



Appeal Decisions

Site Visit made on 9 September 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal A Ref: APP/T5720/W/20/3253482

579 - 589 Kingston Road, Raynes Park, London, SW20 8DR

- 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 Access Self-Storage against the decision of London Borough of Merton.
 - The application Ref 19/P1675, dated 16 April 2019, was refused by notice dated 13 March 2020.
 - The development proposed is redevelopment of site to provide Class B1 (offices) and Class C3 (residential) units in buildings of two – seven storeys, provision of car and cycle parking, vehicle access, landscaping, plant and associated works.
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Appeal B Ref: APP/T5720/W/20/3253478

579 - 589 Kingston Road, Raynes Park, London, SW20 8DR

- 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 Access Self-Storage against the decision of London Borough of Merton.
 - The application Ref 19/P1676, dated 16 April 2019, was refused by notice dated 13 March 2020.
 - The development proposed is redevelopment of site to provide Class B1 (offices) and Class C3 (residential) units in buildings of two – six storeys, provision of car and cycle parking, vehicle access, landscaping, plant and associated works.
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Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for redevelopment of site to provide Class B1 (offices) and Class C3 (residential) units in buildings of two – seven storeys, provision of car and cycle parking, vehicle access, landscaping, plant and associated works at 579 - 589 Kingston Road, Raynes Park, London, SW20 8DR in accordance with the terms of the application, Ref 19/P1675, dated 16 April 2019, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed, and planning permission is granted for redevelopment of site to provide Class B1 (offices) and Class C3 (residential) units in buildings of two – six storeys, provision of car and cycle parking, vehicle access, landscaping, plant and associated works at 579 - 589 Kingston Road, Raynes Park, London, SW20 8DR in accordance with the terms of the application, Ref 19/P1676, dated 16 April 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

3. Appeal A comprises 124 self-contained flats within buildings up to 7 storeys in height whereas Appeal B relates to 118 flats within buildings up to 6 storeys in height. Two of the Council's refusal reasons are common to both schemes, but the Appeal A proposal was also refused permission for a reason concerning impacts arising from its massing.
4. As part of its appeals submissions, the Council has withdrawn its second refusal reason on both appeals relating to energy efficiency measures.
5. The development site comprises substantially cleared land on the northern side of Kingston Road that backs on to the main railway line from London Waterloo station. Both proposals show buildings located towards the site boundaries enclosing a central courtyard.
6. Planning permission has previously been granted for redevelopment of the site to provide 99 units in buildings up to 6 storeys in height under reference 16/P1208. The current proposals are similar in layout but include a new building to the eastern boundary (Block D) and for Appeal A the provision of an additional storey to Block C at the rear facing the railway.
7. Subsequent to the Council issuing their decisions, the London Plan (2021) has been adopted. Its policies are up to date and attract full weight.
8. In July 2021, the Government issued an updated version of the National Planning Policy Framework (the Framework). I have taken account of the changes to policies and paragraph numbers in these Decisions.
9. The appellant has submitted planning obligations, one for each appeal proposal covering several planning issues.

Main Issues

10. The main issues are:

- (a) for both Appeals, the adequacy of the proposed housing to provide an appropriate mix of smaller and larger units,
- (b) for Appeal A, the impact of the proposal's massing in relation to a sense of enclosure for future occupiers and on the character and appearance of the surrounding area, and
- (c) for both Appeals, the requirement for a planning obligation to cover other planning issues and the adequacy of the documents submitted.

Reasons

Housing mix

11. A consequence of the changes introduced by the current appeal proposals is the removal of the six 3-bedroom units within the previous permission. In both appeal proposals there would be no 3-bedroom units. The mix would be similar in both proposals with 2-bedroom units accounting for just over half the total, 1-bedroom units providing the majority of the remainder and both schemes having 9 studio units.

12. Policy DMH2 of the Merton Sites and Policies Plan (2014) (MSPP) states, *"Residential development proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of dwelling sizes, taking account of the borough level indicative proportions concerning housing mix"*. The indicative proportions cited by the policy are 33% 1-bedroom units, 32% 2-bedroom units and 35% 3 or more bedroom units. The absence of any 3-bedroom units in either proposal would be counter to these indicative proportions but so is the mix on the previous permission. Supporting paragraph 2.36 states application of the proportions will have regard to *"relevant factors including individual site circumstances, site location, identified local needs, economics of provision such as financial viability and other planning contributions"*.
13. Policy H10 of the recently adopted London Plan also points to the need to consider a range of issues to determine an appropriate mix of unit sizes. These include a robust local evidence base to support the delivery of mixed and inclusive communities, the aim to optimise housing potential on sites and the recognition that a higher proportion of 1 and 2 bed units is *"generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity"*.
14. The appeal site is in such a location. It is not far from the local centre and rail station at Raynes Park and has good access to local bus routes. Both proposals are at the upper end of London Plan density guidelines, optimising housing potential. The site's location and layout with perimeter blocks around a central communal courtyard are more suited to smaller unit sizes than 3-bedroom units which would ideally require greater private amenity space provision.
15. Both proposals are for 'Build to Rent' which the glossary to the Framework comments is *"Purpose built housing that is typically 100% rented out"* and that *"Schemes will usually offer longer tenancy agreements of three years or more"*. Planning Practice Guidance¹ recognises that *"Build to rent is a distinct asset class within the private rented sector"* to simplify its treatment within the planning system.
16. The Mayor of London has published Supplementary Planning Guidance² commenting that *"Build to Rent developments can make a particular contribution to increasing housing supply and are beneficial in a number of ways"*. Moreover that *"Build to Rent can be particularly suited to higher density development within or on the edge of town centres or near transport nodes. Local policies requiring a range of unit sizes should be applied flexibly to Build to Rent schemes in these locations to reflect demand for new rental stock, which is much greater for one and two beds than in owner-occupied or social/affordable sector"*. Policy H11 of the London Plan also promotes 'Build to Rent' on appropriate sites.
17. My findings are that the flexible application of indicative housing mix proportions would not be inconsistent with the requirements of the Council's Policy DMH2. Moreover, the proposal would be compliant with London Plan Policies H10 and H11.

¹ Planning Practice Guidance (ID: 60-001- 20180913)

² "Homes for Londoners" SPG published by the Mayor of London (August 2017)

18. I acknowledge that there is an ongoing need for 3-bedroom and larger size units in Merton, but this need can be addressed through the development of sites more suited to this unit size. The Council states the need for more 3-bedroom units has been exacerbated by a high rate of under-occupation in the owner-occupied sector which makes up 60% of all tenures in Merton. Paragraph 4.10.3 of the supporting text to Policy H10 notes that the provision of quality smaller units can contribute to down-sizing which would release under-occupied family stock on to the market. The Council also comments on an emerging trend across London that large homes in the private rented sector are increasingly occupied by house-sharers. The exclusion of such large units from the proposal would discourage this practice.
19. The appellant has prepared alternative layout plans to provide 9 3-bedroom units in both schemes involving no external changes or reduction in overall unit numbers but just a revision to the mix of units. However, as I have found the mix in both proposed schemes to be acceptable, there is no need to consider the merits of these alternatives.

Character and appearance

20. The area surrounding the appeal site is of mixed character. To the south on the opposite side of Kingston Road are two storey terraced properties comprising commercial uses on the ground floor with flats above and two storey terraced houses to the side roads. To the west of the site, buildings are in commercial use, whilst to the east is the recently completed Dundonald Church building rising to 5 floors fronting Kingston Road and reducing to 3 at the rear. Beyond the railway line to the north of the site are two storey houses in Stanton Road.
21. The consented scheme (16/P1208) has a 4 storey frontage to Kingston Road with Block C to the rear of the site rising to 6 storeys. In both appeal proposals the 4 storey frontage to Kingston Road would be retained. Both proposals involve the introduction of flats within a new Block D against the substantial flank wall to the Dundonald Church building. The Council has not objected to this in relation to Appeal B. Therefore, the sole area of dispute relates to the increase in height of the central section of Block C from 6 to 7 storeys in Appeal A.
22. The Appeal A proposal, like the consented scheme, is for an enclosed courtyard. The additional storey would follow the layout of the consented top floor and would be set back in part from the main front wall to Block C facing the courtyard. Its sympathetic appearance and overall massing would not significantly add to the sense of enclosure for persons standing in the courtyard.
23. The flats in Block A would be dual aspect with their main living areas at the front facing south. The rear windows would face towards Block C with separation distances in the region of 22 metres. The appellant's analysis³ shows that rear views from these flats would either be identical or very similar to views resulting from the consented scheme. In my judgement there would be satisfactory living conditions for occupiers of these flats and that there would not be an undue sense of enclosure.

³ Design and Access Statement by Collado Collins

24. The additional massing would not be directly in line with the site access but would be obliquely glimpsed through it. Nonetheless, the frontage buildings would substantially screen the additional storey in views along Kingston Road and in close views from the residential roads to the south of it.
25. There is a continuous line of trees to the embankment to the northern side of the railway which currently filter views of the site from houses in Stanton Road. Even in winter months when leaves have fallen from the trees the additional storey would not be unduly conspicuous due to the presence of the embankment and separating distances. In roads leading from Stanton Road there would be more distant views of the additional storey over the roofs of the Stanton Road houses. But these too would be filtered by the trees.
26. The development site's western end would face the platforms at Raynes Park Station. The consented scheme would be clearly visible to the right hand side of the rail tracks as a large development with a greater height and mass than other buildings in the same vista. But its appearance would not be unattractive. The extra storey would not result in a significant difference in the appearance of the development. It would not result in 'a canyon effect' as there are not other high buildings to form an enclosure. Views for passengers on trains passing the site would be little changed from the consented scheme. The Council have referred to an appeal decision⁴ in which views from a passing train were considered. But this relates to visibility of a scheme considered to have poor design credentials, unlike the Appeal A proposal.
27. The additional massing in Appeal A would not appear unduly prominent or visually dominant in views beyond the site boundaries nor result in an undue sense of enclosure within it. The impact on the character and appearance of the area would be acceptable. There would not be conflict with Policy DMD2 of the MSPP which requires the design of developments to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns. Nor would there be conflict with Policy CS14 of the Merton Core Strategy (2011) (MCS) which requires all developments to be designed to respect and enhance the local character of the area. The new London Plan has several design policies. The proposal would comply with Policy D3 in following a design-led approach that optimises site capacity with a form and layout that responds positively to local distinctiveness with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Planning Obligations

28. The consented scheme (16/P1208) included a planning obligation covering several issues. Most of these have been replicated in the planning obligations submitted for the current appeal proposals. The replicated matters are a financial contribution to bus stop improvements opposite the site, dedication of frontage land as highway with an agreement under the Highways Act to deliver loading bays and footway improvements and the formation of a car club bay with a commitment to funding for this for 5 years.
29. Whereas the consented scheme included a contribution towards affordable housing, the parties agreed at the time of the appeal applications that such a contribution would not be possible in relation to scheme viability. Nonetheless,

⁴ APP/T5720/W/18/3208093 Land to the rear of 2 to 16, Woodville Road, Morden SM4 5AF

circumstances may change at the time of development; a review mechanism is included within the obligations on affordable housing viability. As the proposals are both now for 'Build to Rent' dwellings the obligations include covenants regarding the management of this arrangement. The obligations also include a restriction on occupiers being eligible to apply for on street parking permits.

30. I am satisfied that these obligations satisfy the tests set in Regulation 122(2) of the Community Infrastructure Regulations (2010) in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The obligations have been dated and signed.

Other Matters

31. Residents have objected to the proposal on other grounds. Given the separation distance across the railway line between the development and the houses in Stanton Road, it is unlikely that there would be any material adverse impact on living conditions in relation to overshadowing, loss of outlook or from reflected sound from the railway. Concerns have been expressed about the impacts on local infrastructure, but whichever scheme is implemented would make contributions through a planning obligation and through a community infrastructure levy.
32. The Council has confirmed that it has a 5 year housing land supply. This would include 99 units from the consented scheme. There are significantly increased housing targets for Merton in the new London Plan. The additional units in the appeal proposals and the delivery of the development site as a whole are factors that weigh in favour of the proposals and are also important for the Council's housing delivery programme.

Conditions

33. Many conditions suggested by the Council, in the event that either appeal is allowed, have been previously used on the consented scheme. The appellant and the Council have concurred on the reuse of several of these and on other conditions. I have noted their comments and the advice on planning conditions in Planning Practice Guidance in the schedule of conditions set out below.
34. In addition to the statutory time condition to limit the lifespan of the permissions, a condition is needed to list the plan numbers relevant to both appeal proposals. Conditions are needed to approve finished floor levels and external materials to ensure a satisfactory appearance and to agree refuse storage arrangements in the interests of the efficient operation of the site. To protect the privacy and amenity of adjoining and future occupiers, conditions are needed to control the use of flat roofs, screening to balconies and the glazing of certain windows and also in relation to noise. I have included conditions on hard and soft landscape measures and green roofs to ensure a satisfactory appearance to the development.
35. Conditions are necessary to require provision of secure cycle storage, disabled persons and electric charging parking bays, a parking management strategy and the operation of a travel plan to ensure that the site operates as envisaged in accordance with current planning policies. To safeguard the highway and amenities of local residents, conditions are needed in relation to a working method statement, a construction logistics plan and working hours at the site.

36. Energy efficiency conditions are included to ensure that the development operates as intended. Conditions relating to drainage, the piling of foundations and unexpected contamination are needed to safeguard risks to groundwater. To promote a safe and secure environment, conditions are necessary for the management of external amenity space, including provision of play equipment, and for appropriate designing out crime measures. A condition is needed to ensure provision of the agreed number of wheelchair accessible units. Finally, I have included the Council's employment strategy condition to promote local employment in accordance with adopted policies.

Conclusions

37. For both appeals, there would be a satisfactory housing mix appropriate to the site circumstances and nature of the proposals. In relation to Appeal A, the impact of the proposal's massing in relation to a sense of enclosure for future occupiers and on the character and appearance of the surrounding area would be satisfactory.

38. For the reasons given above I conclude that the appeals should both be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E0-001, P1-201 Rev P2, P1-203 Rev P1, P1-204 Rev P1, P1-205 Rev P1, P1-206 Rev P1, P1-207 Rev P1, P2-101 Rev P1, P2-102 Rev P1, P2-103 Rev P1, P2-104 Rev P1, P2-105 Rev P1, P2-106 Rev P1, P2-107 Rev P1.
- 3) No development shall take place above ground level until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority. No development above ground shall be carried out except in strict accordance with the approved levels and details.
- 4) No development shall take place above ground level until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
- 5) No development above ground level shall take place until drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details:
 - i) metal, glass and woodwork including to private amenity spaces and balconies;
 - ii) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths);
 - iii) copings and soffits and junctions of external materials;
 - iv) rainwater goods (including locations, fixings, material and colour).
- 6) The development shall be constructed in accordance with a business signage/ external advertising design code to inform the location and size of those areas designated for signage. The design code shall have first been submitted to and agreed in writing by the Local Planning Authority.
- 7) No development shall take place above ground level until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

- 8) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
- 9) No development shall take place above ground level until a scheme of details of screening of balconies and terraces has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the approved scheme has been implemented and approved details shall thereafter be retained at all times from the date of first occupation.
- 10) Before the development hereby permitted is first occupied, the windows in the western elevation of units B-ST5-106, B-ST5-206 and B-ST5-306 shall be glazed with obscure glass and fixed shut, up to at least 1.7m above the finished floor level; these windows shall be permanently maintained as such thereafter.
- 11) No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.
- 12) The recommendations to protect noise intrusion into the residential dwellings and plant noise criteria as specified in the Sandy Brown, Noise Impact Assessment Report 18404- R01-B, Scheme A, dated 27 March 2019 shall be implemented as a minimum standard for the development.
- 13) Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any fixed external new plant/machinery shall not exceed LA90-10dB at the boundary with any residential property or noise sensitive premises.
- 14) No development shall take place above ground level 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. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied until the approved details have been carried out in full.
- 15) No development shall take place above ground level until full details of a soft landscaping and planting scheme have been submitted to and approved 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.
- 16) All soft landscape works shall be carried out in accordance with the details agreed under Condition 15. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the Local Planning Authority gives written consent to any variation.

- 17) Prior to the occupation of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include measures to mitigate for any impact on Swifts. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
- 18) Prior to occupation, the detailed design, specification and planting scheme for any green roof forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out in accordance with the approved details prior to occupation of the relevant part of the development and shall be retained and maintained in perpetuity thereafter.
- 19) No development shall take place above ground level until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
- 20) The vehicle parking area, including disabled parking bays and electric vehicle charging bays as shown on the approved plans shall be provided prior to the occupation 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.
- 21) Development shall not commence above ground until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained in full for the duration of the development.
- 22) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.The development shall be implemented only in accordance with the approved Travel Plan.
- 23) All Non-road Mobile Machinery (NRMM) used during construction of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

- 24) Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
- (i) Parking of vehicles of site workers and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of construction plant and materials;
 - (iv) Wheel cleaning facilities;
 - (v) Control of dust, smell and other effluvia;
 - (vi) Control of surface water run-off.
- No development shall be carried out except in full accordance with the approved method statement.
- 25) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. No development shall be carried out except in full accordance with the approved Plan.
- 26) No 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.
- 27) The doors of the gates/entrance hereby approved shall not open over the adjacent highway.
- 28) 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 in accordance with those outlined in the approved plans, and wholesome water consumption rates of no greater than 105 litres per person per day.
- 29) No development shall commence above ground level until evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).
- 30) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Post-Construction Review Certificate has been 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 the standards equivalent to 'Very Good'.
- 31) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) via infiltration or at the agreed runoff rate (no more than 4.02l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. The scheme shall be implemented in full prior to the occupation of the development.

- 32) No properties shall be occupied until written confirmation has been provided that either:
- all water network upgrades required to accommodate the additional flows from the development have been completed; or
 - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.
- Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 33) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority), until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, reported to and verified by the Local Planning Authority.
- 34) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of approved details by the Local Planning Authority. This may be given for those parts of the site where it has been demonstrated that there would be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 35) Prior to occupation, a scheme for the management of external amenity space, to include details of children's play equipment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed facilities and management plan are implemented in accordance with the approved details.
- 36) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development above ground level. The measures shall be implemented in accordance with the approved details prior to occupation.
- 37) Not less than 11 of the dwelling units hereby permitted shall be wheelchair accessible throughout. These dwellings shall be retained as such unless otherwise agreed in writing by the Local planning Authority.
- 38) Prior to the commencement of development above ground level, details of a local employment strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall set out measures to be taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase. Development shall be carried out in accordance with the approved details.

Appeal B

- 39) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 40) The development hereby permitted shall be carried out in accordance with the following approved plans: E0-001, P2-101 P1, P2-102 P1, P2-103 P1, P2-104 P1, P2-105 P1, P2-106 P1, P2-107 P1, P1-201 P2, P1-202 P1, P1-203 P1, P1-204 P1, P1-205 P1, P1-206 P1, P1-207 P1 and P1-208 P1.
- 41) No development shall take place above ground level until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority. No development above ground shall be carried out except in strict accordance with the approved levels and details.
- 42) No development shall take place above ground level until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.
- 43) No development above ground level shall take place until drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details:
 - i) metal, glass and woodwork including to private amenity spaces and balconies;
 - ii) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths);
 - iii) copings and soffits and junctions of external materials;
 - iv) rainwater goods (including locations, fixings, material and colour).
- 44) The development shall be constructed in accordance with a business signage/ external advertising design code to inform the location and size of those areas designated for signage. The design code shall have first been submitted to and agreed in writing by the Local Planning Authority.
- 45) No development shall take place above ground level until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

- 46) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
- 47) No development shall take place above ground level until a scheme of details of screening of balconies and terraces has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the approved scheme has been implemented and approved details shall thereafter be retained at all times from the date of first occupation.
- 48) Before the development hereby permitted is first occupied, the windows in the western elevation of units B-ST5-106, B-ST5-206 and B-ST5-306 shall be glazed with obscure glass and fixed shut, up to at least 1.7m above the finished floor level; these windows shall be permanently maintained as such thereafter.
- 49) No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.
- 50) The recommendations to protect noise intrusion into the residential dwellings and plant noise criteria as specified in the Sandy Brown, Noise Impact Assessment Report 18404- R01-B, Scheme A, dated 27 March 2019 shall be implemented as a minimum standard for the development.
- 51) Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any fixed external new plant/machinery shall not exceed LA90-10dB at the boundary with any residential property or noise sensitive premises.
- 52) No development shall take place above ground level 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. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied until the approved details have been carried out in full.
- 53) No development shall take place above ground level until full details of a soft landscaping and planting scheme have been submitted to and approved 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.
- 54) All soft landscape works shall be carried out in accordance with the details agreed under Condition 53. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the Local Planning Authority gives written consent to any variation.

- 55) Prior to the occupation of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include measures to mitigate for any impact on Swifts. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
- 56) Prior to occupation, the detailed design, specification and planting scheme for any green roof forming part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out in accordance with the approved details prior to occupation of the relevant part of the development and shall be retained and maintained in perpetuity thereafter.
- 57) No development shall take place above ground level until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.
- 58) The vehicle parking area, including disabled parking bays and electric vehicle charging bays as shown on the approved plans shall be provided prior to the occupation 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.
- 59) Development shall not commence above ground until a Parking Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained in full for the duration of the development.
- 60) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.
- The development shall be implemented only in accordance with the approved Travel Plan.
- 61) All Non-road Mobile Machinery (NRMM) used during construction of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements therein.

- 62) Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
- (i) Parking of vehicles of site workers and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of construction plant and materials;
 - (iv) Wheel cleaning facilities;
 - (v) Control of dust, smell and other effluvia;
 - (vi) Control of surface water run-off.
- No development shall be carried out except in full accordance with the approved method statement.
- 63) Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. No development shall be carried out except in full accordance with the approved Plan.
- 64) No 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.
- 65) The doors of the gates/entrance hereby approved shall not open over the adjacent highway.
- 66) 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 in accordance with those outlined in the approved plans, and wholesome water consumption rates of no greater than 105 litres per person per day.
- 67) No development shall commence above ground level until evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).
- 68) Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Post-Construction Review Certificate has been 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 the standards equivalent to 'Very Good'.
- 69) No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) via infiltration or at the agreed runoff rate (no more than 4.02l/s), in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. The scheme shall be implemented in full prior to the occupation of the development.

- 70) No properties shall be occupied until written confirmation has been provided that either:
- all water network upgrades required to accommodate the additional flows from the development have been completed; or
 - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.
- Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.
- 71) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority), until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved, reported to and verified by the Local Planning Authority.
- 72) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of approved details by the Local Planning Authority. This may be given for those parts of the site where it has been demonstrated that there would be no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 73) Prior to occupation, a scheme for the management of external amenity space, to include details of children's play equipment, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the agreed facilities and management plan are implemented in accordance with the approved details.
- 74) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development above ground level. The measures shall be implemented in accordance with the approved details prior to occupation.
- 75) Not less than 11 of the dwelling units hereby permitted shall be wheelchair accessible throughout. These dwellings shall be retained as such unless otherwise agreed in writing by the Local planning Authority.
- 76) Prior to the commencement of development above ground level, details of a local employment strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall set out measures to be taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase. Development shall be carried out in accordance with the approved details.