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RECEIVED

Jenna Killeen
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Your Ref: 014.962
Our Ref: APP/T5720/A/08/2084166/NWF
Date: 4 December 2008

5 - DEC 2008

Dear Jenna Killeen

Town and Country Planning Act 1990
Appeal by Notting Hill Home Ownership Ltd
Site at Standor House, 272-284 London Road, Mitcham, CR4 3NB

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

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Yours sincerely

Kelly Frost



INVESTOR IN PEOPLE



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You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

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Appeal Decision

Site visit made on 24 November 2008

by **Simon Miles** BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
4 December 2008

Appeal Ref: APP/T5720/A/08/2084166

Standor House, 272-284 London Road, Mitcham, Surrey CR4 3NB

- 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 Notting Hill Home Ownership Ltd against the decision of the London Borough of Merton Council.
- The application Ref 07/P3488, dated 1 November 2007, was refused by notice dated 16 July 2008.
- The development proposed is conversion of first floor and part second and third floors from offices to 16 No self-contained flats and a part fourth floor extension containing an additional 2 flats (11 x 2 bedroom and 7 x 1 bedroom units).

Decision

1. I allow the appeal, and grant planning permission for conversion of first floor and part second and third floors from offices to 16 No self-contained flats and a part fourth floor extension containing an additional 2 flats (11 x 2 bedroom and 7 x 1 bedroom units) at Standor House, 272-284 London Road, Mitcham, Surrey CR4 3NB in accordance with the terms of the application Ref 07/P3488, dated 1 November 2007, and the plans submitted therewith, subject to the conditions listed in the attached schedule.

Main Issue

2. The Council does not oppose the principle of the proposed development, or its design and layout, but is concerned about the lack of any provision for private amenity space on the site. I therefore consider the main issue to be whether the proposed development would make appropriate provision for outdoor amenity space.

Reasons

3. The appeal relates to an existing building within an area of mixed retail, commercial and residential development. Saved Policy HS.1 of the adopted London Borough of Merton Unitary Development Plan (UDP) deals with housing layout and amenity and states, amongst other things, that adequate private or communal amenity areas should be provided to serve the needs of new housing development. The supporting text explains that, in the case of flats, 10 sq m of amenity space should normally be provided per habitable room. However, provision of amenity space must be set in the context of ensuring that inefficient use of land is avoided. Therefore in situations where the standards cannot be achieved, the Council will seek to work jointly with developers to provide an upgrade to nearby off-site amenity space which will

be available to the general public. Further guidance is given in the Council's adopted Supplementary Planning Guidance (SPG) for new residential development.

4. This strikes me as an eminently sensible and pragmatic approach, particularly in the light of current national planning policy on housing, as set out in Planning Policy Statement 3 (PPS3), which emphasises the importance attached by the government to make efficient use of previously developed land for housing. Further, I consider such an approach to be entirely suited to the circumstances of this appeal because, owing to the physical characteristics and constraints of the site, I see no practical means by which any significant provision for amenity space could be made on-site.
5. The appellant has provided a completed unilateral planning obligation which would secure, amongst other things, a financial contribution of £22,500 towards improvements to public open spaces in the vicinity of the site. I note from the committee report that the Council's Regeneration Partnership Team is seeking financial assistance for improvements to the Fair Green area of open space within Mitcham Town Centre. Circumstances have therefore materially changed since this issue was last considered on appeal in July 2007 (Appeal Ref APP/T5720/A/07/2042475). In particular, a completed planning obligation is now available and there is evidence to indicate that an appropriate financial contribution would secure useful improvements to local public open space. Neither of these matters were satisfactorily resolved in the case of the 2007 appeal.
6. The Council has been provided with a copy of the planning obligation, but has not commented on it, relying instead on the comments of the Inspector in the 2007 appeal. However, I have already set out the reasons why I consider the circumstances as I now find them to be materially different. Overall, I consider the approach adopted by the appellant to this issue to be fully supported by the Council's adopted policies and guidance. Furthermore, I am satisfied that the planning obligation would satisfy the requirements of the Council's policies and guidance. This leads me to conclude, on the main issue, that the proposed development would make appropriate provision for outdoor amenity space.
7. In other respects, the appellant's planning obligation would secure provision for affordable housing units and financial contributions towards education facilities and sustainable transport improvements. The Council does not seek to oppose the scheme on these matters and, based on the evidence before me, I find these aspects of the proposal to be acceptable in terms of the relevant policies and guidance.
8. I note the concerns of some local residents in terms of traffic and car parking. However, in my opinion sufficient car parking would be provided within the basement level to meet the needs of the development, particularly in the light of national planning policies which seek to restrain car parking provision in the interests of promoting greater use of walking, cycling and public transport. This must apply particularly in a central and accessible location such as this. I do not consider that the development would have any significant adverse effect on local traffic conditions.

9. I therefore conclude that the appeal should be allowed. A completed planning obligation is in place to deal with the matters I have mentioned above. In addition to the standard time limit, I will impose conditions to control details of external materials, refuse storage and external lighting, in the interests of the character, appearance and amenities of the area. Conditions are also necessary and reasonable to ensure that appropriate provision is made for car and cycle parking, in the interests of highway safety and sustainable transport. However, I have not been provided with the cycle parking plan mentioned by the Council, and will therefore amend the suggested condition to require the details to be approved in writing by the local planning authority.
10. I see no justification to require details of the provision to be made for disabled access, because such matters would normally fall under the Building Regulations. Where appropriate I have amended the Council's suggested wording in accordance with the national advice on conditions given in Circular 11/95. I allow the appeal and grant planning permission accordingly.

Simon Miles

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 3) Details of the provision to be made for the storage of refuse shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Development shall be carried out in accordance with the approved details and the refuse storage facilities shall be provided prior to the first occupation of the flats hereby permitted and retained thereafter.
- 4) No external lighting shall be installed without the prior approval in writing of the local planning authority.
- 5) The car parking spaces shown on drawing No 014-962-02 shall be provided prior to the first occupation of the flats hereby permitted and shall be retained for parking purposes for the users of the development and kept clear of any obstruction.
- 6) Cycle parking spaces shall be provided prior to the first occupation of the flats hereby permitted in accordance with details which shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The approved cycle parking spaces shall be retained for cycle parking purposes for the users of the development.