore, there would be a strong relationship with the surrounding residential areas particularly to the west. It would represent an entirely appropriate design response in this backland area that have a markedly negative effect on the character and appearance of this part of the MCGCA. Despite the arguments presented at the Hearing, these factors lead me to the view that no harmful effects would be caused to the significance of the MCGCA by the proposed development itself. The proposed development would at the very least preserve the character but also lead to a considerable enhancement to the appearance of the MCGCA.
26. Nevertheless, I have found that there would be some harm to the setting of The White Hart PH listed building in medium to long views of the listed building from Cricket Green. Consequently, the experience of the site as a former coaching inn and thus its setting would be diminished to a limited degree through the changing skyline and this would have a negative effect on the significance of the setting of this listed building. However, these impacts are on the very lower end of magnitude and would result in a slight level of residual harm to the setting and significance of the listed building. That said, any harm must be given considerable importance and weight.
27. Turning to the Framework, having regard to paragraph 196, I find the harm to the significance of the setting of The White Hart PH to be less than substantial

and would err towards the lower end of the scale in respect of these harms. The Framework sets out that in such cases this harm should be weighed against the public benefits of the proposal. I return to this balance later in my decision.

Living Conditions

Existing occupiers

28. The proposed development would either meet or exceed the 18-21m distances between facing habitable rooms of what is proposed and existing dwellings as advised in the GLA Housing Supplementary Planning Guidance (SPG) and although within 3-3.5m of the rear boundaries of properties at Caxton Cottages, Caxton House and Kingdene on Lower Green, these properties have long gardens and experience an existing urban environment. Moreover, the openings to the proposed development that face the existing properties are decked walkways rather than habitable windows, which would not be conducive to prolonged gazing out over adjoining land by occupiers or their visitors. I do not consider the arrangement and resulting relationship to be unacceptable whilst the contemporary and lively design together with an acceptable palette of materials would not create unacceptable living conditions for occupiers of neighbouring properties in terms of outlook or loss of privacy.
29. The Council did not contest the findings of the appellant's Daylight and Sunlight Report, which found BRE compliance for all but one property. In that case, the property is already overshadowed to a significant degree by a mature sycamore tree but nevertheless enjoys a rear garden area which is well in excess of the housing standard set out in the SPG. This guidance is intended to be applied flexibly and the affected property of concern would receive ample sunlight in line with BRE standards from late March through the summer when gardens are most in use. Given the size of the garden area and the presence of a mature tree, I do not consider that the marginal conflict with BRE guidance would result in unacceptable level of harm in this instance.
30. Accordingly, I consider that the proposed development would not harm the living conditions of existing occupiers and would therefore accord with Policy D6 of the London Plan, Policy CS14 of the Merton Core Strategy (2011) and Policy DM D2 of the Adopted Merton Sites and Policies Plan as well as the GLA Housing SPG (2016). In combination, these policies seek to encourage well-designed housing while ensuring that new developments provide adequate sunlight and daylight to occupiers of both existing and new residential properties and protect privacy and amenity incorporating a degree of flexibility according to location to achieve densities in an appropriate way.

Future occupiers

31. Although the proposed scheme includes a number of units positioned alongside footpaths at ground floor or decked walkways on the upper floors, all 15 units would be dual accessed and incorporate private amenity space in the form of balconies, terraces and planted areas. Particular attention was given to units A.2.1 and A.3.1 in the decision notice. The Council conceded that the GIAs would comply with the London Plan internal space standards. Whilst there would be reduced outlook for these units, the aspect from the bedrooms through angled skylights would not be uncommon in urban situations and would not by itself lead to unacceptable harm.

32. Although the Council and the Community & Heritage Group expressed concerns relating to the relationship between the outside sitting area to the pub and the outdoor amenity space for future occupiers, the illustrations accompanying the landscaping proposals indicate that the amenity space as well as the remainder of the private areas would be well-designed to give quality outdoor spaces. Moreover, the outdoor seating area for the pub would be modest in scale and along with the residents' space could be further screened and landscaped through a planning condition. The two outdoor spaces are clearly defined and separated in the proposed scheme which would mean that circulation by users of the pub would be managed effectively. With effective screening, I have no reason to doubt that the proposals would lead to an acceptable and positive environment for users to co-exist. This is supported by recent trends in the pub sector generally that have seen a moving away from a wet-led business model to an emphasis on food.
33. The appellant addressed some of the concerns expressed by the Design Review panel, including the design of the undercroft which would be well-lit with secure access from both sides with a large portion of the lobby incorporating extensive glazing, which would provide good levels of natural surveillance. Whilst the positioning of a bins store would be located close to the apartments, this area is a secondary bin storage area for ease and convenience. The Hearing was informed that this facility would be effectively managed on a regular basis and waste transferred to the main bin stores located at the site entrance for collection. Given the modest height of the bin store closest to the apartments, I am satisfied that with adequate management arrangements, this would be acceptable.
34. I find that the proposed development would comply with Policy D6 of the London Plan, Policies CS9 and CS14 of the Merton Core Strategy (2011) and Policy DM D2 of the Adopted Merton Sites and Policies Plan, as well as the GLA Housing SPG which amongst other things require new developments to respond to local distinctiveness, provide good functional spaces and buildings that provide sufficient levels of amenity, including private and communal outdoor amenity space and protection from noise pollution; these policies to be applied flexibly in order inter alia to optimise housing capacity.

Servicing, loading and refuse and recycling

35. Despite the Council's concerns, there was little disagreement that pub deliveries currently take place from the front of the building on London Road. This would not change as a result of the proposed development. This is a pre-existing arrangement and is typical of what is found both at other premises in the vicinity and elsewhere.
36. By the same token, bespoke waste and recycling collection is not a new phenomenon and with adequate management arrangements in place, would not be a problem at this location. During my site visit, I was able to observe the arrangements that currently exist at the nearby Highfield Court development off Broadway Gardens, which appears also to employ private contractors. No evidence was presented to suggest that with a suitably worded planning condition, adequate similar arrangements could also be put in place for this development.
37. Accordingly, I find no conflict with Policies CS17 and CS20 of the Merton Core Strategy or with London Plan Policy SI 7 and Standard 22 of the SPG, which in

combination sets out to achieve sustainable waste management in line with the Council's Sustainable Design and Construction SPD and requiring new developments to incorporate adequate facilities for servicing in the interests of highway safety.

Affordable housing

38. Policy CS8 of the Core Strategy states that affordable housing shall be provided on sites of 10 or more units with an affordable housing target of 40% of the units to be affordable. The Council's desired tenure mix should be 60% social rented and 40% intermediate housing. The London Plan sets out a higher figure of 50% although in Policy H5 identifies a threshold or fast track approach to applications where a minimum 35% can be provided on schemes not benefitting from grant or public subsidy. Whilst the proposed tenure split would meet policy requirements, the appellant has not provided evidence that it has actively sought social housing grant to increase the level of affordable housing to meet London Plan Policy H4.
39. Although the Council questioned the practicality of the scheme to be acquired by a registered social housing provider, the layout would enable four of the units on the ground floor to be sufficiently self-contained with direct access to be attractive to such providers with the option of the remaining two intermediate units being retained by the developer. On balance, I am satisfied that the proposed development would meet the requirements of Policy CS8 of the Merton Core Strategy and Policies H4, H5 and H6 of the London Plan.

Other matters

40. A signed Unilateral Undertaking (UU) was submitted following the Hearing; its contents in the form of a draft undertaking was discussed at the Hearing. Given the present Covid-19 pandemic, identically worded deeds have been signed by the various landowners/mortgagees and I have accepted this approach. As explained above, the UU sets out obligations to provide 40% affordable housing by unit, which would comply with Policy CS8 of the Merton Core Strategy and would be eligible for the Fast Track approach under London Plan Policy H5 albeit with a provision within the UU of a cash-in-lieu option.
41. The UU also offers an obligation that would result in the refurbishment of the public house.
42. Paragraph 56 of the Framework sets out the following tests for planning obligations: they are necessary to make the development acceptable in planning terms; they are directly related to the development and; they are fairly and reasonably related in scale and kind to the development. I am content that the provision of affordable housing is supported by the above policies and thus complies with the tests. The appellant's case is predicated partly on the opportunity that the proposed development would provide to enable this important listed building to be renovated and marketed as a viable commercial proposition. The refurbishment of the public house would aid its conservation and enhance its significance in terms of setting in line with Policy DM D4 of the Merton Sites and Policies Plan. I am satisfied that this aspect of the UU would also meet the tests of necessity, be directly related and be fairly and reasonably related in scale and kind to the development.

43. I therefore conclude that that the proposed development makes sufficient and appropriate provision for affordable housing required by or arising from it and that it would bring about improvements to the significance of the listed building.

Overall Planning Balance

Heritage balance

44. The appeal scheme would bring about public benefits. The Council acknowledges that the proposals would provide 15 additional quality residential units for which there is an identified need, which would take place in a highly sustainable location and which would meet the Council's draft allocation in its forthcoming Local Plan. The appeal scheme would deliver policy-compliant affordable housing. I find this of substantial weight given the pressing needs of London and the opportunity here to maximise the delivery of affordable housing. The probable early delivery of much needed housing based on the Mayor's adopted threshold approach to viability adds to this clear benefit.
45. The proposed development would maximise the potential of an underutilised brownfield site, which is having a significantly degrading effect on the local environment and the MCGCA. I find that it would be of a high standard of design, a view that has been supported through a rigorous assessment by an independent Design Review Panel. It would have suitable density, scale and layout. Consequently, it would preserve the character of and enhance the appearance of an important Conservation Area. It would lead to an increased likelihood of preserving the character and immediate setting of the White Hart as well as raising the prospects of the PH returning as a viable business that would reflect its past importance as a coaching inn. This is an important consideration as the country struggles to face the consequences of the Covid-19 pandemic. Moreover, the immediate setting of the listed building would be preserved and in turn the appearance of the MCGCA would be enhanced by the mitigation proposed in the UU.
46. Such an outcome would be consistent with the Framework that seeks to safeguard designated heritage assets and their setting and would also be in accordance with the policies of the London Plan (specifically Policies D3, D4, H2 and HC1) which collectively seek to safeguard the historic environment, including through good design, optimise development opportunity through a design-led approach and protect local character through appropriate small-scale housing. The development would also be in accordance with the heritage policies contained within the Merton LDF Core Planning Strategy (Policy CS14) and Merton Sites and policies Plan (Policy DM D4) which set out to protect heritage assets in line with the Framework.
47. In reaching a conclusion that the proposed development would lead to less than substantial harm in the parlance of paragraph 196 of the Framework, in my view the level of harm would be of the lowest magnitude. This marginal heritage harm would be very clearly outweighed by the public benefits that I have identified and would also deliver a development capable of sustaining the current planning use of the listed building.

The Planning Balance

48. The development would comply with the most relevant development plan policies contained in the London Plan (Policies D3, D6, T7, H2, H5, H6, and D11) and with Policies CS8, CS9, CS11, CS14, and CS17 of the Merton LDF Core Planning Strategy and with Policy DM D2 of the Merton Sites And Policies Plan. As such it would comply with the development plan overall.
49. It would deliver policy compliant affordable housing and market housing on a previously developed land at a highly sustainable location within the built-up area of Mitcham without unacceptable planning harm.
50. The appellant argues that the Council is unable to demonstrate a five year housing land supply, a position accentuated by the higher housing delivery targets for the Council set out in the London Plan; this is not disputed by the Council. The delivery of housing including affordable housing is afforded substantial weight given my findings that policies that protect areas of particular importance as outlined in paragraph 11(d) of the Framework do not provide a clear reason for refusing the development in this instance. In addition to my positive findings on other relevant development plan policies mean that there are no adverse impacts that would significantly and demonstrably outweigh the benefits that I have identified. Thus overall, the material considerations in this case indicate that a decision should be made in accordance with the development plan and the appeal allowed.

Conditions

51. I have considered the conditions suggested by the Council, including prior commencement conditions, which were assessed against the Government's Planning Practice Guidance (PPG) and agreed at the Hearing.

Appeal A:

52. In the interests of providing certainty, I have attached a condition specifying approved plans. Conditions are included requiring prior approval and subsequent implementation of materials to be used in the development, details of the surface treatment, landscaping and boundary treatment are necessary to protect the character and appearance of the area.
53. Conditions are attached requiring the submission and approval by the Council and subsequent implementation of the following: waste and recycling management arrangements and provision of facilities for collection; the provision of cycle parking facilities, and; details of CCTV, entry and security systems and lighting. These conditions are necessary to provide satisfactory living conditions and to contribute to the sustainability of the appeal scheme. Also in the interests of securing acceptable living conditions, conditions are attached requiring approval of details of site traffic/loading/unloading arrangements, surface water/foul sewage disposal facilities, times when construction works can take place, Demolition and Construction Management arrangements, piling and other foundations that employ penetrative methods to include method statements for foundation designs and means of dealing with land contamination that may arise during development.
54. To protect the character and appearance of the area, a condition is attached requiring approval of details of an arboricultural method statement and measures for the protection of trees on site. Conditions are also attached that require hardstanding areas within the site to be constructed with porous

material or to direct surface water to permeable areas and to ensure early provision of parking areas to achieve a satisfactory standard of development.

55. So that any archaeology on site is properly recorded, conditions are attached requiring the prior submission and approval of a programme of archaeological works and subsequent on-site watching brief to include provision of further recording of archaeology features found during construction.

Appeal B:

56. A condition is attached that gives the Council a short period of time prior to any works commencing on site to make necessary arrangements to record or observe works to ensure protection of the listed building. A condition is included requiring that all new work and works of making good shall be finished in a manner that safeguards the special architectural interest of the listed building. Given the desirability of preserving the special architectural interest of the listed building and the considerable importance and weight attached to this aim, I have required that precautions to secure interior/exterior fabric and curtilage structures against accidental loss or damage or removal.

Conclusion

57. For the reasons given above and having regard to all matters raised in evidence, I conclude that both appeals should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE 1

LIST OF CONDITIONS APPEAL A

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and drawings; D2000 05, D2100 10, D2120 09, D2121 07, D2122 07, D2125 07, D2130 07, D2131 06, D2132 05, D2133 05, D2135 06, D2720 05, D2520 05, D2530 04, D2730 04, D2731 04, 2017/3810/001 F, 2017/3810/005 C
3. No development above ground level shall take place until a detailed schedule of all the proposed materials of construction has been submitted to and approved in writing by the local planning authority. Development shall not be carried out except in accordance with the agreed schedule.
4. No development above ground level shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been submitted in writing for approval by the local planning authority. Development shall not be carried out except in accordance with the agreed details.
5. The development hereby approved shall not be occupied until details of all boundary walls, fences or screening as shown on the approved plans have been submitted to and approved in writing by the local planning authority. The walls, fencing and screening as so approved shall be completed prior to occupation of any part of the development and shall be permanently retained thereafter.
6. No part of the development shall be occupied until a scheme has been submitted to and approved by the local planning authority detailing the management arrangements for waste disposal and recycling collection. Waste and recycling collection shall be managed thereafter in accordance with the approved scheme.
7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
8. The development hereby permitted shall not be occupied until the secure cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.
9. The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction process have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and complied with for the duration of the construction process.

10. No part of the development hereby approved shall be occupied until evidence has been submitted to the local planning authority confirming that the development has achieved CO2 reductions not less than a 35% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
11. The development hereby approved shall not be occupied until details of CCTV provision, entrance systems, the design and security of the cycle and refuse stores, site lighting and the design of the main access to the residential block have been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed within 3 months of first occupation and maintained in an operational condition thereafter.
12. No development shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.
13. No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
14. No development shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the local planning authority and the approved details have been installed. The details and measures as approved shall be retained and maintained, until the completion of all site operations.
15. The hardstandings hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.
16. No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved before the occupation of any building hereby approved, unless otherwise agreed in writing by the local planning authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.
17. The vehicle parking areas shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

18. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
- hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.
20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
21. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority and in accordance with the approved written scheme of investigation.
22. No development shall take place until an on-site watching brief, which ensures the presence of a suitably qualified and experienced archaeologist during construction work, has been submitted to and approved in writing by the local planning authority. In the event of important archaeological features or remains being discovered, which require fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
23. No development shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to and

approved in writing by the local planning authority. The developments hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

SCHEDULE 2

LIST OF CONDITIONS APPEAL B

1. The works hereby permitted shall be commenced not later than the expiration of 3 years from the date of this consent.
2. No work shall start on site without prior notification in writing at least 7 working days before the start of the work to the local planning authority.
3. All new works and works of making good for the retained fabric, whether internal or external, shall be finished to match the adjacent work with regards to the methods used and to material, colour, texture and profile.
4. Suitable precautions must be taken to secure and protect the Listed Building interior and external elements and its curtilage structures against accidental loss or damage during the building work and no such elements may be disturbed or removed temporarily or permanently except as indicated on the approved drawings or with the prior approval in writing of the local planning authority.

APPEARANCES

FOR THE APPELLANT

Luke Raistrick MPLAN MRTPI	Centro Planning Consultancy
Aaron Zimmerman MA MSc MRTPI	Centro Planning Consultancy
Marco Tomasi RIBA ARB	Formation Architects
Nicholas Bridges BSc BArch RIBA FRSA	Bridges Associates
Stuart Jones BSc (Hons) MCHIT	RGP

FOR THE COUNCIL

Leigh Harrington MA	London Borough of Merton Council
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INTERESTED PARTY

Tony Burton BA Hon RIBA FRSA	Mitcham Cricket Green Community & Heritage
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DOCUMENT PUT IN AFTER THE HEARING

Unilateral Undertaking
List of Nationally listed and locally listed buildings produced by Mitcham Cricket Green Community & Heritage
Update of plans numbering – email from Centro Planning Consultancy dated 16 March 2021
Update on progress on Merton Draft Local Plan