

Merton Council

Planning Applications Committee

Membership

Councillors

Philip Jones (Chair)

John Bowcott (Vice-Chair)

David Dean

John Dehaney

Richard Hilton

Ian Munn BSc, MRTPI(Rtd)

Peter Southgate

Geraldine Stanford

Gregory Patrick Udeh

Simon Withey

Substitute Members:

Agatha Mary Akyigyina

Karin Forbes

Maurice Groves

Janice Howard

Sam Thomas

A meeting of the Planning Applications Committee will be held on:

Date: 30 April 2014

Time: 19:15

**Venue: Council chamber - Merton Civic Centre, London Road, Morden
SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3357

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Planning Applications Committee

30 April 2014

1. Apologies for absence
2. Declarations of interest
3. Minutes of the previous meeting 1 - 10
Officer Recommendation:
That the Minutes of the meeting held on 27 March 2014 be agreed as a correct record.
4. Town Planning Applications- Covering Report 11 - 14
Officer Recommendation:
The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).
5. 92 Ashridge Way, Morden, SM4 4ED (Ref. 14/P0279) 15 - 26
(Cannon Hill Ward)
Officer Recommendation:
Grant Permission subject to conditions.
6. 68 Bathgate Road, Wimbledon Village, SW19 5PH (Ref. 14/P0010) (Village Ward) 27 - 46
Officer Recommendation:
Grant Permission subject to conditions.
7. 88 Bushey Road, Raynes Park, SW20 0JH (Ref. 13/P1802) (Raynes Park Ward) 47 - 84
Officer Recommendation:
Grant planning permission subject to:
(a) A direction from the Mayor of London that Merton Council can determine the application;
(b) Any direction from the National Casework office, as the proposed development is a departure from the development plan; and
(c) Planning conditions and a S106 legal agreement.
8. 3-5 Dorien Road, Raynes Park, SW20 8EL (Ref. 13/P4058) (Raynes Park Ward) 85 - 124
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions.
9. Raynes Park Playing Fields, Grand Drive, SW20 9NB 125 - 168
(Ref. 14/P0348) (West Barnes Ward)
Officer Recommendation:
Grant Permission subject to conditions.

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|-----|---|-----------|
| 10. | 61 Home Park Road, Wimbledon Park, SW19 7HS (Ref. 14/P0006) (Wimbledon Park Ward) | 169 - 194 |
| | Officer Recommendation:
Grant Permission subject to conditions. | |
| 11. | Planning Appeal Decisions | 195 - 198 |
| | Officer Recommendation:
That Members note the contents of the report. | |
| 12. | Planning Enforcement - Summary of Current Cases | 199 - 204 |
| | Officer Recommendation:
That Members note the contents of the report. | |

Declarations of Pecuniary Interests

Members are reminded of the need to have regard to the items published with this agenda and, where necessary to declare at this meeting any Disclosable Pecuniary Interest (as defined in the The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012) in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. If members consider they should not participate because of a non pecuniary interest which may give rise to a perception of bias, they should declare this, withdraw and not participate in consideration of the item. For further advice please speak with the Council's Assistant Director of Corporate Governance.

Declarations of Pecuniary Interests – Members of the Design and Review Panel (DRP)

Members of the Planning Applications Committee (PAC), who are also members of the DRP, are advised that they should not participate in an item which has previously been to DRP where they have voted or associated themselves with a conclusion reached or recommendation made. Any member of the PAC who has also sat on DRP in relation to items on this PAC agenda must indicate whether or not they voted in such a matter. If the member has so voted they should withdraw from the meeting.

NOTES

- 1) **Order of items:** Please note that items may well be not considered in the order in which they are shown on the agenda since the items for which there are many observers or speakers are likely to be prioritised and their consideration brought forward.
- 2) **Speakers:** Councillors and members of the public may request to speak at the Committee. Requests should be made by telephone to the Development Control Admin. Section on 020-8545-3445/3448 (or e-mail: planning@merton.gov.uk) no later than 12 Noon on the last (working) day preceding the meeting. For further details see the following procedure note.
- 3) **Procedure at Meetings:** Attached after this page is a brief note of the procedure at Planning Application Committee meetings in relation to
 - a. requests to speak at meetings; and
 - b. the submission of additional written evidence at meetings. Please note that the distribution of documentation (including photographs/drawings etc) by the public during the course of the meeting will not be permitted.
- 4) **Copies of agenda:** The agenda for this meeting can be seen on the Council's web-site (which can be accessed at all Merton Libraries). A printed hard copy of the agenda will also be available for inspection at the meeting.

Procedure at meetings of the Planning Applications Committee

- 1 Public speaking at the Planning Applications Committee
- 2 Submission of additional written evidence at meetings

1 Public speaking at the Planning Applications Committee

- 1.1 The Council permits persons who wish to make representations on planning applications to speak at the Committee and present their views. The number of speakers for each item will be at the discretion of the Committee Chair, but subject to time constraints there will normally be a maximum of 3 objectors (or third party) speakers, each being allowed to speak for a maximum of 3 minutes.
- 1.2 Following the issue of the agenda, even if a person has previously indicated their wish to address the Committee, they should contact either
 - the Planning Officer dealing with the application (or e-mail: planning@merton.gov.uk) or
 - the Development Control Admin. Section on 020-8545-3445/3448 (9am – 5pm); or
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
- 1.3 Requests to speak must be received by 12 noon on the day before the meeting, and should include the person's name, address, and daytime contact phone number (or e-mail address) and if appropriate, the organisation they represent; and also clearly indicate the application, on which it is wished to make representations.
- 1.4 More speakers may be permitted in the case of exceptional circumstances/major applications, but representatives of political parties will not be permitted to speak. (See also note 1.10 below on Ward Councillors/Other Merton Councillors.)
- 1.5 If a person is aware of other people who wish to speak and make the same points, then that person may wish to appoint a representative to present their collective views or arrange that different speakers raise different issues. Permission to speak is at the absolute discretion of the Chair, who may limit the number of speakers in order to take account the size of the agenda and to progress the business of the Committee.
- 1.6 Applicants (& agents/technical consultants): Applicants or their representatives may be allowed to speak for the same amount of time as the sum of all objectors for each application. (For example, if objectors are allowed to speak for three minutes each, then if there was only one objector, the applicant may be allowed to speak for a maximum of 3 minutes; but if there were 2 objectors, the applicant may be allowed to speak for a maximum of 6 minutes and so on.)
- 1.7 Unless applicants or their representatives notify the Council to the contrary prior to the Committee meeting, it will be assumed that they will be attending the meeting and if there are objectors speaking against their application, will take the opportunity to address the Committee in response to the objections.

- 1.8 When there are no objectors wishing to speak, but the application is recommended for refusal, then the Applicants or their representatives will also be allowed to speak up to a maximum of 3 minutes.
- 1.9 Applicants will not be allowed to speak if their application is recommended for approval and there are no objectors speaking. An exception will be made if an applicant (or their representative) wishes to object to the proposed conditions; and in this case they will be allowed to speak only in relation to the relevant conditions causing concern.
- 1.10 Speaking time for Ward Councillors/Other Merton Councillors: Councillors, who are not on the Committee, may speak for up to a maximum of 3 minutes on an application, subject to the Chair's consent, but may take no part in the subsequent debate or vote. Such Councillors, however, subject to the Chair's consent, may ask questions of fact of officers.
- 1.11 Such Councillors, who are not on the Committee, should submit their request to speak by 12 noon on the day before the meeting (so that their name can be added to the list of speaker requests provided to the Chair). Such requests may be made to the Development Control Section direct (see 1.2 above for contact details) or via the Councillor's Group office.
- 1.12 Points of clarification from applicants/objectors: If needed, the Chair is also able to ask applicants/objectors for points of clarification during the discussion of an application.

2 Submission of additional written evidence at meetings

- 2.1 The distribution of documentation (including photographs/drawings etc) during the course of the Committee meeting will not be permitted.
- 2.2 Additional evidence that objectors/applicants want to provide Committee Members (i.e. Councillors) to support their presentation (when speaking) must be submitted to Merton Council's Development Control Section before 12 Noon on the day before the relevant Committee meeting.
- 2.3 If an applicant or objector wishes to circulate additional information in hard copy form to Committee Members, they are required to provide 16 hard copies to the Planning Officer dealing with the application before 12 Noon on the day before the meeting.
- 2.4 Any queries on the above should be directed to:
 - planning@merton.gov.uk or;
 - the Development Control hotline 020-8545-3777 (open 1pm – 4pm only).
 - Contact details for Committee Members and all other Councillors can be found on the Council's web-site: <http://www.merton.gov.uk>

Agenda Item 3

PLANNING APPLICATIONS COMMITTEE 27 MARCH 2014

(19.15 - 0.05)

PRESENT Councillors Philip Jones (in the Chair), John Bowcott, David Dean, John Dehaney, Ian Munn BSc, MRTPI(Rtd), Peter Southgate, Geraldine Stanford, Gregory Patrick Udeh and Simon Withey

Pip Howson (Pip Howson (Placemaking and Public Realm Project Officer)), Jonathan Lewis (South Team Leader - Development Control)), Neil Milligan (Development Control Manager, ENVR), Michael Udall (Democratic Services) and Sue Wright (North Team Leader - Development Control)

ALSO PRESENT Councillors Agatha Akyigyina, Stan Anderson, Laxmi Attawar, Nick Draper and Krystal Miller.

1. FILMING

The Chair advised that due to technical problems, the meeting wouldn't be filmed nor broadcast via the Council's web-site.

2. DECLARATIONS OF INTEREST (Agenda Item 1)

Councillor Geraldine Stanford declared an interest (but not a disclosable pecuniary interest) in Item 16 (8 Wilton Road, Colliers Wood, SW19 2HB) (ref. 13/P4062) by reason that she was a trustee of SPEAR Housing Association.

3. MINUTES OF THE PREVIOUS MEETING (Agenda Item 2)

RESOLVED: That the Minutes of the meeting held on 13 February 2014 be agreed as a correct record.

4. TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications sheet tabled at committee form part of the Minutes.

(a) Modifications Sheet: A list of modifications for items 5, 6, 8, 10, 11, 13, 15, 16 & 17 and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 5 (objectors only), 6, 7, 9, 13, 14, 15, 16 & 17. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that applicants/agents would be given the same amount of time to speak as objectors for each item.

The Committee also received oral representations at the meeting from the following Councillors (who were not members of the Committee for this meeting) in respect of the items indicated below –

- Item 6 – Councillor Krystal Miller;
- Item 8 – Councillor Nick Draper; and
- Item 16 – Councillor Laxmi Attawar.

(c) Order of the Agenda: Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following – 10, 6, 9, 17, 5, 13, 14, 15, 16, 7, 8, 11 & then 12.

RESOLVED: That the following decisions are made:

5. 46 BARHAM ROAD, WEST WIMBLEDON, SW20 0ET (REF. 13/P3169) (RAYNES PARK WARD) (Agenda Item 5)

Impact on No.48 Barham Road – In response to concerns raised regarding the impact on the neighbouring property at No.48 Barham Road of the proposed development of 46 Barham Road (comprising the demolition of the existing house and erection of two 4-bedroom dwellings with underground parking), officers advised that -

- (a) the impact on No.48 Barham Road had previously been considered when a previous application for redevelopment of 46 Barham Road had been allowed; and
- (b) whilst No.48 Barham Road had side windows at ground floor level, all its main rooms faced to the front or rear, and it would be possible to erect a 2m high fence between the properties under permitted development.

Decision: Item 5 - Ref. 13/P3169 (46 Barham Road, West Wimbledon, SW20 0ET)

GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet.

6. "HOT PINK" RESTAURANT, 86 THE BROADWAY, WIMBLEDON, SW19 1RH (REF. 13/P2298) (TRINITY WARD) (Agenda Item 6)

1. Proposed Development – The application related to a proposal to allow the rear back yard/garden area to be used as an additional dining area for seated customers of the existing restaurant and bar.

2. Proposed restrictions/conditions – Officers drew attention to various conditions recommended in the officer report which would restrict the proposed use including

- (a) a maximum number of 32 chairs for customers;
- (b) limiting the hours of the use to 10am to 8pm (all days of the week);
- (c) forbidding cooking, the playing of music and the provision of bar facilities in this outdoor area;
- (d) provision of an acoustic treatment/barrier between the boundary with 1 Kings Road and the proposed seating area; and
- (e) any permission being for a temporary period of one year only.

2.1 Officers explained that due to the past history of unauthorised uses of the rear garden (when owned by persons different to the current owners) and consequent enforcement action, it was proposed that any permission initially be only for a temporary period of one year.

3. Acoustic Barrier – Officers confirmed that the Council’s Environmental Health Section had no objections to the proposed use provided that the proposed conditions/restrictions were imposed. Officers confirmed that their request for the provision of a suitable acoustic barrier, showed that Environmental Health Section considered that it was feasible for such a barrier to reduce noise emanating from the site to the level required.

4. Discussion – There was considerable discussion regarding the proposal. It was noted that the current owners couldn’t be held responsible for previous unauthorised uses of the site resulting in complaints from local residents and enforcement action.

4.1 However, some Members considered that previous unauthorised uses of the site helped demonstrate that it was unsuitable for the proposed use, particularly due to its small size and proximity to surrounding premises, including residential dwellings, which surrounded the site, and the difficulty therefore of preventing undue noise and disturbance, even if customers were seated and their number restricted to a maximum of 32.

5. Refusal Motion: It was moved and seconded that permission be refused as detailed below, subject to the detailed grounds of refusal being agreed by officers. The motion was carried unanimously. Subsequently the Committee also agreed (C) below.

Decision: Item 6 - ref. 13/P2298 (“Hot Pink” Restaurant, 86 The Broadway, Wimbledon, SW19 1RH)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the development would be contrary to the following policies in the Merton Unitary Development Plan (2003) -

(i) Policy BE.15 – para.(iv) (by failing to ensure that the living conditions of existing and future nearby residents are not diminished by increased noise and disturbance);

(ii) Policy PE.2 (by failing to ensure that the proposed development would not have a significantly adverse effect on nearby occupiers by reason of noise generation and disturbance); and

(iii) Policy S.8 (by failing to meet the criteria set out in the policy for proposed food and drink (A3) uses)

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed grounds of refusal, including any appropriate amendments, additions and/or deletions to the proposed grounds/policies.

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee considered that the officer report had given insufficient weight to the unsuitability of the site and its size for the use proposed.

7. GARAGES AND CAR PARK AT REAR OF 6-9 BROCKHAM CLOSE, WIMBLEDON, SW19 7EQ (REF. 13/P4034) (HILLSIDE WARD) (Agenda Item 7)

Access: In response to concerns raised by an objector, as part of their oral representations, that the proposed development would block off rear access to other existing properties in Brockham Close and prevent emergency access to those properties by the Fire Brigade, officers advised that the proposed boundary wall was due to be built alongside an existing fence and should not preclude access to other Brockham Close properties.

Decision: Item 7 - ref. 13/P4034 (Garages at rear of 6-9 Brockham Close, Wimbledon, SW19 7EQ)

GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report.

8. LAND KNOWN AS 118-120 CHRISTCHURCH ROAD, COLLIERS WOOD, SW19 2PE (REF. 13/P3111) (COLLIERS WOOD WARD) (Agenda Item 8)

1. Condition (22) (re footway works) – Officers advised that tabled modifications sheet included that Condition (22) be deleted and dealt with via the Section 106 Agreement; but due to legal advice, officers now recommended that Condition (22) be reinstated. As indicated below, the Committee subsequently agreed to this.

2. Design Review Panel (DRP) – Councillor Ian Munn expressed concern about the lack of details of the DRP's discussions/views on the application on the Council's web-site. Officers pointed out that the submitted report on this item for this meeting detailed DRP's comments on the application. (*See also mention of DRP in Minute below relating to Item 17 – Layton House, 152-154 Worple Road, SW20.*)

3. Height – There was extensive discussion regarding the maximum height of 39m of the proposed building ranging between 4 and 12 stories and the relevance of Merton's Tall Buildings Background paper, and Merton's and the London Plan's policies in relation to tall buildings.

4. Approval Motion – In the absence of any motion to refuse being seconded, the Committee approved the application as detailed below by 4 votes to nil.

Decision: Item 8 - ref. 13/P3111 (Land known as 118-120 Christchurch Road, Colliers Wood, SW19 2PE)

GRANT PERMISSION subject to
(a) A direction from the Mayor of London that Merton can determine the application; and
(b) planning conditions and the completion of a Section 106 Agreement as set out in the officer case report and the tabled modifications sheet - subject to Condition (22) (re footway works) being reinstated.

9. SOUTH PARK GARDENS OPEN SPACE, DUDLEY ROAD, WIMBLEDON,

SW19 8PN (REF. 13/P2246 & 13/P2320) (TRINITY WARD) (Agenda Item 9)

Proposed refreshment kiosk/indoor community space – In relation to concerns expressed by some local residents regarding the proposals for the community pavilion to contain a refreshment kiosk and an indoor community space, officers drew attention to the small size of the proposed community space (32sqm) and various conditions detailed in the report, proposed to control the use of both the refreshment kiosk and the community space. Officers also confirmed that the proposed opening hours of the facilities would be limited to within the opening hours of the Park.

Decision: Item 9 (A) - ref. 13/P2246 (South Park Gardens Open Space, Dudley Road, Wimbledon, SW19 8PN)

GRANT PERMISSION subject to the conditions set out in the officer case report.

10. THE BELL HOUSE, ELM GROVE, WIMBLEDON, SW19 4HE (REF. 13/P2162) (HILLSIDE WARD) (Agenda Item 10)

Officers advised that a number of late issues had arisen, including land ownership, which required further investigation, and that therefore officers now recommended that this item be deferred.

Decision: Item 10 - ref. 13/P2162 (The Bell House, Elm Grove, Wimbledon, SW19

That consideration of the application be deferred to a future meeting.

11. 7-9 FLORENCE ROAD, SOUTH WIMBLEDON, SW19 8TH (REF. 13/P3169) (TRINITY WARD) (Agenda Item 11)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet.

12. MERTON ABBEY PRIMARY SCHOOL, HIGH PATH, WIMBLEDON, SW19 2JY (REF. 13/P4131) (ABBEY WARD) (Agenda Item 12)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report.

13. 44 KENILWORTH AVENUE, WIMBLEDON, SW19 7LW (REF. 13/P4127) (WIMBLEDON PARK WARD) (Agenda Item 13)

1. Proposed basement – Officers drew attention to the modifications sheet clarifying that the proposal on the front page of the report (on page 295) should read “Front lightwells in connection with the extension of the existing basement and erection of a rear dormer.” Officers also confirmed that as stated in para. 3.2 (agenda page 296), the proposed basement was smaller than originally submitted, and would now be located under the front part of the house only.

2. Extra Condition – Construction Times - Officers also drew attention to the various proposed conditions controlling the basement construction works. It was noted that that the proposed conditions didn't include the standard condition for "Construction Times" restricting the hours when construction works, including demolition, could take place. As indicated below, the Committee subsequently agreed that such an extra condition be imposed

Decision: Item 13 - ref. 13/P4127 (44 Kenilworth Avenue, Wimbledon, SW19 7LW)

GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet subject to the following extra condition –

(a) standard condition for "Construction Times".

14. NELSON HOSPITAL (ASSISTED LIVING PLACES), 220 KINGSTON ROAD, WIMBLEDON CHASE, SW20 8DB (REF. 13/P2192) (MERTON PARK WARD) (Agenda Item 14)

1. Modifications Sheet – Late representations – Officers indicated that, whilst the tabled modification sheet stated that there were no modifications to be made to the officer report relating to this item, two late e-mails had been received including further objections/ representations (a) objecting to the scheme as a whole; and (b) regarding the need for external materials to reduce the conflict between the proposed development and existing neighbouring properties.

2. Window Frames – Samples of the proposed external materials were available for inspection at the meeting. Officers indicated that the displayed materials now included the light grey window frames proposed to be used for the development.

3. External Materials – Officers reminded Members that -

(a) the Committee had previously granted planning consent for the proposed development of the Nelson Hospital site but that the Committee had imposed a Condition (4) requiring the submission and approval of the external materials proposed;

(b) the current application sought approval of the proposed external materials; and

(c) at its previous meeting (on 13/2/14), the Committee had decided that consideration of the application be deferred to this next meeting in March so as to allow consultations with the applicant regarding the possible provision of a living wall on the Manor Gardens frontage.

3.1 Officers also advised that (i) as detailed in para. 3.4 (agenda page 315), the applicant was not willing to provide a living wall; and (ii) as set out in the agenda item, officers still considered that, though not including a living wall on the Manor Gardens frontage, the submitted external materials were acceptable.

4. Approval – After some discussion, the application was approved by 6 votes to 3 (Councillors David Dean, Peter Southgate and Simon Withey dissenting).

Decision: Item 14 - ref. 13/P2192 (Nelson Hospital (Assisted Living Places), 220 Kingston Road, Wimbledon Chase, SW20 8DB)

APPROVE discharge of condition (4) (External Materials) in respect of Site 2 of the redevelopment of Nelson Hospital as set out in the officer case report.

15. 12A RAVENSBRURY TERRACE, WIMBLEDON PARK, SW18 4RL (REF. 13/P2904) (WIMBLEDON PARK WARD) (Agenda Item 15)

1. Environment Agency – Officers drew attention to the tabled modifications sheet which indicated that the Environment Agency now had no objections to this application.

2. Replacement of Condition (15) (H.9 – Construction Vehicles) – Reference was made to representations received regarding the disruption during construction of the proposed development, possible danger to pedestrians and the need for alternative access to the site other than via Ravensbury Terrace. Officers indicated that they were satisfied that such concerns, including looking at a possible alternative access, could be covered by the proposed conditions for this relatively small site; but that officers would have no objection to the conditions being upgraded by proposed Condition (15), currently comprising Standard Condition H.9, being replaced by the standard condition requiring the submission of a Construction Management Plan. As indicated below, the Committee subsequently agreed to this change.

Decision: Item 15 - ref. 13/P2904 (12A Ravensbury Terrace, Wimbledon Park, SW18 4RL)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet subject to following amendment

(a) Condition (15), currently comprising Standard Condition H.9, be replaced by the standard condition requiring the submission of a Construction Management Plan (*i.e. Standard Condition H.13 – Construction Logistics Plan to be submitted*).

16. 8 WILTON ROAD, COLLIERS WOOD, SW19 2HB (REF.13/P4062) (COLLIERS WOOD WARD) (Agenda Item 16)

1. Proposed development - It was noted that -

(a) the property was currently in use as a temporary home for young single homeless persons and was run by the SPEAR Housing Association in association with the Council's Housing Department, and

(b) the proposed development included the extension of the property in connection with its use as temporary accommodation for homeless people.

1.1 In response to concerns expressed by local residents that the proposed development may be occupied by people who are not young single homeless persons such as rough sleepers (as outlined in para. 3.2, agenda pages 382/83), those speakers present representing or supporting the applicant indicated the following -

(i) SPEAR's representative advised that they had no plans to change the current client group (namely young single homeless persons) ; and

(ii) the Council's Housing Department's representative advised that they had previously indicated that they wished to investigate possibly using the site for a different client group, but due to the demand for accommodation for young single homeless persons, there was no spare capacity to allow use of the site for a different

client group, and also there was no similar provision in the local area, and therefore the site would continue to be used for young single homeless persons.

2. Extra Condition – Restriction on Use – Arising from the above, Members suggested that an extra condition be imposed requiring the premises to be occupied only by young single homeless persons. Both SPEAR's representative and the Council's Housing Department's representative confirmed that this would be acceptable to them. Officers indicated that the wording of the condition would need to define the age range of the young single homeless persons who would be allowed to occupy the premises. As indicated below, the Committee subsequently agreed that such an extra condition be imposed and that officers be delegated authority to agree the detailed wording.

3. Condition (5) (B.5 – Details of walls/fences) – Officers confirmed that Condition(5) relating to means of enclosure, which currently comprised standard condition B.5, and which was referred to in the modifications sheet as possibly needing to be amended, did actually need to be modified. As indicated below, the Committee subsequently agreed that officers be delegated authority to amend the condition appropriately.

Decision: Item 16 - ref. 13/P4062 (8 Wilton Road, Colliers Wood, SW19 2HB)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet and the tabled modifications sheet, and subject to the following

(i) Condition (5) (B.5 – Details of walls/fences) – to be modified appropriately further to (B) below;

(ii) Extra Condition – Restriction on Use – An extra condition requiring the premises to be occupied only by young single homeless persons within a specific age range (to be defined) subject to (B) below

(B) Delegation: The Director of Environment & Regeneration be delegated authority to -

(i) amend Condition (5); and

(ii) agree the detailed wording of the above extra condition.

17. LAYTON HOUSE, 152-154 WORPLE ROAD, RAYNES PARK, SW20 8QA (REF. 13/P0126) (HILLSIDE WARD) (Agenda Item 17)

1. Design Review Panel (DRP) – Councillor Ian Munn expressed concern about the lack of details of the DRP's discussions/views on the application on the Council's web-site. Officers undertook to look into the matter of the publication of DRP's discussions, but it was noted that there might be restrictions on publishing some of DRP's discussions, such as consideration of proposals at pre-application stage.

1.1 Councillor Ian Munn also expressed concern about the lack of the full details of the DRP's discussions/views in the submitted report. Officers pointed out that the submitted report did set out at length DRP's comments on the application (see paragraphs. 5.10 – 5.23), but undertook to also look at this issue.

2. Affordable Housing – Members expressed concern that any approval wouldn't be subject to a financial contribution towards affordable housing (as detailed in the tabled modifications sheet in relation to page 409 - Checklist Information).

2.2. Affordable Housing –Clawback Provision - Officers confirmed that it would be possible for any approval to be subject to a “clawback” provision regarding affordable housing (whereby a review would take place based on actual values rather than the assumed values within the submitted appraisal in order to re-assess the viability of the scheme and consequently the development's liability for an affordable housing contribution).

2.3 The Committee subsequently agreed as shown below that any approval be subject to such a clawback provision and that officers be delegated authority to agree the detailed wording required.

3. Lost Refusal Motion - It was moved and seconded that the Application be refused on the grounds that the proposal would be too bulky and adversely affect local residents contrary to Policies BE.15 - para's (ii) & (iv), BE.16 - para. (i) and BE.22 - para's (i) & (ii) of the Adopted Unitary Development Plan (October 2003). The motion was lost by 5 votes to 3 (Councillors David Dean, Peter Southgate and Simon Withey voting for the motion.) The Application was subsequently approved as indicated below (Councillor David Dean dissenting).

Decision: Item 17 - ref. 13/P0126 (Layton House, 152-154 Worple Road, Raynes Park, SW20 8QA)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement/Unilateral Undertaking and subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following –

(i) Affordable Housing –Clawback Provision – subject to (B) below

(B) Delegation - The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the Affordable Housing –Clawback Provision.

18. MEETING BREAK (Agenda Item)

After consideration of item (16), at about 10.55pm, the Committee adjourned its discussions for about 5 minutes.

19. PLANNING APPEAL DECISIONS (Agenda Item 18)

RECEIVED

20. PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 19)

Burn Bullock PH, London Road, Mitcham (paragraphs 2.00 & 3.4) – Councillor Ian Munn -

(a) advised that the application (ref. 14/P0767) for the sale of motor vehicles in the rear car park of the Burn Bullock PH, referred to in the officer report, had yet to be

displayed on the Council's web-site; and requested that this be done as soon as possible; and

(b) advised that the Burn Bullock PH, a Listed Building, was being altered internally illegally and requested that urgent enforcement action be taken on this and the unauthorised use of the car park for the sale of cars.

RECEIVED

21. MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 21)

See above Minute on Item 4 (Town Planning Applications – Covering Report).

Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 30th April 2014

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: John-Francis Hill - Head of Public Protection & Development

Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact officer: For each individual application, see the relevant section of the report.

Recommendations:

- A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

2 DETAILS

- 2.1. This report considers various applications for Town Planning permission, including Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.
- 2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In Merton the Development Plan comprises The London Plan: Consolidated with Alterations Since 2004 (February 2008) and the Unitary Development Plan (adopted October 2003) excluding those policies that were not saved in September 2007, following scrutiny by the Government Office for London".
- 2.3. Members' attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 2.4. With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that "special attention shall be paid to the desirability of preserving or

- enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.5 Each application report details policies contained within the Adopted Unitary Development Plan (October 2003). For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. Recommended reasons for refusal as well as reasons for approval cover policies in the Adopted Unitary Development Plan.
- 2.6 All letters, petitions etc making representations on the planning applications which are included in this report will be available on request for Members at the meeting.
- 2.7 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission and that certain, generally routine, applications are delegated to Officers under the agreed Delegated Powers.
- 2.8 **SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**
- 2.8.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on "Sustainable Development". This has been defined as "a development which meets the needs of the present without compromising the ability of future generations to meet their own needs." A sustainability checklist has been drawn up which takes into account the conservation of resources, improvements to the quality of life and the physical and natural environment, and the idea of stewardship of resources/quality of life for present and future generations.
- 2.8.2 The precise criteria are being re-examined and further refinements will be necessary before the assessment referred to in each item can be treated as an accurate assessment of sustainability. It should be noted that at the present time this Council is the only Authority in London including a sustainable development assessment in its development control reports and to some extent therefore it is necessary to continually evaluate the methodology by which the sustainability levels are calculated. A plus score indicates a development which is generally sustainable and a minus score a development which is not sustainable.
- 2.8.3 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) (England and Wales) Regulations 1999. Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application.

3 Alternative options

- 3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report unless indicated in the report for a particular application.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. As set out in the body of the report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. These applications have been considered in the light of the Human Rights Act ("The Act") and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.

8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and especially to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

9 CRIME AND DISORDER IMPLICATIONS

9.1. As set out in the body of the report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. As set out in the body of the report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

None for the purposes of this report.

12 BACKGROUND PAPERS

Background papers – Local Government (Access to Information) Act 1985
--

Planning application files for the individual applications.

Unitary Development Plan October 2003.

Appropriate Government Circulars and Guidance Notes.

Town Planning Legislation.

Merton's Planning Guidance Notes.

Merton's Standard Planning Conditions and Reasons (as updated and approved by Planning Applications & Licensing Committee July 2009).

Report to Development Control Sub-Committee on 17th August 1995 on

Sustainability

Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

PLANNING APPLICATIONS COMMITTEE – 30 APRIL 2014

Application No. 14/P0279
Address/Site: 92 Ashridge Way, Morden, SM4 4ED
(Ward) Cannon Hill
Proposal Erection of a single storey rear infill extension.
Drawing Nos 1035/01, 1035/02, 1035/03, 1035/04, and 1035/05
Contact Officer Ganesh Gnanamoorthy (020 8545 3119)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

" Heads of agreement: N/A
" Is a screening opinion required: No
" Is an Environmental Statement required: No
" Has an Environmental Impact Assessment been submitted: No
" Design Review Panel consulted - No
" Number of neighbours consulted - 2
" Press notice - No
" Site notice - Yes
" External consultations: No
" Density - N/A
" Number of jobs created N/A

1. INTRODUCTION

1.1 This application is brought before the Planning Applications Committee at the request of Councillors Windsor and Shears

2. SITE AND SURROUNDINGS

2.1 The application site is a 2-storey mid-terraced property located on the western aspect of Ashridge Way. The property is in use as a single dwelling house.

2.2 This property benefits from a full width rear dormer which would appear to have been constructed under permitted development. There is also a single storey rear extension to the left hand side of the rear elevation although there is no record of planning permission being sought for this.

2.3 To the rear of the site is a large playing field.

2.4 The site is not within a designated Conservation Area, and the property is not a listed building.

3. CURRENT PROPOSAL

3.1 This application proposes a single storey rear infill extension to the right hand side of the rear elevation– extending from the existing original rear elevation and terminating in line with the single storey rear extension constructed to the left hand side of the rear elevation. Two rooflights would be inserted into the roof of the enlarged rear projection. There is a corrugated plastic ‘roof’ held up with timber legs over the majority of this area at present which would be removed to facilitate the extension.

3.2 The extension would measure 4.24m in depth, have width of 2.31m and a flat roof with height of 2.95m, in line with the roof of the existing extension.

3.3 The plans demonstrate that the proposal would allow for a larger kitchen area.

3.4 Facing materials comprise rendered elevations to match the existing.

4. PLANNING HISTORY

4.1 There is no relevant planning history on this site.

5. CONSULTATION

5.1 The application was advertised by means of site and press notices, and neighbour notification letters.

5.2 Three letters of objection have been received raising the following concerns:

- " Loss of sunlight/daylight to adjoining properties
- " Overdevelopment of the garden
- " Impact on party walls
- " Impact on drains

6. POLICY CONTEXT

Merton Unitary Development Plan (2003)

6.1 The relevant policies in the Council's Unitary Development Plan (October 2003) are:

BE.15: Privacy, Visual Intrusion and Noise;

BE.23: Alterations & Extension to buildings

Merton Local Development Framework Core Planning Strategy (2011).

6.2 The relevant policy in the Council's Core Planning Strategy 2011 is:

CS 14:- Design

6.3 Supplementary Planning Guidance: Residential Extensions, Alterations and Conversions (2001).

7. PLANNING CONSIDERATIONS

7.1 The main issues to be addressed are design and the impact on the residential amenities of neighbouring properties.

Design & Appearance

7.2 Adopted UDP policy BE.23 requires that proposals respect the design of and be sympathetic to the proportions of the original building and also seeks to ensure that external materials would be sympathetic to the original building. The thrust of this policy is to ensure that extensions and additions are subordinate to the host property and local surroundings.

7.3 Whilst the proposed extension is relatively deep, it is noted that the proposed depth is only 1.24m deeper than what could be constructed under permitted development. The application drawings demonstrate the incorporation of a set of 4x bi-folding doors and a window to the rear elevation. This provides a lightweight feel to the rear addition, helping to provide a sense of subordination to the main dwelling. The applicant has also indicated that the materials to be used in the construction of the extension would match those of the host dwelling, in accordance with Policy BE.23.

7.4 The Council's SPG states that applications for extensions should not result in the loss of garden space to the extent which it is reduced to less than 50 square metres. It is noted that the garden space left if the extension were to be built would be approximately 57 square metres. It is noted that a rear outbuilding exists with a footprint of approximately 8 square metres. Deducting this from the garden space would leave an area of 49 square metres. Although marginally under the SPG recommended amount, this is very marginal and is not considered to be an acceptable reason for refusal in isolation.

7.5 With the above in mind, it is considered that the proposal is acceptable in design terms.

Neighbour Amenity

- 7.6 Policy BE.15 seeks to protect neighbours from reduction in daylight levels and privacy, additional noise and visual intrusion. Each of the properties that could be affected by the proposal will be addressed in turn.

90 Ashridge Way

- 7.7 The proposed extension would not extend beyond the rear elevation of the existing rear extension. As such, the proposal would not be visible from the windows of this property, and so there would not be any loss of sunlight, daylight or outlook to this property.

94 Ashridge Way

- 7.8 The proposed extension would infill the open area directly at the boundary with this property. This property benefits from a rear structure with an open rear element. This has a depth of approximately 1.3m. With this in mind, the proposed extension would extend beyond this structure by just 2.94m. In addition to this, this property would have an aspect value of between 1 and 2 in accordance with the Council's SPG. This indicates that the orientation of the proposed extension would be likely to have a minimal impact only on the sunlight and daylight received by this property.

Other affected properties

- 7.9 There are no residential properties to the rear of the site and the proposal would not be visible from the front of the site.
- 7.10 With the above in mind it is not considered that the proposal would have a significant adverse impact on the amenity of nearby residential properties.

8.0 OTHER MATTERS

- 8.1 With regard to the representation responses made regarding party walls and drains, these are not material planning considerations and so cannot be taken into account.

9. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 9.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there are no requirements in terms of an EIA submission.

10. CONCLUSION

- 10.1 With the above in mind, it is considered that the proposal would be acceptable in design terms and would not have a significant adverse impact on the amenity of nearby residential properties.

RECOMMENDATION

Grant planning permission subject to the following conditions:

A1 Commencement of development

The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

A7 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans: 1035/01, 1035/02, 1035/03, 1035/04, and 1035/05.

Reason: For the avoidance of doubt and in the interests of proper planning

B2 Matching Materials

The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

Reason: To ensure a satisfactory appearance to the development and to comply with policy BE.23 of the Adopted Merton Unitary Development Plan 2003.

C2 No Permitted Development (Windows and Doors)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order with or without modification), no window, dormer, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission first obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies BE.15 and BE.23 of the Adopted Merton Unitary Development Plan 2003.

C8 No Use of Flat Roof

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.

Reason: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with policy BE.15 of the Adopted Merton Unitary Development Plan 2003



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

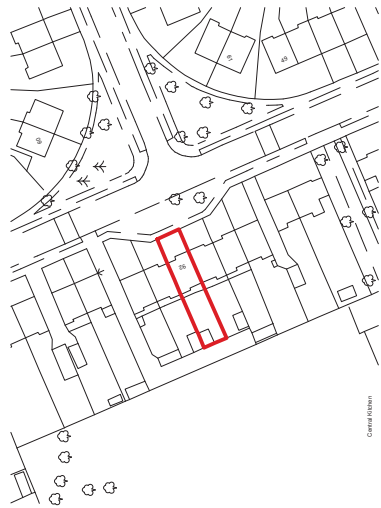
Scale 1/1250

Date 15/4/2014

92 Ashridge Way

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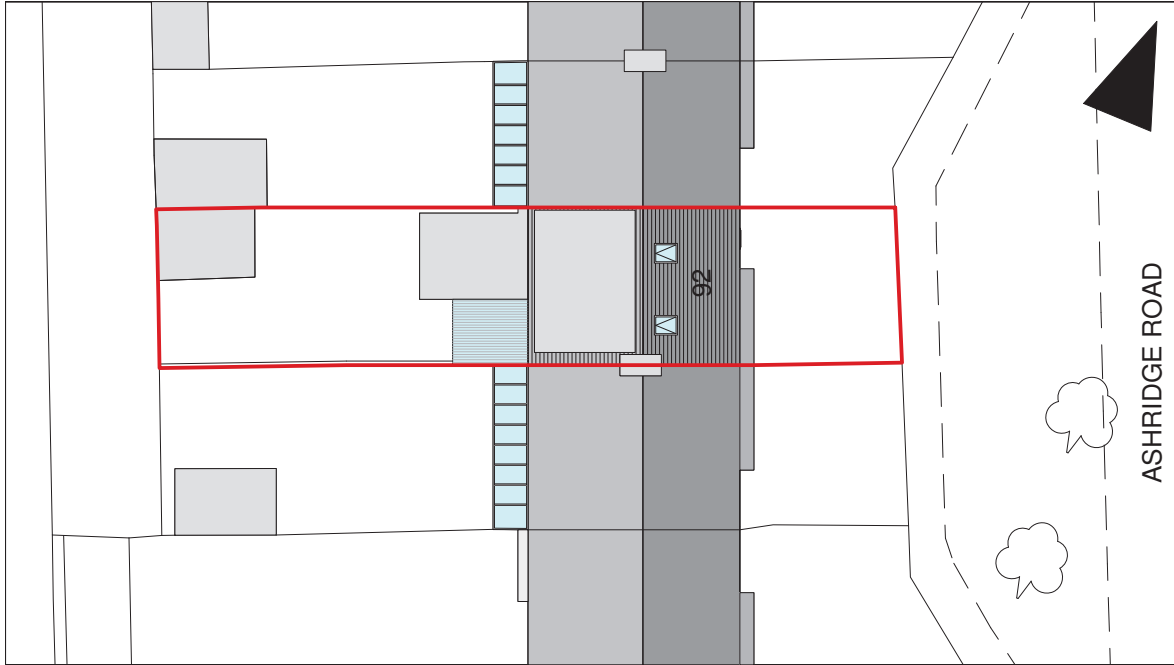
DEVELOPMENT CONTROL



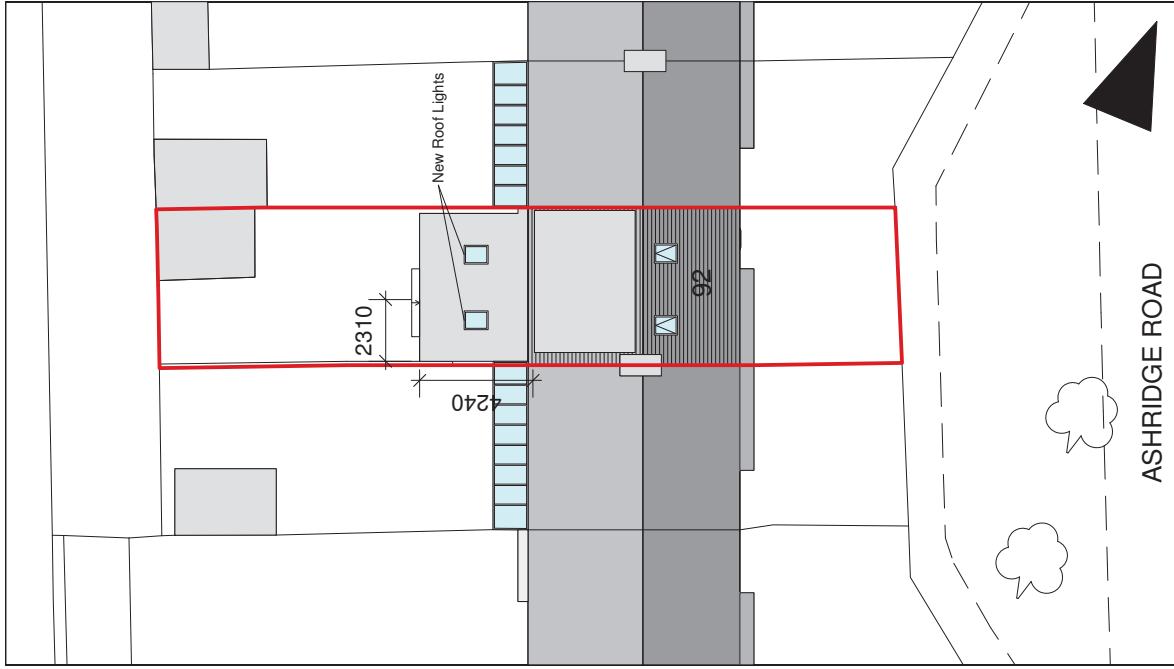
Ordnance Survey (© Crown Copyright 2013). All rights reserved. License number: 100026252
Central Kitchen
LOCATION PLAN SCALE 1:1250



LOCATION PLAN SCALE 1:1250



EXISTING SITE PLAN



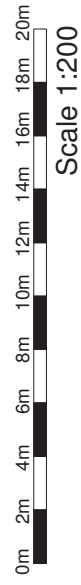
PROPOSED SITE PLAN

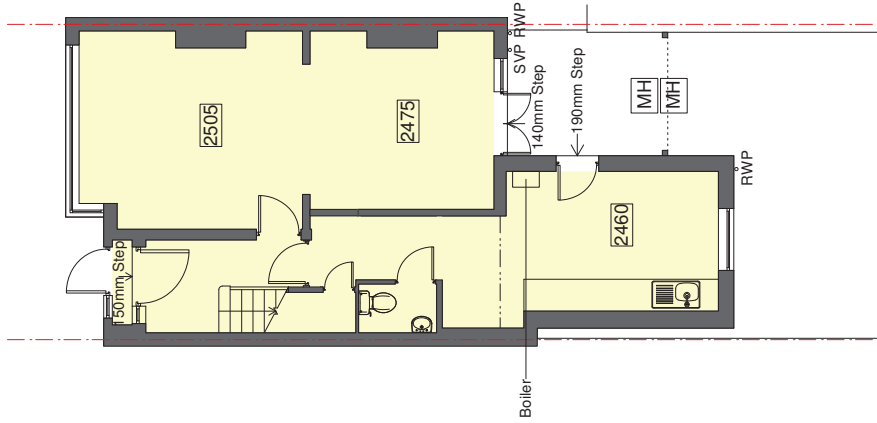
IDEAL PLANNING & DESIGN
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Email: info@idealpdt.co.uk

Drawn by
Indeep Mahal
Checked by
Chris Gwilliam
Date
02/08/2013

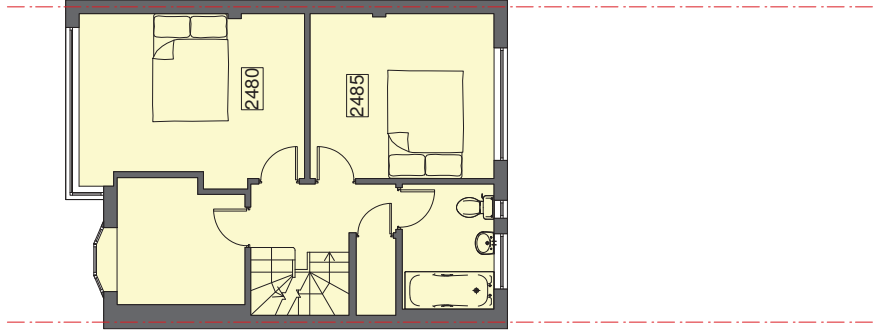
Drawing Name
Location & Site Plan
Client
Alina Yegorova

Job Title
Single Storey Rear Infill Extension
92 Ashridge Way, Morden, SM4 4ED
Drawing Scale
1:1250 & 1:200 @ A3
Layout ID
1035/01
Status
P
Revision

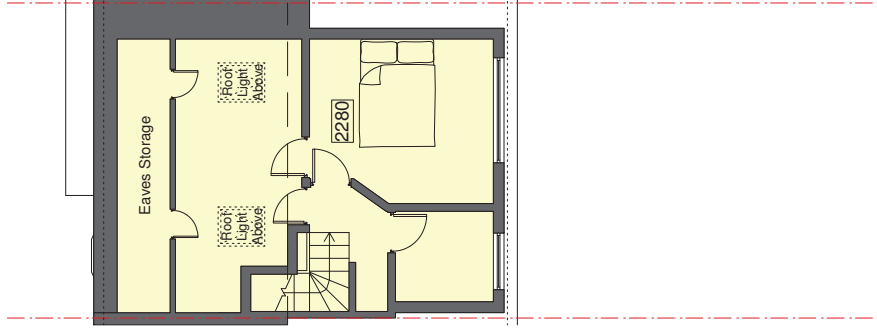




EXISTING GROUND FLOOR




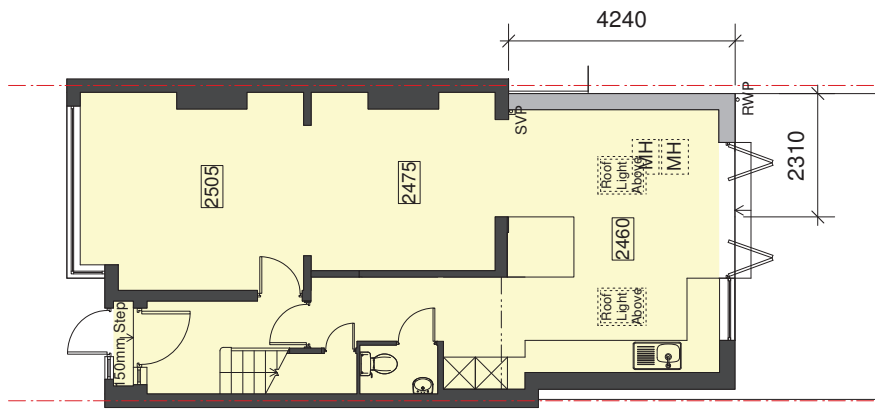
EXISTING FIRST FLOOR



EXISTING SECOND FLOOR




 <p>Ideal Planning and Design Ltd. Hyde Park House 5 Manfred Road, London, SW15 2FS Tel - 0208 8230750 Web: www.idealplanningdesign.co.uk Email: info@idealpld.co.uk</p>	<p>Drawn by Indeep Mahal</p>	<p>Date 02/08/2013</p>	<p>Drawing Name Existing Ground, First & Second Floorplans</p>
	<p>Checked by Chris Gwilliam</p>	<p>Date 02/08/2013</p>	<p>Client Alina Yegorova</p>
<p>Job Title Single Storey Rear Infill Extension 92 Ashridge Way, Morden, SM4 4ED</p>		<p>Drawing Scale 1:100 @ A3</p>	<p>Layout ID 1035/02</p>
		<p>Status P</p>	<p>Revision</p>

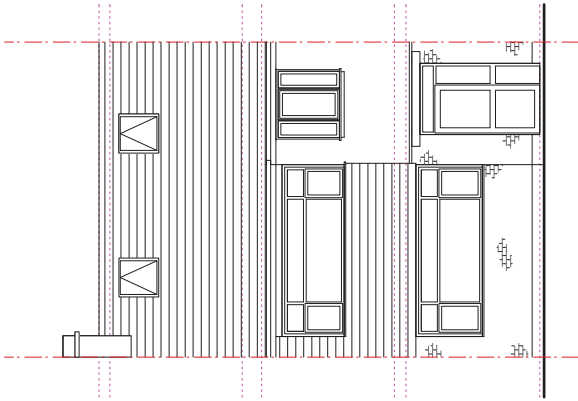


PROPOSED GROUND FLOOR

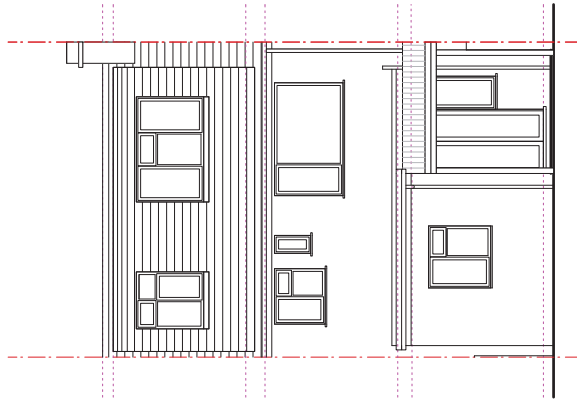


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	<p>Checked by Chris Gwilliam</p>	<p>Date 02/08/2013</p>	<p>Client Alina Yegorova</p>
<p>Job Title Single Storey Rear Infill Extension</p>		<p>Drawing Scale 1:100 @ A3</p>	
<p>92 Ashridge Way, Morden, SM4 4ED</p>		<p>Layout ID 1035/04</p>	<p>Status P</p>
		<p>Revision</p>	

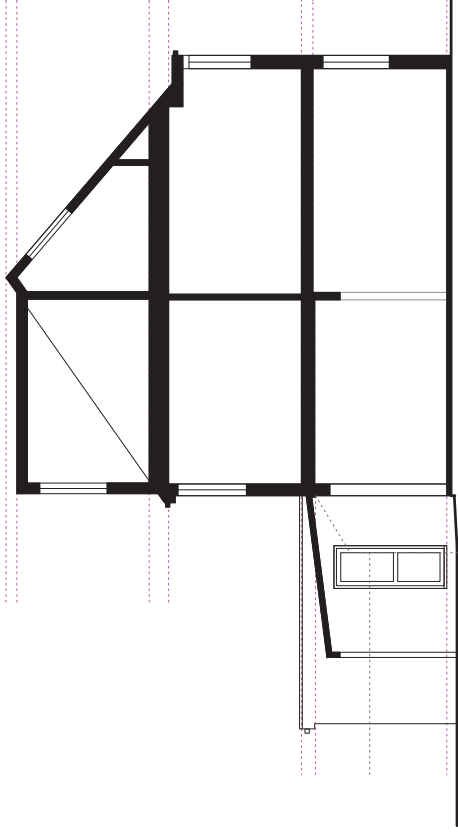
Contractor to check all dimensions prior to fabrication or construction on site
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EXISTING FRONT ELEVATION

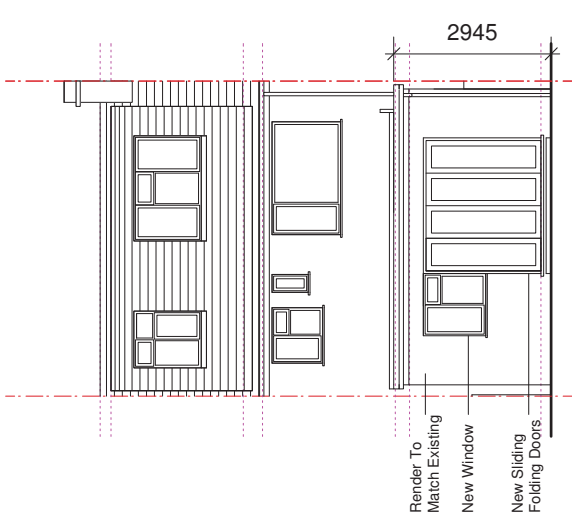


EXISTING REAR ELEVATION

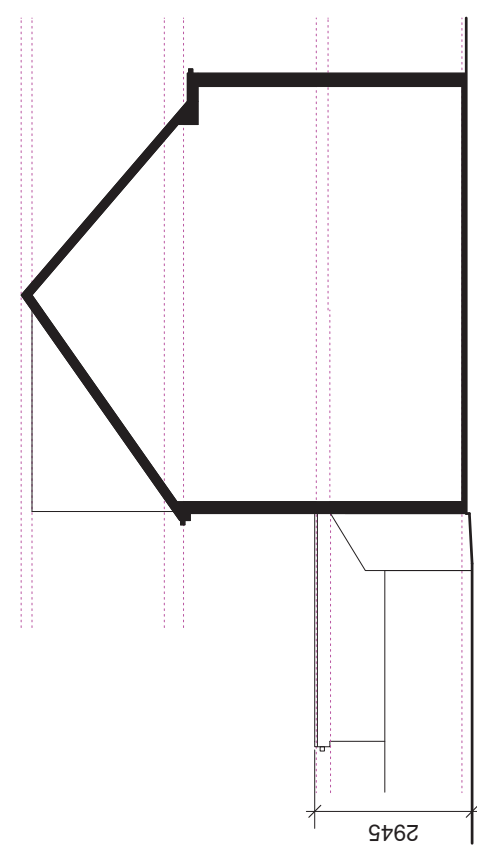


EXISTING SIDE SECTION ELEVATION

 <p>IDEAL PLANNING & DESIGN</p>	Ideal Planning and Design Ltd. Hyde Park House 5 Manfred Road, London, SW15 2RS Tel - 0208 8230750 Web: www.idealplanningdesign.co.uk Email: info@idealpd.co.uk	Drawing Name Existing Front & Rear Elevations & Side Section Elevation	Drawing Name Existing Front & Rear Elevations & Side Section Elevation
	Drawn by Indeep Mahal	Date 02/08/2013	Client Alina Yegorova
Checked by Chris Gwilliam		Drawing Scale 1:100 @ A3	
Job Title Single Storey Rear Infill Extension		Layout ID 1035/03	Status P
92 Ashridge Way, Morden, SM4 4ED		Revision	Revision




PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION



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	Checked by Chris Gwilliam	Date 02/08/2013	Client Alina Yegorova	Drawing Scale 1:100 @ A3
Job Title Single Storey Rear Infill Extension 92 Ashridge Way, Morden, SM4 4ED		Layout ID 1035/05	Status P	Revision

PLANNING APPLICATIONS COMMITTEE
30th April 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	14/P0010	19/12/2013
Address/Site	68 Bathgate Road, Wimbledon Village, London, SW19 5PH	
(Ward)	Village	
Proposal:	Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) involving alterations to the layout and footprint of the proposed basement	
Drawing Nos	G-SITE-01, G-E-01 Rev K (x2) and SK-13-03	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Permission subject to Conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - N/A
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Site notice – Yes
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 4
 - External consultations – No
 - Number of jobs created – N/A
 - Controlled Parking Zone – No
-

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration in light of the high number of objections against the proposal.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is a two storey detached dwellinghouse located in the northern section of Bathgate Road, Wimbledon. The building is currently being redeveloped in accordance with planning permission 11/P1985 which includes partial facade retention and extensions to the front, rear and basement level. Bathgate Road is characterised by large two storey detached family houses. All the houses are set back from the road with soft grass verges adjacent to the road and most have mature landscaped front gardens which contribute immensely to the character of the area.
- 2.2 Properties adjacent to and opposite the application site are all substantial detached houses. Further south of the application site, on the opposite side of the road, are the AELTC practice tennis courts. The existing house is a little unusual in that the frontage is totally open, with a grass verge and hard surfaced parking area and 3 trees close to the front boundary, but no hedge at the edge of the grass verge.
- 2.3 The application site is located within the Bathgate Road Conservation Area

3. **CURRENT PROPOSAL**

- 3.1 Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) involving alterations to the layout and footprint of the proposed basement.
- 3.2 The initial basement was approved under planning application 11/P1985 and was further amended with a non-material amendment application 13/P0567. The current changes to the basement differ from the approved non-material application with a part reduction in the width of the basement (1.1m on left hand side and 1.2m (min) and 1.4m (max) on right hand side) and an increase in the forward projection by 0.2m (min) and 0.8m (max). This increase in depth at the front of the basement would create an enlarged staircase, plant room, cinema room and shallower basement pool (from 11m to 7.5m).

4. **PLANNING HISTORY**

- 4.1 MER433/71 - S/s extension – Grant - 29/07/1971.

- 4.2 MER1197/71 S/s addition to provide w.c – Refused - 27/01/1972
- 4.3 MER349/72 - Section 53 determination for single storey addition to provide wc - permission required - 11/05/1972
- 4.4 MER817/72 - S/s addition to provide new w.c - Grant - 28/09/1972
- 4.5 MER605/79 - Extension at rear 1st floor level – Refused - 06/09/1979
- 4.6 07/P1284 - Erection of gates and posts – Refused on 24/7/07 for the following reason:
- The proposed front gates and posts, by reason of design and height, would be detrimental to the amenity of the Bathgate Road street scene and would fail to preserve the character and appearance of the Bathgate Road Conservation Area, contrary to policies BE1 and BE22 of the Councils adopted Unitary Development Plan (October 2003)*
- 4.7 08/P1605 - Alterations and extension to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition & loft conversion with 2 rear dormer windows – Grant - 12/08/2008
- 4.8 10/P0780 - Application for non-material amendments to planning application 08/P1605 for the part rear basement with rear glazed light well – Grant - 11/05/2010
- 4.9 11/P1985 - Substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 20/09/2012
- 4.10 13/P3451 - Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) to enable to demolition and reconstruction of part of the rear flank wall behind the chimney at ground and first floor level – Grant - 12/12/2013.
- 4.11 13/P2452 - Application for variation of condition 2 [approved plans] attached to LBM planning permission 11/P1985 (dated 06/09/2012) to enable to demolition and reconstruction of first floor flank wall and chimney – Grant - 26/09/2013
- 4.12 13/P1911 - Application for the removal of condition 10 (gates hereby approved shall not open over the adjacent highway) attached to LBM planning application ref 11/P1985, relating to the substantial demolition of

existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 22/08/2013

- 4.13 13/P3431 - Application for non-material amendments to LBM planning permission 11/P1985 (dated 20/09/2013) involved alterations to proposed basement layout. The request for a non-material amendment was declined and it was deemed full planning permission was required as the proposed alterations could potential impact upon the structural stability of the retained building.
- 4.14 13/P1913 - Application for discharge of conditions 3, 4, 7 and 9 attached to LBM planning application 11/p1985 dated 20/09/2012 relation to the substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows, basement with rear light well – Grant - 18/09/2013
- 4.15 13/P0567 - Application for non-material amendments to LBM planning permission 11/P1985 (dated 20/09/2012) involving the construction of swimming pool within the approved basement level and alterations to basement layout – Grant - 07/03/2013.

5. CONSULTATION

- 5.1 The application has been advertised by conservation area site and press notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 8 letters of objection (including one from the Wimbledon Society) have been received; the letters raise the following objections:
- Never-ending series of applications
 - Concern is that much of the escalation is to be underground
 - Bathgate Road is at the bottom of a steep hill and the water table is high
 - Existing problems with flooding
 - Large subterranean construction would exacerbate drainage
 - Plans now are very different from those which were considered and granted by the planning committee.
 - Impact upon pruning and replacement of trees (trees have been excessively pruned)
 - Early working house on Sundays

- Seems to be an attempt to take a strip of Council land in front of the property boundary
- The Council has failed to protect Bathgate Road. English Heritage has placed the whole conservation area on their 'at risk' register.
- Application site forms part of the FA Powell houses in Bathgate Road which the Council's design guide states as being an excellent example of a Bathgate Road house that needs to be preserved.
- Developer must be forced to restore the Powell façade
- Impact upon stability of surrounding properties.
- Basement large in width and depth
- Noise and vibration from generator for the pool
- Set precedent within the conservation area
- Impact upon trees due to size of basement

Wimbledon Society

- Property is part of a well-designed group of detached houses by Brockelsby
- In comparison to 11/P1985 there are significant changes - new basement is much larger, bringing it closer to the front of the house, much deeper to accommodate a swimming pool and even more of the original structure and walling is to be removed
- Current Council policy on basements (DMD2(c)) requires the applicant to provide an assessment of basement and subterranean scheme impacts on drainage, flooding, ground water conditions and structural stability. This has not been provided.
- A construction method statement must be included as part of validating the planning application
- A hydrology report should also be included
- As more of the existing building is to be removed, development needs to demonstrate how the proposal conserves and ...enhances the significance of the asset.
- Policy DMH4 says that substantially demolishing an existing house to create a new dwelling as here should achieve Code level 5. This has not been demonstrated.
- Does not meet lifetimes homes standards (WC required on main ground floor).

6. POLICY CONTEXT

6.1 Merton Council's UDP Adopted October 2001:

BE.1 Conservation Areas, New Development, Change of Use, Alterations and Extensions.

BE.2 Conservation Areas, Demolition

BE.15 New Buildings and Extensions – Daylight, Sunlight, Privacy, Visual Intrusion and Noise
BE.22 Design of New Development
BE.23 Alterations and Extensions to Buildings
NE.11 Trees; Protection.

6.2 Bathgate Road Conservation Area Design Guide 1995.

6.3 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are:

CS 13 (Open Space, Nature Conservation, Leisure and Culture)
CS 14 (Design)

7. **PLANNING CONSIDERATIONS**

7.1 The main issues to consider are the appropriateness of the proposed changes to the layout and design of the proposed basement and the planning history of the site, structural integrity of the retained building, and impact upon the neighbouring amenity and trees.

7.2 Planning History

7.2.1 The frustration of neighbours regarding the number of changes to the original planning permission 11/P1985 is noted, however the Council has a duty to consider and treat each planning application on its own merits. There have been a series of planning applications at the application site which are summarized in paragraphs 4.1 – 4.15 of this report. The planning history of the site is a material consideration in this instance and therefore the most relevant planning applications are outlined below:

7.2.2 08/P1605 - On 12th August 2008 planning permission was granted under delegated powers for alterations and extension to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition & loft conversion with 2 rear dormer windows. This planning permission set the initial precedent for development at the application site with extensions to the original building.

7.2.3 11/P1985 – On 20th September 2012 planning permission was granted by planning committee for the substantial demolition of existing house, involving retention of part of front and side elevations, and rebuild with alterations and extensions to existing 2-storey front entrance, erection of 2-storey rear extension, single-storey infill addition, loft conversion with 2 rear dormer windows and basement with rear light well.

7.2.4 In regards to planning application 11/P1985, the applicant stated that they

had a fail back position with the extant planning permission 08/P1605. The applicant stated that the development proposed under 11/P1985, would appear identical to the previous permission (08/P1605). The case put forward was that the end result would appear the same in terms of design. When an assessment was carried out regarding which elements of the original house were to be removed to construct planning permission 08/P1605, it was put forward that substantial demolition would be required and this would not be materially different than the scheme presented under planning application 11/P1985 to substantially demolish the original building (with part retention facade) . As a valid start on site had been made in relation to the 2008 permission, this was a very strong material consideration at the time and for this reason, the proposal (11/P1985) was considered to be acceptable, although it could be viewed as contrary to Policy BE2.

- 7.2.5 13/P0567 - On 20th August 2012 planning permission was granted under delegated powers for a non-material amendments to LBM planning permission 11/P1985 involving the construction of swimming pool within the approved basement level and alterations to basement layout. This non-material amendment involved changes to the footprint of the basement and internal amendments to create a basement swimming pool. As the proposed works would be confined to the footprint of the original house and the basement would only affect works internally, it was considered that this was a small scale alteration that could be treated as non-material. It should also be noted that planning permission is not required for a basement beneath the footprint of an original dwellinghouse (with no light wells) and therefore this also influenced the issuing of the non-material amendment.
- 7.2.6 13/P2452 - On 26th September 2013 planning permission was granted under delegated powers for demolition and reconstruction of first floor flank wall and chimney. This application sought to demolish the first floor flank wall and chimney of the eastern elevation of the building following advice from the appellant's structural engineer. The structural engineer recommended that in the preparation of the detailed structural design of the basement it was their opinion that the stability of the flank elevation wall would present a risk to the workforce whilst constructing the basement. The Councils Building Control Officer agreed with the appellant's structural engineer in this respect. The concerns of neighbours were noted with more of the original house being demolished, however the ground floor of the eastern flank elevation would remain and part of the front elevation and the western elevation will remain the same as the previous planning permission (11/P1985). It was therefore difficult to argue that the end result of the building would be materially different compared to the extant planning permission 11/P1985).

7.2.7 13/P3451 - On 12th December 2013 planning permission was granted under delegated powers for demolition and reconstruction of part of the rear flank wall behind the chimney at ground and first floor level. In this instance it was proposed to demolish a small section of right hand side flank wall at ground and first floor level and reuse the existing materials. The appellant stated that the demolition is required due to the proximity/logistics of the piling equipment and the retained elevation in correlation with the basement proposals, which was established following specialist subcontractors report. The area of wall in question is to the rear of the flank wall being retained, and is a section of wall approximately 1M in width and located behind the chimney stack. The proposal was to carefully take down and reconstruction of this section of wall which will then enable the basement layout to be constructed without infringing on the design layout, whilst maintaining a safe distance between to piling equipment and the facade retained along the flank wall. It was considered that the demolition of this section of wall would not materially alter the appearance or integrity of the retained structure.

7.3 Comparison to 13/P0567

7.3.1 The principle of the proposed basement has already been established by planning permission 11/P1985. A further alteration to the layout and function of the basement was allowed under a non-material amendment application (13/P0567) due to the work being confined within the footprint of the original building and internal alterations to the use of the previously approved basement area. The current changes to the basement differ from the non-material approval with a part reduction in the width of the basement (1.1m on left hand side and 1.2m (min) and 1.4m (max) on right hand side) and an increase in the forward projection by 0.2m (min) and 0.8m (max). The re-configured basement would have an enlarged staircase, plant room, cinema room and smaller basement pool (reduced from 11m to 7.5m in length).

7.3.2 The current application could be viewed as not being very substantially different from the original approval, as amended by 13/P0567. However, in light of residents' interest in the 2 previous applications to make further changes as set out at paras 7.2.6 and 7.2.7, combined with increasing concern about basement applications, it was considered that a formal application should be required. The proposed basement would be partly reduced in width on both sides and there would be a small further forward projection which would have no additional impact upon the design of the scheme, structural integrity of the building above, neighbouring amenity or trees. Although acknowledging residents' frustration and annoyance at the series of applications relating to the property, in this instance there is considered to be no grounds to justify refusal of planning permission.

7.4 Structural Integrity

- 7.4.1 Those elements that remain of the original house have been supported by a specialised façade retention system which incorporates a series of scaffolding structures with concrete foundations and scaffold tubes being passed through core drilled holes in the existing masonry. The Council's Building Control Officer has confirmed that the change to the footprint of the basement would have no impact upon the structural integrity of those elements of the original building which have been retained.

7.5 Neighbouring Amenity

- 7.51 The enlargement of the proposed basement is considered to be modest in size and with works being situated below ground level, there would be no undue loss of neighbouring amenity.

7.6 Trees

- 7.6.1 The proposed increase in depth is considered modest, would be located beneath the footprint of the original building and would be well distanced away from trees to ensure that there would be no harm to tree roots.

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

- 8.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9. **CONCLUSION**

- 9.1 A material planning consideration in this instance is the non-material amendment application 13/P0567. The proposal differs from the extant non-material amendment with a part reduction in the width of the basement and a slight forward projection. The changes to the basement would not be visible from above ground level, would be a part reduction in the width and a slight increase in the depth with no undue impact upon the retained building above, neighbouring amenity or trees.

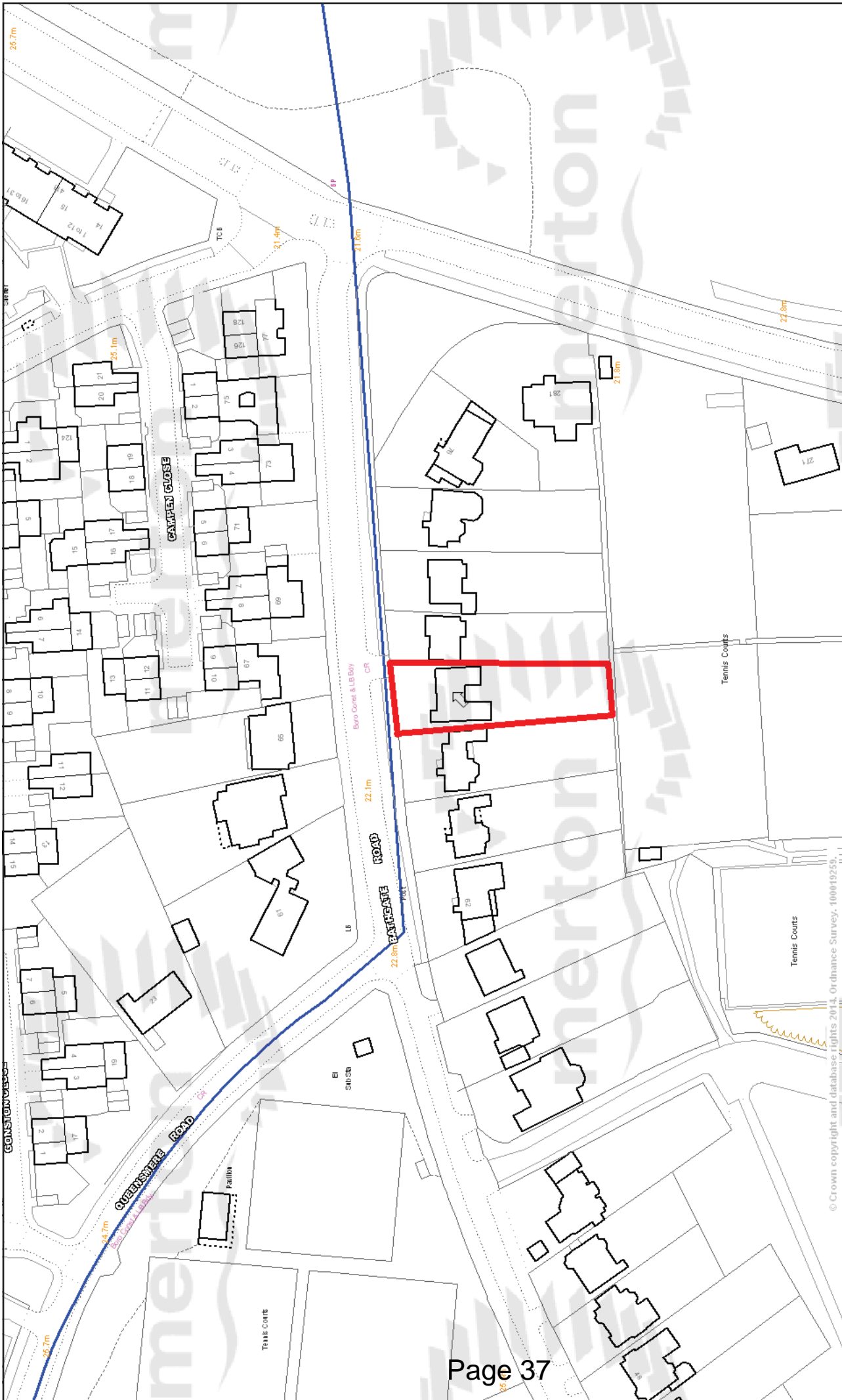
RECOMMENDATION

GRANT VARIATION OF CONDITION 2 to read as follows;

1. Approved Plans

INFORMATIVE

Please note that the substantive conditions attached to planning permission 11/P1985 (as amended) continue to apply.



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250
 Date 15/4/2014

68 Bathgate Rd

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DEVELOPMENT CONTROL



Revision
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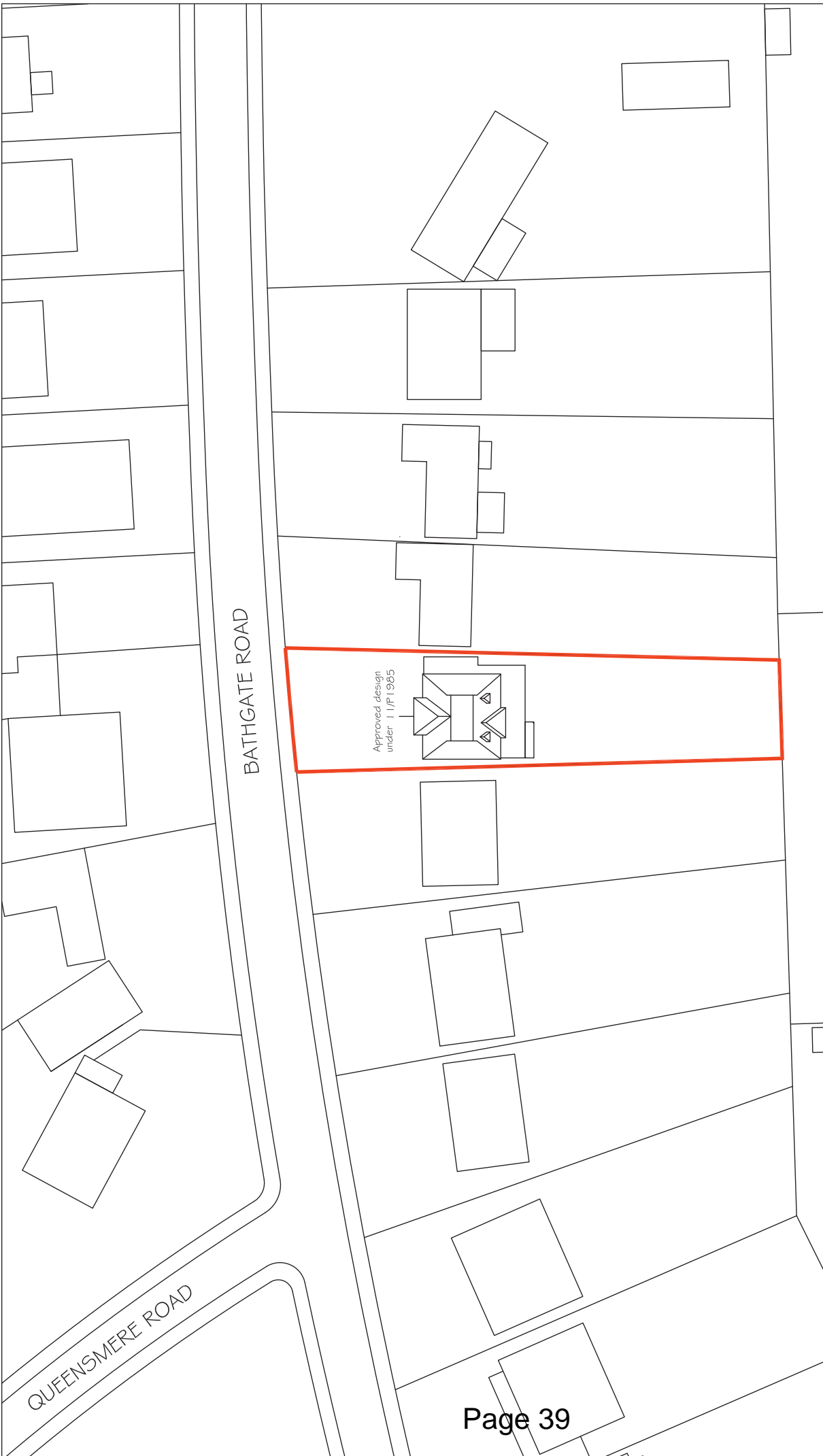
OS PLAN

date Oct 2010
 drawn MDK
 checked KA
 cad ref
 KAIRES168BATHGATE
 scale

job no _____
 dwg no **OS PLAN** rev -

Page 1 of 250

ka
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 Surveying - Architecture - Engineering
 w:www.kassociates.co.uk email@kassociates.co.uk



QUEENSMERE ROAD

BATHGATE ROAD

Approved design
under 11/P/1985

Revision	

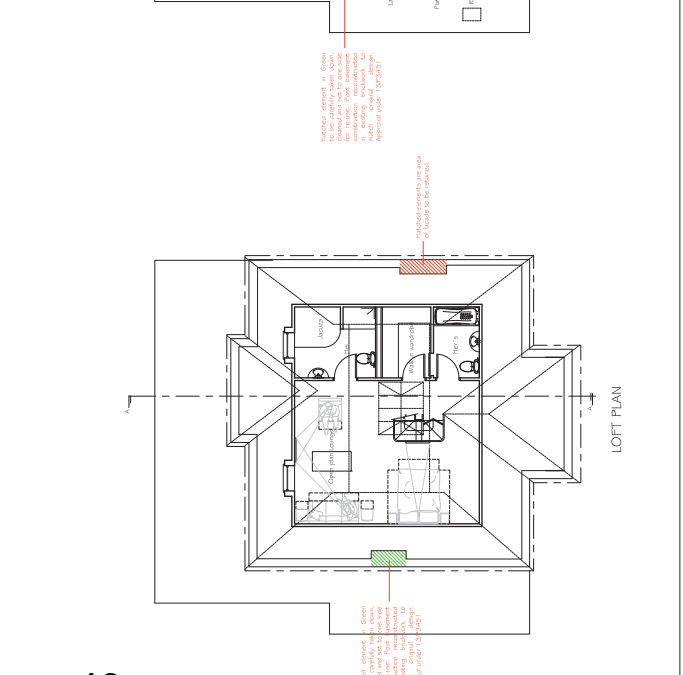
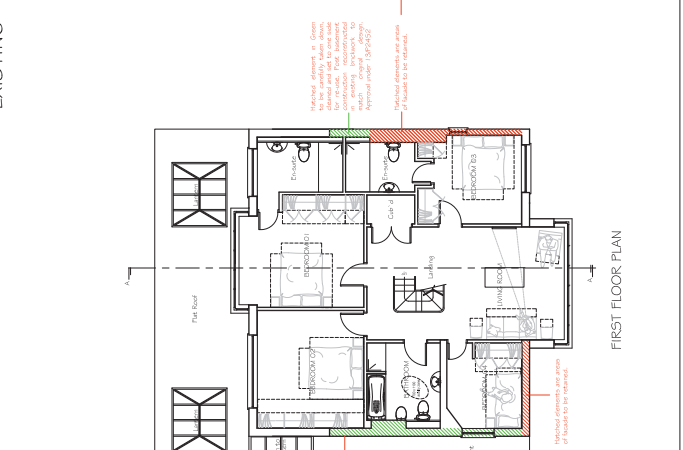
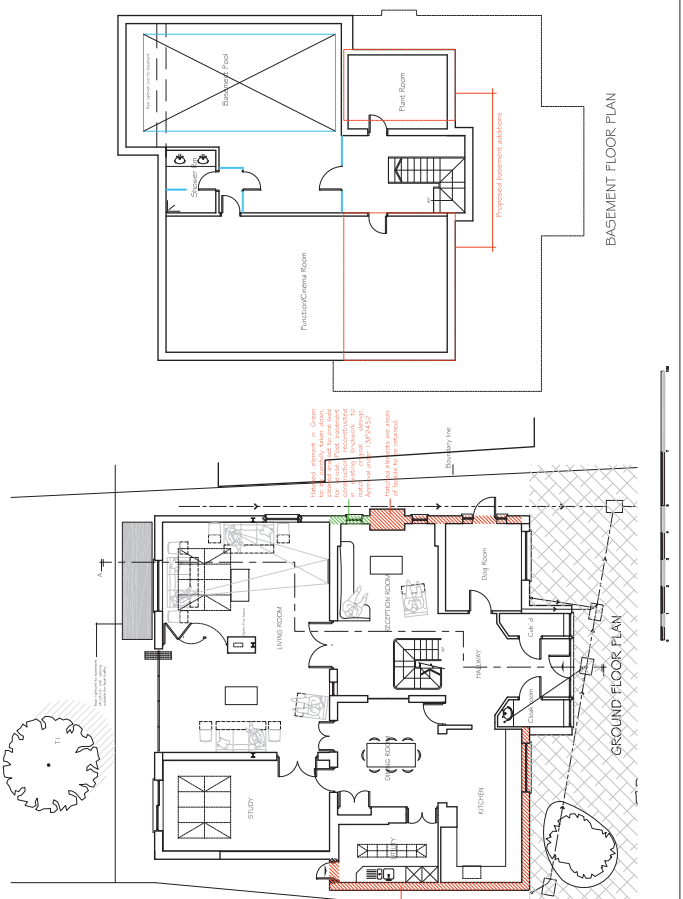
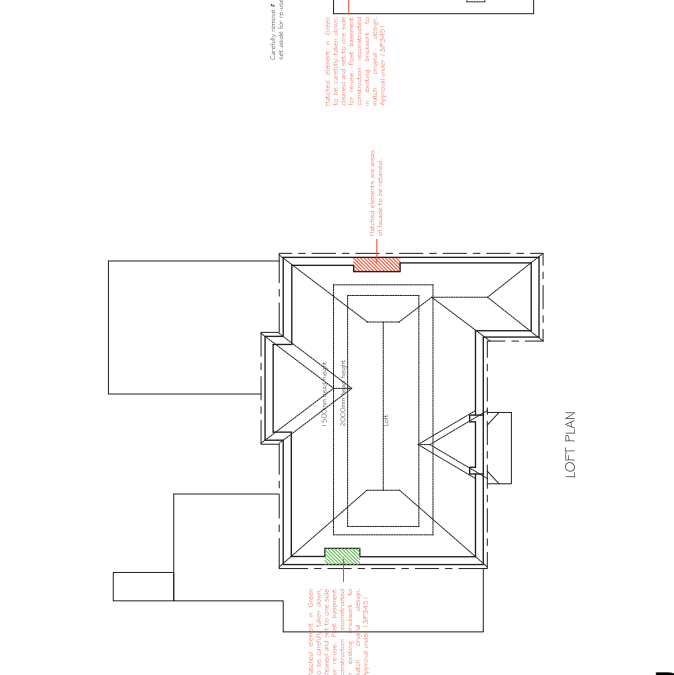
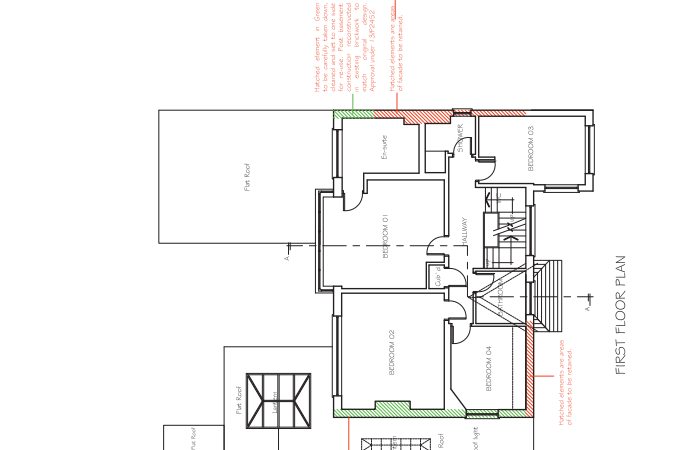
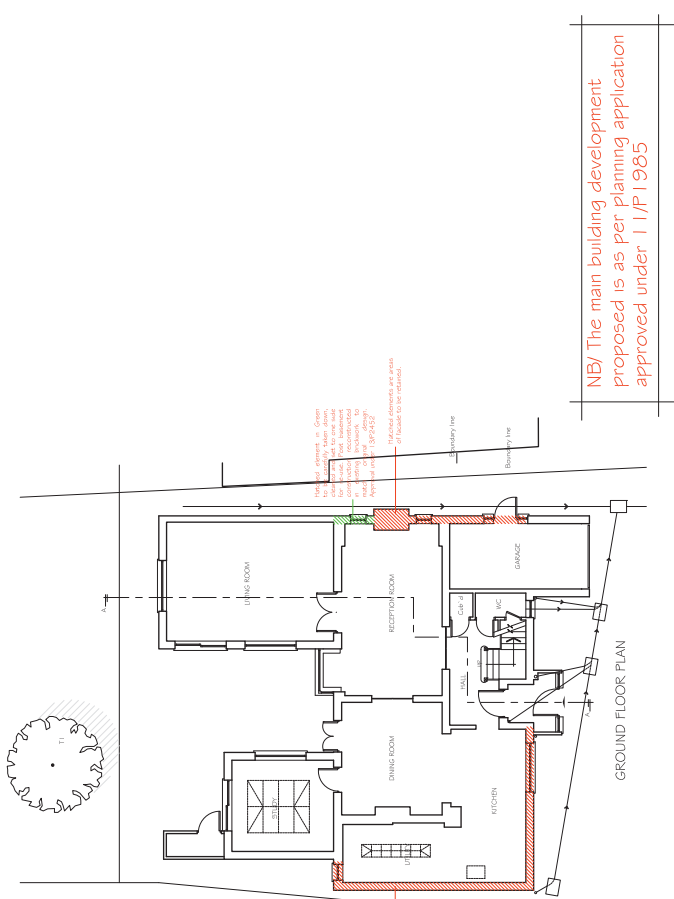
68 BATHGATE RD WIMBLEDON SW19 5PH BLOCK PLAN

job no **G-SITE-02 A**

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checked	JF
cad ref	KA0RES88BATHGATE
scale	1:500
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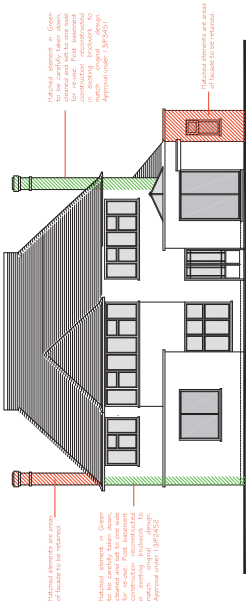
Use figures dimensions only. All heights and dimensions to be checked on site. Drawing to be read in conjunction with all relevant documentation. © Knight Associates. All rights reserved. 143 Studio 27, Belgrave Close, Ham Common, Richmond, Surrey TW10 7DF
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Surveying - Architecture - Engineering

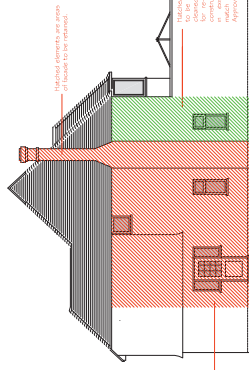


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PROPOSED

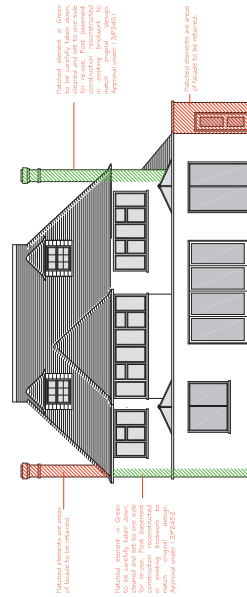


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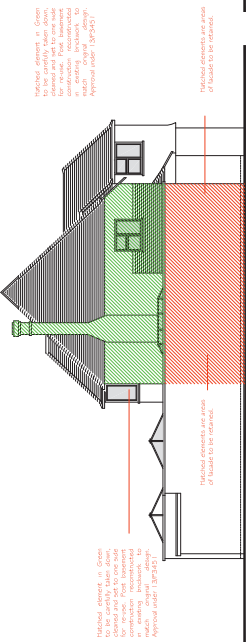


EXISTING SIDE ELEVATION

NB! The main building development proposed is as per planning application approved under 1/1/P/1985

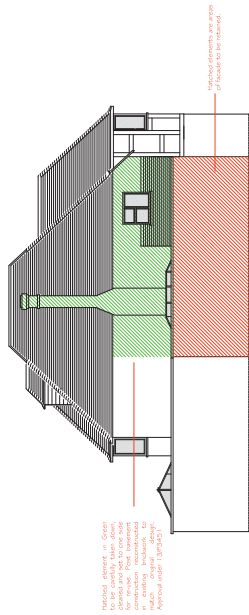


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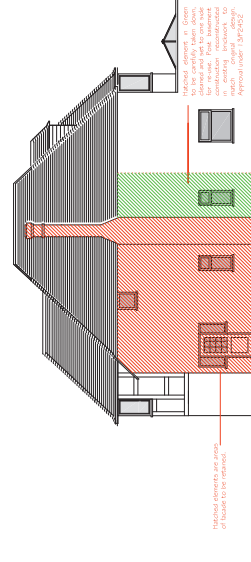


SIDE ELEVATION

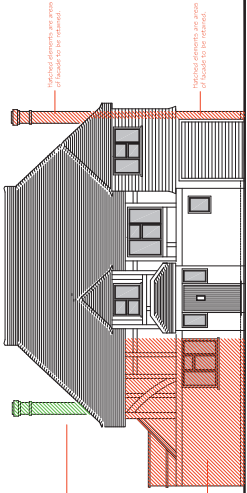
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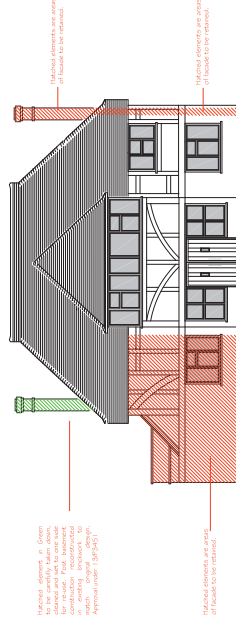
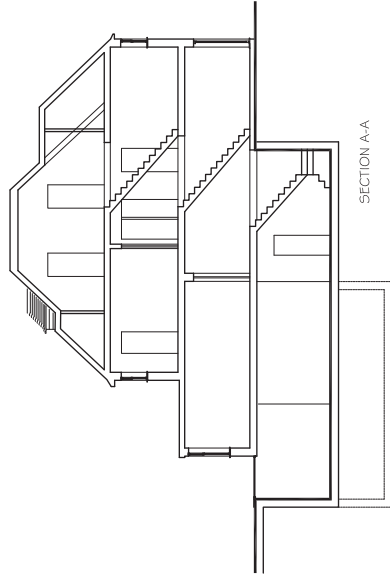
PROPOSED SIDE ELEVATION



SIDE ELEVATION

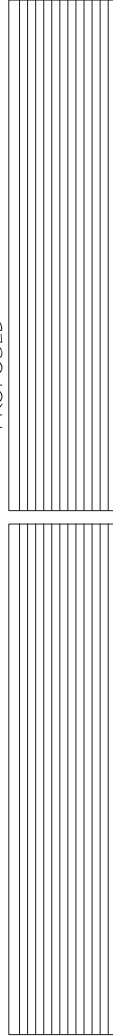


FRONT ELEVATION



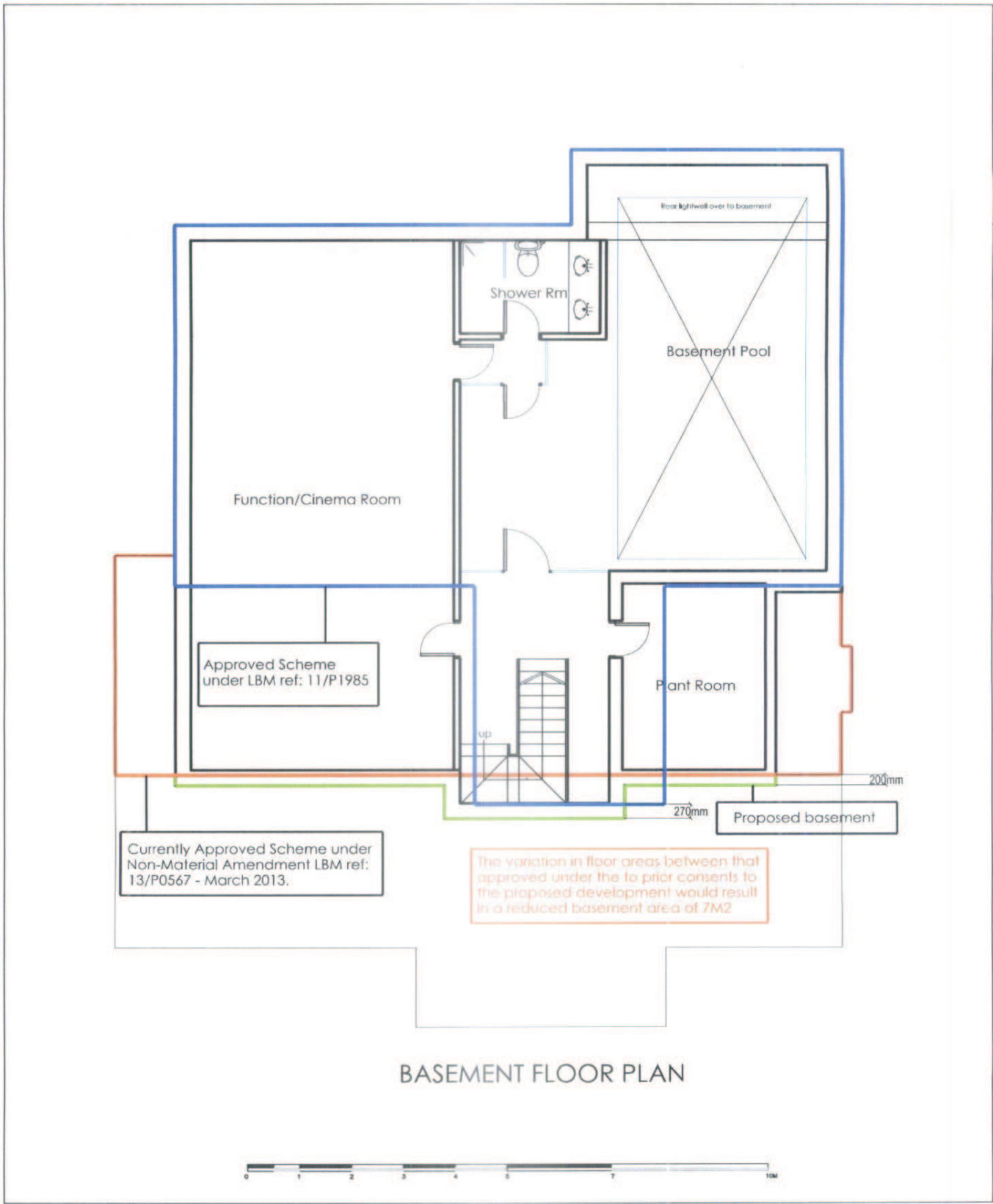
FRONT ELEVATION

PROPOSED



68 BATHGATE RD WIMBLEDON SW20
EXISTING & PROPOSED PLANS
WITH DENOTED FACADE TO BE
RETAINED + BASEMENT + LIGHTWELL
Scale: 1:100
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Surfing - Architecture - Engineering

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BASEMENT FLOOR PLAN

68 BATHGATE RD WIMBLEDON SW20

**Basement Variation
Reduce development**

job no **161** dwg no **SK-13-03** rev **-**

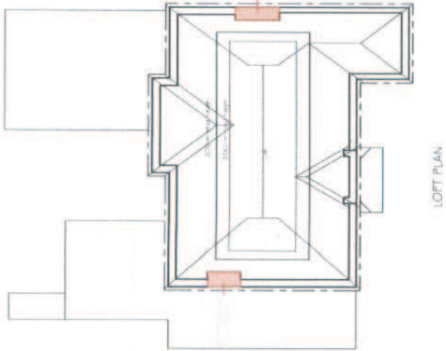
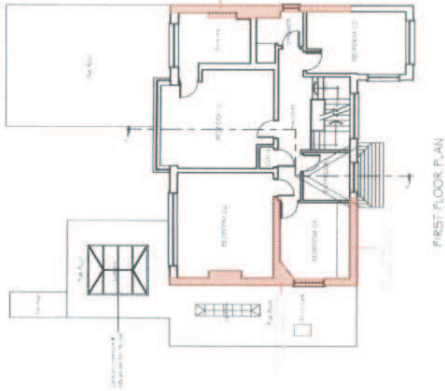
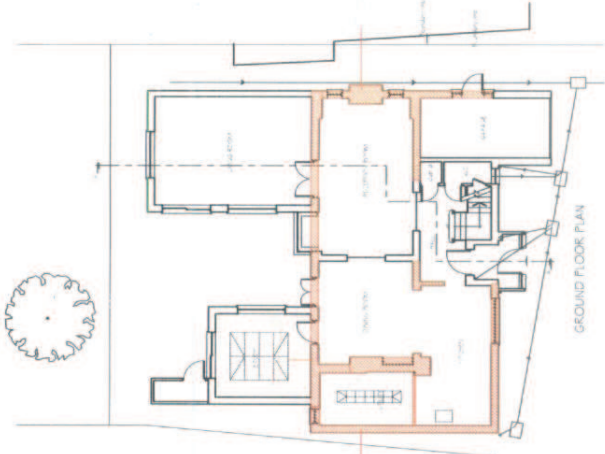
date Feb 2014
 drawn MDK
 checked KA
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Knight Associates
 Surveying - Architecture - Engineering
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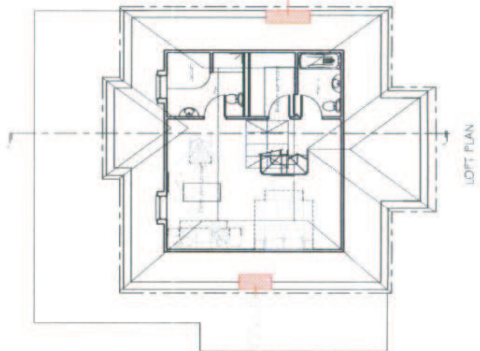
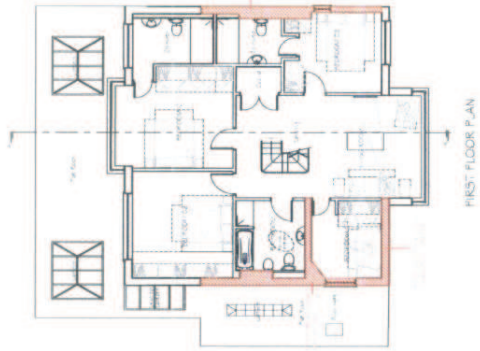
Use figured dimensions only. All levels and dimensions to be checked on site. Drawing to be read in conjunction with all relevant documentation. © Knight Associates. All rights reserved.

1a Studio 27, Bishops Close, Ham Common, Richmond, Surrey TW10 7DF

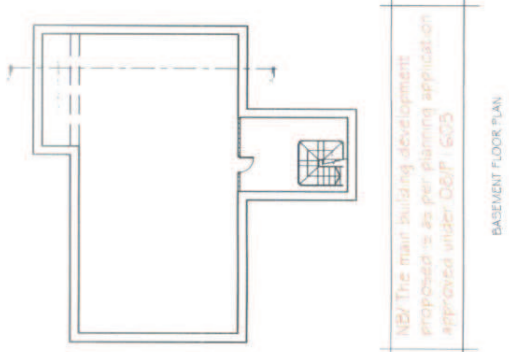
Approved Plans
11/P/1985



EXISTING



PROPOSED

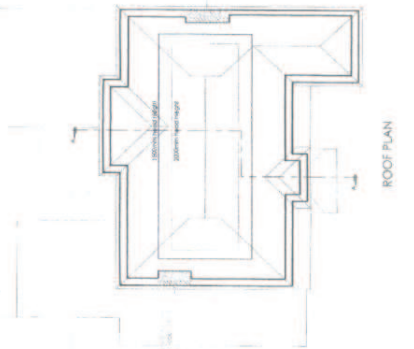


NB: The main building development proposed is as per planning application approved under OAP 1523

68 BATHGATE RD, WIMBLEDON SW20
 EXISTING & PROPOSED PLANS
 WITH DENOTED FACADE TO BE
 RETAINED + PART REAR BASEMENT
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 Knight Associates
 Planning - Architecture - Engineering

Approved Plans
 (New Material Amendment)
 13/P0567

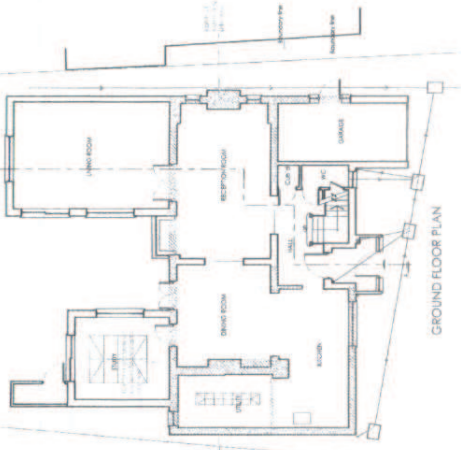
Planning Development Control
 19 FEB 2010
 Leighton Buzzard in Avenue



ROOF PLAN

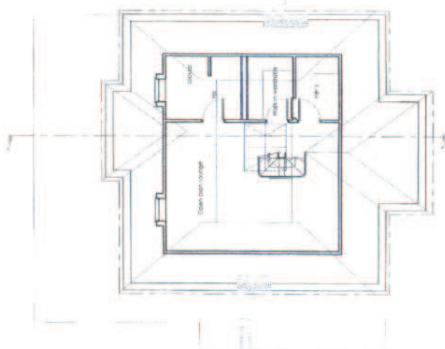


FIRST FLOOR PLAN



GROUND FLOOR PLAN

EXISTING



LOT PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN



BASEMENT FLOOR PLAN

Leighton Buzzard in Avenue
 19 FEB 2010

NOT: The main building development proposed is as per planning application approved under 13/P0567.



PROPOSED

19 FEB 2010

88 BATHGATE RD WIMBLEDON SW20
 EXISTING & PROPOSED PLANS
 WITH DENOTED FACADE TO BE
 RETAINED + PART REAR BASEMENT
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PLANNING APPLICATIONS COMMITTEE
30th April 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P1802	25/06/2013
Address:	88 Bushey Road SW20.	
Ward:	Raynes Park	
Proposal:	Demolition of existing buildings on site and the erection of a new building on three floors for retail purposes (Use within Class A1) with an ancillary café and associated car parking and cycle parking. Gross floor space 5,970 square metres; net tradable area 3,705 square metres.	
Drawing No's:	11003_050_001 – Location Plan, 11003_050_001 – Location Plan Site Boundary, 11003_050_002 – Site Plan rev E, 11003_050_003 – Ground Floor Plan proposed rev A , 11003_050_004 – First Floor Plan proposed rev A, 11003_050_005 – Second Floor Plan proposed rev A, 11003_050_006 – Elevations South & North proposed, 11003_050_007 – Elevations South & North proposed, 11003_050_008 – Elevations East & West proposed, 11003_050_009 – Elevations East & West proposed, 11003_050_010 – Section AA proposed, Air Quality Assessment; Planning and Retail Assessment; Supplementary Retail information; Noise Assessment; and Flood Risk Assessment; Geoenvironmental and Geotechnical Study, Design and Access Statement; Transport Assessment. Travel Plan, Traffic Signal Report, Energy Strategy.	
Contact Officer:	Jonathan Lewis (020 8545 3287)	

RECOMMENDATION: Grant planning permission subject to:

- a) A direction from the Mayor of London that Merton Council can determine the application;
 - b) Any direction from the National Casework office, as the proposed development is a departure from the development plan; and
 - c) Planning conditions and a S106 legal agreement.
-

CHECKLIST INFORMATION.

- S106: Off-site highways works, cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted: No
 - Is a Screening Opinion under the Environmental Impact Assessment Regulations required: Yes.
 - Has a Screening opinion been issued: Yes.
 - Press notice: Yes.
 - Site notice: Yes
 - Design Review Panel consulted: No.
 - Number of neighbours consulted: 635
 - External consultations: Greater London Authority/Transport for London, Environment Agency and Thames Water.
 - Public Transport Accessibility Level [PTAL]: Level 2 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
 - Number of jobs created: existing employment on the site 20 full time jobs and the proposal includes 20 full time and 123 part time jobs.
-

1. INTRODUCTION

- 1.1 This application is brought before the Planning Application's Committee to seek members' views on a development that the Council is required to refer to the Mayor for direction, to refer to the National Casework Office (formerly Government Office for London) and as the current application is not one that can be dealt with under the powers delegated to officers having been the subject of local interest including objections.

2. SITE AND SURROUNDINGS

- 2.1 The application site covering 0.95 hectares is located at the junction of Bushey Road [A298] and the Beverley Way Kingston Bypass [A3] that runs to the side of the site. An elevated slip road to the side and front boundaries of the site provides access to Bushey Road for vehicles travelling southbound along the A3.
- 2.2 At the front of the application is a five storey office building [Use Class B1a] called Apex House (3,140 square metres [CIL form]). The highest part of the existing building is 18.8 metres high. The building, last used by Thales Ltd, has been vacant since 2006. The two lower floors of the building and the open areas of the site currently provide 83 car parking spaces.
- 2.3 An access road adjacent to the eastern site boundary provides vehicle access to separate warehouse buildings at the rear part of the application site that provide a self-storage use [Safestore] covering 4,918 square metres [Use Class B8] with 55 car parking spaces. This building is 10 metres high. Although outside the current application site boundary, a further building in the applicant's ownership is located to

the rear of Safestore with this building in light industrial use [Racetech, Use Class B1c]. Residential properties in Bodnant Gardens are located behind the Racetech building.

- 2.4 The former Thales factory [Use Class B2 General Industrial] is located immediately to the east of the application site with the front part of the building on the local list of historically important buildings. The building has a prominent central clock tower and is finished in white painted render. In the local list the building is described as a large interwar industrial building, built in the 1930's with a good architectural style. The building is considered historically important, as a rare example in the borough of what is a typical suburban industrial development. The original building fronting Bushey Road has been previously extended with a modern rear extension that forms an external courtyard in the centre of the building. The retail warehouse 'Pets at home' is located beyond the Thales former factory with Raynes Park High School located to the south of the application site on the opposite side of Bushey Road.
- 2.5 The application site and land to the east is designated as a 'Designated Industrial Area' in the Unitary Development Plan and as a Locally Significant Industrial Area' in the Council's adopted Core Strategy. The designation in the emerging Sites and Policies DPD is for an employment-led mixed use scheme, including research and development (B1 [b] Use Class), light industrial (B1 [c] Use Class, storage or distribution (B8 Use Class) bulky goods retail (A1 Use Class), a car show room (sui generis Use Class) and a school use (D1 Use Class).
- 2.6 The front part of the site has been determined by the Environment Agency to be in an area at risk from flooding, with the land in flood risk zone 2 [between a 1 in 100 and 1 in 1000 chance of flooding from rivers in any one year] with an overlapping area in flood risk zone 3 [where there is a 1 in 100 year or greater chance of flooding from rivers in any one year].
- 2.7 The application site is not situated within a conservation area or an archaeological priority zone and there are no listed buildings or protected trees in the locality. The site is not within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL]: Level 2 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]

3. CURRENT PROPOSAL

- 3.1 The proposal involves the demolition of existing buildings on the application site that provide vacant office accommodation and the self-storage use and the erection of a new building providing three floors of retail floor space (Use within Class A1).

- 3.2 The building will provide gross floor space of 5,970 square metres and a net tradable area of 3,705 square metres and will sell fashion goods and bulky goods with an ancillary café. The new building is located to the rear of the application site in a similar location to the existing self-storage building. The proposed plot ratio would be 0.62 : 1.
- 3.3 The ground floor of the building provides retail floor space with a goods inward area at the rear of the building to the north elevation. Further retail floor space is provided at first floor level with customer access provided by two sets of escalators. The second floor of the building provides non public floor space including an ancillary stockroom and staff areas.
- 3.4 In the main, south elevation of the building the ground and first floor sections of the proposed building will be glazed with a metal cladding at second floor level. Facing brick is also used on other parts of the proposed building. The roof of the building will have a shallow pitched roof hidden behind a parapet with the top of the parapet at a height of 13 metres.

4. PLANNING HISTORY.

- 4.1 In May 2010, advertisement consent was granted under reference 10/P0822 for the display of a free standing, internally illuminated advertising hoarding measuring 12.5 metres in length, 3.2 metres in height by 0.9 metres in depth with an overall height of 5.7 metres. This hoarding is located adjacent to the existing self-storage use.
- 4.2 In January 2007, advertisement consent was granted under reference 06/P2866 for the display of externally illuminated signs on west facing elevation in connection with the existing self-storage use.
- 4.3 In December 2004, advertisement consent was granted under reference 04/P2265 for the display of an internally illuminated fascia sign, freestanding signs, parking signs, directional signs and menu boards in connection with the existing self-storage use.
- 4.4 There have been three recent requests for pre-application planning advice in relation to the application site. This has included a request for advice in relation to a new retail store [Use Class A1] under reference 13/P0422/NEW; a request for advice in relation to a non-food retail use [Use Class A1] under reference 12/p0352/New and a request for advice in relation to the conversion of the existing office building [Apex House] to provide affordable residential units 10/P3166/NEW.

5. CONSULTATION

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 635 nearby addresses. In response to this public consultation, 2 letters have been received objecting to the proposal on the following grounds:

- The resident supports the demolition of the existing derelict building and its replacement, along with the new jobs and business activity the proposed scheme would create; however, they are concerned about the high dependence on cars for travelling to and from the site.
- The A3/Bushey Road area is already congested, especially on a Saturday, and the assumption that the majority of people would travel to the site via car would exacerbate the problem.
- The review of the existing pedestrian and cycle access as being in an 'acceptable' condition is challenged and it is argued that the many of the nearby pedestrian and cycle routes are in very poor condition, offer poor sightlines to other users and have a confusing layout.
- It is recommended that Merton Council should work with the retailer Next to improve the routes to the proposed store in order to promote sustainable travel and reduce traffic pressures.

5.2 As a result of the public consultation 98 letters have also been received expressing support for the proposal for the following reasons:

- The increase in consumer choice and new product ranges for local people;
- The creation of employment opportunities, especially for younger people;
- The visual improvement of the application site;
- The excellent location of the site due to its accessibility via the A3;
- More people being attracted into the Raynes Park area.

5.3 Raynes Park High School Following discussions with the retailer Next, Raynes Park High School are in support of the proposed scheme. Raynes Park High School, which is located directly opposite the application site, believes that the proposal would be significantly beneficial for their students as a result of:

- The creation of employment opportunities, especially for younger people;
- The visual improvement of the application site;
- The excellent location of the site due to its accessibility via the A3;
- The potential educational opportunities Next could offer the school, thus providing students with insights into the world of business, retail, fashion and design;
- The proposed apprentice scheme for school leavers and the provision of in-store mock interviews for students at the school who are interested in applying;
- The possibilities of seasonal part-time work opportunities for students;
- The aesthetic improvement upon the derelict buildings currently occupying the site;
- The full-time employment opportunities the proposal would create.

- 5.4 Wimbledon Society The Wimbledon Society objects to the proposal on the grounds that the introduction of a new retail unit of the proposed size contradicts a number of policies in the Council's Core Strategy and Draft Sites and Policies Plan. It is considered that the out-of-centre development contradicts Merton Council's planning policies by competing with and impacting on established town centres, as well as encouraging car trips to an area poorly served by public transport.
- 5.5 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to traffic engineering requirements and further information on Cycle Parking; a Travel Plan; a Delivery and Servicing Plan; the retention of car parking; a Construction Logistics Plan and an informative relating to works affecting the public highway.
- 5.6 Greater London Authority and Mayor of London Policies on retail, urban design, sustainable energy, flood risk and transport in the London Plan are considered relevant to this application. It was found that the application complies with some of these policies but not with others and the applicant was asked for additional information to address these deficiencies.
- Transport for London
- 5.7 (Initial response) TfL requires further assessment of the junction layout which ensures to the satisfaction of TfL, that the development proposal would have no adverse impacts upon the operation of TLRN or SRN. TfL also requests further review and improvements to pedestrian links.
- 5.8 TfL would request that a Grampian condition/ obligation is included in the Section 106 agreement which requires the developer to enter into a Section 278 agreement with TfL under the Highways Act 1980, together with a detailed scope of works be agreed with TfL and the council prior to implementation of the development.
- 5.9 Officers note that since the receipt of the initial comments plans have been prepared in connection with junction and highways improvements by the applicant in discussion with TfL and Council officers.
- 5.10 All other issues should be dealt with by condition or Section 106 obligation including parking management plan, electric vehicle charging points, cycle parking, construction logistics plan, and travel plan.
- 5.11 Environment Agency Following receipt of further information from the applicant the Environment Agency has withdrawn an earlier objection to this development and now concludes that the proposed development will be acceptable subject to a planning condition relation to the submission and approval of a drainage strategy.

6. **POLICY CONTEXT**

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. When assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment of the development

The London Plan [2011].

- 6.5 The relevant policies in the London Plan [July 2011] are 2.17 [Strategic industrial locations] 4.4 [managing industrial land and premises]; 4.7 [Retail and town centre development]; 4.8 [Supporting a successful and diverse retail sector]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air

quality]; 7.15 [Reducing noise and enhancing soundscapes] and 8.2 [Planning obligations].

Merton LDF Core Planning Strategy [2011]

- 6.6 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS 4[Raynes Park Local Centre]; CS 7 [Centres] CS.12 [Economic development]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

Emerging policies within the Draft Sites and Policies Plan.

- 6.7 The application site and land to the east is designated as an industrial area in the adopted Unitary Development Plan, as a locally significant industrial location in the Council's Core Strategy. Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.8 The London Borough of Merton draft 'Sites and Policies Plan' was submitted to the Secretary of State in September 2013. The independent Planning Inspector appointed by the Secretary of State considered the Sites and Policies Plan at a public hearing held between 21 and 29 January 2014.
- 6.9 The current application site and adjacent land to the north occupied by a light industrial use is designated as site 48a within the emerging draft 'Sites and Policies Plan'. Land immediately to the east that is in separate ownership is designated as site 48b and consists of the vacant art deco former Thales Avionics offices and warehouse, with a separate industrial unit to the rear in the northeast corner.
- 6.10 The recommended designation for these two plots of land known as proposal sites 48a and 48b is for "An employment-led mixed use scheme, research and development (B1[b] Use Class), light industrial appropriate in a residential area (B1[c] Use Class) and storage or distribution (B8 Use Classes) that may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class)".
- 6.11 The relevant policies within the Draft Sites and Policies Plan are as follows: DM D1 (Urban design and the public realm); DM D2 (Design considerations and the public realm); DM E4 (Local employment opportunities); DM T1 (Support for sustainable travel and active travel); DM T2 (Transport impacts from development); DM T3 (Car parking and servicing standards) and DM R2: (Development of town centre type uses outside town centres). The Inspector did not raise and concerns in relation to these policies, or make any indication that the submitted Plan was not sound. On this basis it is considered these policies should

be given significant weight in determining the current planning application.

Merton Unitary Development Plan [2003]

- 6.12 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are: BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE.16 [Urban design]; BE.22 [Design of new development]; BE25 [Sustainable development]; E1 [General employment policy]; E2 [Access for disabled people]; E3 [Land uses in industrial areas] F.2 [Planning obligations]; PE 2 [Pollution and amenity]; PE.5 [Risk from flooding]; PE.7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN.3 [Vehicular access].

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the following:

- The loss of the existing employment land and departure;
- The impact of the proposed retail use;
- Layout, scale and design;
- Layout, scale, design and appearance;
- Residential amenity;
- Transport, car parking, servicing, access, walking and cycling;
- Sustainable design and construction; and
- Flooding issues.

Loss of the existing employment land and departure.

- 7.2 Core Strategy policy CS 12 states that the Council will seek to ensure that there is an adequate supply of viable and appropriate sites and premises for employment use in locations which minimise the need to travel by private car while meeting the needs of business by maintaining and improving locally significant industrial areas and ensuring that they contribute towards business, industrial, storage and distribution functions.
- 7.3 The current application will introduce a retail use into a locally significant industrial area and as a result the proposal represents a departure from the adopted development plan. In these circumstances the Council is required to assess whether there are material planning considerations, which would warrant the granting of permission and whether the proposed development would cause demonstrable harm to interests of acknowledged importance.
- 7.4 Paragraph 22 of the National Planning Policy Framework [March 2012] advises "Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed". In line with the National Planning Policy

Framework the employment land allocations within the borough have been subject to several recent reviews as part of the preparation of the evidence base for both the Council's Core Strategy and the London Plan.

- 7.5 After an independent 'examination in public' the Core Strategy was found 'sound' and adopted in July 2011. In this context the Nathaniel, Litchfield and Partners review of employment land in the borough and its conclusions that informed policies within the Core Strategy are considered 'robust and credible'. This represents a recent review of employment land in the borough as required by paragraph 22 the National Planning Policy Framework. Although designated as a 'Locally Significant Industrial Area' as part of this employment study the application site was found to be of below average quality in terms of the compatibility with adjoining uses with two schools located nearby and residential properties to the north.
- 7.6 Apex House is vacant office building providing floor space of 3,140 square metres [Use Class B1a] and the self-storage use at the rear of the site provides 4,918 square metres [Use Class B8]. The self-storage use currently provides 20 full time jobs. The current proposal that includes gross floor space 5,970 square metres will increase the employment opportunities provided by this site providing 20 full time staff and 123 part time staff, with the possibility of additional employment during busy periods. The current light industrial use that is adjacent to the rear boundary of the application site is also retained as part of the current proposal.
- 7.7 Apex House is a 5 storey building located at a prominent location at an entrance to the borough and adjacent to the A3 that carries significant traffic levels. Apex House has been vacant since 2006 and the applicant has stated that marketing for a period of ten years has been unsuccessful in finding an alternative office occupier for the building. The current proposal includes the removal of a vacant building and the provision of a new building that will provide general improvements to the visual appearance of this site in this prominent location.
- 7.8 The site designation within the Council's emerging Sites and Policies DPD for the application site and adjacent land includes "*An employment-led mixed use scheme, ...light industrial appropriate in a residential area (B1[c] Use Class) ...may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class)*". The current proposal providing new bulky goods retail [Use Class A1] floor space and retaining the light industrial use (Use Class B1c) is considered in line with this site designation.

- 7.9 It is considered that in this instance the nature of the proposal that would bring a partially vacant site back into beneficial use; would create employment opportunities and is in line with the emerging site designation warrants a departure from the adopted development plan.

Impact of the proposed retail use

- 7.10 Policy CS7 of the Council's Core Strategy states that outside town or local centres development of town centre type uses will only be granted if it can be demonstrated that the sequential approach as advocated by government guidance has been applied and there is no significant adverse impact on the vitality and viability of any nearby centre.
- 7.11 In support of the current planning application and in accordance with the Policy CS7 and the National Planning Policy Framework the applicant has provided a retail impact assessment and sequential test. After considering alternative sites in and on the edge of New Malden; Kingston and Wimbledon the assessment concludes that the proposed store will *'not compete'* with any nearby district or local centre in that there would be minimal overlap in relation to the goods sold from the proposed store to those sold *'from places such as New Malden and Raynes Park'*.
- 7.12 The conclusions of the retail impact assessment and sequential test have been the subject of an independent third party review. The review concluded that in terms of retail impact the proposed store is not expected to have a significant adverse impact on town centres. The review stated that the store will draw trade from a relatively wide area and the impact will be dispersed amongst a number of shopping destinations.
- 7.13 In terms of the sequential test the review highlights that "The applicant is not required to demonstrate their proposals are needed, but must demonstrate the development cannot be met in sequentially preferable locations, allowing for flexibility". After assessing the test carried out by the applicant the review concludes that based on available information it is not considered that there are grounds in which to refuse planning permission on grounds of retail impact.
- 7.14 With the conclusions of the independent review of the submitted retail impact assessment and the sequential test it is considered that the proposed development will have no significant impact on town centres or local centres. With the assessment of retail impact based on the information supplied by the applicant planning conditions are recommended to ensure that the development is built in accordance with the approved plans and that there is no future change to the use of internal floor space.

Layout, scale, design and appearance

- 7.15 The London Plan policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.
- 7.16 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Retained UDP policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

Layout and context

- 7.17 The local area surrounding the application site is characterised by the variety that is present in terms of the design, scale and appearance of buildings. As noted by the GLA in their Stage 1 report, the location of the store is dominated by both car parking surrounding freestanding buildings of varying quality from the large retail sheds of Pets at Home and Topps Tiles to the listed vacant art deco building of the former Thales Avionics offices. Access ramps to the surrounding road network create severance from surrounding areas.
- 7.18 With this existing variety and the functional nature of existing commercial buildings, the design of the proposed building has sought to introduce character to the area with a three storey building with a predominantly glazed front elevation that also includes ceramic tiles. Other parts of the building also use facing brick.
- 7.19 The scale of the proposed building with floor space over three floors is considered in keeping with existing surrounding development including commercial buildings to the north providing light industrial floor space and the adjacent vacant buildings previously occupied by Thales.
- 7.20 The application site is located in a prominent location, with the elevated section of the Beverley Way Kingston Bypass [A3] located to the west of the site and Bushey Road to the south. The submitted design and access statement advises that the south building elevation has been designed to "be instantly identifiable" for the occupiers of vehicles travelling at speed along the A3 past the site whilst also 'welcoming' for pedestrians and car drivers in Bushey Road and within the application site.

- 7.21 One of the key principles of urban design is to promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas. Notwithstanding the somewhat brutal architectural style of the existing building, the existing building broadly follows this guiding principle as does the Safestore building to the rear, albeit much of the ground floor is masked from the A3 by the elevated nature of the road along this boundary. The layout of the proposed development departs from this approach and follows a format common to out of centre retail stores, placing the building to the rear of the principal customer car park and segregating customer parking from servicing. In this instance the layout of the development has the main entrance to the south elevation and servicing located to the north elevation.
- 7.22 The GLA acknowledges that the position and orientation layout of the store is aimed at giving the store a strong presence to the surrounding road network, with the principle frontage orientated to the car park area, and concludes that this approach is acceptable given the limited pedestrian flow on the surrounding road network. This adopted approach appears reasonable given the context of the development proposals, it also allows for the locally listed vacant art deco building of former Thales Avionics offices and warehouse.
- 7.23 In context on the previous buildings occupying the site and that of surrounding buildings, the scale and mass appear appropriate for an out of centre location.
- 7.24 Officers have raised concerns as to whether the location of the proposed car park and its size makes a positive contribution to the appearance of the area and have highlighted the site's significant location next to a busy road providing a key route into Merton. To this end the applicant has agreed to a modest reduction in the overall number of parking spaces (4 spaces) in order to enable a larger landscaped strip to be secured around the southern and south western boundaries of the site.
- 7.25 In conclusion it is considered that the scale of the building is appropriate to its context. Subject to the introduction of suitable high quality landscaping, the design, layout and appearance of the proposed development would be acceptable given the local context, and may be considered in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 7.4 of the London Plan.

Residential amenity.

- 7.26 The nearest residential properties to the application site are in Bodnant Gardens. A distance of 95 metres and the adjacent light industrial building separates these residential properties from the application site. With this relationship it is considered that the current application will not impact upon residential amenity in terms of loss of privacy, loss of daylight or sunlight or visual intrusion.

Transport, car parking, servicing, access cycling and walking.

- 7.27 The application site is located on Bushey Road (A298) that forms part of the strategic road network where the Council are the highways authority. The site is located close to the junction between Bushey Road and Beverley Way Kingston Bypass [A3], with Transport for London the highways authority for the A3.
- 7.28 The application site has a Public Transport Accessibility Level of 2 which indicates that it has poor access to public transport services. The site is not located within a Controlled Car Parking Zone.
- 7.29 The current application is for a large retail store and in support of the application the applicant has submitted a transport statement, a draft travel plan, traffic signal report and a pedestrian survey.

Car parking.

- 7.30 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use.
- 7.31 The current maximum car parking standards are set out within the London Plan at table 6.2. These standards state that developments providing non-food retail floor space in areas with a PTAL score of between 2 and 4 should provide a maximum level of car parking of between 179 and 299 spaces and 6% of these spaces suitable for those with a disability. The current proposal includes 163 (original plans 167) car parking spaces with 10 disabled spaces and 7 parent and child bays.
- 7.32 The Four parking spaces have been removed from the on-site car park in order to provide increased area for landscaping along the southern site boundary. This reduces the total parking provision from 167 spaces to 163 spaces, which would not have a significant impact on the total number of vehicle trips generated by the development at peak times and would therefore not impact on the validity of the proposed site access junction layout and associated traffic modelling assessment. The reduction in parking provision would result in the ratio of spaces to floor area reducing from 1 space per 38sqm to 1 space per 39sqm.

Based on the parking demand assessment contained within the Transport Assessment report, this slight reduction still exceeds the minimum recommended ratio of 1 space per 42sqm, and is therefore considered acceptable.

- 7.33 In order to reduce carbon dioxide emissions and promote sustainable transport use, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan seek as part of new development on site facilities for charging electric vehicles. A planning condition is recommended to ensure that the development provides facilities for charging electric vehicles in line with the requirement of 10% within the London Plan.
- 7.34 The level of off street car parking proposed as part of the proposed development is line with the maximum parking standards provided within the London Plan and is considered acceptable.

Servicing and access

- 7.35 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.36 Following discussions between the applicant, the Council and Transport for London the current application involves the introduction of traffic signals to control vehicle access to the application site. Other adjustments to the road layout in the vicinity of the site have also been discussed including surface level pedestrian access.
- 7.37 The site access junction layout has been amended to accommodate north-south at-grade pedestrian crossing facilities between the site and the south side of Bushey Road to the south of the flyover. The route comprises three new formal pedestrian crossings with associated guardrails, tactile paving and dropped kerbs. An updated junction layout arrangement has been produced, which demonstrates that the proposed pedestrian crossing facilities can be incorporated into the junction design without the need for any significant changes to be made to the general arrangement for traffic movements. The future year traffic modelling has been updated to reflect the design changes, and the results demonstrate that these changes do not have a material impact on the operational performance of the junction when compared with the previous layout presented in the Transport Assessment report.
- 7.38 It is considered that the implementation of the proposed highway improvement works will minimise any impact from the proposed development on the local highway network. After assessing the submitted details and subject to conditions the Council's Transport Planning officer has no objection to the development.

- 7.39 While formal endorsement of the revised proposals from TfL remains outstanding, a planning agreement is recommended as an appropriate mechanism secure these improvements, and to provide for the completion of these works prior to occupation of the building.

Cycling and walking.

- 7.40 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.41 The submitted application drawings show the provision of a cycle parking area close to the main entrance of the development and this location is considered suitable for this parking. In order to ensure that this cycle parking is covered and of a suitable design a planning condition is recommended to seek further details of this cycle parking and to ensure that it is provided before first occupation of the building.
- 7.42 While the current access for pedestrians and cyclists to the site that involves nearby underpasses is considered inadequate by Transport officers and in need of improvement including in terms of flooding and personal safety issues the revised highways improvements address this issue insofar as they provide an alternative to access the site. It would therefore appear inappropriate and unreasonable to seek improvement of the underpasses for pedestrian and cycle access to the application site. Once surface level improvements are completed officers would suggest that the long term future of the underpasses would be a matter for TfL to resolve.

Sustainable design and construction.

- 7.43 For non-domestic buildings London Plan policy 5.2 seeks an improvement in Carbon dioxide reductions over the Building Regulations (2010) of 25%. The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions.
- 7.44 The applicant has provided supplementary information to the GLA in response to their queries on the sustainability credentials of the building. With regards to sustainability, a detailed Energy Report has been produced to provide a thorough strategy in the aim of meeting the Planning target of a 25% improvement in Part L regulations. 'Be Lean', 'Be Clean' and 'Be Green' measures have been implemented in order to provide the following:
A 6.4% improvement in Part L2A 2010 was established using passive and energy efficiency measures.

The building has as part of the design specification, high efficiency VRF (air conditioning) systems for the building.

The remaining 18.6% improvement in Part L2A 2010 required for planning is to be provided by a Photovoltaic panel array under the 'Be Green' stage of CO2 reduction.

- 7.45 In terms of BREEAM rating for the development, the strategy devised for this building achieves the 'Very Good' rating required for planning. Of note, however, is the fact the building actually achieves the 'Excellent' standard with respect to Energy (Ene1 credit) at design, and also is targeting 8 out of the 10 credits available for Land Use and Ecology.
- 7.46 The GLA has requested that the applicant provides a commitment to ensuring that the development is designed to allow future connection to a district heating network. The original energy strategy report has shown there to be no existing or planned district heating networks in the vicinity of the development. As such the preferred mechanical solution for the project is to use a high-efficiency VRF system. This provides the most feasible solution in terms of energy efficiency given the size and use of the development.
- 7.47 In order to comply with sustainability requirements planning conditions are recommended to ensure that the development will achieve a BREEAM rating of not less than 'Very Good'.

Flooding issues.

- 7.48 A section of the application site is in flood risk zones 2 and 3 and a Flood Risk assessment has been submitted in support of the application.
- 7.49 After considering the submitted information and the advice from the Environment Agency the submitted development is considered acceptable subject to a planning condition requiring the submission of a detailed drainage strategy.

Air quality.

- 7.50 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.
- 7.51 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.

- 7.52 In support of the application an Air Quality Assessment has been submitted. The AQA identifies that only temporary, local negligible impacts on local air quality will arise during the construction phase of the development and that the operation of the building will result in negligible impacts. The AQA recommends construction phase mitigation measures and long term travel plan measures traffic management to reduce impact on air quality.
- 7.53 Officers recommend that permission is made conditional on development not commencing until a method statement outlining the method of site preparation, and measures to prevent nuisance from dust and noise to the surrounding occupiers and a construction logistics plan has been submitted to and approved in writing to the Local Planning Authority for approval and the submission of a Travel Plan .

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is 0.95 hectares in area and therefore requires consideration under Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.2 The need for Environmental Impact Assessment as part of the proposed development has been assessed using the criteria in the above regulations. This assessment has concluded that there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 9.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.

London Borough of Merton Community Infrastructure Levy

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

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy applies to buildings that provide new retail warehouses or superstores. This levy is calculated on the basis of £220 per square metre of new floor space.

Planning Obligations

- 9.6 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.7 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 9.8 The proposed development will generate additional trips by pedestrians and cyclists to the application site that is located adjacent to a complex road junction. As existing access arrangements, via underpasses are considered inadequate and in order to ensure the safety of pedestrians and cyclists and car drivers a planning obligation is recommended to ensure improvements to these access arrangements as an integral part of the overall highways improvements proposals.

The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;

- 9.9 The s106 monitoring fees are calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance Legal fees would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents a suitable use of this brownfield site providing a new retail use that will generate additional employment and incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on the local highway. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION: Grant planning permission subject to:

- A) A direction from the Mayor of London that Merton Council can determine the application;
- B) Any direction from the National Casework office, as the proposed development is a departure from the development plan; and
- C) The following planning conditions and a S106 legal agreement:

S106 legal agreement:

- 1. Financial contributions to cover in full the costs of off-site highways, road junction and pedestrian and cycle crossing improvements including associated signalisation, at grade crossings and improvements to site access along with any necessary dedication of land as highway;
- 2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
- 3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [to be agreed].

And the following conditions:

- 1. Standard condition [Time period] the development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
- 2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: (Schedule of drawings and documents on Page 1 of PAC report to be inserted) Reason for condition: For the avoidance of doubt and in the interests of proper planning.
- 3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
- 4. Amended standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] a method statement shall be submitted to and approved in writing by the Local Planning Authority with the method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers. The approved method statement shall be implemented before any demolition or construction work commences and maintained for the duration of these works Reason for condition: To protect the amenities of occupiers of nearby buildings and to accord

with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

5. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority with the statement outlining measures to accommodate parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; and control of surface water run-off. The approved method statement shall be implemented before any demolition or construction work commences and maintained for the duration of these works. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
6. Non Standard condition [Local employment strategy] Prior to the commencement of development [including demolition] a local employment strategy shall have been submitted to and approved in writing by the Local Planning Authority setting out the measures taken to ensure that the development provides employment opportunities for residents and businesses in Merton during the construction phase and as in connection with the approved use. Reason for condition: To improve local employment opportunities in accordance with policy E1 of the Unitary development Authority and emerging policy DM. E4 of the Sites and Policies DPD.
7. Standard Condition [Construction Logistics Plan to be Submitted] Prior to the commencement of development [including demolition] a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority with the approved measures implemented and maintained for the duration of all site works Reason for condition In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
- 8.
9. Non Standard condition [Gross internal area] The gross internal area of the building hereby approved shall not exceed 5,970 square metres Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
10. Non Standard condition [Net internal area] The net internal area of the building hereby approved, to include all showroom areas and areas where customers have access, shall not exceed 3,705 square metres Reason for condition: To order to minimise any potential impact on

local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.

11. Non Standard condition [Fashion related floor space] The fashion related sales floor space including related showroom space shall not exceed 1771 square metres and the remaining retail floor space within the building only providing non-food household goods and bulky items and excluding convenience goods and service retail. Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
12. Non Standard condition [Coffee shop floor space] The gross internal area of the coffee shop hereby approved shall not exceed 180 square metres Reason for condition: To order to minimise any potential impact on local centres and town centres in accordance with policy CS7 of the Adopted Core Strategy.
13. Amended standard condition (Cafe ventilation) Prior to the commencement of the use of the canteen hereby permitted detailed plans and specifications of a kitchen ventilation system, shall be submitted to and approved in writing by the Local Planning Authority including details of sound attenuation for a kitchen ventilation extract system and odour control measures. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be maintained in accordance with the approved details for the lifetime of the development Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
14. Amended Standard Condition [Travel Plan] Prior to the commencement of the use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority with the measures outlined in the plan in place for the lifetime of the development. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by Transport for London and shall include; targets for sustainable travel arrangements; effective measures for the ongoing monitoring of the plan; a commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; effective mechanisms to achieve the objectives of the plan by both present and future occupiers of the development. Reason for condition: To promote sustainable travel measures and comply with policies CS18 and CS19 of the Adopted Merton Core Planning Strategy 2011.
15. Standard Condition [Delivery and Servicing Plan to be Submitted] Prior to the commencement of the use a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority

with the approved measures outlined in the plan fully implemented and maintained for the lifetime of the development. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

16. Non standard condition (Landscaping) Prior to the commencement of the use a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the approved landscaping in place either prior to the first use of the facility or the first planting season following the completion of the development whichever is the sooner, with the scheme to include details of the size, species, spacing, quantities and location of trees and landscaping and indications of all existing trees, hedges and any other features to be retained Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
17. Amended Standard Condition (Landscape Management Plan) Prior to the commencement of the use a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority with the approved landscape maintained for the lifetime of the development with the plan including long term design objectives, management responsibilities and maintenance schedules for the proposed trees and landscaping Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
18. Non standard condition [Detailed drainage strategy] Prior to the commencement of development a detailed drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority with the strategy implemented in accordance with the approved details and maintained for the lifetime of the development with the strategy based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and demonstrating that surface water runoff from the entire site to no greater than 61 l/s.. Reason for condition: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
19. Amended standard condition [BREEAM – Pre-Commencement (New build non-residential)] Prior to the commencement of development a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a ‘standard’ BREEAM or a ‘bespoke’ BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than ‘Very Good’ has been submitted to

and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the latest London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

20. Amended standard condition [BREEAM - Pre-Occupation (New build non-residential)] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the latest London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent) Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
21. Non standard condition [Car parking spaces] Prior to the commencement of the use the car parking spaces, including spaces for persons with disabilities shown on the approved plans to serve the development together with 10% of the spaces provided with facilities to charge electric vehicles shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose for the lifetime of the development. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
22. (Parking management strategy) The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for

condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

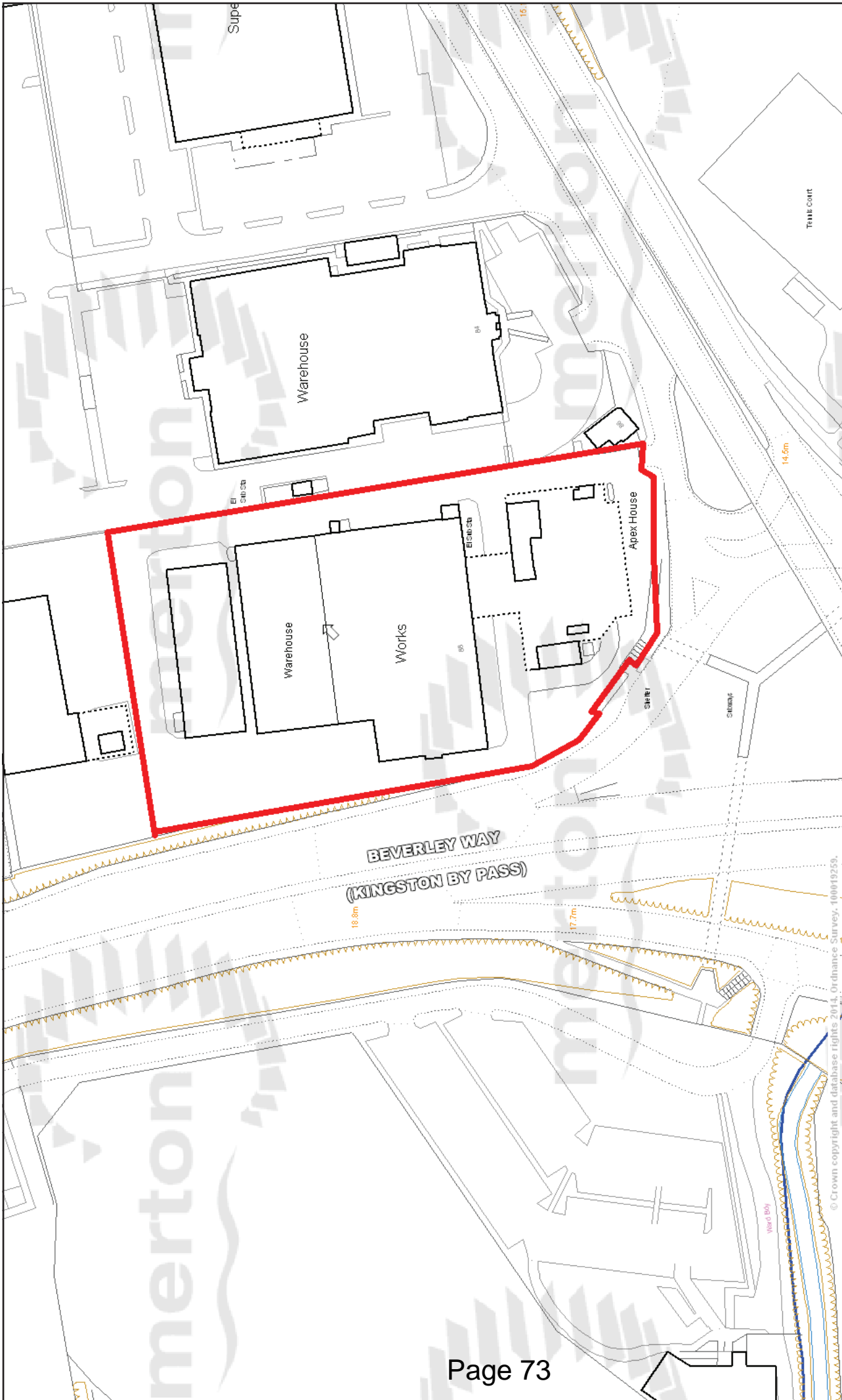
23. Non standard condition [Refuse and recycling facilities] Prior to the commencement of the use recycling facilities shall be provided, that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority, with the approved facilities maintained for the lifetime of the development. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
24. Non standard condition [Cycle parking] Prior to the commencement of the use secure cycle parking shall be in place that is accordance with details to be submitted to and approved in writing by the Local Planning Authority, with the cycle parking retained in accordance with the approved details for the lifetime of the development. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].
25. [Land contamination – site investigation] No development shall commence until a detailed site investigation has been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.
26. (Land contamination - construction phase). 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. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in

accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

27. [Land contamination – validation/verification report]. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003.

INFORMATIVES:

- a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- b) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250

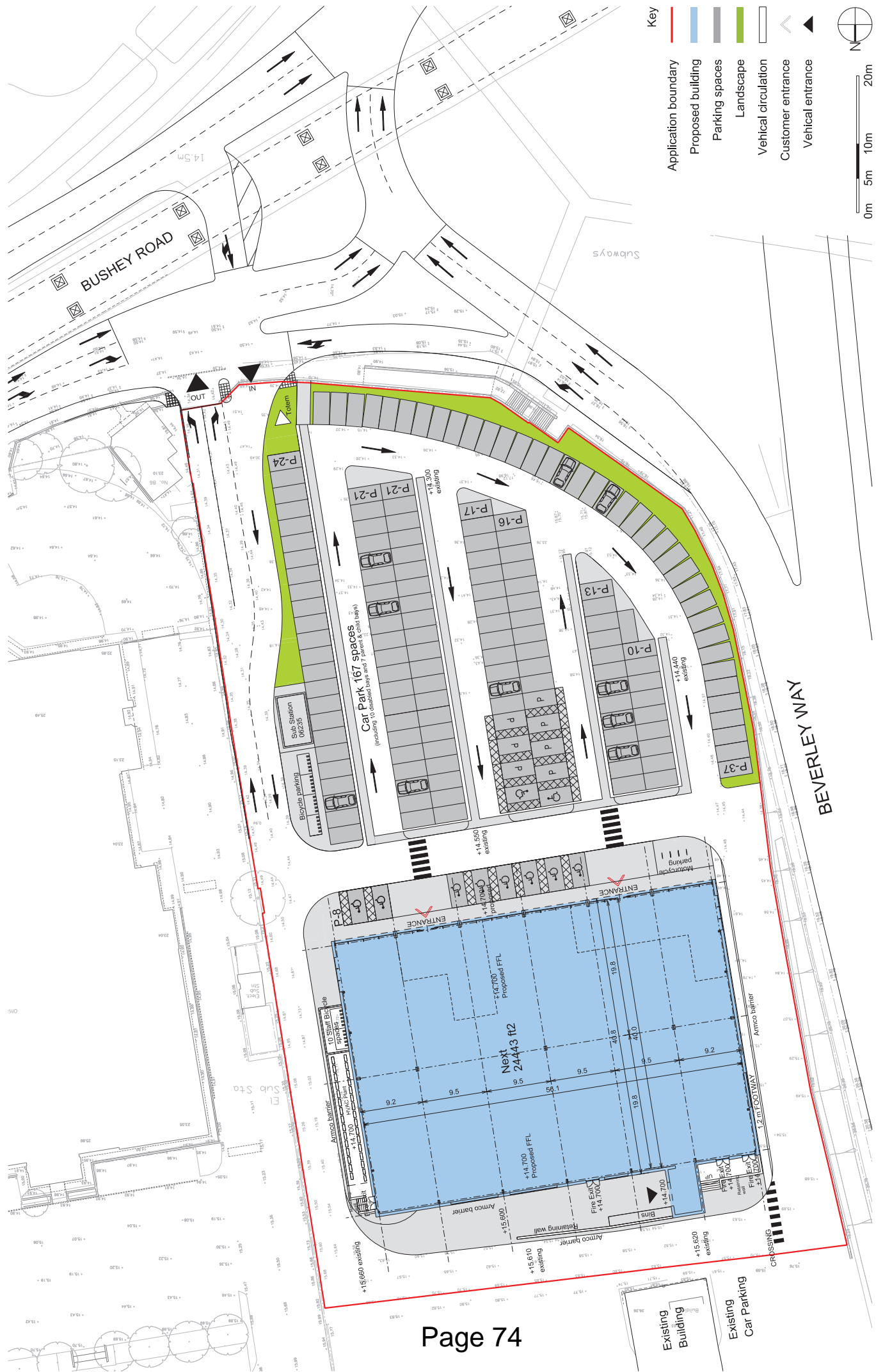
Date 15/4/2014

88 Bushey Road

Raynes Park

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DEVELOPMENT CONTROL

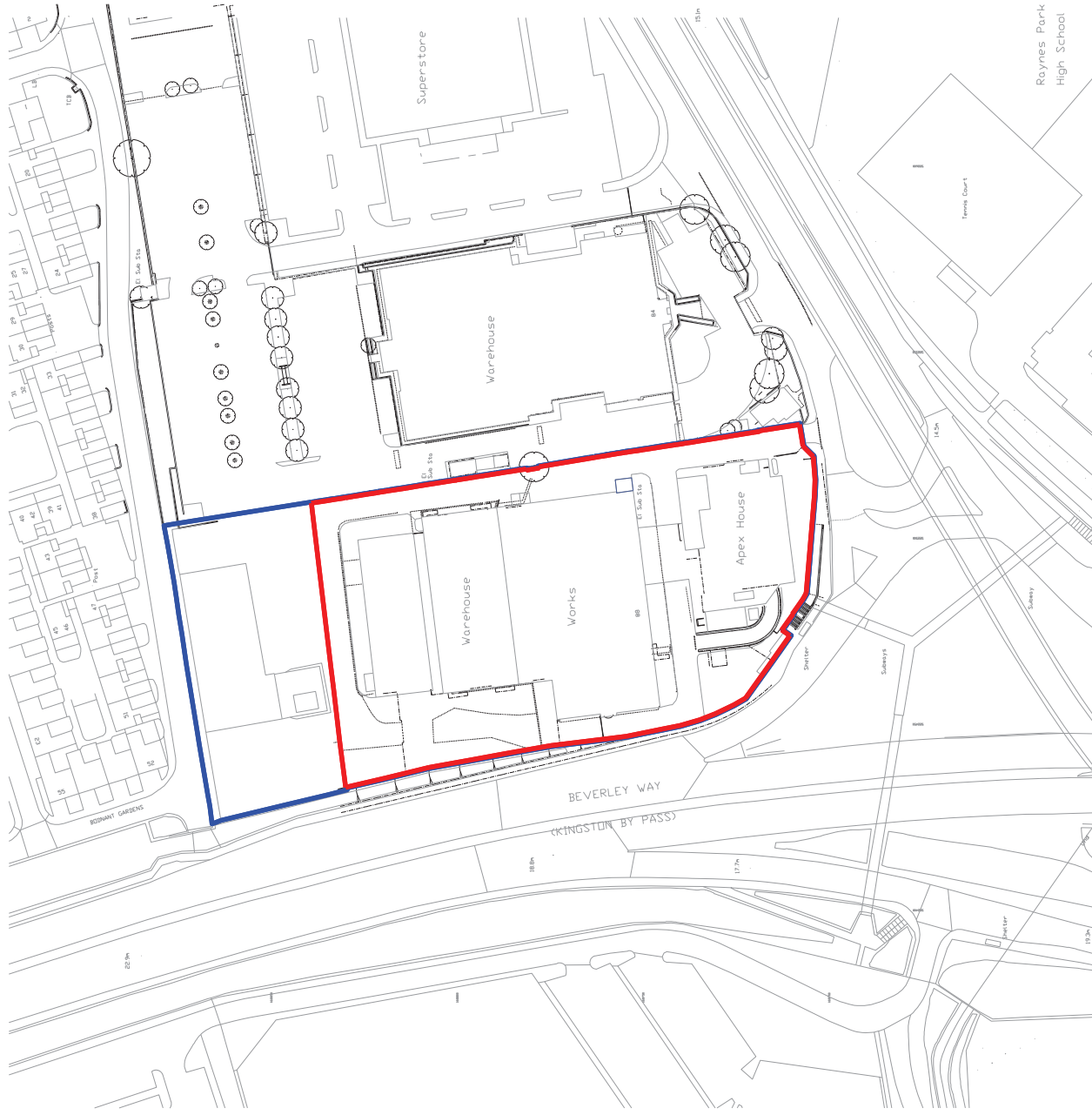


Client Friends Life Limited
 Date 27 November 2013
 Dwg No. 11003_050_002

Project 88 Bushey Rd_Phase II
 Title Site Plan_revC
 Scale 1:500@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-td.com





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Key
 Extent of ownership
 Application boundary

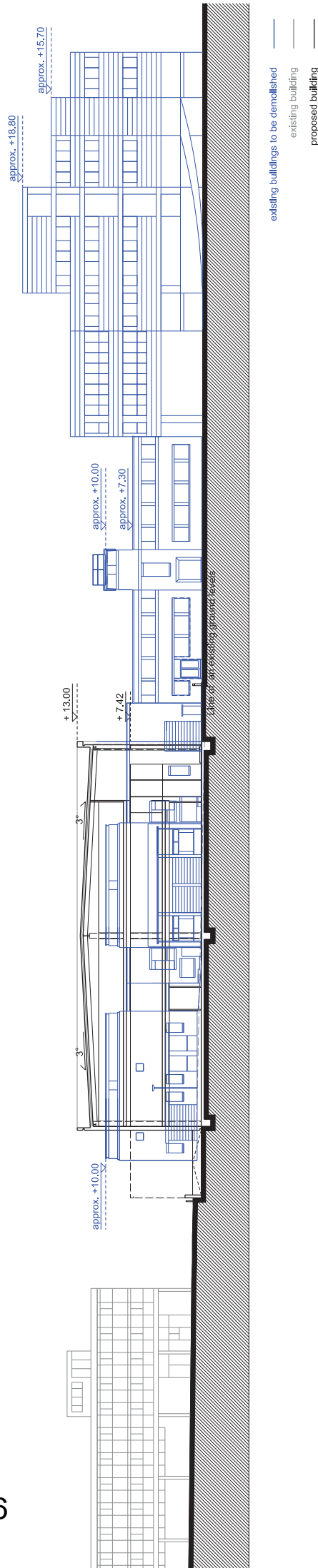


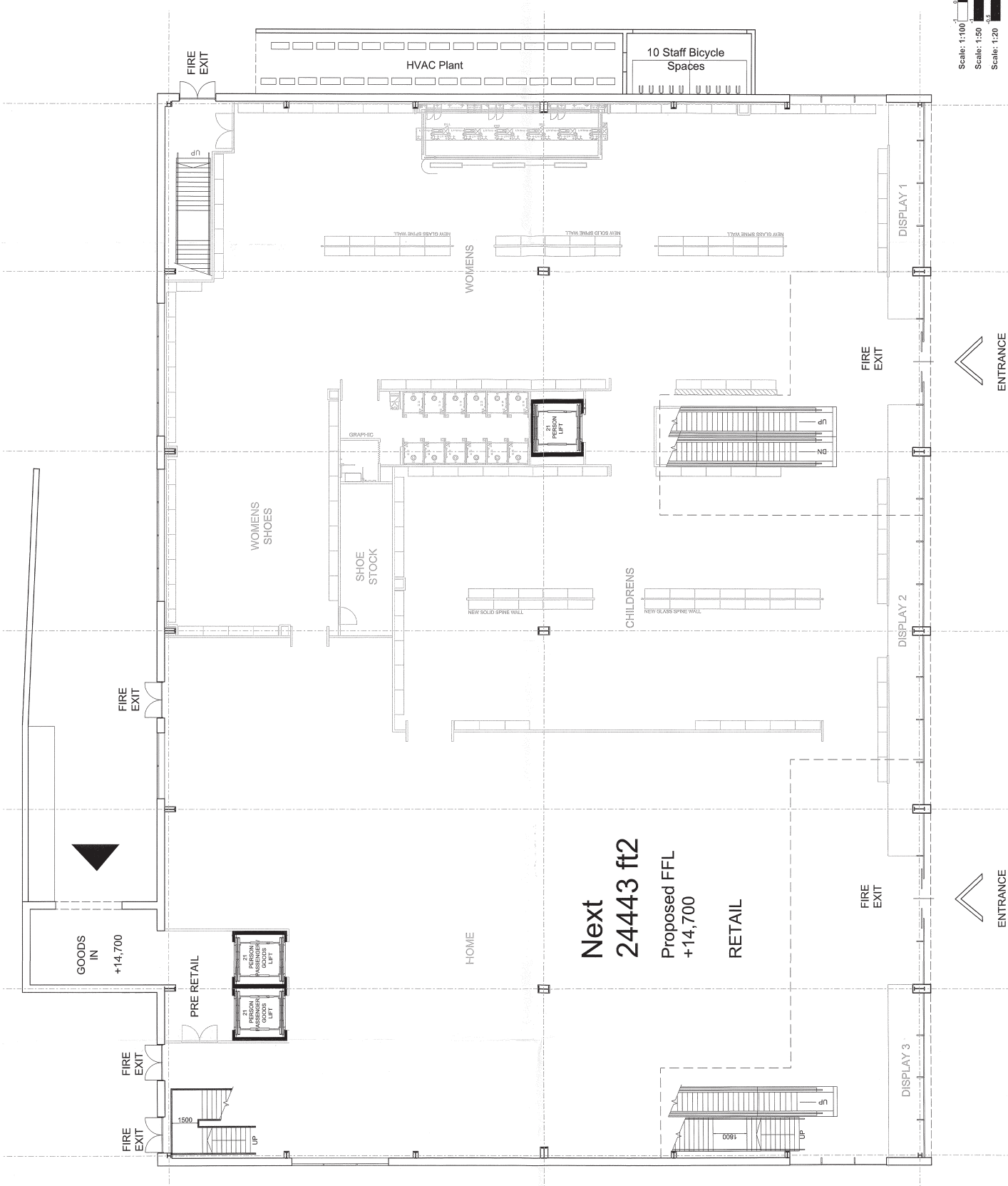
Client Friends Life Limited
 Date June 2013
 Dwg No. 11003_050_002

Project 88 Bushey Rd_Phase II
 Title Site Plan
 Scale 1:1250@A3

75 Wells Street London W1T 3QH. Telephone. 020 7580 5886. www.esa-td.com





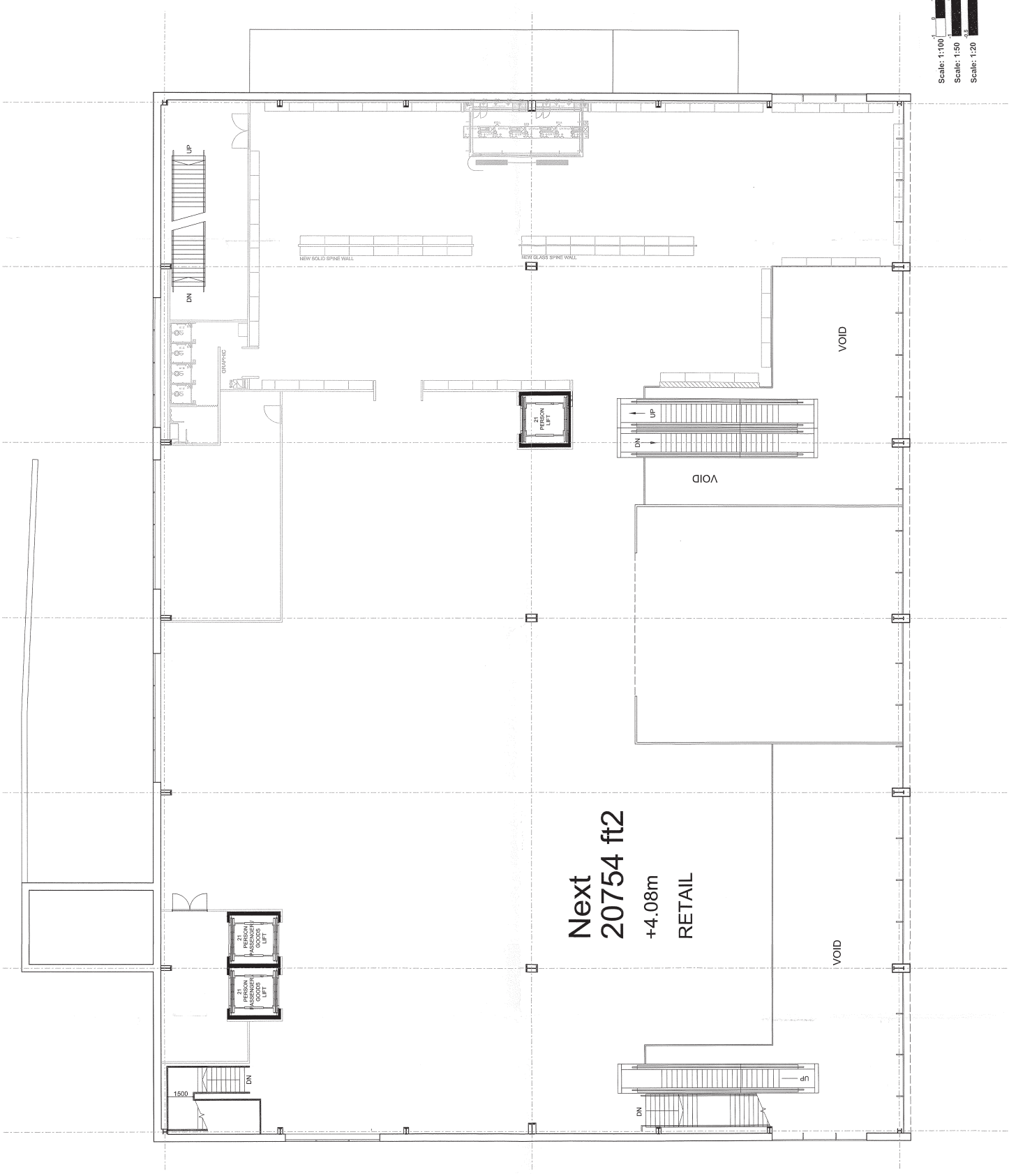


Next
24443 ft²
Proposed FFL
+14,700
RETAIL



Client: Friends Life Limited
 Project: 88 Buxhey Rd, Phase II
 Drawn: [Name]
 Date: 11/05/2011
 Scale: 1:100/200
 Draw No: 11003_005_005.mxd
 75 Wels Street London W1T 3QH, Telephone: 020 7581 5585 www.esa-3d.com



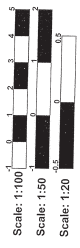
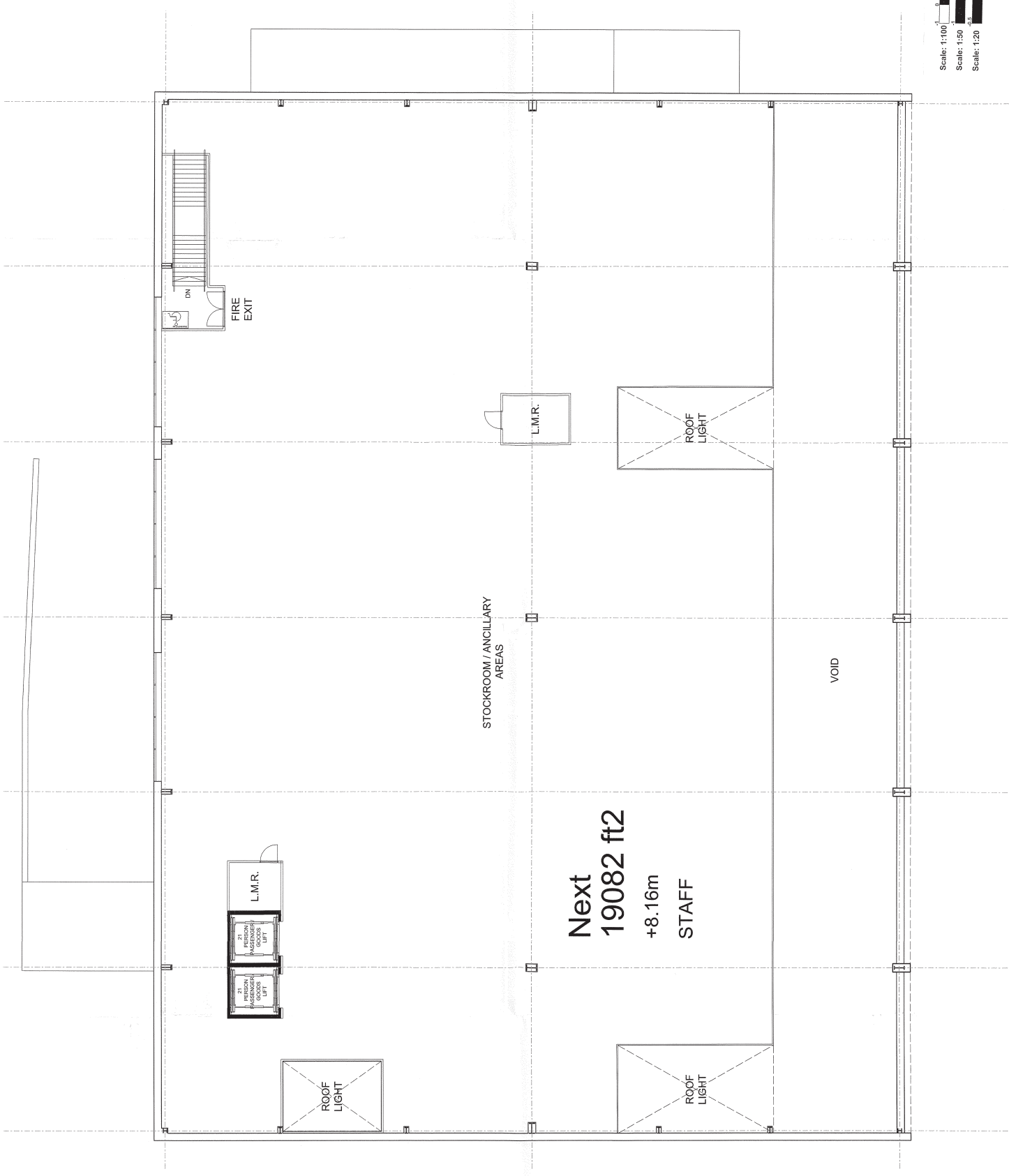


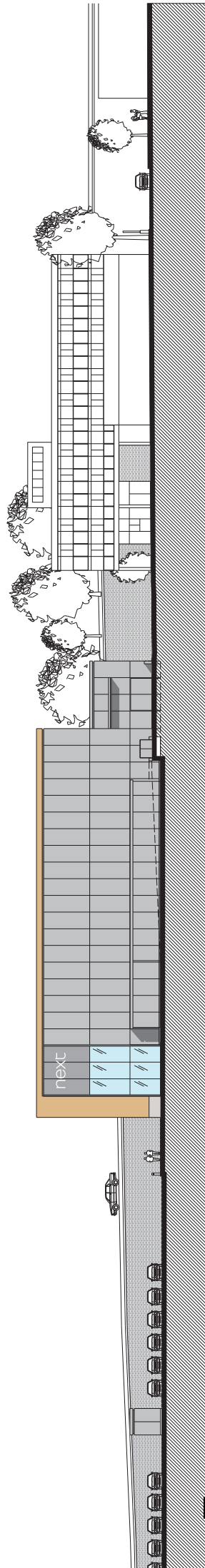
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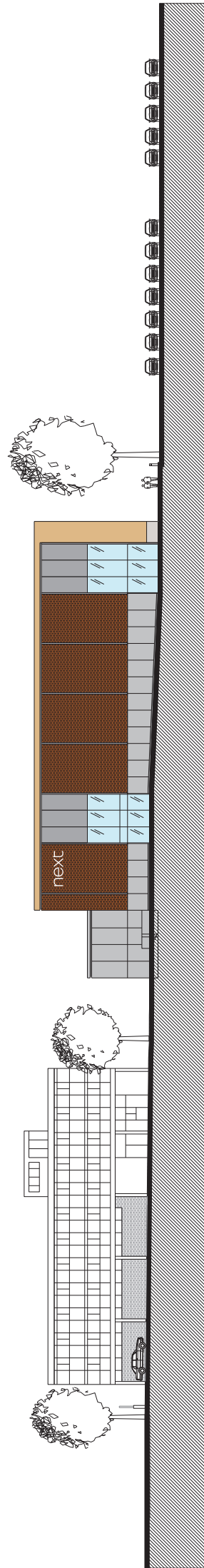
Client: Friends Life Limited
Project: 88 Bishops Rd Phase II
Dwg No: 11003_050_004.rvt
75 Wells Street London W1T 3QH, Telephone: 020 7650 5555, www.esa-ll.com



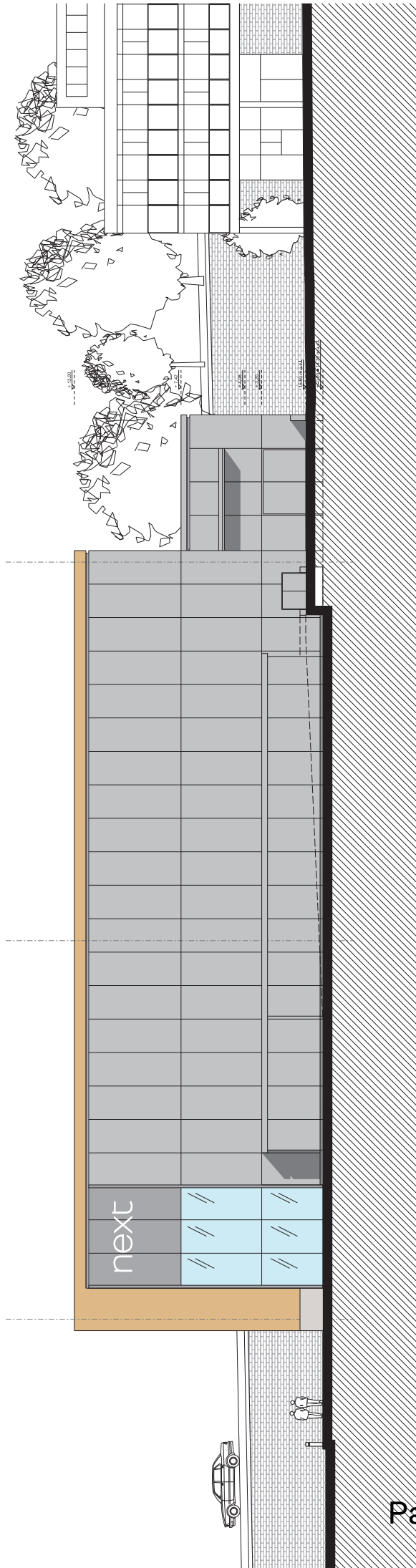




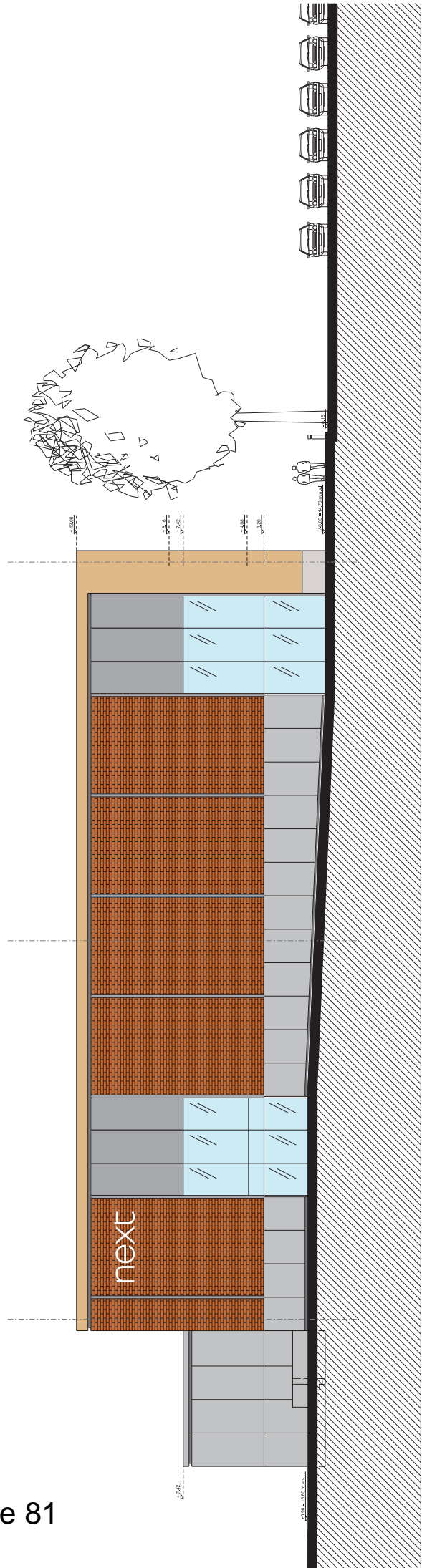
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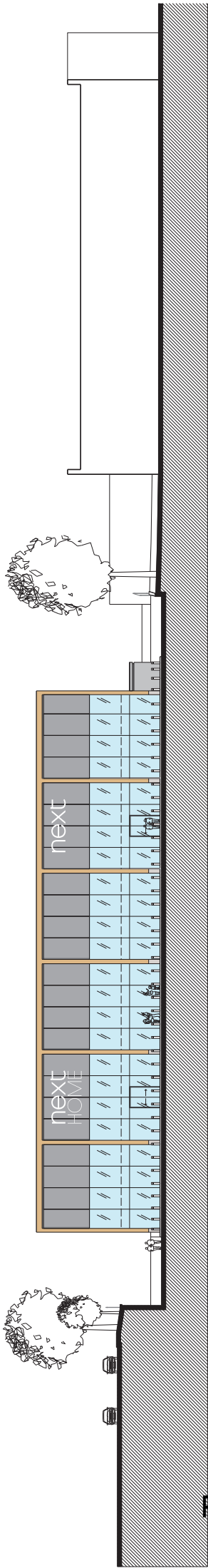
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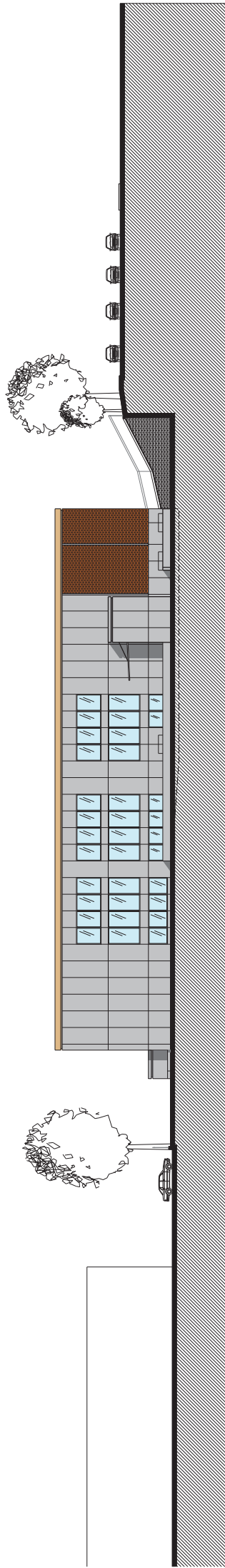
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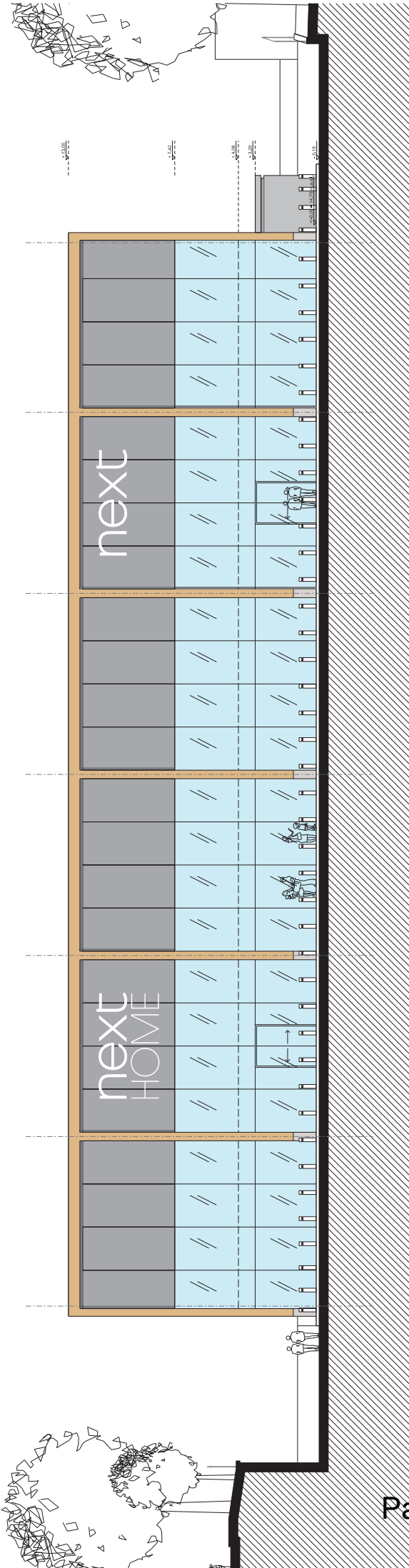
WEST ELEVATION_PROPOSED



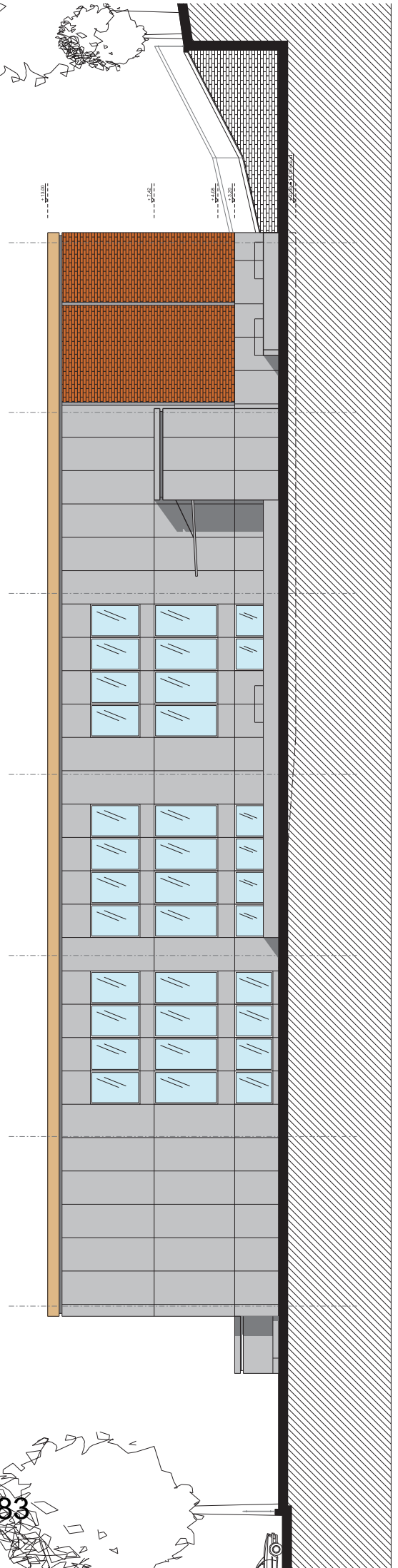
SOUTH ELEVATION_PROPOSED



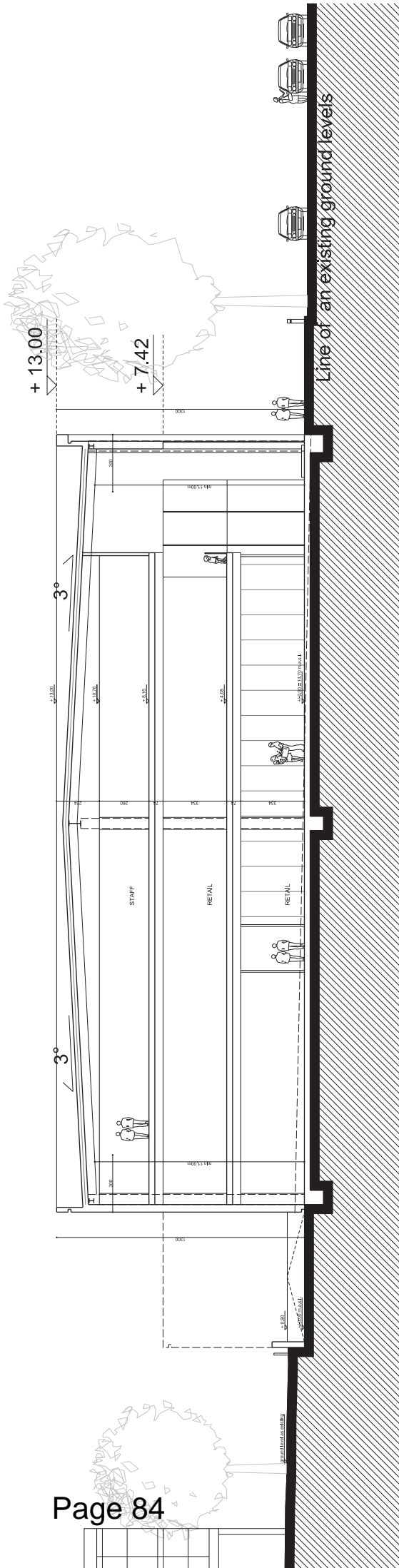
NORTH ELEVATION_PROPOSED



SOUTH ELEVATION_PROPOSED



NORTH ELEVATION_PROPOSED



PLANNING APPLICATIONS COMMITTEE
30 April 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P4058	19/02/2014
Address:	3-5 Dorien Road, Raynes Park, SW20 8EL.	
Ward:	Raynes Park	
Proposal:	Demolition of part of the existing business/light industrial building [B1(c)] covering floor space of 195 square metres and erection of a new three storey building comprising 9 self-contained flats [2 one bedroom and 7 two bedroom].	
Drawing No's:	0214-PP01-100C, 0214-PP02-050A, 101A, 102B, 103, 200C, Site Location Plan; Sustainable Design and Energy Report and Design and Access Statement.	
Contact Officer:	Tony Ryan [020 8545 3114]	

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

CHECKLIST INFORMATION.

- S106: Education, Affordable Housing and permit free.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted: No
 - Press notice: Yes
 - Site notice: Yes
 - Design Review Panel consulted: No
 - Archaeological Priority Zone: No
 - Area at risk of flooding: No;
 - Controlled Parking Zone: Yes [Zone RPS];
 - Conservation Area: No
 - Trees: No Tree Preservation Orders or trees of particular amenity value.
 - Number of neighbours consulted: 34
 - UDP: Proposal Site 34 allocated for residential use;
 - External consultations –Apostles Residents Association;
 - PTAL: 4 [TFL Planning Information Database];
 - Density – 500 habitable rooms per hectare [site area of 0.05 hectares and 25 habitable rooms];
 - Number of jobs created: N/A.
-

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration due to the level of interest shown in the application as a result of public consultation and to obtain authority to enter into a section 106 agreement.

2. SITE AND SURROUNDINGS

- 2.1 The 'L' shaped application site [0.05 hectares] is located on the west side of the cul-de-sac Dorien Road close to the junction with Kingston Road. Dorien Road is within the area known as the 'the Apostles' that consist of twelve roads that form a grid road pattern that run between Kingston Road and Bushey Road [no vehicular access is provided from these roads on to Bushey Road]. Dupont Road is located to the east of Dorien Road and Edna Road to the west.
- 2.2 The application site is currently occupied by a company manufacturing windows and comprises the commercial building at 3 Dorien Road [part of which is derelict]. The site includes the two storey residential property at 5 Dorien Road that has been converted into an associated office use. The site also includes an off street parking area for approximately five cars.
- 2.3 The local area is of mixed character, with residential uses located to the south along Dorien Road and a mixture of residential and commercial uses along Kingston Road to the north. At the rear [east] of the site are the two storey residential properties at 5 and 6 Fountain Court [assessed from Kingston Road]; the part one, part two storey commercial building called 'The Old Bakery' assessed from Edna Road and two storey terraced residential properties in Edna Road.
- 2.4 To the north of the site are two storey residential properties in Kingston Road that have been converted into flats, to the south is the two storey residential infill residential development at 7 Dorien Road. On the opposite side of Dorien Road is the open yard to the rear of 542 Kingston Road that appears to be in use in connection with the tool hire business at this address.
- 2.5 The site is located within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL] of 4 [where 1a represents the least accessible areas and 6b the most accessible]. The site is not in an archeological priority area or in an area at risk from flooding as designated by the Council's Unitary Development Plan. The site is also not located in a conservation area
- 2.6 The land at 3-5 Dorien Road is a proposals site [34P] within the adopted Unitary Development Plan [October 2003]. A planning brief was adopted in September 1999 for the site that allocated the whole site for residential use.

3. CURRENT PROPOSAL

- 3.1 The land at 3-5 Dorien Road is occupied by a business manufacturing windows. The land is occupied by the detached two storey property at 5 Dorien Road that is used as offices, a two storey commercial building constructed of brick and metal cladding with a 21 metre long street frontage and the adjacent off street parking area to the rear of two storey residential buildings fronting Kingston Road. A section of the

commercial building with an 11 metre frontage on to Dorien Road and adjacent to the car park is currently derelict.

- 3.2 The current application involves the retention of the commercial floor space that is currently in use, the demolition of the derelict section of the building and the construction of a new residential building on this land and the adjacent off street car parking area. The proposed residential building has accommodation over two floors and within the building roof space. The ground floor of the building provides three, two bedroom flats. The first floor of the building provides three, two bedroom flats and the second floor provides two, one bedroom flats and a two bedroom flat.
- 3.3 The external areas of the site provide private amenity space for the ground floor flats and communal amenity space for the occupiers of the flats on the upper floors of the building. An area to the side of the building provides space for the storage of bicycles and refuse. The front building elevation is set back from the pavement and provides separate entrances for two of the proposed ground floor flats. There are also two entrances providing access to accommodation on the upper floor levels and one of these entrances is shared with the third ground floor flat.
- 3.4 An assessment of the proposal against internal space and external amenity space standards in the London Plan, the adopted UDP and emerging standards in the Sites and Policies DPD is provided in the table below.

Table 1: bedrooms, bed spaces, areas and amenity space.

Unit	Bedrooms	Bed spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity space [Sq. M]	UDP standard [Sq. M]	Emerging DPD standard
1	2	3	71	61	10 private space.	30	6
2	2	3	65	61	10 private space	30	6
3	2	4	70	70	29 private space	30	6
4	2	3	65	61	120 shared space	30	6
5	2	3	65	61	120 shared space	30	6
6	2	4	73	70	120 shared space	30	6
7	1	2	51	50	120 shared space	20	5
8	2	3	61	61	120 shared space	30	6
9	1	2	51	50	120 shared space	20	5

4. PLANNING HISTORY.

-Relevant history for the application site

- 4.1 Planning permission was refused in December 2011 [LBM ref 11/P2220] for the demolition of existing business/light industrial building

[b1(c) 151 square metres and erection of a new three storey building comprising 9 self-contained flats [3 one bedroom and 6 two bedroom]. The reasons for the refusal of planning permission were as follows:

“1. The proposed development by reason of its design, appearance, proportions, bulk and massing would fail to respect the character of the Dorien Road street scene and would represent an overbearing and visually intrusive feature when viewed from neighbouring properties and their rear gardens contrary to policies BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design]; and BE22 [Design of new development] of the Adopted Unitary Development Plan [October 2003] policies 3.5 [Quality and design of housing developments and 7.6 [Architecture] of the London Plan and policy CS14 [Design] of the Adopted Core Strategy [July 2011]”.

“2.The proposed development by reason of poor internal layout and external amenity space provision would fail to provide an adequate standard of residential accommodation for future occupiers contrary to policies HS1 [Housing layout and amenity]; BE16 [Urban design]; and BE22 [Design of new development] of the Adopted Unitary Development Plan [October 2003] policies 3.5 [Quality and design of housing developments of the London Plan and policy CS14 [Design] of the Adopted Core Strategy [July 2011]”.

“3. The proposed development would increase the demand for on-street parking and servicing in the area and the applicant has failed to demonstrate that additional vehicles likely to be generated by the development can be accommodated on the road network without compromising highway safety and efficiency contrary to Policy CS20 (Parking, Servicing and Delivery) of the Adopted Core Planning Strategy (2011).

“4. The proposed development would generate additional pressure on educational and open space facilities in the area. In the absence of a legal undertaking securing a financial contribution toward education provision and open space improvements locally to offset the impact of the proposals within these identified areas, the proposals would be contrary to policies C.13, L.8 and L.9 of the Adopted Unitary Development Plan (October 2003) and Supplementary Planning Guidance: Planning Obligations (2006)”.

“5. The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011)”.

- 4.2 A subsequent appeal made against the Council's refusal of planning permission in relation to the above application under reference 11/P2220 was dismissed in July 2012. The Inspector's decision letter is attached as an appendix to this committee report.

Table 2: Comparison between current application and earlier refused planning application

Unit	Earlier refused application under reference 11/p2220	Current application under reference 13/P4058
Existing floor space to be lost	151 square metres	195 square metres
Number of flats	9	9
Flat size	3 one bedroom and 6 two bedroom	2 one bedroom and 7 two bedroom
Front elevation design	Irregular design with different spacing	Uniform design with regular spacing
Height	Two floors and the roof space	Two floors and the roof space

- 4.3 Planning permission [LBM ref 09/p0372] was granted in April 2009 for the conversion of the existing two storey office building to provide a one bedroom flat at first floor level with office use retained at ground floor level with formation of new doors to ground floor rear and side elevations.
- 4.4 Outline planning permission for siting and access [LBM ref 05/p1339] was granted in April 2009 for the retention of 5 Dorien Road, the demolition of all other buildings and erection of 5 three-bedroom houses and 4 studio flats.
- 4.5 Planning permission [LBM ref 97/p1418] was refused in June 1998 for the erection of stained timber fencing on the frontage of the site involving the removal of the existing metal railings and raising the existing brickwork to 0.75 metres, together the with the erection of replacement plywood clad, tubular metal gates to give overall height of 2 metres.
- 4.6 An established use certificate was granted [LBM ref 92/p0021] in May 1992 in respect of a use as a light industrial workshop and offices. Planning permission [LBM ref 91/p0350] was refused in July 1991 for the use of the premises for storage and distribution with some trade sales, ancillary light industry and office accommodation.
- 4.7 Planning permission [LBM ref MER295/77] was granted in September 1977 for alterations and extensions to both sides of the factory building.

Planning permission [LBM ref M/M6413] was granted in February 1953 for the change of use from general industrial to a photographic and metal engineering and processing use.

-Relevant history for adjoining sites

- 4.8 Planning permission was approved in April 1992 [LBM ref 92/P0135] at 7 & 9 Dorien Road for the erection of a pair of semi detached houses involving the demolition of a church hall.
- 4.9 Planning permission was approved in [LBM ref 87/P1185] at 548 Kingston Road for the conversion of the property into four flats including erection of a single storey rear extension and an extension at roof level involving removal of existing dormer windows on front and rear elevations and the removal of existing workshop/store buildings at rear and erection of two houses with car parking and landscaping [5 and 6 Fountain Court are to the rear of the application site].
- 4.10 Planning permission was refused in April 2003 [LBM ref 03/P0365] for a part single, part double storey extension to the existing building at The Old Bakery, 2D Edna Road [located to the rear of the application site] and change of use to provide 2 residential dwellings. The reasons for the refusal of permission were as follows:

“1. The proposed residential development would result in the loss of employment land to the detriment of long term job opportunities in the Borough contrary to Policy W.9 of the Adopted Unitary Development Plan (April 1996) and Policies ST.14, E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).

2. The proposed first floor extension represents an undesirable and unneighbourly form of development which would result in the loss of amenity to neighbouring occupiers in Edna Road as a result of overlooking, loss of privacy and visual intrusion contrary to Policy EB.18 of the Adopted Unitary Development Plan and Policies HS.1, BE.22, BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000).

3. The proposal fails to make provision for off-street parking and represents an over intensive development of the site contrary to Policies M.28 of the Adopted Unitary Development Plan (April 1996) and PK2 of the Second Deposit Draft Unitary Development Plan (October 2000)”.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 37 neighbouring properties. As a result of this consultation, responses have been received from six neighbours objecting to the proposal on the following grounds:

- The development is too high;
- The development will block light to nearby homes in Dorien Road and Kingston Road;
- The proposed building is out of character with the other properties in Dorien Road;
- The proposed flats would increase population density;
- The proposed development is out of character with the area as the accommodation does not have front gardens;
- There is no mention of continued future maintenance of the landscaping;
- The higher population density will lead to noise nuisance and nuisance from extra traffic;
- The proposed accommodation is sub standard;
- The development will adversely impact local property values;
- The development will lead to parking problems on nearby roads;
- The development is too dense for this site.

5.2 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to the submission of further details of cycle parking, the reinstatement of redundant crossovers and an informative relating to the need for separate approval for any works affecting the public highway.

6 POLICY CONTEXT

The London Plan [July 2011].

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality] and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

6.2 The following supplementary planning guidance is considered relevant to the proposals: The Housing Supplementary Planning Guidance (2012).

Adopted Unitary Development Plan [October 2003]

6.3 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16

[Urban design];]; BE22 [Design of new development]; BE25 [Sustainable development]; C1 [Location and access of facilities]; C13 [Planning obligations for educational facilities]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; PE7 [Capacity of water systems]; PE9 [Waste minimisation and waste disposal]; PE11 [Recycling points]; PE12 [Energy generation and energy saving] and RN3 [Vehicular access]. The application site is UDP proposal site 34 and is allocated for residential use.

Merton Supplementary Planning Guidance

- 6.4 The key supplementary planning guidance note relevant to the proposals is New Residential Development [1999].

Merton LDF Core Planning Strategy [adopted July 2011]

- 6.5 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport] and CS.20 [Parking; servicing and delivery].

National Planning Policy Framework [March 2012]

- 6.6 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.7 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.8 The NPPF states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.9 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the

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

Emerging policies within the Draft Sites and Policies Plan.

- 6.10 Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.11 Following the Council's approval, the Merton's Sites and Policies Plan was submitted to the Secretary of State on 2 October 2013. The independent Planning Inspector appointed by the Secretary of State considered the Sites and Policies Plan at a public hearing held between 21 and 29 January 2014.
- 6.12 The relevant policies within the Draft Sites and Policies Plan are as follows: DMD1 [Urban design and the public realm]; DMD2 [Design considerations and the public realm]; DME1 [Employment areas in Merton]; DMEP2 [Reducing and mitigating against noise]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; DM T3 [Car parking and servicing standards].

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle residential accommodation, the design and appearance of the proposed buildings, the standard of the residential accommodation, the impact on residential amenity and the impact on car parking, traffic generation and highway safety.

Loss of employment land

- 7.2 The current application involves the loss of an area of 195 square metres of employment floor space. This floor space is currently derelict but originally would have been used in association with the adjacent business that is retained as part of the current proposal.
- 7.3 The land that makes up the current application site and the adjacent employment land both make up proposal site 34 in the adopted Unitary Development Plan with the recommended land use of residential. Outline planning permission was approved in 2009 for the demolition of the whole commercial building at 3-5 Dorien Road and the construction of a building providing 5 three-bedroom houses and 4 studio flats.
- 7.4 With the allocation of the application site for residential use within the adopted Unitary Development Plan and the previous planning permission, the proposed loss of the employment floor space is considered acceptable in this instance.

Need for additional housing, residential density and housing mix.

Need for additional housing

- 7.5 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.6 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of 500 to 600 homes in the Raynes Park sub area where the proposal site is located. The housing delivery trajectory set out in the latest Council's Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan.
- 7.7 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways. The current application site is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to public transport and other local facilities.
- 7.8 In conclusion the provision of additional residential accommodation on this site which is in a sustainable location is considered acceptable in principle subject to other considerations including matters of design, scale and layout, the standard of accommodation and the impact on amenity.

Residential density

- 7.9 The London Plan states that in areas such as the application site with a Public Transport Accessibility Level of 4 the residential density should be within a range of 200 to 700 habitable rooms per hectare.
- 7.10 With the application site covering a site area of 0.05 hectares and provision of 25 habitable rooms the residential density of the development is 500 habitable rooms per hectare. The proposed residential density is within the density range set out in the London Plan.

Housing mix

- 7.11 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

- 7.12 Dorien Road and neighbouring roads are typically made up of terraced family housing. Whilst development along this part of Kingston Road typically consists of ground floor commercial uses with residential flats above, all of the floor space in the buildings adjacent to the application site at 544 to 548 Kingston Road is in residential use.
- 7.13 The proposed development will provide a total of 9 residential units including 2 one bedroom and 7 two bedroom. It is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

Layout, scale and design

- 7.14 The London Plan policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, scale and orientation that enhances, activates and appropriately defines the public realm, comprises details that complement, not necessarily replicate the local architectural character.
- 7.15 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.
- 7.16 Retained UDP policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

Design and scale

- 7.17 The application site is in Dorien Road which is one of a number of roads leading off the south side of Kingston Road known as 'The Apostles'. The character of these roads can be described as two storey residential terraces that have a uniformity and rhythm in their design and appearance. In contrast to this general uniformity and rhythm, there is currently some variety in development along the section of Dorien Road where the application site is located, including detached and semi-detached residential properties, the 21 metre long factory building constructed of brick and metal cladding and the adjacent car park.

- 7.18 The proposed development will involve the loss of the existing derelict commercial building that is considered out of keeping with the character with the surrounding area in terms of its design, scale and construction materials. The design of the proposed building with individual entrance doors located in the front elevation and the proposed plot widths is considered to reflect the typical rhythm of existing properties in Dorien Road. The design of the proposed building is also considered in keeping with the surrounding area in terms of the uniform appearance to the front elevation, the window scale and proportions and the front window bays. The overall height of the proposed building is also in keeping with adjacent buildings in Kingston Road and other nearby buildings.

Layout

- 7.19 Whilst the side elevation of the adjacent property at 544 Kingston Road extends to the back edge of the pavement in Dorien Road, the main front elevation of the proposed building is set back by 1.5 metres from the pavement in Dorien Road; this layout reflects other nearby properties in Dorien Road.
- 7.20 The side elevation of the proposed building is set back from the side boundary of the site to provide an area for cycle and refuse storage and for access to the rear of the site. This is considered an efficient layout that makes best use of the space available.
- 7.21 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan. It is considered that the development satisfactorily addresses the reasons for the refusal of the earlier planning permission and the subsequent comments from the appeal inspector.

Neighbour amenity.

- 7.22 Policy HS.1 of the adopted Unitary Development Plan [October 2003] states that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties in terms of maintaining adequate daylight and sunlight and the protection of privacy. Policy BE15 of the Unitary Development Plan states that new buildings will be expected to maintain sunlight and daylight levels to adjoining buildings and gardens; ensure the privacy of neighbours; protect from visual intrusion and not result in harm to living conditions through noise or disturbance.
- 7.23 To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing

habitable room windows located on the upper floor levels of residential accommodation.

Residential properties to the rear in Edna Road

- 7.24 A distance of 25 metres will separate the rear of the new building from the rear elevation of properties in Edna Road with a distance of 10 metres from the rear elevation of the new building and the rear boundary. These separation distances are in line with the standards set out in the Council's Supplementary Planning Guidance and with this separation it is considered that the development will not result in visual intrusion or any loss of privacy, sunlight or daylight.

Fountain Court and the Old Bakery

- 7.25 Fountain Court at 548 Kingston Road consists of 4 residential units within the main building fronting Kingston Road with a rear driveway providing access to a two storey building at the rear that provides, 2 two storey residential units. The application site wraps around the side and rear of this building known as 5 and 6 Fountain Court which does not have any windows to the side and rear elevations that face towards the application site.
- 7.26 At the closest point the rear elevation of the proposed building will be 3 metres from the side boundary of the property at Fountain Court. The new building will extend 2.6 metres past the front elevation of this adjacent building. The front entrance to 5 Fountain Court is located adjacent to the rear boundary of the application site with the ground floor living room window located 3 metres from the boundary.
- 7.27 The Council's Aspect Value test has been used to assess the impact on daylight and sunlight to 5 Fountain Court. After considering the separation distance between the new building and the nearest existing habitable room window; the height of the new building and the north facing orientation the development was found to pass the Aspect Value Test.
- 7.28 Whilst it is acknowledged that the windows to the front elevation are the only source of natural daylight and sunlight to 5 and 6 Fountain Court it is considered that the proposed development is acceptable in terms of natural daylight and sunlight provision to these properties.
- 7.29 The rear elevation of the proposed building has a first floor bedroom window that will be 3 metres away from the side boundary of 5 Fountain Court and the external area to the front of this dwelling. With the public nature of this area and existing overlooking from windows on nearby buildings, it is not considered that the current proposal will result a loss of privacy.
- 7.30 The Old Bakery is a two storey brick commercial building at the rear of the application site that is accessed from the adjoining Edna Road. With this commercial building facing away from the application site and

towards the rear of properties in Edna Road it is considered that the proposed development will not have an harmful impact on the use of this building.

Residential properties Dorien Road

- 7.31 The application site is located directly opposite the two storey residential properties at 2 and 4 Dorien Road and an adjacent yard used for the storage of building materials.
- 7.32 In terms of building heights and separation distance the relationship between the front elevation of the proposed building and the residential properties on the opposite side of Dorien Road is the same as the existing properties along Dorien Road. Although a storey higher than the existing derelict building, the additional storey to the proposed residential building will be within the roof space of the building that has a roof sloping away from the front boundary.
- 7.33 With the separation distance and the height and design of the proposed building it is not considered that the development will result in a loss of sunlight, daylight or sunlight to properties on the opposite side of Dorien Road. Whilst overlooking the public road, a distance of 25 metres will separate the proposed first floor windows from the existing windows on the opposite side of Dorien Road. This distance is in excess of the minimum distance of 21 metres that is set out in the Council's Supplementary Planning Guidance to avoid overlooking and loss of privacy between directly opposing first floor windows.

Residential properties in Kingston Road

- 7.34 The side elevation of the proposed new building will face towards the rear elevation of adjacent two storey residential properties in Kingston Road. The proposed flank wall of the new building does not include any windows and therefore it is considered that the proposed development will not result in any loss of privacy to these properties.
- 7.35 Whilst there are habitable room windows at first floor level, the rear elevation of these adjacent properties in Kingston Road do not have any habitable room windows at ground floor level close to the application site boundary. In response to concerns about the impact of the development, the design of the development has been revised from a gable end roof to a hip roof design. It is considered that with the revised roof design and the distance of ground floor habitable room windows from the boundary the proposed development will not result in loss of daylight or sunlight or result in visual intrusion.
- 7.36 In conclusion, as a result of the separation distances it is considered that the proposed development will not have a detrimental impact on the residential amenity of residents in adjoining buildings in terms of the bulk and massing of the building and proximity to the property boundary.

Standard of residential accommodation.

- 7.37 Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

Internal layout and room sizes

- 7.38 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The tables provided in section 3 of this report sets out the gross internal areas for the proposed accommodation. The internal layout of the accommodation is considered to make good and efficient use of the space that is available in line with the London Plan with an appropriate internal layout and good provision of natural light to all habitable rooms.

External amenity space

- 7.39 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The standards within policy HS.1 state that private rear garden space for flats should be a minimum of 10 square metres per habitable room. The standard within the emerging Sites and Policies DPD that is in accordance with the London Housing Design Guide states that 5 square metres of external space should be provided for one and two bedroom properties with an extra square metre provided for all additional bed spaces
- 7.40 The proposed development provides private amenity space for the ground floor flats at a level that is in accordance with the standards set out within emerging policy. The standard in adopted policy states that a total amenity space area of 160 square metres should be provided for the flats on the upper floors. The standard in emerging policy states that a total amenity space area of 34 square metres should be provided for the flats on the upper floors. Whilst the amenity space provided for the flats on the upper floors is communal rather than private space, the proposed development provides an area of 120 square metres.
- 7.41 With the total area of amenity space meeting the requirement within emerging policy it is a matter of planning judgment as to the relative weight that should be attached to the failure to meet external amenity space standards set out in Unitary Development Plan policy HS.1. It is considered by officers that the proposed residential accommodation is of a good general standard and that this overall assessment should be given greater weight than meeting individual amenity space standards.

Lifetime Homes and wheelchair accessible standards.

- 7.42 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

Traffic, transport, car parking, servicing and access.

Car parking

- 7.43 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current maximum car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.44 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with one or two bedrooms. The proposed development does not include any off street car parking and this is in line with these maximum standards within the London Plan.
- 7.45 Emerging planning policy DM T3 in the Sites and Policies DPD states that within areas of good public transport accessibility or in areas of parking stress within a Controlled Parking Zone, the council will expect new developments to restrain the amount of on-site parking and also restrict access to on-street resident parking permits. As the application site has good access to public transport [PTAL 4] and is in an area of parking stress and within a Controlled Parking Zone a s106 obligation is proposed that will prevent future occupiers of this development from receiving on street parking permits.
- 7.46 Whilst the submitted proposal will result in the loss of six off street spaces connected to the existing employment use it is considered that with the planning obligation restricting on street parking generation the submitted proposal is considered acceptable and in line with emerging and adopted planning policies.

Refuse storage and collection.

- 7.2 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.47 The applicant has stated that refuse and recycling storage will be provided adjacent to the side elevation of the new building. This storage location is considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to

ensure that these facilities are provided and retained for the benefit of future occupiers.

Cycling and pedestrian access

- 7.48 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.
- 7.49 In line with the London Plan and as part of the current planning application the applicant has confirmed that the application will provide cycle storage for the proposed accommodation. A planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.
- 7.50 The current proposal includes the reinstatement of the redundant crossover in Dorien Road that currently provides access to the existing off street car parking area. In order to ensure that this work is carried out to a suitable standard for the benefit of pedestrians in Dorien Road a planning condition is recommended in relation to the works to remove the crossover and reinstate the pavement in this location.

Trees and landscaping

- 7.51 Policy CS.13 within the Adopted Core Strategy [2011] states that development should seek to integrate new or enhanced habitat or design and landscaping that encourages biodiversity.
- 7.52 There are no trees or landscaping currently on the application site that are of any value. A planning condition is recommended to seek details of proposed landscaping and for this landscaping to be provided prior to occupation of the proposed dwellings.

Sustainable design and construction.

- 7.53 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.54 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

8. ENVIRONMENTAL IMPACT ASSESSMENT

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

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The provisional Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would be £20,090. This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 574 square metres].

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The provisional London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would be £126,280. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 574 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.
- 9.6 The provisional London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would be £126,280. This is based on the charge of £220 per square metre and information provided by the applicant that states that there will be additional floor space of 574 square metres]. This levy is subject

to future reassessment in terms of whether the employment floor space to be lost as part of this proposal has been in lawful use.

Planning Obligations

9.7 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

9.8 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Financial contribution towards provision of affordable housing;

9.9 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.

9.10 Having regard to characteristics such as site size, site suitability, financial viability issues and other planning contributions Core Strategy policy CS 8 states that affordable housing provision on developments of ten or fewer residential units should include an off site financial contribution towards affordable housing equivalent to 20% of new units on the site. Using the valuations provided by the applicant the off site financial contribution towards affordable housing would be £178,892.

On street car parking permit restriction

9.11 Emerging planning policy DM T3 in the Sites and Policies DPD states that within areas of good public transport accessibility or in areas of parking stress within a Controlled Parking Zone, the council will expect new developments to restrict access to on-street resident parking permits. As the application site has good access to public transport [PTAL 4] and is in an area of parking stress and within a Controlled Parking Zone a s106 obligation is proposed that will prevent future occupiers of this development from receiving on street parking permits.

Monitoring and legal fees

9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £5168.95 with legal fees of £500.

10. CONCLUSION

10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units on the site allocated for residential use in the adopted Unitary Development

Plan. The development incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. The proposed revised design is considered to satisfactorily address the Council's earlier reasons for refusal. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

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

1. Provision of a financial contribution towards off site affordable housing provision [£178,892].
2. A restriction preventing future occupants from obtaining on street car parking permits.
3. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£5,168.95].
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£500.00].

And the following conditions:

1. Standard condition [Time period] The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 0214-PP01-100C, 0214-PP02-050A, 101A, 102B, 103, 200C, Site Location Plan; Sustainable Design and Energy Report and Design and Access Statement..Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall have been submitted to and approved in writing by the Local Planning Authority providing details of how to accommodate vehicle parking for construction site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and

other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

5. Non standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
6. Non standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings details of walls and fences or other means of enclosure including the sub division of amenity areas as shown on the approved plans shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details for the lifetime of the development. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
7. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 and a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor shall be submitted to and approved in writing by the Local Planning Authority with the letter confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and the design stage report demonstrating that the development achieves improvements in the dwelling emissions rate in accordance with current policy standards. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
8. Amended standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the

proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum together with confirmation that improvements in the dwelling emissions rate have been achieved in accordance with current policy standards
Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

9. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
10. Amended Standard condition [Redundant Crossovers] Prior to first occupation of the proposed new dwellings the existing redundant crossover shall have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
11. Non standard condition [Landscaping] Prior to first occupation of the proposed new dwellings or the first planting season following occupation new landscaping shall be in place that is in accordance with a landscaping scheme that will have previously been submitted to and approved in writing by the Local Planning Authority, with the submitted plan including full details of the size, species, spacing, quantities and location of plants, landscaping along the front boundary and landscaping of rear amenity areas Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to provide an adequate standard of accommodation in line comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
12. Non standard condition [Cycle storage] Prior to first occupation of the proposed new dwellings cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].

13. Non standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
14. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.3 of the Adopted Merton Unitary Development Plan 2003.
15. Amended Standard condition [Hardstanding areas] All areas of proposed hardstanding 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 boundaries of the application site before the development hereby permitted is first occupied. Reason for condition To reduce surface water run off and to reduce pressure on the surrounding drainage system in accordance with Policy CS 16 of the Adopted Merton Core Planning Strategy 2011.
16. Non standard condition [Land contamination – site investigation] Prior to the commencement of development, a detailed site investigation shall be completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, and the results of the analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003
17. Non standard condition [Land contamination – construction phase] If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis,

risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination

18. Non standard condition [Land contamination – validation] Prior to first occupation of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.

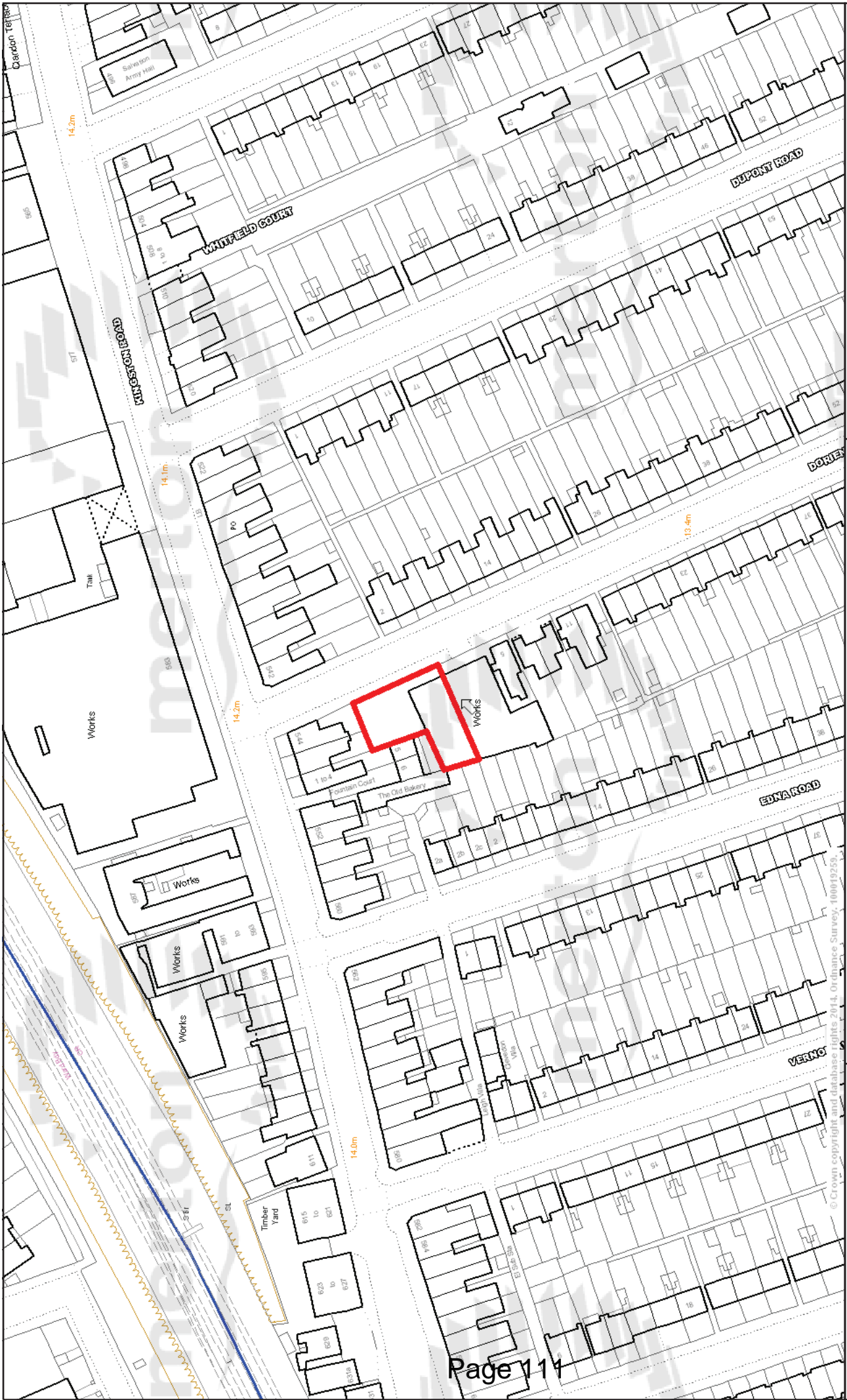
INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.
- c) The applicant is advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences.
- d) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection

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

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

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London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

Scale 1/1250

Date 15/4/2014

3-5 Dorien Rd

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DEVELOPMENT CONTROL



SK Flats G Floor-Proposed
Scale: 1:100

3-5 Dorian Road

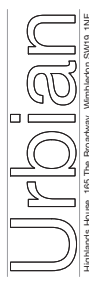
Application Site

Houses on Kingston Road

area area

Date: 18/02/11
 Drawn: A1
 Checked: A1
 Project No: 0000-CAD-PL1-0214-PP02-050-A
 Proposed Site Plan

Proposed Development on Land at 3-5 Dorien Road, Raynes Park SW20 9EL
 Highlands House 165 The Broadway, Wimbledon SW15 1NE
 T: 020 8544 6174 www.urban.co.uk



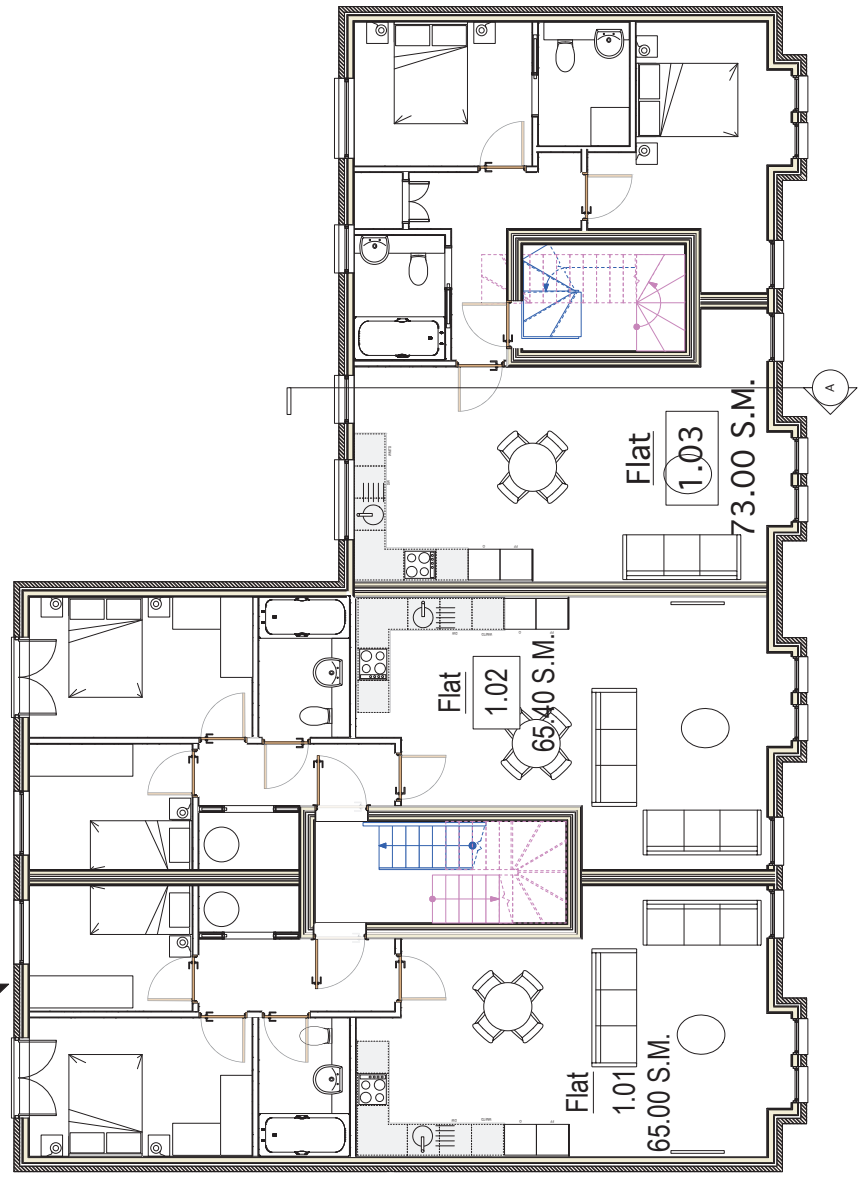


C 15/07/14 Floor plan issued for check list 3
 B 31/03/13 3rd floor plan issued
 A 02/07/12 2nd floor plan issued
 0000-CAD-PL 0214-PP01-100-C
 Date: 18/02/11
 Project: Proposed Ground Floor Plan
 Proposed Development on Land at 3-5 Dorrien Road, Raynes Park SW20 9EL

10895 10829

Flat	Bed	P	High Rooms	Amenity	GA-lower	GA-upper	GFA-TOTAL	Min GFA	+/-
G.01	2	3	3	1.0	70.9	69.8	140.7	61	9.9
G.02	2	4	3	1.0	65.4	69.7	135.1	70	-0.3
G.03	2	4	3	2.0	65.4	65.4	130.8	61	4.4
1.01	2	3	3	1.0	70.9	69.8	140.7	61	9.9
1.02	2	4	3	1.0	65.4	69.7	135.1	70	-0.3
1.03	2	4	3	2.0	65.4	65.4	130.8	61	4.4
2.01	1	2	2	1.0	50.63	50.63	101.26	50	0.9
2.02	1	2	2	1.0	50.63	50.63	101.26	50	0.9
Communal Area				3.3	1.20		3.3		
Communal - Front	15	26	24	202.49	573.13	0	573.13	545	281.3

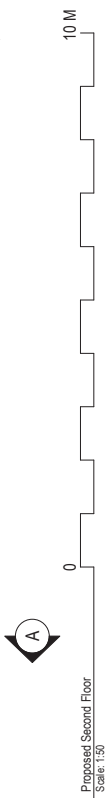
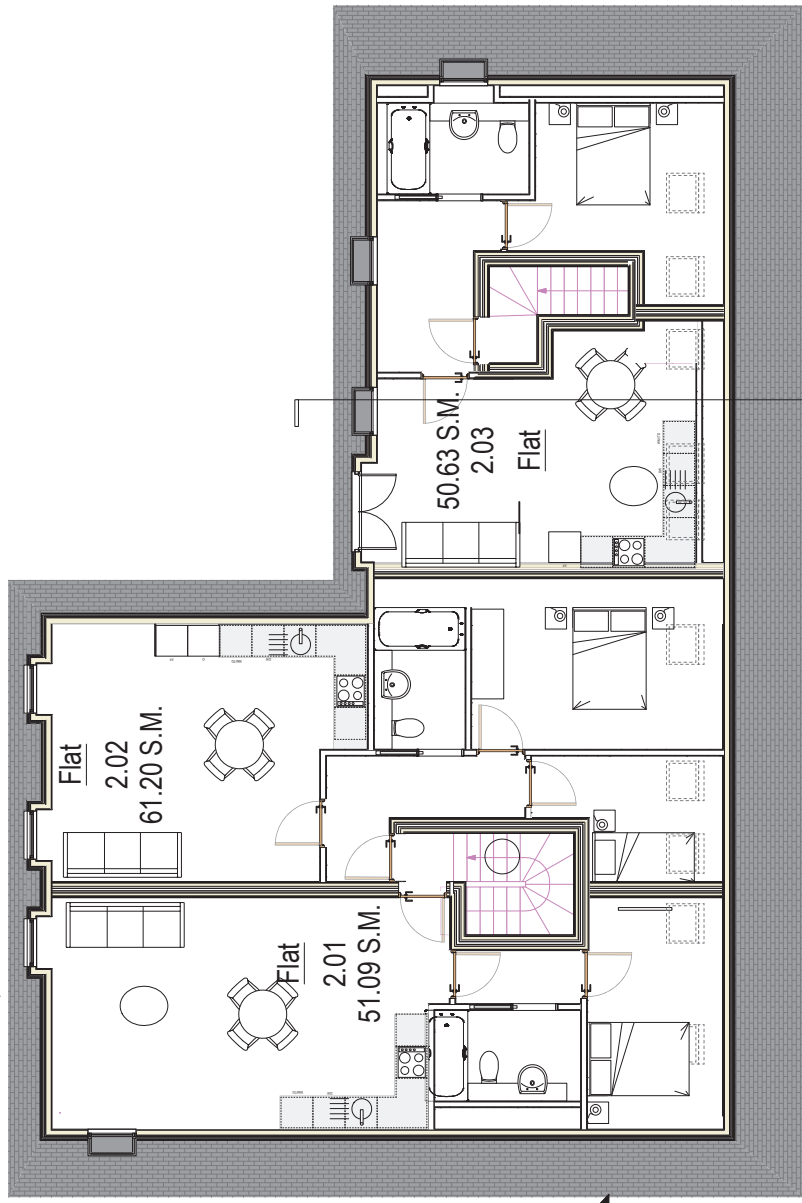
Proposed Ground Floor Plan
Scale: 1:50



10 M

Proposed First Floor
Scale: 1:50

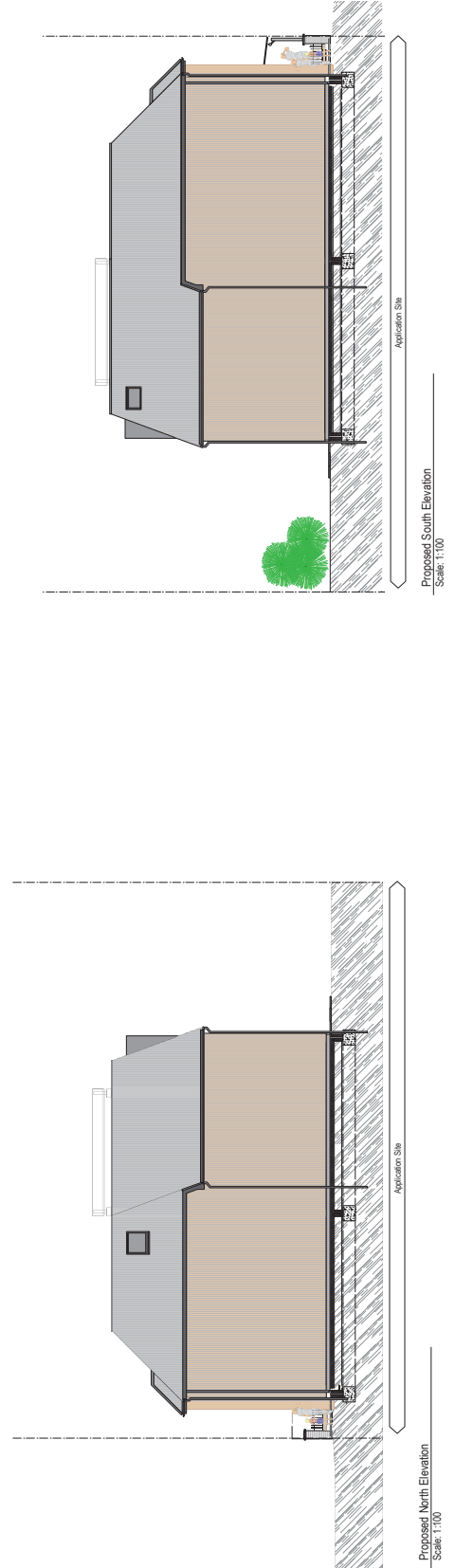
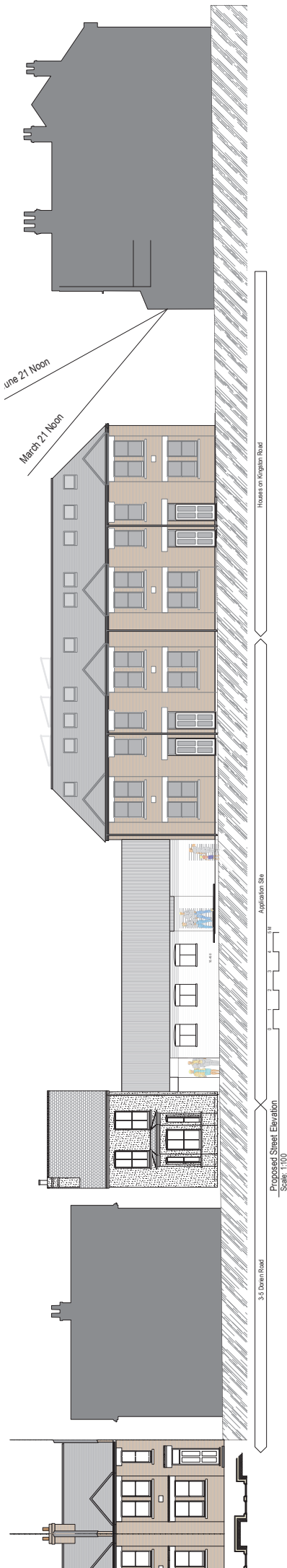
Flat	Bed	P	Hab Rooms	Amnity	GA-lower	GA-upper	GFA-TOTAL	Min GFA	+/-
G01	2	3	3	1.0	70.9	60.8	131.7	61	9.9
G02	2	4	3	218.05	69.7	70	139.7	70	-0.3
G03	2	4	3	218.05	69.7	70	139.7	70	-0.3
1.01	2	3	3	65	65.4	61	126.8	61	4.4
1.02	2	4	3	73	73	70	146	70	3
1.03	2	4	3	73	73	70	146	70	3
2.01	1	2	2	51.9	61.9	61.9	113.8	61.9	4.9
2.02	1	2	2	51.9	61.9	61.9	113.8	61.9	4.9
2.03	1	2	2	50.63	50.63	50.63	101.26	50.63	0.63
Communal Area				1.20			1.20		
Communal - Front				33.84			33.84		
	15	26	24	202.49	573.13	0	573.13	545	281.3



Proposed Second Floor
Scale: 1:50

Flat	Bed	P	Hab Rooms	Amnity	GA-lower	GA-upper	GFA-TOTAL	Min GFA	+/-
G01	2	3	3	1.0	70.9	60.8	131.7	61	9.9
G02	2	4	3	2.0	69.7	69.7	139.4	70	-0.3
G03	2	4	3	2.0	69.7	69.7	139.4	70	-0.3
1.01	2	3	3	2.0	65.4	65.4	130.8	61	4
1.02	2	3	3	2.0	65.4	65.4	130.8	61	4
1.03	2	4	3	2.0	73	73	146	70	3
2.01	1	2	2	1.0	51.9	51.9	103.8	49	4.9
2.02	1	2	2	1.0	51.9	51.9	103.8	49	4.9
2.03	1	2	2	1.0	50.63	50.63	101.26	50	0.63
Communal Area				1.20					
Communal - Front				3.354					
	15	26	24	202.49	573.13	0	573.13	545	281.3

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C 16/07/14 10/07/14 01/08/14
 B 16/07/14 10/07/14 01/08/14
 A 16/07/14 10/07/14 01/08/14
 0000-CAD-PL1 0214-PP02-200-C
 Proposed Elevations
 No. of AI 18/02/11

Proposed Development on Land at 3-5 Down Road, Raynes Park SW20 8EL
 Urban
 Highlands House 165 The Broadway, Wimbledon SW18 1NE
 T: 020 8544 6174 www.urban.co.uk

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Appeal Decision

Site visit made on 4 July 2012

by Gary Deane BSc(Hons) DipTP MRTPI

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

Decision date: 26 July 2012

Appeal Ref: APP/T5720/A/12/2174109

3-5 Dorien Road, London SW20 8EL

- 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 Hatch Homes Limited against the decision of the Council of the London Borough of Merton.
 - The application Ref 11/P2220, dated 9 August 2011, was refused by notice dated 23 December 2011.
 - The development proposed is demolition of the existing business/light industrial building and the erection of a building comprising 9 apartments.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has submitted a Planning Obligation in the form of a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990, as amended. The UU, dated 21 June 2012, includes a payment towards off-site affordable housing provision. The UU is complete and has been placed before the Council as an appeal document. It seeks to address the Council's third reason for refusal. Following a recent review of the demand and supply of school places, the Council no longer seeks a financial contribution towards education facilities in this case. The absence of a commitment by the appellant to make this payment forms part of the Council's fourth reason for refusal.
3. The appellant has submitted an additional drawing, Ref 0214-PL-102-B, which denotes the correct floor areas of the proposed second floor apartments. As this drawing corrects a discrepancy, and shows no other changes to the appeal scheme, I am satisfied that no injustice would be caused if I were to consider it in my assessment of the proposal.

Main issues

4. The main issues are the effect of the proposed development, firstly, on the character and appearance of the local area; secondly, on the living conditions of its future occupiers with regard to private amenity space and internal living accommodation, and on the occupiers of nearby residential properties with reference to outlook and visual impact; and thirdly, on highway safety primarily for users of Dorien Road.
-

Reasons

Character and Appearance

5. The site lies in an area of mixed character with rows of predominantly 2-storey residential terraces along roads leading off the south side of Kingston Road, including Dorien Road. The simple design and consistent built form of these terraces gives the local area a broad uniformity and a rhythm to existing development, which positively contributes to its character and appearance. To the north, is a mix of commercial and residential properties that front Kingston Road. The proposal is a 3-storey building, comprising 9 self-contained flats, which would replace the derelict section of a commercial building that partly occupies the site.
6. The proposal has been carefully designed to reflect the general height and building line of adjacent properties, with elements such as the mansard roof taking a cue from a nearby building. Given the site's location between the rear of properties that front Kingston Road, the retained part of the commercial building on the site, and the residential terraces of Dorien Road, the proposal also takes the opportunity to add some variety in built form to the local street scene. Furthermore, the projecting front gables would visually 'break up' the scale and mass of the new building.
7. Nevertheless, the appeal scheme would be considerable in depth and include in its front elevation, four dormer roof extensions, windows of several different sizes and positions, a glazed roof entrance feature, and in both projecting gables, full-length windows at all three levels, with glazed balustrades above the ground floor. From what I saw, these features were generally unfamiliar characteristics of nearby buildings. In addition, the proposed gables with their pattern of fenestration would be strident features in the local street scene. Furthermore, while the outer sections of the proposed front elevation take into account the contrasting scale and mass of the existing built form on either side of the site, I agree with the Council that they would appear out of balance and proportion with the central part of the new building's façade.
8. For these reasons, the proposal would be uneasy on the eye and obtrusive in the local street scene. It would markedly contrast with the general rhythm and broad consistency established by the regular built form, roof profile and simple pattern of fenestration particularly in the Dorien Road residential terraces. In reaching this conclusion, I acknowledge that the proposal would replace part of the existing derelict building and the adjacent hard surfaced area, both of which contribute little positively to the appearance of the locality. However, this is insufficient justification to allow a development that, in my opinion, would be an unwelcome addition.
9. The National Planning Policy Framework (the Framework) encourages developers to reuse employment land and to optimise the potential of sites for development. However, it also advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. As that would be the case with the proposal before me, the balance of national guidance does not support the appeal scheme.

10. Against that background, I conclude that the proposed development would not be in keeping with the character and appearance of the local area, in conflict with Policies BE.16 and BE.22 of the London Borough of Merton Unitary Development Plan (UDP), Policies 3.5 and 7.6 of the London Plan (LP), and Policy CS 14 of the Council's Local Development Framework Core Planning Strategy (CPS). These policies broadly seek to ensure that new development achieves a high standard of design, reinforces local distinctiveness, and respects the character of the local area.

Living Conditions

11. The private amenity space (PAS) to serve occupiers of the appeal scheme would be mainly located at the rear of the new building. It would be modest in size and largely enclosed by tall walls. As a result, the outlook from within this space would be limited. Due to its position relative to the new building and those nearby, natural light penetration to the proposed PAS would be poor. In combination, these characteristics would significantly diminish the value of the proposed PAS to users as attractive and useable external space. That is primarily because the PAS would be uninviting even though its location would offer some privacy away from the street. Whether or not the amount of proposed PAS achieves the Council's minimum standards or those set out in strategic policy guidance, its overall quality and attractiveness would not achieve a satisfactory standard for future occupiers.
12. Some of the proposed apartments would be small, but all would meet the LP's minimum internal space standards. Although some new apartments would be single aspect, none of these units would be north facing and their open plan arrangement would provide some flexibility in the use of the internal living space. In this respect, the proposal would provide satisfactory living conditions for its future occupiers.
13. With regard to nearby properties, the proposal would introduce a substantial built form that would be much larger, higher and bulkier than the existing building on site. In particular, there would be a tall blank 3-storey wall close to the rear of 544 and 546 Kingston Road. The separation distance between this wall and the habitable room windows of No 544 would be modest and fall short the Council's minimum standard contained in its Supplementary Planning Guidance Note, *New Residential Development* (SPG). Given its scale, height and close position, this part of the appeal scheme would visually dominate the outlook from the rear of No 544 and be overbearing to its occupiers. The loss of sunlight to these south-facing windows due to the effect of overshadowing from the new built form would exacerbate this visual impact.
14. The upper part of the proposed building would also be evident when viewed from the rear of properties that front Edna Road, beyond the rear of the site. The separation distance between the new rear elevation and the boundary of these properties would also fall short of the Council's SPG standards. However, the upper section of the new building, with its mansard roof, would slope away from these properties and there would be a reasonable gap between the rear elevations of the existing and proposed development. On balance, the effect of the proposal would not be so great as to significantly harm the outlook from or noticeably reduce the light reaching to these properties.

15. Nevertheless, I conclude that the proposed development would fail to provide satisfactory living conditions for its future occupiers and would materially harm the occupiers of No 544, in conflict with UDP Policies HS.1, BE.15 and BE.22, LP Policy 3.5, and CPS Policy 14. An underlying aim of these policies is to safeguard residential amenity.

Highway Safety

16. I do not doubt the concerns expressed by the Council and third parties about the problems that could arise from increased demand for on-street vehicle parking in the vicinity of the site. However, there is little detailed evidence before me to support the assertion that the proposal would unduly add to these problems. From what I saw, Dorien Road and nearby streets were well used for vehicle parking, and I note that the site lies just outside a controlled parking zone, and therefore may be subject to overspill parking. Nevertheless, there is no compelling evidence to indicate consistently high levels of on street parking close to the site nor did I see any examples of motorists parking inconsiderately, illegally or obstructively and thereby causing a safety hazard to other road users or hindering the efficient use of the highway.

17. Although no off street vehicle parking is proposed, the site is highly accessible by public transport and so not all future occupiers of the appeal scheme would necessarily be car users. While the proposal may result in the loss of parking space on site that would otherwise serve the commercial premises, there is nothing to indicate that there is insufficient capacity on nearby roads to meet the demand for parking generated by the use of the retained building. Servicing and deliveries to the commercial premises would take place from Dorien Road and the arrangements for refuse storage and service deliveries to the appeal scheme could be subject to a condition.

18. In summary, the proposal would not cause material harm to highway safety, hinder the efficient use of nearby roads, unduly obstruct traffic along Dorien Road, nor unacceptably add to local parking problems. I therefore find that the proposal would not conflict with CPS Policy CS 20, which aims, amongst other things, to protect highway safety. My findings on this matter do not outweigh the harm that I have identified in relation to the first and second main issues.

Planning obligation

19. The Council seeks financial contributions towards open space and sustainable transport improvements, based on the its Supplementary Planning Document, *Planning Obligations*, (SPD) which supports UDP Policies L.8 and L.9, and CPS Policies CS 8 and CS 14. The requirement to make these payments has been challenged and no planning obligation dealing with these particular matters has been submitted. No contribution is now sought towards education.

20. With regard to open space, a contribution is sought to reflect the extra demand placed on local facilities as a result of the proposal with reference made to the renovation of a sports pavilion and improvements to sports pitch drainage at the Joseph Hood Recreation Ground. However, there is no detail of exactly how the proposal would bring about the need to improve these facilities or any indication whether the site falls within an area of open space deficiency, to which UDP Policy L.8 refers.

21. The Council also seeks a contribution towards sustainable transport measures, reflecting guidance in the SPD. However, there is no detailed evidence to demonstrate the specific impact of the proposal on existing transport infrastructure nor has the Council identified any deficiencies close to the site. Moreover, there is no reference to proposals for related improvements to which the contribution would be directed. As I have not been provided with sufficient information to enable me to establish whether these contributions would meet the three statutory tests set out in Regulation 122 of the *Community Infrastructure Levy Regulations 2010*, (R122) I am unable to take them into account.
22. With regard to the submitted UU, this is complete and includes a payment towards off-site affordable housing provision. The obligation appears to be acceptable to the Council, which has provided the necessary justification for me to be satisfied that the obligation meets the statutory tests of R122. I therefore find no conflict with CPS Policy CS 8, which seeks to ensure that an element of affordable housing is provided in residential schemes taking into account local circumstances. That this obligation resolves the Council's third reason for refusal does not outweigh the harm that I have identified.

Other matters

23. Interested parties raise several additional objections to the proposal including the relationship with the remaining commercial building, privacy, security, density of development, noise, and light reaching the rear outdoor space of adjacent properties, and potential disturbance during construction. These matters are important and I have considered all of the evidence before me. However, given my findings in relation to the first and second main issues, these are not matters on which my decision has turned.

Conclusion

24. I have had regard to all other matters raised, including the intention to use energy efficient materials and sustainable methods of construction. However, these are insufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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PLANNING APPLICATIONS COMMITTEE
30 April 2014

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P0348	30/01/2014
Address:	Raynes Park Planning Fields, Grand Drive, SW20 9NB.	
Ward:	West Barnes	
Proposal:	The provision of additional tennis facilities, with these facilities including a total of six permanent synthetic surface tennis courts, with three of these tennis courts covered by an air dome (temporary for 10 years); the erection of eight, 10 metre high columns providing twelve floodlights to the three uncovered courts, the erection of single storey buildings to provide temporary changing facilities, storage and WC facilities, a new electrical substation, switch room and inflation unit, the resurfacing and formalising of the area currently used for car parking and the widening of existing vehicular access from Grand Drive plus associated landscaping, drainage and fencing.	
Drawing No's:	Design & Access Statement; Statement of Community Involvement; Transport Assessment; Flood Risk Assessment; Noise Impact Assessment; Floodlight Report; Survey & Arboricultural Report SK_SP08H; SP09G; SP10; SP11; SP12; SK_P10; P11A; P12; P13G; P18C; SK_S04B; S05B; S06B (section BB); S06B (section CC); S10A (trees & the dome); S10A (trees & the boundary); SK_E01B; E02B; E03B; E04B.	
Contact Officer:	Tony Ryan (020 8545 3114)	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION.

- S106: N/A
 - Is an Environmental Statement required: No;
 - Has an Environmental Impact Assessment been submitted: No;
 - Press notice: Yes;
 - Site notice: Yes;
 - Design Review Panel: No;
 - Archaeological Priority Zone: No;
 - Area at risk of flooding: Yes, part of the application site is in flood Zone 2 and this overlaps a small area at the eastern end of the application site;
 - Controlled Parking Zone: No;
 - Conservation Area: No;
 - Trees: No Tree Preservation Orders (TPO's are present on adjacent trees);
 - Number of neighbours consulted: 256;
 - External consultations –Secured by Design Officer and Environment Agency;
 - PTAL: 2 (TFL Planning Information Database);
 - Density N/A
 - Number of jobs created: N/A
-

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration due to the level of interest shown in the planning application.

2. SITE AND SURROUNDINGS

- 2.1 Raynes Park Playing Fields are privately owned by the All England Lawn and Tennis Club (AELTC) with the land managed for use by Kings College School. The whole Raynes Park Playing Fields site covers an area of 7.9 hectares, which currently includes two areas of hardstanding at the western end of the site covering an area of 0.41 hectares and a natural turf area of 7.49 hectares.
- 2.2 These areas of hard standing provide access and car parking areas and the location for a single storey pavilion building. The pavilion building that has a roof ridge height of 6.2 metres provides changing rooms and toilets and staff office space with an additional separate building providing additional toilet facilities. The remainder of the site provides grassed areas that include 6 grass tennis courts, 4 senior and 4 junior football pitches, a cricket square, 3 cricket nets, a running track and long jump facility and a shot put and discus area. An area in the south west corner of the playing fields adjacent to the car park is currently used for the storage of general building materials.
- 2.3 Raynes Park Playing Fields are surrounded by residential properties in Southway (to the north west); Elm Walk (to the north east); Cannon Hill Lane (to the south east) and Grand Drive (to the south west). The general character of the surrounding area is made up of two storey residential dwellings in small terraces along Elm Walk; semi-detached two storey properties in Grand Drive and semi-detached two storey buildings in Cannon Hill Lane with the majority of these buildings providing maisonettes. A prominent four storey building at the junction of Cannon Hill Lane and Grand Drive called Thornton Court provides 16 flats with a car parking area provided at the rear of this site.
- 2.4 The current application site covering an area of 1.1 hectares is located to the south west corner of the Raynes Park Playing Fields and to the rear of existing residential properties in Grand Drive and Cannon Hill Lane. The application site includes the existing hardstanding area used for car parking, the site access from Grand Drive and an existing natural turf area covering 0.73 hectares.
- 2.5 There are two existing vehicular entrances from Grand Drive to Raynes Park Playing Fields, the main entrance is between the properties at 214 to 218 Grand Drive with a secondary vehicular access provided adjacent to 174 Grand Drive. The application site has a PTAL rating of 2 (where 1a represents the least accessible areas and 6b the most accessible). The site is not within a Controlled Parking Zone.

- 2.6 The site is not situated within a conservation area or an archaeological priority zone and there are no listed buildings in the locality. A section of the playing fields are determined by the Environment Agency to be at in flood risk zone two and this includes part of the current application site. Raynes Park Playing Fields are designated as Urban Green Space within the adopted Unitary Development Plan and Open Space within the emerging Sites and Policies DPD. Although outside the application site boundary Tree Preservation Orders exist on five trees located on Raynes Park Playing Fields that are to the rear of residential properties in Cannon Hill Lane.
- 2.7 Raynes Park Playing Fields are owned and maintained by the All England Lawn Tennis Club. Kings College School who use the facilities on weekdays have a lease running until August 2014, the site is used by the Sunday League Sports Club at weekends. After August 2014 the day to day management of the site will revert to the All England Lawn Tennis Club however the current booking system for other local sports groups to use the existing facilities is expected to continue.
- 2.8 Raynes Park Playing Fields are located within the West Barnes ward. The southern boundary of the playing fields forms the boundary with the Lower Morden ward and the north east boundary of the playing fields forms the boundary with the Cannon Hill ward.

3. CURRENT PROPOSAL

- 3.1 The current application has been submitted by All England Lawn and Tennis Club and the Wimbledon Foundation. The applicant's have stated that "the Wimbledon Foundation was established in July 2013, as the community, development and charitable arm of the All England Lawn Tennis Club and The Championships". One of the main activities of the Wimbledon Foundation is the Wimbledon Junior Tennis Initiative that currently operates from the main Wimbledon site.
- 3.2 After a review of current facilities, and the proposed works to construct a roof to number one court, the current application involves the provision of new facilities for the Wimbledon Junior Tennis Initiative on the application site. The applicant has stated that the current proposal will "...guarantee continued sports usage of the site and allow for improved usage by local junior tennis players through the Wimbledon Junior Tennis Initiative".
- 3.3 The Wimbledon Junior Tennis Initiative aims to promote tennis, a 'fitness lifestyle' and sport education. The applicant has stated that since it was set up in 2001 Wimbledon Junior Tennis Initiative coaches have conducted over 670 school visits, with 60 free school visits undertaken annually to schools in Merton and Wandsworth. In addition to school visits Wimbledon Junior Tennis Initiative also provides weekend coaching for children of all abilities, with 2,500 children receiving scholarships for free tennis sessions at The All England

Club. The Wimbledon Junior Tennis Initiative also provides training to help achieve Lawn Tennis Association coaching qualifications.

- 3.4 The current application involves the provision of additional tennis facilities, with these facilities including a total of six permanent synthetic surface tennis courts. Three of the proposed six new tennis courts are covered by an air dome measuring 55 metres by 42 metres that will be a maximum height of 12 metres. The air dome is not proposed as a permanent structure on the site, with the intention to retain it on the site for a period of ten years.
- 3.5 The applicant has stated that the air dome will be made of a 'high quality' opaque PVC coated fabric that will limit light spillage from the interior during the hours of darkness. The structural integrity of the air dome is maintained by the air pressure within the structure with access to the dome possible through air locks. A 1.2 metre high protective fence will be provided around the air dome.
- 3.6 The proposal includes the erection of on 8, ten metre high columns providing 12 floodlights to the three uncovered courts that are located adjacent to the proposed air dome. The proposed drawings also show spectator seating both adjacent to the outdoor courts and within the air dome with the applicant stating that this seating can accommodate up to 132 people.
- 3.7 The current proposal includes two single storey buildings [made up of 5 cabins] to provide a store room, toilets, a canteen, an office and male and female changing rooms. These two buildings each measure 17.3 metres long by 3.7 metres wide and 3.2 metres high and will be finished in a painted timber cladding. The two buildings are covered by a steel canopy measuring 5.5 metres wide by 42 metres long that is at a height of 3.7 metres.
- 3.8 Other proposed structures include a new electrical substation, a switch room and inflation unit. The electrical sub-station will be located adjacent to the rear garden boundary of the maisonettes at 358 and 360 Cannon Hill Lane. The building will be 4.8 metres wide by 5 metres long and at a height of 2.7 metres and constructed of brick with a steel louvered access doors and a concrete and felt membrane roof. The switch room associated with the sub-station will be located adjacent to the rear boundary of Thornton Court. This building measures 3 metres wide by 4 metres long and is at a height of 2.7 metres. The building will be constructed of brick with a steel louvered access doors and a concrete and felt membrane roof.
- 3.9 The inflation unit is located to the northern side of the air dome and measures 4.5 metres wide by 8.2 metres long and is at a height of 2.7 metres. This structure will have a painted timber external appearance with air intake, extract and ventilation openings.

- 3.10 The proposal includes a 100 metre long running track alongside the tennis courts. The outdoor tennis courts will be enclosed by a 2.75 metre high fence, with a second 1.5 metre high chain link fence enclosing the running track, changing room buildings and indoor and outdoor tennis courts. A 1.5 metre high Yew hedge is proposed to the north, east and south boundaries of the tennis court area with further hedging within the car park and along the boundaries of the car park and vehicle access
- 3.11 An existing area in the corner of the playing fields previously used as tennis courts has been used for some time as informal car parking. The current application involves the resurfacing and formalising of this area to provide 91 car parking spaces including 5 spaces for those with disabilities and 15 cycle parking spaces. The existing vehicle access from Grand Drive will also be widened from 3.4 metres wide to 4.1 metres wide to allow two way vehicle movements and a new pedestrian footpath. The general building materials that are stored in the south west corner of the playing fields adjacent to the car park will be removed as part of the proposal.
- 3.12 New tree planting is proposed between the boundary of the application site and the southern boundary of Raynes Park Playing Fields. New drainage works include drainage channels and an underground irrigation tank have been designed with sufficient capacity to ensure that in the event of severe flash food or the worst predicted potential rainfall there is no surface water storm runoff on to adjacent land.

4. PLANNING HISTORY.

- 4.1 In addition to the planning history for the application site, relevant entries from the planning history for the David Lloyd Tennis Club and for plots of land adjacent to the application site are provided below.

Planning history for the application site

- 4.2 In terms of Raynes Park Playing Fields there is one relevant entry of the planning register. On the 17 May 2012 outline planning permission was refused (reference 10/P3119) following an overturned officer recommendation for the residential development of part of the existing playing fields, with the erection of 53 new dwellings (comprising 12 two bedroom flats, 22 three bedroom and 19 four bedroom houses in two and three storey buildings) and the creation of new all-weather floodlit playing pitch. The reason for the refusal of outline planning permission was as follows:

“The proposed development: (a) would result in the loss of part of an urban green space which has recreational and amenity value; (b) fails to protect and enhance the Borough’s public and private open space network; and (c) fails to give adequate weight to the protection of open space. The proposals would therefore be contrary to policy CS.13, paragraph (a), of the Merton Local Development Framework Core Planning Strategy (2011) and

policy L.5, paragraph (i), of the Adopted Merton Unitary Development Plan (October 2003), and gives undue weight to the application of policy L.7 of the Adopted Merton Unitary Development Plan (October 2003)”.

David Lloyd Leisure Tennis and Fitness Club, Bushey Road.

4.3 The planning history for this separate site in Raynes Park is considered relevant as planning permission was initially refused for air dome similar to the one currently proposed. The decision to refuse permission was subsequently overturned and planning permission granted after an appeal to the Secretary of State was allowed.

4.4 In July 2007 the planning permission was refused (reference 07/P1633) under delegated authority for the erection of a winter covering structure (September to May) for two tennis courts located to the west of the sports centre buildings including the installation of four flood lighting columns. The reason for the refusal of permission was as follows:

“The proposal would by reason of size, siting and design, represent an inappropriate form of development, harmful to the open character of the Metropolitan Open Land, for which it is considered that there are not very special circumstances that outweigh the harm that would arise by permitting the structure, contrary to policy NE.1 of the Adopted Unitary Development Plan 2003”.

4.5 A subsequent appeal to the Secretary of State against the Council’s refusal of planning permission overturned the refusal of planning permission allowing the appeal and granting planning permission. In February 2011 planning permission was approved (reference 10/P2826) under delegated authority for a repeat application for the installation of a seasonal tennis court covering comprising a temporary dome (9 metres high at apex) over two outdoor tennis courts made of clear polythene fabric.

Land at the rear of 274 to 318 Cannon Hill Lane.

4.6 The rear gardens of the residential properties at 274 to 318 Cannon Hill Lane are separated from Raynes Park Playing Fields and the current application site by a plot of land in separate ownership. This plot of land that has vehicle access provided between the properties at 318/320 and 322/324 Cannon Hill Lane is 165 metres long and at the narrowest point 28 metres wide.

4.7 In December 2000 [LB Merton reference 00/p1846] an application for outline planning permission was refused for this site. The application was for the erection of 3, two bedroom bungalows on this land and alterations to the existing access. The two reasons for the refusal of planning permission were as follows:

“1.The proposed development would be harmful to an important ecological/natural habitat resulting in the loss of protected trees and likely harm to the protected Oak tree to the detriment of the open character of the locality, contrary to Policies EN.2, EN.10, EN.11, EB.20 of the Adopted Unitary Development Plan (April 1996) and Policies ST.21, NE.8, NE.9, NE.13 of the Second Deposit Draft Unitary Development Plan (October 2000)”.

“2.The proposed development would provide inadequate servicing arrangements for the management of development and an inadequate means of access for emergency vehicles, likely to prejudice highway safety, contrary to Policy M11 of the Adopted Unitary Development Plan (April 1996) and Policy RN4 of the Second Deposit Draft Unitary Development Plan (October 2000)”.

- 4.8 A subsequent appeal to the Secretary of State against the Council's refusal of planning permission was dismissed in August 2001.

Land to the rear of 318 - 344 Cannon Hill Lane

- 4.9 An area of land to the rear of the residential properties at 318 - 344 Cannon Hill Lane is owned by the Scouts and is currently occupied by a number of single storey timber buildings that are used as a Scout hut. This plot of land has vehicle access provided between the properties at 318/320 and 322/324 Cannon Hill Lane
- 4.10 The Council are currently considering a planning application [LB Merton reference 12/P3206] for the demolition of the existing scout hut and erection of new scout county headquarters with associated car parking. The open space designation of this land is removed within the Council's emerging sites and policies DPD.

5. CONSULTATION

- 5.1 Prior to the submission of the current planning application the applicant carried out a pre-application public consultation event. This event took place between 4.00 pm and 8 pm on Monday 9 December 2013 in the pavilion of the existing sports ground. Invitations were sent to adjacent ward councillors, residents groups and 344 nearby properties.
- 5.2 A summary provided by the applicant of the points made as a result of the pre-application consultation with residents is as follows:
- Feedback was predominately positive;
 - Welcomed commitment to continuing and enhancing sport on the site;
 - Concerns about the development worsening flooding issues;
 - Concerns about security;
 - Concerns about the use of the existing car parking area;
 - Concerns about noise from the air handling equipment;
- 5.3 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 256 neighbouring

properties. As a result of this consultation, eleven responses have been received objecting to the proposal on the following grounds:

Neighbour amenity

- The development will obstruct the view from neighbouring properties;
- The air dome and the artificial surface will be ugly and unsightly;
- The development will cause shadowing to adjacent properties;
- Contrary to the applicant's claims the adjacent trees will not screen the proposed dome;
- There is an existing issue with security and access to the site should be controlled and higher fencing installed behind properties in Southway.
- There is a concern that the 'public throughway' will harm the security of adjacent residents;

Floodlighting

- The floodlights will cause light pollution to adjacent residents;
- The floodlights are visually ugly;
- Further details are required in relation to the position, direction, timing and use of cowlings for the floodlighting;

Noise and disturbance

- The proposed noise compressor would result in noise nuisance;
- The specification of the noise attenuation should be submitted and considered as part of the planning application;
- The proposed canteen may lead to a vermin problem;
- There is an objection to ten years being described as 'temporary' in terms of the proposed dome.
- The existing parking area used to be tennis courts and was used for car parking without planning permission;
- The use of this area for car parking causes disturbance to adjacent residential occupiers;
- The development should be located in the centre of the playing fields;

Trees

- The existing trees will not screen the development as the applicant has suggested;
- It will not be possible to plant trees to screen the dome due to its size;

Flooding and drainage

- There is a concern about drainage as a neighbouring garden is lower than the application site;
- The artificial surface will increase flooding in surrounding gardens;
- The development will harm wildlife;

Traffic and transport

- The development will put a strain on the already congested Grand Drive;
- There is a concern about the safety of traffic using the entrance in Grand Drive

Other matters

- A more thorough public consultation is required;
- Couldn't the existing facilities be modernised as this would be a cheaper option for AELTC;
- The grassed site could easily be made suitable for outdoor tennis on natural lawn;
- Natural grass is better than an artificial surface as it biodegrades, it 'can clean the saliva/spit expelled by sports players' it absorbs rainwater and can convert carbon dioxide into oxygen;
- There is no requirement for local junior tennis coaching as this is already provided locally;
- The application site is used for football and cricket;

5.4 Raynes Park and West Barnes Residents Association There is no objection to the proposal in principle however concerns from adjacent neighbours are highlighted about the potential for visual intrusion from the air-dome and the floodlighting and from possible nuisance from the fans used to operate the domes. In order to safeguard the existing amenity for residents a planning condition is requested that will ensure that both the air dome and floodlighting will not be in operational use beyond 9.30 PM on any evening.

5.5 Designing out Crime Officer Metropolitan Police There is no objection to the development subject to the incorporation of Secured By Design Principles as a minimum security standard and that full SBD accreditation is sought.

5.6 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to further information on Cycle Parking; a Travel Plan; Parking Management Strategy; details of the vehicle access on to Grand Drive and an informative relating to the need for separate consent for any works to the highway outside the application site.

5.7 LB Merton Environmental Health There is no objection to the development subject to planning conditions relating to light spillage from the proposed floodlighting and the soundproofing of plant and machinery.

5.8 Environment Agency There is no objection to the proposal subject to implementation of the measures detailed in the revised Flood Risk Assessment prepared by Laurence Rae Associates (Document Ref. 14013/ FRA/1A, dated January 2014) submitted with this application

are implemented and with these measure secured by way of a planning condition.

- 5.9 LB Merton Lead Local Flood Authority The lead local flood authority (LLFA), has responsibility for leading the coordination of local flood risk management in the London Borough of Merton. Discussions have taken place with the applicant regarding potential measures to reduce flooding in the vicinity of Raynes Park Playing Fields; this has included measures directly related to the current planning application site as well as wider unrelated measures relating to the larger playing fields site. It is requested that these improvements be highlighted as part of any approval of planning permission.
- 5.10 Tree Warden Group Merton There is an objection to the application on the basis that no evidence has been submitted to demonstrate that the development will not impact upon trees. It is considered that the development could have been located next to the Grand Drive boundary that would be further away from properties and reduce visual impact.
- 5.11 LB Merton Tree Officer There is no objection to the development subject to planning conditions relating to tree protection and site supervision and on the basis of information submitted by the applicant regarding to the relationship of the development to the nearby trees including those protected by Tree Preservation Orders.
- 5.12 Sport England There is no objection and support for the proposal as the proposed development will enhance and increase the range of sports facilities within the site and allow for improved usage by local junior tennis players through the Wimbledon Junior Tennis Initiative. The provision of the above facilities therefore represents the provision of a significant new facility. This support is subject to the inclusion of a planning condition relating to the standard of the retained natural turf sports pitches on the site.
- 5.13 LB Merton Leisure Development There is no objection and support for the proposal on the basis that it will will enhance the range and intensity of sports provision on this site and bring added sporting value to the area. This development is linked to the Wimbledon Junior Tennis Initiative, which the AELTC fund and deliver across Merton & Wandsworth Schools with tennis development initiatives leading to our stars in the game of tennis for the future. This development will increase their capacity and capabilities giving them a dedicated site to operate from.

6 POLICY CONTEXT

The London Plan (July 2011).

- 6.1 The relevant policies in the London Plan (July 2011) are 3.19 (Sports Facilities); 5.1 (Climate change mitigation); 5.2 (Minimising carbon dioxide emissions); 5.3 (Sustainable design and construction); 5.7

(Renewable energy); 5.10 (Urban greening); 5.13 (Sustainable drainage); 6.3 (Assessing effects of development on transport capacity); 6.9 (Cycling); 6.10 (Walking); 6.11 (Smoothing traffic flow and tackling congestion); 6.12 (Road network capacity); 6.13 (Parking); 7.2 (An inclusive environment); 7.3 (Designing out crime); 7.4 (Local character); 7.5 (Public realm); 7.6 (Architecture); 7.18 (Protecting local open space and addressing local deficiency); 7.14 (Improving air quality); 7.15 (Reducing noise and enhancing soundscapes); 7.21 (Trees and woodlands) and 8.2 (Planning obligations).

Policies retained in Adopted Unitary Development Plan (October 2003)

- 6.2 The relevant planning policies retained in the Adopted Unitary Development Plan (October 2003) are BE: 15 (New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise); BE16 (Urban design); BE22 (Design of new development); BE25 (Sustainable development); E2 (Access for disabled people); F2 (Planning obligations); NE11 (Trees protection); PE5 (Risk from flooding); PE7 (Capacity of water systems); PE.9 (Waste minimisation and waste disposal); PE.11 (Recycling points); PE.12 (Energy generation and energy saving) and RN3 (Vehicular access).

Policies within Merton LDF Core Planning Strategy (adopted July 2011)

- 6.3 The relevant policies within the Council's Adopted Core Strategy (July 2011) are CS.13 (Open space; nature conservation; leisure and culture); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

Merton LDF Core Planning Strategy (July 2011).

- 6.2 The relevant policies within the Adopted Core Strategy (July 2011) are CS:8 (Housing choice); CS:13 (Open space, nature conservation, leisure and culture); CS:14 (Design); CS:15 (Climate change); CS:18 (Active transport); CS:19 (Public transport); and CS:20 (Parking, servicing and delivery).

Merton Supplementary Planning Guidance

- Planning Obligations (2006)
- 6.3 The Council's Supplementary advice on planning obligations provides advice on the use of S106 legal agreements to mitigate the impact of development.
- Merton Sports Pitch Strategy 2011 (draft)
- 6.4 As part of the Local Development Framework and update to the 2004 Merton Open Spaces Study, Neil Allen Associates prepared the Merton Sports Pitch Strategy. The preparation of the strategy included providing up to date information on supply and demand for playing pitches across the borough. The Merton Sports Pitch Strategy was published in June 2011.

National Planning Policy Framework (March 2012)

- 6.4 The National Planning Policy Framework (NPPF) was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.5 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development. The NPPF states that existing open space should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location.
- 6.6 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so.

Emerging policies within the Draft Sites and Policies Plan.

- 6.7 Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.8 The London Borough of Merton draft ‘Sites and Policies Plan’ was submitted to the Secretary of State in September 2013. The independent Planning Inspector appointed by the Secretary of State considered the Sites and Policies Plan at a public hearing held between 21 and 29 January 2014.
- 6.9 The other relevant policies within the Draft Sites and Policies Plan are as follows: DM O1 (Open space); DMD1 (Urban design and the public realm); DMD2 (Design considerations and the public realm); DMEP2 (Reducing and mitigating against noise); DM T1 (Support for sustainable travel and active travel); DM T2 (Transport impacts from development); DM T3 (Car parking and servicing standards).
- 6.10 The Inspector did not raise any concerns in relation to these policies, or make any indication that the submitted Plan was not sound. On this basis it is considered that these policies should be given significant weight in determining the current planning application.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of the development, the design and appearance of the proposal, the impact on residential amenity including visual impact and noise and the impact on car parking, traffic generation and highway safety.

Principle of Development

- 7.2 Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Where sports facility developments are proposed on existing open space, they will need to be considered carefully in light of policies on protecting open space as well as the borough's own assessment of needs and opportunities for both sports facilities and for green multifunctional open space.
- 7.3 Policy CS13 of the Core Strategy states that the Council will protect and enhance the borough's public and private open space network. Based on an assessment of need and capacity, opportunities in sport and recreation will be promoted by safeguarding existing sporting facilities and supporting proposals for new and improved facilities.
- 7.4 Emerging policy DM O1 states that existing designated open space should not be built on unless the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the needs for this outweigh the loss of the open space.
- 7.5 The Council's Merton Open Spaces Study (MOSS) was carried out in 2005 and included a survey of Merton's publicly accessible open space. As part of the Local Development Framework, and as an update to the earlier assessment, Neil Allen Associates prepared the Merton Sports Pitch Study. The preparation of the study included providing up to date information on supply and demand for playing pitches across the borough. The Merton Sports Pitch Study was published in June 2011. One of the recommendations of the Merton Sports Pitch Study was that improvements should be made to ancillary tennis facilities such as club houses and car parking and that "A particular priority in Merton is considered to be a 2 or 3 court indoor (temporary bubble) facility with lighting".
- 7.6 Raynes Park Playing Fields currently provides 3 cricket nets, a running track, long jump facility and a shot put and discus area. Although it is highlighted that the layout of the main part of the playing fields is subject to seasonal changes, the plan submitted by the applicant shows that the natural turf grassed area currently provides 3 junior football pitches, 5 senior football pitches, a cricket square and 6 grass tennis courts.
- 7.7 In terms of the current layout of the site the submitted proposal will involve the loss of one senior football pitch and the relocation of the

existing cricket square. Raynes Park Playing Fields covers a total area of 7.9 hectares and within this area there is an area of grassed natural turf covering 7.49 hectares. The current application will result in the loss of an area of 0.73 hectares of this natural turf area, with this amounting to less than 10% of the total existing total natural turf area that is currently available within Raynes Park Playing Fields.

- 7.8 The current application includes the provision of additional tennis facilities, including six permanent synthetic surface tennis courts. The Merton Sports Pitch Study recommended that a particular priority in Merton is to provide a 2 or 3 court indoor (temporary bubble) facility within a temporary bubble. In meeting this need three of the tennis courts forming part of the current application are covered by an air dome for a temporary of 10 years. The proposal also includes improved facilities with new temporary buildings providing changing rooms and toilets and improvements to the area used for car parking on the application site and access arrangements.
- 7.9 After assessing the proposed development Sport England have said that “The proposed development will enhance and increase the range of sports facilities within the site and allow for improved usage by local junior tennis players through the Wimbledon Junior Tennis Initiative”. As the development would be of sufficient benefit to the development of sport, Sport England supports the current application on the condition that the retained playing fields are maintained to an appropriate standard.
- 7.10 In conclusion it is considered that whilst a small part of the playing fields will be lost the benefits of the proposed development that will enhance the provision of sports facilities within the borough will outweigh this loss. In addition to the new tennis facilities the proposed works will improve the general function of this site with improvements providing safer access for vehicles and pedestrians and new landscaping and drainage on the site. It is considered that the proposal is in line with policy 3.19 of the London Plan, policy CS13 of the Core Strategy and emerging policy DM O1. The development is in line with the recommendations of the Merton Sports Pitch Study that stated that there was a need for 2 or 3 court indoor tennis facility with lighting.
- **Impact on Residential Amenity**
- 7.11 The land forming the current application site is located in the south west corner of Raynes Park Playing Fields. The application site is located to the rear of the residential properties at 294 to 360 Cannon Hill Lane, 212 to 230 Grand Drive and 1-16 Thornton Court. The applicant has stated that this location for the tennis courts was chosen because unlike other locations in the playing fields in this location the playing fields do not directly adjoin neighbouring residential gardens

Floodlighting

- 7.12 Policy 3.19 of the London Plan states that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to the local community. Retained Unitary Development Plan policy PE.3 states that developments that would have a significantly adverse effect on the amenities of nearby occupiers by reason of light emissions will not be permitted unless the effect can be overcome by mitigating measures. Such measures will be sought by the use of conditions or planning obligation.
- 7.13 Emerging policy DM D2 states that proposals for all development will be expected to ensure provision of appropriate energy efficient external lighting that provides safe and secure environments while not causing light pollution that adversely affects neighbouring occupiers. When considering light proposals the council will seek to ensure that unacceptable levels of illumination are controlled by conditions or that unacceptable proposals are refused planning permission.
- 7.14 The current application involves the installation of floodlighting in the form of 8, ten metre poles providing 12 lamp fittings on around the perimeter of the three proposed uncovered tennis courts. The floodlights are located 22 metres from the boundary of the playing fields. The 16 metre wide adjacent plot of land is currently occupied by buildings used by the Scouts, with this land separating the playing fields from the 17 metre long rear gardens of residential properties in Canon Hill Lane. A total distance of 55 metres separates the floodlights from the rear elevation of properties in Canon Hill Lane.
- 7.15 In support of the planning application, the applicant has submitted a floodlighting report by Phillips Lighting. This report includes details of the proposed floodlighting lamps that have been designed to direct light to where it is required and to minimise any light spillage. The report also includes details of the surface coverage of the light emitted from the floodlights.
- 7.16 Whilst it is accepted that the proposed floodlights are likely to be visible from nearby residential properties, it has been demonstrated that the light from the floodlights will be directed to the proposed playing areas. With the design of the floodlighting and the separation distance of 55 metres from the closest residential property it is considered that the floodlighting will not result in a loss of amenity to nearby residential occupiers.
- 7.17 After assessment of the design and location of the proposed floodlights the Council's Environmental Health Team have confirmed that the floodlighting is acceptable if constructed in accordance with the submitted details and with a restriction on the hours of use. Planning conditions are recommended to ensure that the proposed floodlights

are not operational between 2200hrs and 0700hrs and that the floodlights are installed in accordance with the submitted lighting report produced by Phillips.

Noise and Nuisance

7.18 Policy PE.2 of the of the Unitary Development Plan states that developments that would have a adverse effect on nearby occupiers or on the amenity of the locality by reason of noise generation and disturbance will not be permitted unless any potential pollution or noise problems can be overcome by mitigating measures. Emerging policy Retained UDP policy BE.15 states that the orientation and design of new buildings will be expected to ensure that living conditions are not diminished by increased noise or disturbance. DM D2 states that proposals will be expected to protect new and existing development noise so that the living conditions of existing and future occupiers are not unduly diminished.

-Use of the tennis courts

7.19 The current proposal does not involve a change of use, but seeks to facilitate a more intensive use of the playing fields through the introduction of new and improved facilities. These facilities include provision of synthetic surface tennis courts and improved access arrangements. The proposed facility includes seating around both indoor and outdoor courts for up to 132 spectators.

7.20 Whilst the current proposal may lead to increased activity on the application site, the proposal involves an additional sporting facility on a site that is currently in use as a sports facility. The nature of the proposed use including training, playing and watching sport is the same as the current use. As a result any impact will be similar to that which would normally be associated with playing fields.

7.21 With no restriction on the current sports ground it is considered that the potential impact of the proposal on amenity is considered acceptable subject to restrictions on the hours of use. A planning condition is recommended to restrict the use of the three tennis courts within the air dome and the three outdoor courts to between the hours of 0700hrs and 2130hrs. As stated earlier in this report the restriction on the use of the floodlights is to 2200hrs and this is to ensure the safety of users leaving the facility.

-Car parking area

7.22 An area in the south west corner of Raynes Park Playing Fields is currently used as informal car parking and a public consultation response has stated that the land has been used for car parking for 15 years. A public consultation response has stated that the use of this area for car parking currently causes noise nuisance to adjoining residents including in the form of coach engines running, loud voices, and car doors slamming.

7.23 Whilst the area available for car parking will not increase as part of the current proposal, the car parking area will be formalised with a new surface and marked bays providing 91 car parking spaces. It is considered that planning conditions can be used to ensure that any additional activity in the car parking area that arises from the proposed intensification of the sports use can be managed. Planning conditions are recommended that seek details of boundary treatments and a management plan to include the monitoring of the car parking area to reduce the potential for nuisance to adjoining occupiers.

-The inflation unit, sub station and switch room

7.24 With the nature of the air dome a blower and associated heater are required with the blower in operation over a 24 hour period. The blower and heater are located within the inflation unit that is on the northern side of the air dome, with the closest residential properties located to the south of the dome. A brick substation building is proposed in the south west corner of the site that will work in association with the inflation unit.

7.25 In support of the planning application a noise impact assessment has been submitted by the applicant in respect of the inflation unit and the substation. The noise impact assessment included a background noise survey over a 24 hour period, 7 day period with measuring equipment to the rear of properties in Canon Hill Lane. The noise impact assessment concludes that with appropriate noise insulation the inflation unit and the substation are unlikely to impact upon residential amenity. The noise assessment has been considered by the Council's Environmental Health officer who has concluded that the development is acceptable subject to planning conditions. A planning condition is recommended to ensure that the noise from the inflation unit and the substation does not significantly exceed background noise levels.

-The proposed canteen

7.26 The current proposal includes provision of a relatively small canteen area that covers 14 square metres. Planning conditions are recommended to ensure that this canteen operates as ancillary to the proposed sporting facility and to control operation times and the prevention of nuisance from any potential fumes or smells. With these safeguards in place it is considered that the canteen will not harm residential amenity.

Loss of sunlight and daylight, privacy and visual intrusion

7.27 Policy BE15 of the Unitary Development Plan states that new buildings will be expected to maintain sunlight and daylight levels to adjoining buildings and gardens; ensure the privacy of neighbours; protect from visual intrusion and not result in harm to living conditions through noise or disturbance. Emerging policy DM D2 states that Proposals for all development will be expected to ensure provision of appropriate levels of sunlight and daylight to adjoining buildings and gardens. Proposals will be expected to protect new and existing development from visual

intrusion so that the living conditions of existing and future occupiers are not unduly diminished.

- 7.28 The base of the air dome will be located 18 metres from the playing fields boundary with adjacent land that is occupied by buildings used by the Scouts. This 16 metre wide plot of land separates the playing fields from the rear gardens of the closest residential properties in Canon Hill Lane that are 17 metres long. A total distance of 55 metres separates the floodlights from the rear elevation of properties in Canon Hill Lane.
- 7.29 The air dome will be constructed in a non-translucent material (i.e. an opaque dome) that will prevent any 'glow' and therefore, will not emit light. As an appendix to the Design and Access Statement the applicant has submitted computer generated images to show the likely visual appearance of the dome from various viewpoints.
- 7.30 The base of the air dome will be located 18 metres from the boundary of the playing fields. The adjacent vacant plot of land varies in width between 12 and 16 metres and was the subject of a refused planning application for new housing [see planning history]. This vacant plot of land separates the playing fields from the 17 metre long rear gardens of residential properties in Canon Hill Lane. A total distance of 54 metres separates the base of the air dome from the rear elevation of properties in Canon Hill Lane.
- 7.31 There are various existing trees located on the land that separates the air dome from the rear elevation of nearby properties in Canon Hill Lane. Whilst it is considered that these trees will provide some screening of the air dome, a planning is recommended seeking additional tree planting in this location to provide screening. It is also accepted that the air dome will be visible from properties on other boundaries of the playing fields however with the separation distances [100 metres at the closest point] from these properties it is not considered that the development will result in visual intrusion.
- 7.32 The proposal includes 8, ten metre high poles for the proposed floodlights. Although the floodlighting poles will be visible locally they will be seen in the context of nearby buildings and trees that are of a similar height and therefore it is considered that the poles will not appear out of place or result in visual intrusion.
- 7.33 In conclusion with the height of the proposed dome and the separation distance from the closest residential properties, it is considered that the development will not result in any loss of daylight or sunlight to adjacent residential occupiers. In consultation responses it has been stated that the development would result in the 'loss of a view'. Whilst the loss of a view is not a material planning consideration, the proposed development has been assessed in terms of whether it would

result in visual intrusion including the proposed height and separation distances and has been found to be acceptable.

- **Traffic generation, car parking, access, cycling and walking**

7.34 Grand Drive is a classified road (B279) that runs between the Bushey Road (A298) and Tudor Drive and carries quite heavy level of traffic. The traffic light controlled road junction with Cannon Hill Lane is a short distance (80 metres) to the south east of the main Grand Drive entrance to Raynes Park Playing Fields.

7.35 The site is not in a controlled parking zone and the Grand Drive section of the application site has a PTAL rating of 2 (where 1a represents the least accessible areas and 6b the most accessible). The area benefits from the number 163 and 413 bus routes that provide access to Morden and Wimbledon; there are facilities and services available in the local area including shops along Grand Drive. The site is not within a Controlled Parking Zone.

Traffic generation

7.36 In accordance with Department for Transport and Transport for London guidance, the applicant has produced a Transport Statement in order to quantify the potential impact of the development proposals.

7.37 In assessing potential traffic generation the statement reports that most potential traffic would be generated when all of the six tennis courts are in use and four football matches take place at the same time. The Transport Statement advises that it is only 40% of the year where it is likely that four football matches would take place at the same time and the use of the outdoor tennis courts would also be restricted by weather conditions. The Transport Statement concludes that the impact of the proposed development on local traffic generation is acceptable.

7.38 After an assessment of the proposed development by officers it is considered that traffic generation associated with the proposed development is acceptable and with appropriate planning conditions any traffic generated by the development can be safely accommodated. A planning condition is recommended to ensure that an acceptable travel plan is prepared to encourage sustainable travel choices.

Car parking

7.39 Planning policies in the London Plan encourage boroughs to support patterns and forms of development that reduce the need to travel; especially by car. The London Plan also states that on-site car parking should be the minimum necessary to promote the use of more sustainable non-car modes of travel.

7.40 The current site provides an informal hardstanding car parking area that has the current capacity to accommodate 91 cars. The current

application seeks to formalise this car parking area with marked bays providing 91 car parking spaces including 5 disabled parking spaces. A planning condition is recommended seeking the submission of a Parking Management Strategy to ensure efficient use of the space on the application site. The number of car parking spaces provided is considered sufficient for users and visitors to the application site and the level of car parking proposed will reduce the probability of any overspill parking on neighbouring streets.

Site Access

- 7.41 A distance of 9 metres currently separates the side garden boundaries of the semi detached properties at 214 to 218 Grand Drive and the main existing vehicular entrance from Grand Drive to Raynes Park Playing Fields is currently provided in this location. The existing vehicle access is narrow with a single track carriageway width of 3.2 metres, and grass verges separating the carriageway from these adjacent residential gardens.
- 7.42 The current application includes an improvement to the existing access road to increase the carriageway width to a minimum of 4.1 metres. This change will allow two way traffic, a dedicated pedestrian 1.5 metre wide footway along the access route and a yew hedge adjacent to the garden boundaries.
- 7.43 The widened vehicle access will allow more efficient use of the site and will reduce the likelihood of vehicles waiting to enter the site causing an obstruction to traffic in Grand Drive. These improvements to the site access are welcomed and a planning condition is recommended to seek further detail of this access and to ensure that these improvements are made before first use of the new facilities.

Cycling and walking

- 7.44 Policy CS.18 of the adopted Core Strategy (2011) states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.
- 7.45 The current application site does not provide any formal cycle parking facilities and the current proposal includes provision of 15 cycle parking spaces. This provision is considered in line with minimum standards and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for users and visitors to this site.
- 7.46 In conclusion and after consideration of issues relating to traffic, access, servicing, parking, cycling and walking the submitted proposal

is considered acceptable with no objections to the development raised by the Council's Transport Planning team.

- **Trees, landscaping, and biodiversity**

- **Trees**

- 7.47 Retained Unitary Development Plan policy NE.11 states that development will not be permitted if it would damage or destroy trees, which have significant amenity value as perceived from the public realm area. Policy DM O2 in the emerging Sites and Policies DPD states that development will only be permitted if it will not damage or destroy any tree that has significant amenity value. Policy CS.13 within the Adopted Core Strategy (2011) states that the Council will protect and enhance the borough's open space network; expect development to incorporate and maintain appropriate trees which makes a positive contribution.
- 7.48 The application site forms part of Raynes Park Playing Fields that is designated as Urban Green Space within the adopted Unitary Development Plan. The site is also designated as open space within the emerging Sites and Policies DPD.
- 7.49 The current proposal includes improvements to the access to Raynes Park Playing Fields for vehicles and pedestrians. These proposed improvements will require the removal of two Conifer trees adjacent to the access. In the context of the playing fields it is not considered that these trees have significant amenity value. Whilst the loss of these trees is still considered regrettable, on balance it is considered that the benefits of the improved access and new tree planting elsewhere on the site outweigh the loss of these trees.
- 7.50 A strip of land within the playing fields varying between 18 and 22 metres in width separates the current application site from the playing fields boundary. A tree survey found 12 existing trees located on this land and adjacent to the eastern end of the application site.
- 7.51 There are Tree Preservation Orders on three of these trees which are an Ash tree TPO T3 [tree survey T11] a Field Maple TPO T4 [tree survey T6] and a second Field Maple TPO T5 [tree survey T2]. The applicant has stated that the location and position of the proposed facilities was carefully chosen to avoid any harm to the existing trees on the adjacent playing fields.
- 7.52 The root protection area of the Ash tree TPO T3 [T11 in the tree survey] is located a distance of 11.2 metres from the foundation of the new tennis courts. The root protection area of a Field Maple TPO T5 [T2 in the survey] is located a distance of 10.1 metres from the outdoor tennis court fence. The root protection area of a Field Maple TPO T4 [T6 survey] is located a distance of 7.8 metres from the foundation of the new tennis courts.

- 7.53 Of the remaining 9 trees not covered by a Tree Preservation Order the following trees are located closest to the boundary of the application site. The root protection area of a Common Ash tree [T1 in the tree survey] is located a distance of 9.2 metres from the new tennis courts fence. The root protection area of a Common Ash tree [T4 in the tree survey] is located a distance of 10.7 metres from the foundation of the new tennis courts. The root protection area of a Common Ash tree [T5 in the tree survey] is located a distance of 11.3 metres from the foundation of the new tennis courts. The root protection area of a Maple tree [T7 in the tree survey] is located a distance of 2 metres from the foundation of the new tennis courts; whilst the potential impact on this tree is low it is highlighted that the tree survey indicated that this tree was of low quality and value and that it had a limited lifespan.
- 7.54 After assessing the separation distances between nearby trees the proposed tennis facility it is considered that the proposed development is unlikely to have any impact on these adjacent trees. The Council's Trees officer has considered that proposals and subject to planning conditions has no objection to the development. Planning conditions are recommended in relation to protecting the root protection areas of these adjacent trees and to ensure that there is arboricultural supervision of the proposed works.

Landscaping and biodiversity

- 7.55 Policy CS.13 of the Adopted Core Strategy (July 2011) requires that the Council will take into account any implications for biodiversity and wildlife habitat. Emerging policy DM D2 states that proposals for all development will be expected to ensure provision of appropriate energy efficient external lighting that provides safe and secure environments while not causing light pollution that adversely affects biodiversity. When considering light proposals the council will seek to ensure that unacceptable levels of illumination are controlled by conditions.
- 7.56 Policy 3.19 of the London Plan states that the provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to biodiversity. Policy 7.19 of the London Plan states that development proposals should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. The indirect impacts of development on nature conservation such as new lighting need to be considered alongside direct impacts such as habitat loss.
- 7.57 Raynes Park Playing Fields and the application site has no specific wildlife designation. A Habitat Survey and Biodiversity Report was produced in December 2008, with an update to this report produced in March 2012. These studies found that as the playing fields are maintained and managed to a high level by grounds staff, including for instance grass cutting, the site has limited biodiversity value. The only

significant items of biodiversity value were considered to be two mature Oaks located close to the existing tennis courts, and these trees are not affected by the current development

7.58 The applicant has carried out a bat survey of the playing fields and as part of this survey the existing pavilion roof space was found to be in good condition with no entry points for bats. The subsequent report confirmed that whilst there was evidence of potential bat foraging there was no evidence of any bat roost within Raynes Park Playing Fields.

7.59 In order to ensure that the proposed floodlights does no impact upon foraging bats a planning condition is recommended to ensure that the proposed floodlighting complies with the advice note "Bats and Lighting in the UK" that is produced by the Bat Conservation Trust, and the Institution of Lighting Engineers.

7.60 It is considered that there is potential for future habitat creation that would increase the biodiversity value of the site. The submitted plans show new tree planting located between the new tennis facility and the boundary of the playing fields. A planning condition is recommended to seek further details of this tree planting and measure to increase biodiversity and to ensure that this landscaping is in place prior to the first use of the proposed facility.

- **Flood risk and surface water drainage**

7.61 Policy CS.16 within the Adopted Core Strategy (2011) states that the Council will implement sustainable drainage systems (SUDs) across the borough. The policy states that the Council will work towards effective management of surface water flooding and will ensure the implementation of measures to mitigate flood risk across the borough that are effective, viable, attractive and enhance the public realm and ensure that any residual risk can be safely managed.

7.62 Retained policy PE5 of the Unitary Development Plan (2003) states that development in flood zones 1,2 and 3A would not be permitted where it would i) Increase the risk of flooding within this area or downstream; ii) Materially impede the flow of flood water; iii) Reduce the capacity of the floodplain to store water; iv) Adversely affect flood defence structures.

7.63 Raynes Park Playing Fields currently suffers from drainage problems that prevent the use of the playing fields for significant parts of the year. The current planning application covers a small part of the playing fields and a small part of the application site is located in an area at risk from flooding.

7.64 The current application includes a flood risk assessment that also sets out a proposed drainage system on the site. This drainage system includes drainage channels across the site to collect surface water runoff and an underground attenuation tank. In accordance with UDP

policy PE5 the flood risk assessment concludes that the drainage system would minimise the risk of flooding in terms of predicted future rainwater levels when compared to natural turf; it would not materially impede the flow of rainwater; it would reduce the capacity of the floodplain to store water and would not adversely affect flood defence structures.

- 7.65 It is considered that with the implementation of the specified works the development will not increase potential flooding locally. In accordance with the advice from the Environment Agency a planning is recommended to ensure that these drainage works are implemented. A planning informative is also recommended highlighting the separate discussions that have taken place with the LB Merton Lead Local Flood Authority in relation reducing local flooding issues generally.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT

• Sustainability

- 8.1 Policy CS.15 Climate Change within the Adopted Core Strategy (2011) states that major development will be required to demonstrate the how it makes effective use of resources and materials, how it minimises water use and CO2 how it makes the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy. With the nature of the proposed development with temporary structures that are associated with this sporting facility it is not considered reasonable to apply normal sustainability standards.

• Environmental impact assessment

- 8.2 The application site covering 1.1 hectares is more than 0.5 hectares in area and therefore falls within the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.3 The proposed development has been assessed in the context of the legislation and a screening opinion issued conforming that there is no requirement for an Environmental Impact Assessment in this instance.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 On the basis that the proposed buildings and air dome will be present on the site for a temporary limited period [10 years] the proposed development will not be liable to pay the Mayoral Community Infrastructure Levy.

London Borough of Merton Community Infrastructure Lev

- 9.2 The London Borough of Merton Community Infrastructure Levy only applies to buildings that provide residential use or retail warehouses/superstores and would not be applicable for the current development of buildings used for leisure.

Planning Obligations

- 9.3 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
 - directly related to the development;
 - fairly and reasonably related in scale and kind to the development.
- 9.4 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 9.5 Raynes Park Playing Fields is currently used by local organisations and teams including use of the cricket and football pitches by a local school during term weekdays and by local football and tennis clubs at the weekends. The applicant has stated that the current application will not result in any change to these arrangements.
- 9.6 The Wimbledon Junior Tennis Initiative who will occupy the new facility operates as a community use and this will increase the overall community use of the site. In this respect it is not considered that a planning obligation or planning condition is necessary in terms of securing community use of this facility and no other planning obligations are considered necessary.

10. CONCLUSION

- 10.1 The proposed development will provide a new and improved sporting facility that seeks to encourage schoolchildren to become involved in sport. The proposal also includes improvements to the access and parking arrangements on this site that will benefit other existing users of the site. The development has been designed to avoid any harm to nearby trees and to minimise any potential additional impact on the amenities of nearby residential occupiers.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following planning conditions:

And the following conditions:

1. Standard condition (Time period) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement; Statement of Community Involvement; Transport Assessment; Flood Risk Assessment; Noise Impact Assessment; Floodlight Report; Survey & Arboricultural Report SK_SP08H; SP09G; SP10; SP11; SP12; SK_P10; P11A; P12; P13G;

P18C; SK_S04B; S05B; S06B (section BB); S06B (section CC); S10A (trees & the dome); S10A (trees & the boundary); SK_E01B; E02B; E03B; E04B. Reason for condition: For the avoidance of doubt and in the interests of proper planning.

3. Amended standard condition (Construction phase impacts) Prior to the commencement of any development a working method statement shall be submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
4. Standard condition (Timing of construction work) No construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
5. Non standard condition (Tree protection measures) Prior to the commencement of any development an Arboricultural Method Statement and Tree Protection Plan, shall be submitted to and approved in writing by the Local Planning Authority with drafting in accordance with the recommendations and guidance set out in BS 5837:2012 with the approved measures in place prior to the commencement of development and retained and maintained, until the completion of all site operations. Reason for condition: To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
6. Amended standard condition (Site supervision -Trees) The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree protection measures throughout the course of site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
7. Non Standard Condition (Temporary period) The air dome, supporting infrastructure and buildings other than the tennis courts, fencing, the

running track, external floodlights and the sub-station shall be removed from the site with the land restored to its original condition by the 30 April 2024. Reason for condition: The building is of a temporary nature and its permanent retention would not comply with policy CS.14 of the LDF Core Planning Strategy 2011 and policies BE.16 & BE.22 of the Adopted Merton Unitary Development Plan 2003.

8. Amended standard condition (Canteen ventilation equipment) Prior to the commencement of the use of the canteen hereby permitted detailed plans and specifications of a kitchen ventilation system, shall be submitted to and approved in writing by the Local Planning Authority including details of sound attenuation for a kitchen ventilation extract system and odour control measures. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
9. Amended standard condition (Canteen operation) The canteen shall only operate in association with the tennis facility and between the hours of 0800hrs and 2130hrs on any day. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
10. Non standard condition (Surface water drainage) Prior to the commencement of development a surface water drainage scheme shall be submitted to and approved by, the Local Planning Authority, the scheme shall be based on sustainable drainage principles, and where possible include an assessment of the hydrological and hydro geological context of the development. The surface water drainage strategy should achieve reductions in surface water run-off to Greenfield rates in accordance with the approved FRA and the drainage principles set out in the approved FRA. The surface water drainage scheme shall be carried out in accordance with the details approved and shall be maintained for the lifetime of the development. Reason for condition: To reduce the impact of flooding on the proposed development and future occupants and to improve drainage in accordance with Sites and Policies Development Plan Document policy DM D2.
11. Non Standard Condition (Public address system) Details of any proposed public address system, shall be submitted to and approved by the local planning authority before this system is first used with these details including noise emission levels, measures to prevent nuisance to adjoining occupiers and times of operation and any approved details shall be in place prior to the first use of the system and permanently maintained thereafter. Reason for condition: To

safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

12. Non standard condition (Playing pitch reinstatement) In the first planting season following commencement of the development hereby permitted, the cricket wicket and outfield and relocated football pitch shall be laid out in accordance with the Raynes Park Pitch Layout AFTER WJTI plan (Drawing: SK_SP12) and be reinstated to a quality at least equivalent to the quality of the cricket pitch and football pitch immediately before the commencement of development or a condition fit for use as a playing field or in accordance with 'Natural Turf for Sport', (Sport England, 2011) or the appropriate National Governing Body Performance Quality Standard]. Reason for condition: To ensure the site is restored to a condition fit for purpose.
13. Non standard condition (Landscaping) Prior to the first use of the facility hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the scheme to include details of trees and landscaping; measures to increase biodiversity on the site and a row of Leyland Cypress trees metres to screen the air dome with details of the size, species, spacing, quantities and location of trees and landscaping and indications of all existing trees, hedges and any other features to be retained, with the approved landscaping in place either prior to the first use of the facility or the first planting season following the completion of the development whichever is the sooner Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
14. Amended Standard Condition (Landscape Management Plan) Prior to the first use of the facility hereby approved a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for existing and proposed trees and landscaping with the approved landscape maintained for the lifetime of the development. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
15. Non Standard Condition (Floodlighting specification)The floodlighting system as detailed in the Technical Lighting Submission document 244050414 and submitted with the planning application shall be installed and maintained throughout the duration of the development in accordance with the Institute of Lighting Engineers publication "Guidance Note for the Reduction of Obtrusive Light GN01: 2011" and no alterations are permitted without planning permission first being obtained via the submission of a planning application to the Local

Planning Authority. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

16. Non Standard Condition (Floodlighting operation) The floodlighting shall not be illuminated between the hours of 2200hrs and 0700hrs. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
17. Non Standard Condition (Floodlighting and bats) The floodlighting shall be installed in accordance with the advice note "Bats and Lighting in the UK" produced by the Bat Conservation Trust and the Institution of Lighting Engineers. Reason for condition: To ensure that the floodlights do not impact upon foraging bats in accordance with Policy CS.13 of the Adopted Core Strategy (July 2011), emerging policy DM D2 of the Sites and Policies DPD and policies 3.19 and 7.19 of the London Plan.
18. Non Standard Condition (Soundproofing of Plant and Machinery) Prior to the commencement of development details of sound insulation/attenuation measures as recommended in the Noise Assessment document VC-10509-EN-RP-0002 REV 00 January 2014 are to be submitted to and approved in writing by the Local Planning Authority to ensure that noise from new plant/machinery does not increase the background noise level by more than 2dBa L90 (5 min) with no increase in any one-third octave band between 50Hertz and 160Hertz; the approved measures shall be installed before the plant and machinery is first used and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority. Reason for condition: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003
19. Amended Standard Condition [Travel Plan] Prior to the first use of the facility hereby approved 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 Transport for London and shall include: Targets for sustainable travel arrangements; Effective measures for the ongoing monitoring of the Plan; A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development. The development shall be implemented only on accordance with the approved Travel Plan. Reason for condition: To promote sustainable travel measures and comply with policies CS18 and CS19 of the Adopted Merton Core Planning Strategy 2011.

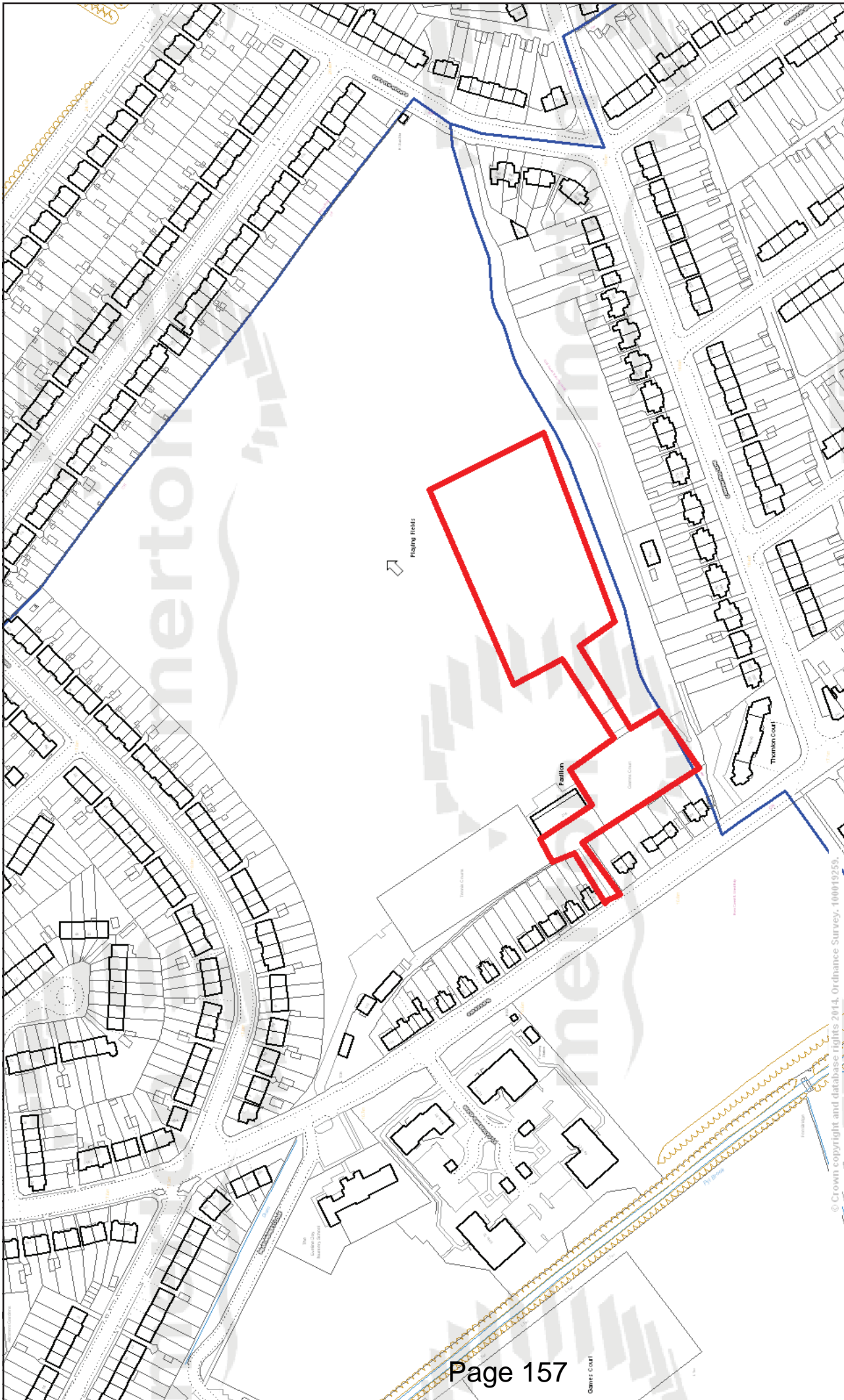
20. Amended standard condition (Parking Management Strategy) Prior to the commencement of development a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority to include regular monitoring of potential causes of nuisance to adjoining residential occupiers and the use shall not commence until this strategy has been approved and the approved measures implemented. Those approved measures shall be maintained for the lifetime of the development. Reason for condition: To ensure the provision of an appropriate level of car parking and effective management of the car parking area in accordance with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy PE.2 of the Unitary Development Plan.
21. Amended standard condition (Car parking spaces) Prior to the first use of the facility hereby approved the car parking spaces shown on the approved drawing to serve the development shall be provided and shall include two spaces that include a facility to charge an electric vehicle and thereafter the spaces shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
22. Amended standard condition (site access) Prior to first use of the facility hereby approved details of the proposed amended vehicular access to serve Raynes Park Playing Fields shall be submitted to and approved in writing by the Local Planning Authority, and the works as approved shall be completed prior to first use of the facility hereby approved. Reason for condition: To ensure the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003 and policy CS20 of the Adopted Core Strategy (July 2011).
23. Amended standard condition (Cycle storage) Prior to first use of the facility hereby approved cycle storage facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy (July 2011).
24. Non standard condition (Refuse and recycling facilities) Prior to the first use of the facility hereby approved refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved refuse and recycling facilities retained for the lifetime of the development. Reason for condition: To ensure the

provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.

INFORMATIVES:

- a) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application.
- b) The applicant is advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences.
- c) The applicant is advised that the kitchen ventilation extract system must meet the following standards: -Noise from the fan motor and air noise from the ductwork and exhaust flue shall not increase the background noise level by more than 2 dB(A)L90 (dB(A)L90 (dB(A)) (5 minute measurement period) and there shall be no increase in any one-third octave band between 50Hertz and 160Hertz when measured at the boundary of the nearest noise-sensitive property; -The extract terminal discharge of the ductwork shall terminate at least a metre above eaves level and shall terminate vertically, with no obstruction or cowl fitted above the extract opening; -Odour control measures shall be fitted to the kitchen ventilation system with carbon filters as a minimum; -Flexible couplings and anti-vibration mountings shall be used between the ductwork and walls
- d) The applicant is advised that a restoration scheme for playing field land is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any new or replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards.
- e) The applicant is advised that any works that will improve drainage and reduce the risk of flooding on Raynes Park Playing Fields and in the surrounding area would be welcomed including the works that were recently discussed with the Council acting as the Lead Local Flood Authority.

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London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

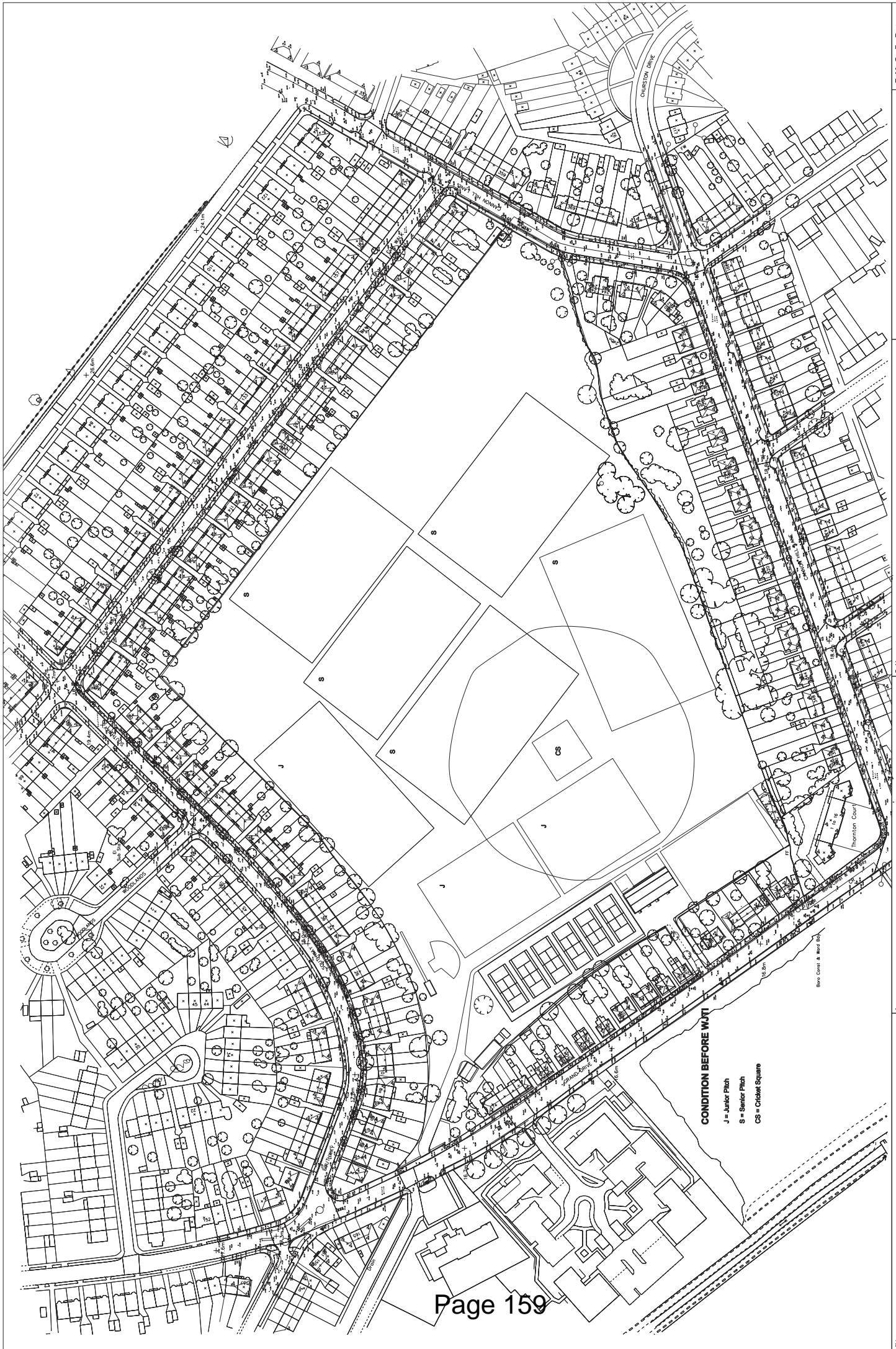
Scale 1/2500
 Date 11/3/2014

Raynes Park Playing Fields

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DEVELOPMENT CONTROL

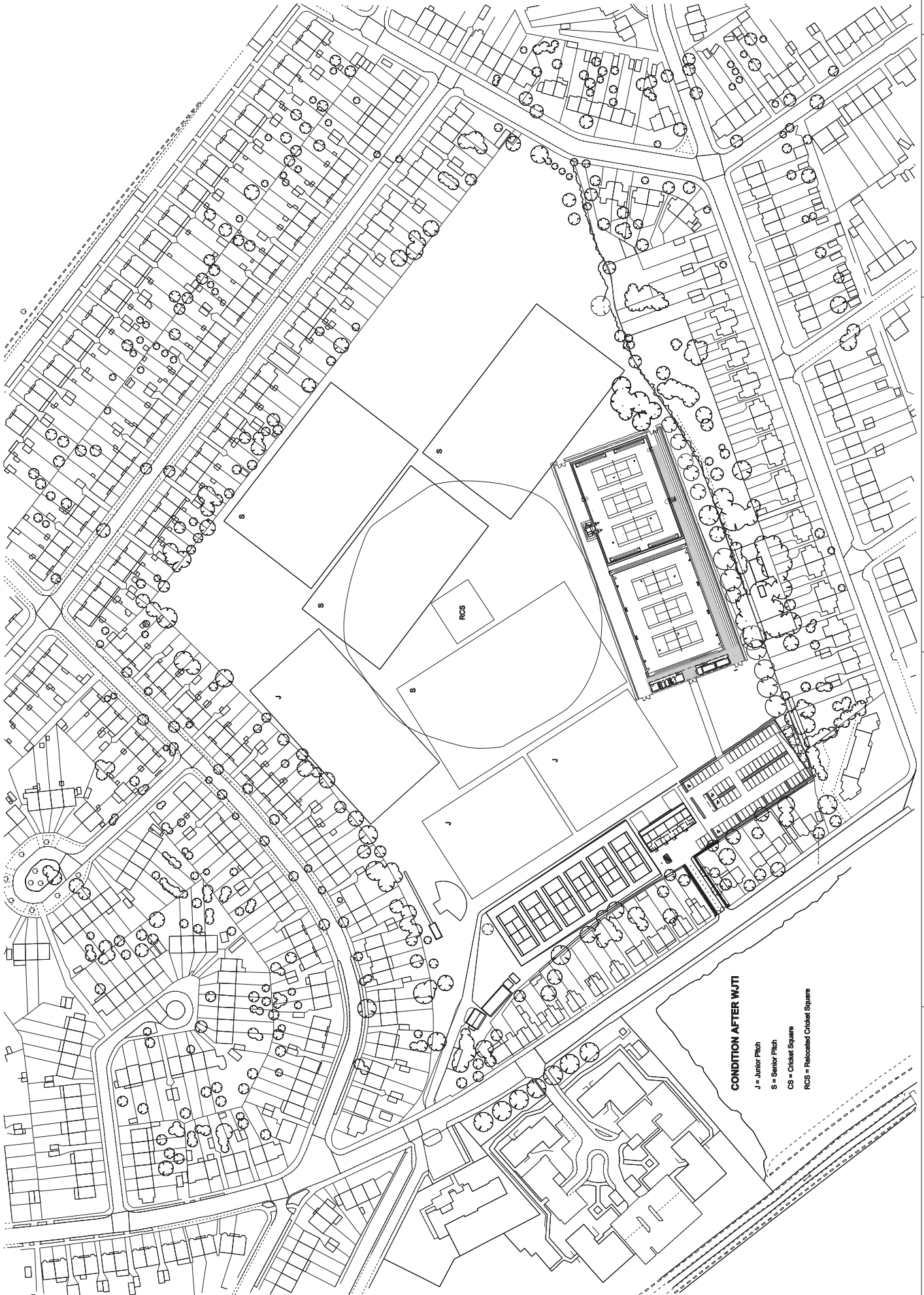
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Project: Reynolds Park (AELTD)
 Subject: Reynolds Park Playing Fields Existing Pitch Layout
 Scale: 1:12500 A2 Date: 11.04.14 Project Ref: RP Drawing: SK.SP.10
 © Mark Owen & Partners LLP

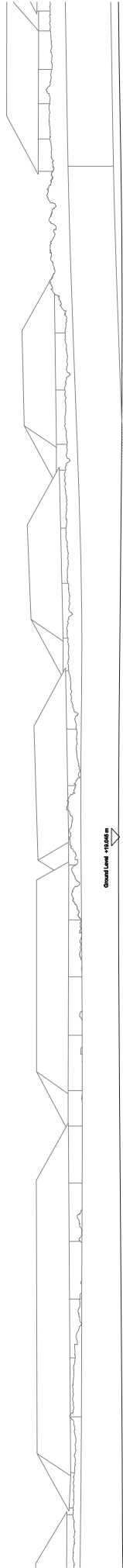
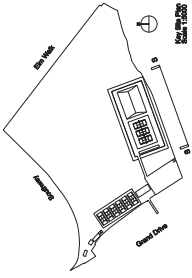
Mark Owen & Partners LLP
 2, Abchurch Lane
 London EC4A 3DF
 Tel: +44 (0)20 7495 9000
 Email: info@markowen.com

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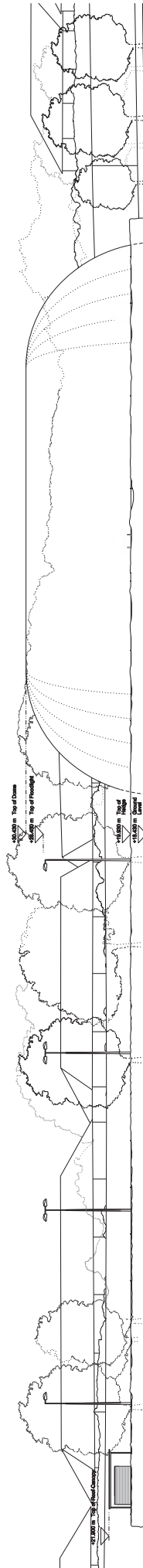
CONDITION AFTER WJTI
 J = Junior Pitch
 S = Senior Pitch
 CS = Cricket Square
 RCS = Relocated Cricket Square

Project: Bynes Park (AELTD)
 Subject: Bynes Park Pitch Layout AFTER WJTI
 Date: 11/20/2014 Date: 12/03/14
 Drawing: SK-SP12
 Project: RP
 Revision: -
 © 2014 Robin Small + Partners LLP
 2200 W. 10th Street, Suite 1000, Denver, CO 80202
 Phone: 303.733.8800
 Fax: 303.733.8801
 Email: info@robinsmall.com



Playing Field

Existing South Elevation



8' Typing Area Down including 2 Angle Truss Cams

3 Existing South Elevation (10'00" Height)

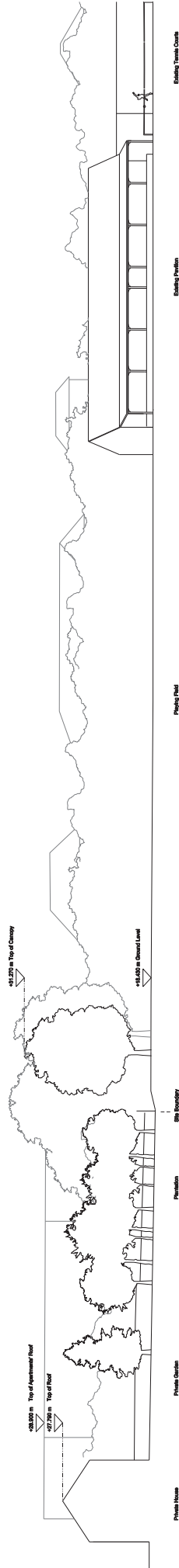
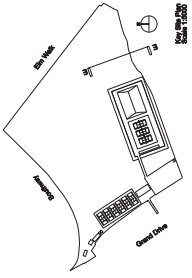
NOTE:

All items indicated are hereby to be removed and replaced by customer by the date of completion for this project.



<p>Project: Rhymes Park (A/E/C) Client: Rhymes Park Date: 28/1/13 Project Ref: RP</p>	<p>Author: Rhymes Park (A/E/C) Date: 28/1/13 Project Ref: RP</p>	<p>Project: Rhymes Park (A/E/C) Client: Rhymes Park Date: 28/1/13 Project Ref: RP</p>	<p>Project: Rhymes Park (A/E/C) Client: Rhymes Park Date: 28/1/13 Project Ref: RP</p>
<p>Resubmit: New A/E/C and received 13/12/13. New height of tower reduced to 7.5m</p>	<p>Resubmit: New A/E/C and received 13/12/13. New height of tower reduced to 7.5m</p>	<p>Resubmit: New A/E/C and received 13/12/13. New height of tower reduced to 7.5m</p>	<p>Resubmit: New A/E/C and received 13/12/13. New height of tower reduced to 7.5m</p>
<p>Note: DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013)</p>	<p>Note: DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013)</p>	<p>Note: DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013)</p>	<p>Note: DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013) DWS OS based for information to W111 (4/1/2013)</p>
<p>All items indicated are hereby to be removed and replaced by customer by the date of completion for this project.</p>	<p>All items indicated are hereby to be removed and replaced by customer by the date of completion for this project.</p>	<p>All items indicated are hereby to be removed and replaced by customer by the date of completion for this project.</p>	<p>All items indicated are hereby to be removed and replaced by customer by the date of completion for this project.</p>

Robin Shell & Partners
 10, 44, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000
 10, 44, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000
 10, 44, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000

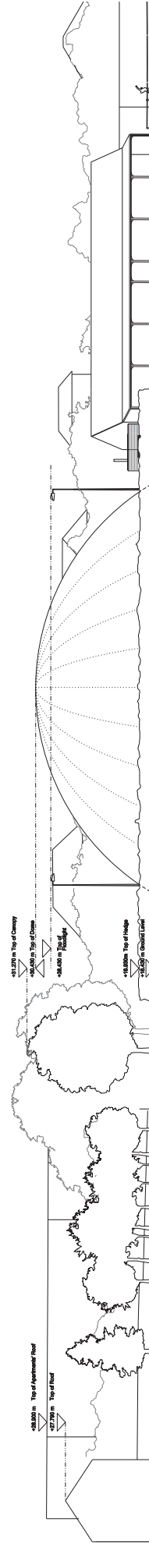


Playing Field

Existing Pavilion

Existing Tennis Courts

Existing East Elevation



BB Type All Dome enclosing 3 Acrylic Tennis Courts

Existing Pavilion

Existing Tennis Courts

Proposed East Elevation

NOTE:

All levels indicated are likely to have been verified by customer by a professional surveyor for the site.

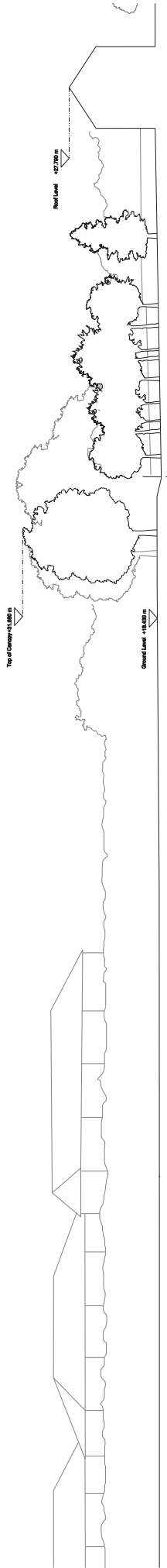
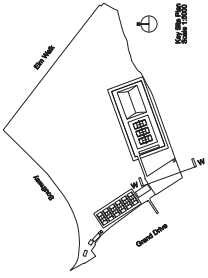


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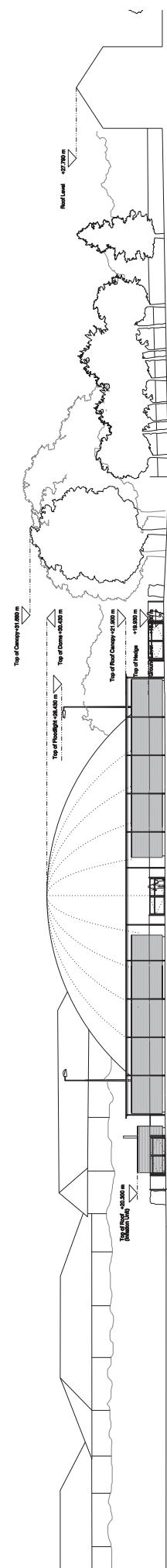
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Project: Rhydus Park (A/E/C) Robin Shnell + Partners
 Subject: Existing & Proposed East Elevation
 Scale: 1:200 @ A1 Date: 28/1/13 Project Ref: RP
 Drawing: SK_ED2 Revision: B
 © Robin Shnell + Partners LP
 Tel: +44 (0)20 206 8600
 Fax: +44 (0)20 206 8601
 Email: info@robinshnell.com



Proposed West Elevation



Proposed West Elevation

NOTE:

All levels indicated are likely to have been surveyed by a qualified surveyor for the site of the development for Rymer Park.

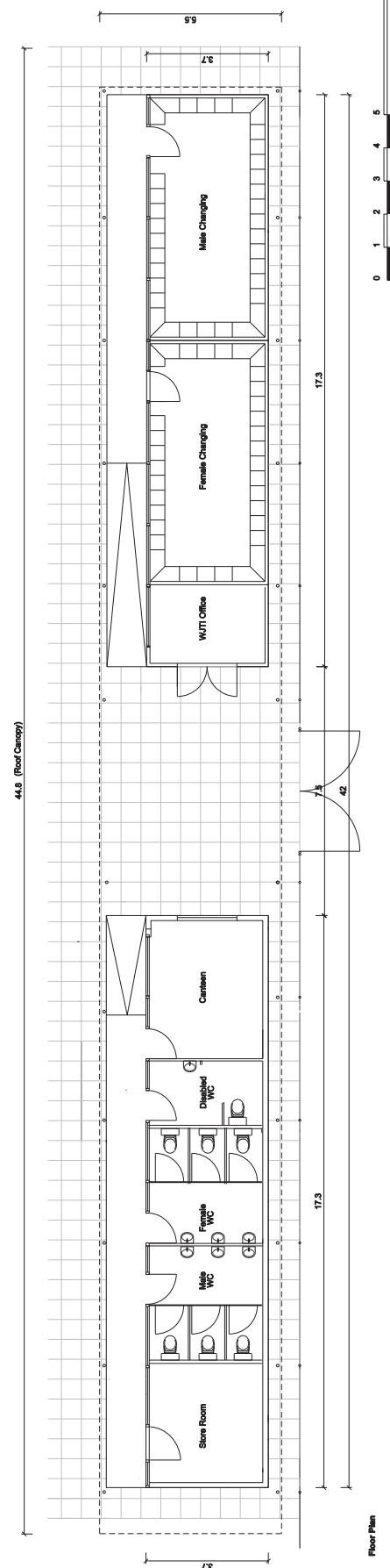
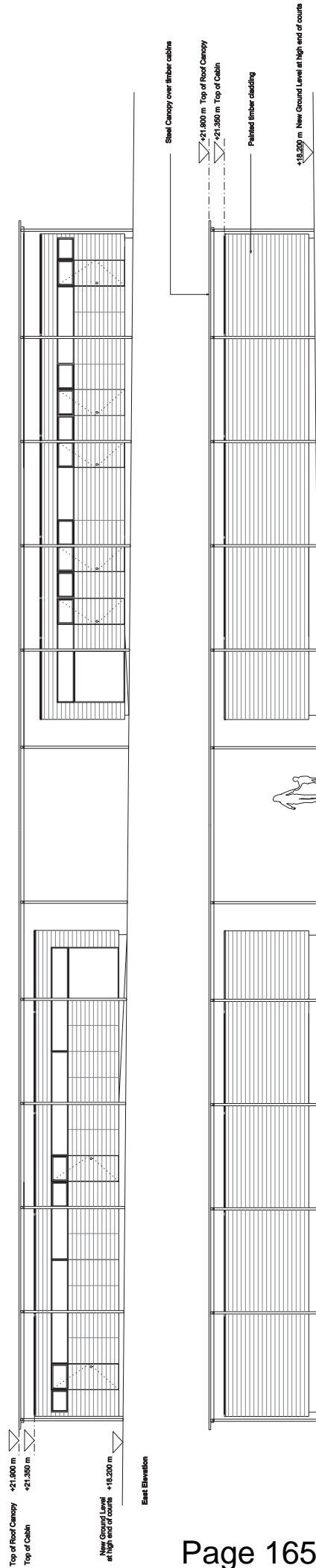
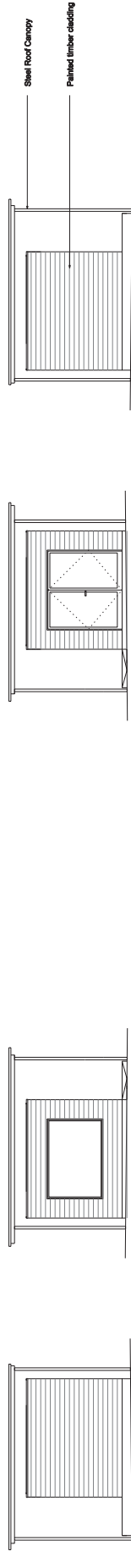


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 The author is not responsible for any consequences of any kind arising from the use of this drawing.
 The author is not responsible for any consequences of any kind arising from the use of this drawing.

<p>Project: Rymer Park (A/E/C)</p> <p>Subject: Existing & Proposed West Elevation</p> <p>Scale: 1:200 (A1) Date: 28/1/13 Project Ref: RP</p> <p>Revision: B</p> <p>© Robin Shelf + Partners LP</p>	<p>Residence: 30, 13, 2015 New A Blower unit relocated to north side of dome 13, 20, 2014 New B Hedges reduced in height to 1.8m</p>	<p>Drawn: 06/12/12 06/12/12 06/12/12 06/12/12</p>	<p>Project: Rymer Park (A/E/C)</p> <p>Subject: Existing & Proposed West Elevation</p> <p>Scale: 1:200 (A1)</p> <p>Date: 28/1/13</p> <p>Project Ref: RP</p> <p>Revision: B</p> <p>© Robin Shelf + Partners LP</p>
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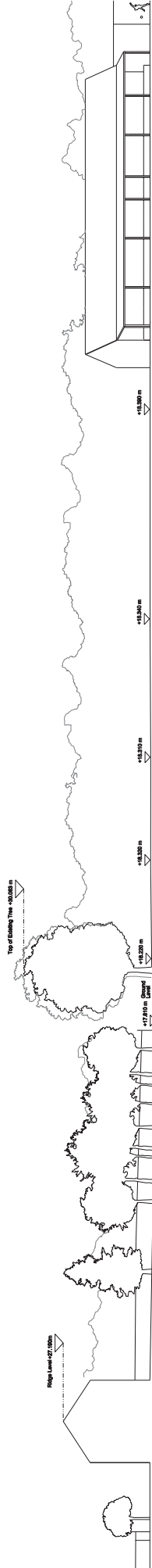
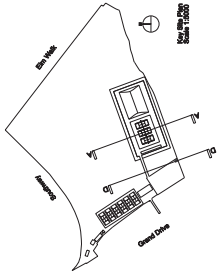


Project: Raynes Park (AELTD)
 Subject: Proposed Elevations of Timber Cabins - WJTI Tennis Facility
 Scale: 1:100 @A2 Date: 09.01.14 Project Ref: RP Drawing: SK_P10
 © Robt Shel + Partners LLP

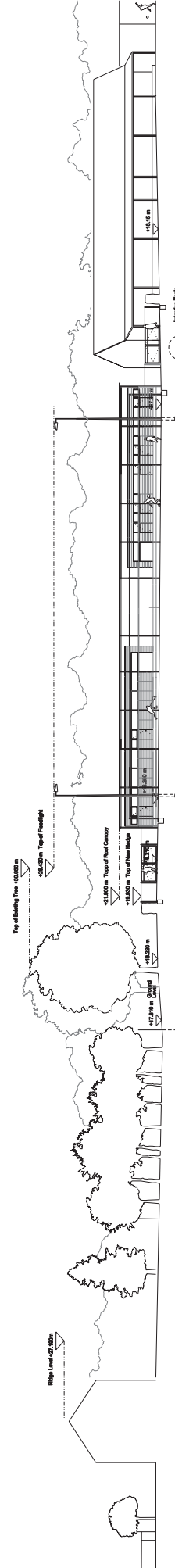
Robt Shel + Partners
 21 Abercrombie
 St Leonards NSW 2238
 Tel: +61 2 955 3600
 Fax: +61 2 955 3605
 Email: info@robtsel.com.au

Rev: 0010 Issued for Planning 14/02/14
 Rev: 0011 Issued for Planning 17/02/14

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Existing Site Section A-A



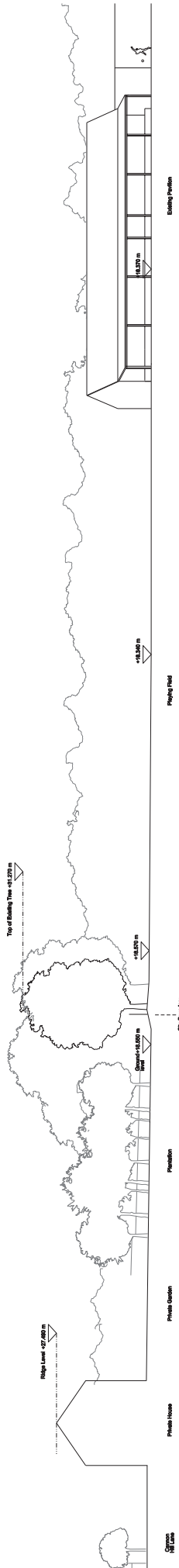
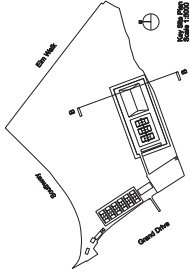
Proposed Site Section A-A

NOTE:

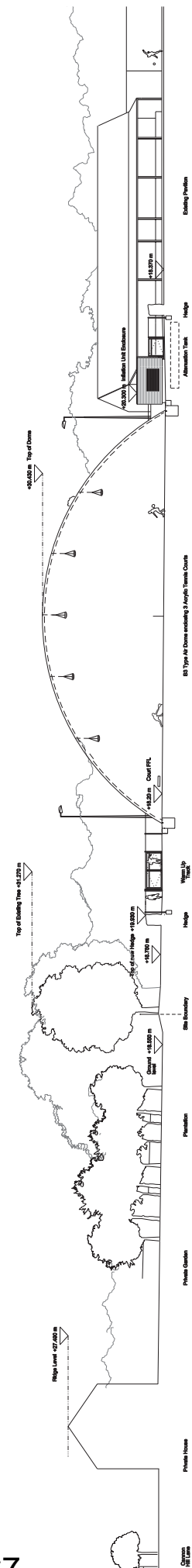
All work indicated on this drawing is to be carried out by the contractor in accordance with the specifications for the project.



<p>Notes: 1. All work indicated on this drawing is to be carried out by the contractor in accordance with the specifications for the project. 2. The contractor shall be responsible for obtaining all necessary permits and approvals. 3. The contractor shall be responsible for the safety of all workers and the public. 4. The contractor shall be responsible for the protection of all existing trees and structures. 5. The contractor shall be responsible for the disposal of all waste materials. 6. The contractor shall be responsible for the completion of all work by the agreed date.</p>	<p>Notes: 1. All work indicated on this drawing is to be carried out by the contractor in accordance with the specifications for the project. 2. The contractor shall be responsible for obtaining all necessary permits and approvals. 3. The contractor shall be responsible for the safety of all workers and the public. 4. The contractor shall be responsible for the protection of all existing trees and structures. 5. The contractor shall be responsible for the disposal of all waste materials. 6. The contractor shall be responsible for the completion of all work by the agreed date.</p>	<p>Project: Rhymer Park (MELT) Address: Existing & Proposed Section AA Scale: 1:200 (A1) Date: 27/1/13 Project Ref: RP Drawing: SK_S&A Revision: B © Robin Snell + Partners LP Tel: +44 (0)20 7066 8800 Fax: +44 (0)20 7066 8801 Email: info@robin-snell.com</p>
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Existing Site Section BB



Proposed Site Section BB

All levels indicated are in meters to the mean sea level unless otherwise stated.

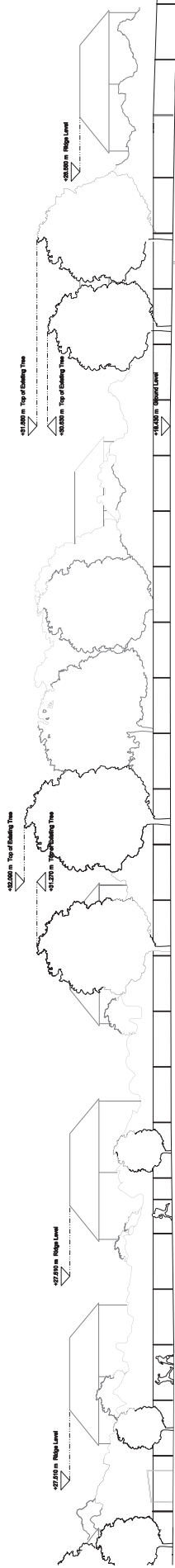
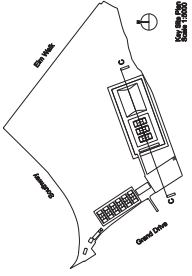


Note:
 1. This drawing is for information only.
 2. The client is responsible for obtaining all necessary permits and approvals.
 3. The client is responsible for obtaining all necessary surveys and data.
 4. The client is responsible for obtaining all necessary approvals and permits.
 5. The client is responsible for obtaining all necessary approvals and permits.
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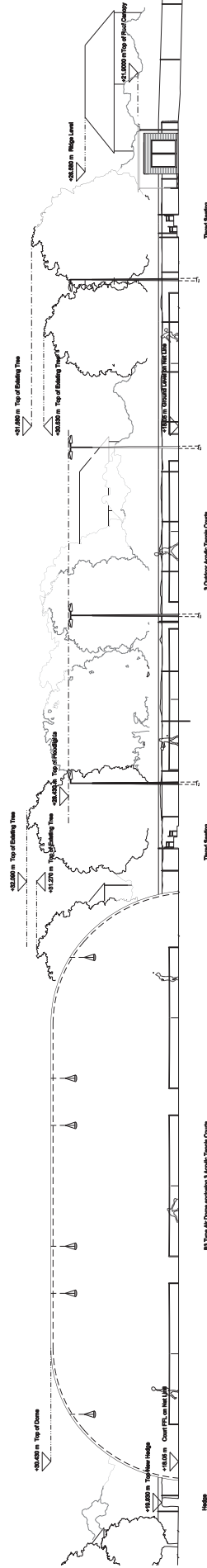
Note:
 1. This drawing is for information only.
 2. The client is responsible for obtaining all necessary permits and approvals.
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 8. The client is responsible for obtaining all necessary approvals and permits.
 9. The client is responsible for obtaining all necessary approvals and permits.
 10. The client is responsible for obtaining all necessary approvals and permits.

Project: Rhymer Park (MELT)
 Address: Existing & Proposed Cross Section BB
 Scale: 1:200 (A1) Date: 27/1/13 Project Ref: RFP
 Drawing: SK_CS5 Revision: B
 © Robin Snell + Partners LP
 Robin Snell + Partners
 70 Adelaide Street
 Melbourne VIC 3000
 Tel: +61 (0)3 9206 9000
 Fax: +61 (0)3 9206 9001
 Email: info@robin-snell.com.au
 Website: www.robin-snell.com.au



Existing Section CC

Proposed Trees



Proposed Section CC

NOTE:

All trees indicated are to be removed unless otherwise noted by a different type of symbol or annotation for retention.



<p>Project: Rhymer Park (MELT) Address: Existing & Proposed Cross Section CC Scale: 1:200 (BA1) Date: 27/1/13 Project Ref: RP Drawing: SC_S39 Revision: B © Robb Steel + Partners LP</p>	<p>Revised: 20/12/2013 New A External Count reading reduced to 100 mm 15/12/2013 New A Photos inserted facing reduced to 1:200</p>	<p>Note: DMS 08 based for information in V4/11 DMS 08 based for information in V4/11 DMS 08 based for information in V4/11 DMS 08 based for information in V4/11 DMS 08 based for information in V4/11</p>	<p>Note: The drawing is for information only. It is not to be used for construction or any other purpose without the written consent of the author. The author is not responsible for any errors or omissions in this drawing. The author is not responsible for any damage or loss of property resulting from the use of this drawing. The author is not responsible for any delay or interruption of work caused by the use of this drawing. The author is not responsible for any cost or expense incurred by the use of this drawing. The author is not responsible for any liability or legal action resulting from the use of this drawing.</p>
<p>Robb Steel + Partners 12/12/13 Tel: +61 8 939 2000 Fax: +61 8 939 2001 Email: info@robbs.com.au</p>			

**PLANNING APPLICATIONS COMMITTEE
30 APRIL 2014**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>Item No:</u> <u>DATE VALID</u>
	14/P0006	30/01/2014
Address/Site:	61 Home Park Road, Wimbledon Park, SW19 7HS	
(Ward)	Wimbledon Park	
Proposal:	Demolition of existing dwellinghouse and erection of replacement 6 bedroom detached dwellinghouse (with part basement and accommodation within the roof space) together with off-street parking and associated landscaping	
Drawing No's:	EX_01, EX_02, P_02 A, P_03 A, P_04 A, P_05 A, Design and Access Statement, Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan, Sustainability Statement, and Basement Construction Method Statement.	
Contact Officer:	Sabah Halli (0208 545 3297)	

RECOMMENDATION

GRANT Permission subject to Conditions

CHECKLIST INFORMATION

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 15
- External consultations: No

- Controlled Parking Zone: Yes (P1)

1. **INTRODUCTION**

This application is being brought to the Planning Applications Committee for determination due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey (with lower ground floor accessed from the front) detached property located along a well-established residential road of other detached properties of varying designs and materials. The property has been extended at second floor level previously.
- 2.2 In common with many of the dwellings along Home Park Road, the garden slopes upwards towards the rear. The side and rear boundaries are well vegetated with hedgerows and some trees.
- 2.2 The application site is located in sub-area 2 'Wimbledon Park' of the Wimbledon North Conservation Area.
- 2.3 There are no Tree Preservation Orders within the site but any trees are protected by virtue of the Conservation Area designation.
- 2.4 The site is located within a Controlled Parking Zone.

3. **CURRENT PROPOSAL**

- 3.1 This application comprises the proposed demolition of existing detached, 5 bedroom, two storey dwelling with part lower ground floor and the erection of a replacement detached, 6 bedroom, two storey dwelling with lower ground floor/basement.
- 3.2 The proposed dwelling would be set back at the front more than the existing dwelling and would be set further in from both side boundaries than the existing dwelling. It would project 2.5m further to the rear than the existing dwelling and would include a small, centrally located, single storey rear element (2.4m in depth, 5.6m in width, and 3m in height).
- 3.3 In terms of height, the dwelling follow the downward gradient of Home Park Road and would be lower in ridge height than no.63 and higher than no.59.
- 3.4 The basement level would have the same footprint than the main dwelling and would provide a gym, boot room, plant area, games room, spa, and

double garage. It would be at ground level at the front and below ground at the rear due to the changing levels. At the rear, it would receive natural light from a rear light well and staircase.

- 3.5 Accommodation at ground floor level would comprise a living room, hall, kitchen/dining/family room and would also directly access the garden to the rear. The first floor level would comprise 4 bedrooms (2 en-suite), and the roof level would comprise 2 bedrooms, a bathroom, and storage area.
- 3.6 Parking would comprise a lower ground floor double garage and two parking spaces within the front curtilage.
- 3.7 The proposed dwelling would be of a simple, more traditional design and be constructed of handmade facing brickwork, handmade plain clay tiles, painted softwood windows, painted hardwood doors. Boundary treatments would remain as existing.

4. **PLANNING HISTORY**

13/P0394 - APPLICATION FOR DISCHARGE OF CONDITION 19 (DEMOLITION) ATTACHED TO LBM PLANNING APPLICATION 12/P0151 DATED 24/04/2012 RELATING TO THE DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT 5 BEDROOM DETACHED DWELLINGHOUSE (WITH BASEMENT ACCOMMODATION AND ACCOMMODATION WITHIN THE ROOFSpace) TOGETHER WITH OFF-STREET PARKING AND ASSOCIATED LANDSCAPING - Withdrawn

12/P0184 - APPLICATION FOR CONSERVATION AREA CONSENT FOR THE DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT 5 BEDROOM DETACHED DWELLINGHOUSE (WITH BASEMENT ACCOMMODATION AND ACCOMMODATION WITHIN THE ROOFSpace) TOGETHER WITH OFF-STREET PARKING AND ASSOCIATED LANDSCAPING – Consent granted.

12/P0151 - DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF REPLACEMENT 5 BEDROOM DETACHED DWELLINGHOUSE (WITH BASEMENT ACCOMMODATION AND ACCOMMODATION WITHIN THE ROOFSpace) TOGETHER WITH OFF-STREET PARKING AND ASSOCIATED LANDSCAPING – Approved 24.04.12 and expires 24.04.15

11/P2103 - APPLICATION FOR A ROOF AND LOFT EXTENSION, 2 X REAR ROOF DORMERS, SINGLE STOREY REAR INFILL EXTENSION,

FRONT, SIDE AND REAR FENESTRATION ALTERATIONS, ENLARGED BASEMENT, AND NEW FRONT ROOF DORMER (AMENDMENT TO THE APPROVED PLANNING APPLICATION 11/P1259 TO INCLUDE FRONT DORMER) - Approved

11/P1259 - INSTALLATION OF 2 REAR DORMERS, 1 FRONT ROOF LIGHT, RAISING OF RIDGE AND EAVES HEIGHT OF EXISTING ROOF, SINGLE STOREY REAR INFILL EXTENSION, SINGLE STOREY REAR EXTENSION/ENCLOSURE, REPLACEMENT FRONT PORCH, RE-ROOFING, AND RENDERING OF EXISTING PROPERTY, ENLARGEMENT OF EXISTING BASEMENT, AND ALTERATIONS AND REPLACEMENT OF ALL WINDOWS - Approved

MER690/84 - EXTENSIONS AT SECOND FLOOR LEVEL - Approved

5. **CONSULTATION**

The application has been advertised by press notice, site notice, and letters of notification to the occupiers of neighbouring properties. Seven representations have been received:

- The proposed dwelling would project significantly deeper into the rear garden than any of the adjoining properties and would alter the character of the rear gardens
- The dwelling would block light and outlook to no.63 because of the rear projection
- The proposed development is an overdevelopment of the site
- The proposed basement is another deep structure within Home Park Road and disrupt the flow of ground water. The combination of this basement and one at no.65 would risk introduce unstable conditions.
- The British Geological Survey Georeports categorises this area has having 'significant' ground instability
- The proposed basement encroaches on the root protection of a tree (T3) within the curtilage of no.63
- If the application is approved restrictions should be applied to the parking construction related vehicles , weekend working etc

Re-consultation

The amount of rear projection has been reduced by 1.2m and the ridge height has been reduced by 0.6m. Neighbours have been advised and any additional comments will be reported verbally at Committee.

Transport Officer - Home Park Road is a local access road and is situated within controlled parking zone (CPZ) P1. The site has moderate public transport accessibility (PTAL 3). The new build includes two off street parking spaces including a basement garage. This is adequate for the area. They are using the existing access so there is no transport objection; however conditions and informative in respect of construction vehicles and work affecting a public highway will apply.

Tree Officer – No comments.

Conservation Officer – The existing house is of no particular architectural merit, therefore subject to a replacement that enhances the Conservation Area it would be difficult to resist demolition.

6. **POLICY CONTEXT**

The relevant policies within the Adopted Unitary Development Plan (October 2003) are:

HS.1 (Housing Layout and Amenity), BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions), BE.2 (Conservation Areas, Demolition), BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.16 (Urban Design), BE.16 (Urban Design), BE.22 (Design of New Development), NE.11 (Trees-Protection), (Trees, Hedges and Landscape features), and F.2 (Financial Obligations)

The relevant policies within the Adopted Merton Core Strategy (July 2011) are:

CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)

New Residential Development – SPG
Design – SPG
Planning Obligations – SPD
Wimbledon North Conservation Area Character Assessment

The relevant policies in the London Plan (2011) are:

3.3 (Increasing Housing Supply];
3.4 (Optimising Housing Potential];
3.5 (Quality and Design of Housing Developments)
3.11 (Affordable Housing Targets)
5.7 (Renewable Energy)
8.2 (Planning Obligations).

London Plan Housing SPG

National Planning Policy Framework (2012)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the demolition of the existing dwelling and the erection of a new replacement dwelling, the design and appearance of the proposed dwelling, and its effect upon neighbour amenity and the Wimbledon North Conservation Area.

7.2 Principle of Development

7.3 The Character Assessment for Sub-Area 2 (Wimbledon Park) does not identify the house at no.61 as making a positive contribution to the character and appearance of the conservation area. The Council's Conservation Officer has stated that they do not consider the property to be of any particular architectural merit and therefore subject to a replacement that enhances the Conservation Area, it would be difficult to resist demolition.

7.4 The principle of the demolition of the existing dwelling has already been established as acceptable through the approval of a replacement house with semi-basement and rooms within the roofspace (12/P0151 and 12/P0184). This planning permission is still extant and capable of implementation and is therefore a strong material planning consideration.

7.5 Policy BE.2 states that acceptable and detailed plans for a replacement scheme will be required even if it will involve total or substantial demolition of an unlisted building in a conservation area that makes little or no contribution to the character or appearance of that area.

7.6 Design and Impact on Conservation Area

7.7 The extant permission adopts a similar design approach as the existing house. The current application proposes a dwelling with a more traditional appearance. It would sit within a residential road where there is a mix of designs.

7.8 The scheme has been amended in since its original submission in the following ways:

- Reduction in ridge height by 0.6m
- Reduction in rear projection of main dwelling 1.2m
- Moving forward of dwelling by 0.6m

7.9 The Character Assessment for Sub area 2 notes:

‘Despite much recent infill development, there remains a strong sense of rhythm in the residential layout of Home Park Road, emphasised by the landscaped gaps that help blend the built development and the formal landscape of the historic parkland, together with a sympathetic relationship between development and natural contours of the ground’.

7.10 The dwelling is set 0.6m further in from the side boundary with no.59 and 1m further in from the side boundary with no.63 than the existing house and approved house. It also has a hipped roof form compared to the gabled ends of the existing and approved houses which creates a greater sense of space between it and the adjoining properties and allow more views of the vegetation and greenery within the site, characteristic of this sub-area of the Conservation Area.

7.11 Following a reduction in ridge height, it is considered that the dwelling would have a satisfactory height relationship between itself and both adjoining properties and would follow the downwards gradient of that part of Home Park Road.

7.12 In light of the above, the proposed development is considered to be acceptable in terms of its design, layout, and form, and would preserve the character and appearance of the Wimbledon North Conservation Area, in line with policies BE.1, BE.16 (Urban Design), and BE.22 (Design of New Development).

7.13 Impact on Residential Amenity

7.14 The provisions of policy BE.15 and the relevant Supplementary Planning Guidance’s (SPGs) require there would not be a detrimental impact on the residential amenities of the occupiers of the adjoining properties as a result of a proposed development.

7.15 Having been reduced in depth by 1.2m compared to the original submission, the dwelling would project 3m and 2.8m rearward of the main rear walls no.59 and no.63 respectively, whilst also being set in 1.2m and 2m respectively from those side boundaries (which is a bigger gap than existing). Given these relationships, it is considered that the impact on the

- neighbouring properties in terms of outlook, daylight and sunlight would be insufficient to warrant refusal or further amendment. To the front the dwelling would be broadly in line with 63 and would be 0.6m further forward than no.59 (and slightly further with the projecting bay).
- 7.16 There is a small flat roofed area proposed to the single storey rear extension and this would be conditioned to prevent use as a balcony. Only one first floor side window is proposed and this would serve a bathroom and be obscure glazed. There would therefore be no loss of privacy to the occupiers of the adjoining properties from the proposed side window or flat roofed areas.
- 7.17 Conditions are proposed prohibiting the insertion of any new windows/doors without planning permission, requiring the first floor side window to be obscure glazed and removing permitted development rights in order to protect residential amenity.
- 7.18 In light of the above, the proposals would not result in any unacceptable loss of amenity to occupiers of neighbouring properties and the proposal accords with policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise).
- 7.19 Standard of Accommodation
- 7.20 Table 3.3 of the London Plan (2011) advises a minimum of 183m² gross in internal floor area for new dwellings. The GIA of the proposed dwelling would be in keeping with this guidance.
- 7.21 The proposed internal layout is considered acceptable and each habitable room is considered would have a satisfactory light and circulation area.
- 7.22 Amenity space is to be provided by a rear garden and this complies with the 50m² minimum size of the Council's SPG.
- 7.23 Impact of the Basement
- 7.24 The existing dwelling has a lower ground floor level and the approved replacement house has a lower ground/basement level extending under the whole footprint. The proposed house similarly has a lower ground floor level which becomes basement at the rear.
- 7.25 There has been a marked increase in the number of applications within the Borough including basements and in situations where there are changes in level across the site it is becoming routine, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, to require a site investigation, construction method

statement and drainage/flood risk assessment in advance of consideration of the application, with suitable conditions attached to the grant of permission. A site investigation has been undertaken and the submitted construction method statement advises how the basement would be constructed. Three boreholes were made which indicate that groundwater may be encountered to the rear of the site 1.6m below the existing patio level> no groundwater was encountered at the front of the site. From the investigations, the consultants conclude that the proposed basement can be constructed without adversely affecting neighbours. A condition would be attached requiring the approval of a detailed construction method statement and drainage details prior to development commencing.

7.26 Parking and Traffic Issues

7.27 The car parking standards detailed within Schedule 6 of the UDP are maximum standards and should therefore not be exceeded unless it can be demonstrated that a higher level of parking is needed.

7.28 The proposed parking provision comprises a garage and front drive and this is considered acceptable. The proposed access arrangements are also considered to be acceptable.

7.29 Trees/Landscaping

7.30 No trees are required to be removed as part of the proposal. The footprint of the proposed house in relation to Tree T5 within the front garden area is no closer than existing. In relation to T3, which is a category B Ash located within the curtilage of 63 Home Park Road, the footprint of the house has now been moved 1.2m further away and the tree report concludes that its roots would be unaffected. Some regular pruning may be required relative to the rear elevation of the new house. Tree protection conditions will be required as well as a scheme of landscaping..

7.31 **MAYORAL COMMUNITY INFRASTRUCTURE LEVY**

7.32 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

8 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

8.1 Merton's Community Infrastructure Levy was implemented on 1st April 2014. This enables the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure

that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected.

9. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

9.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.

9.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

9.3 The new dwelling would be required to be built to Lifetime Homes standards and would be required to achieve Code 4 of the Code for Sustainable Homes.

10. **CONCLUSION**

10.1 It is considered that the proposed demolition of the existing property and replacement dwelling are acceptable in conservation and design terms, and would preserve the character and appearance of the conservation area. The proposed new dwelling is considered to be an improvement on the previously approved new dwelling in terms of appearance and the greater gaps between buildings produced by both increasing the gaps of the side walls from the boundaries and utilising a hipped rather than a gabled roof form. It is also considered that the proposed development would not result in an impact on the residential amenities of the occupiers of the adjoining properties sufficient to warrant refusal.

RECOMMENDATION

GRANT PERMISSION

Subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. B1 External Facing Materials (To be approved)

4. B4 Details of Site/Surface Treatment
5. B5 Details of Walls/Fences
6. B6 Levels
7. C1 No Permitted Development (Extensions)
8. C2 No Additional Windows (In side elevations of new building)
9. C4 Obscured Glazing (First floor side window)
9. C8 No Use of Flat Roof
10. D9 No external Lighting
11. Non-Standard Condition: No development shall commence until a detailed construction method statement and drainage details indicating precisely how the approved dwelling will be built to have regard of local ground and water conditions has been submitted to the Local Planning Authority and approved in writing by the Local Planning Authority. The approved development shall then be carried out as per the details of the Construction Method statement.

Reason: To safeguard the adjoining properties along Home Park Road, located within the Wimbledon North Conservation Area, to comply with policies BE.1 and BE.2 of the Adopted Merton Unitary Development Plan

11. D11 Hours of Construction
12. F1 Landscaping/Planting Scheme
14. F2 Landscaping (Implementation)
15. F5P Tree Protection
16. Non-Standard Condition: No work shall be commenced until details of the proposed design, materials and method of excavation and construction of the basement and foundations to be used for the approved development shall be submitted to and approved in writing by the LPA and the work shall be carried out in accordance with the approved details. Such details shall have regard to the BS 5837:2012 and shall form part of the Arboricultural Method Statement.

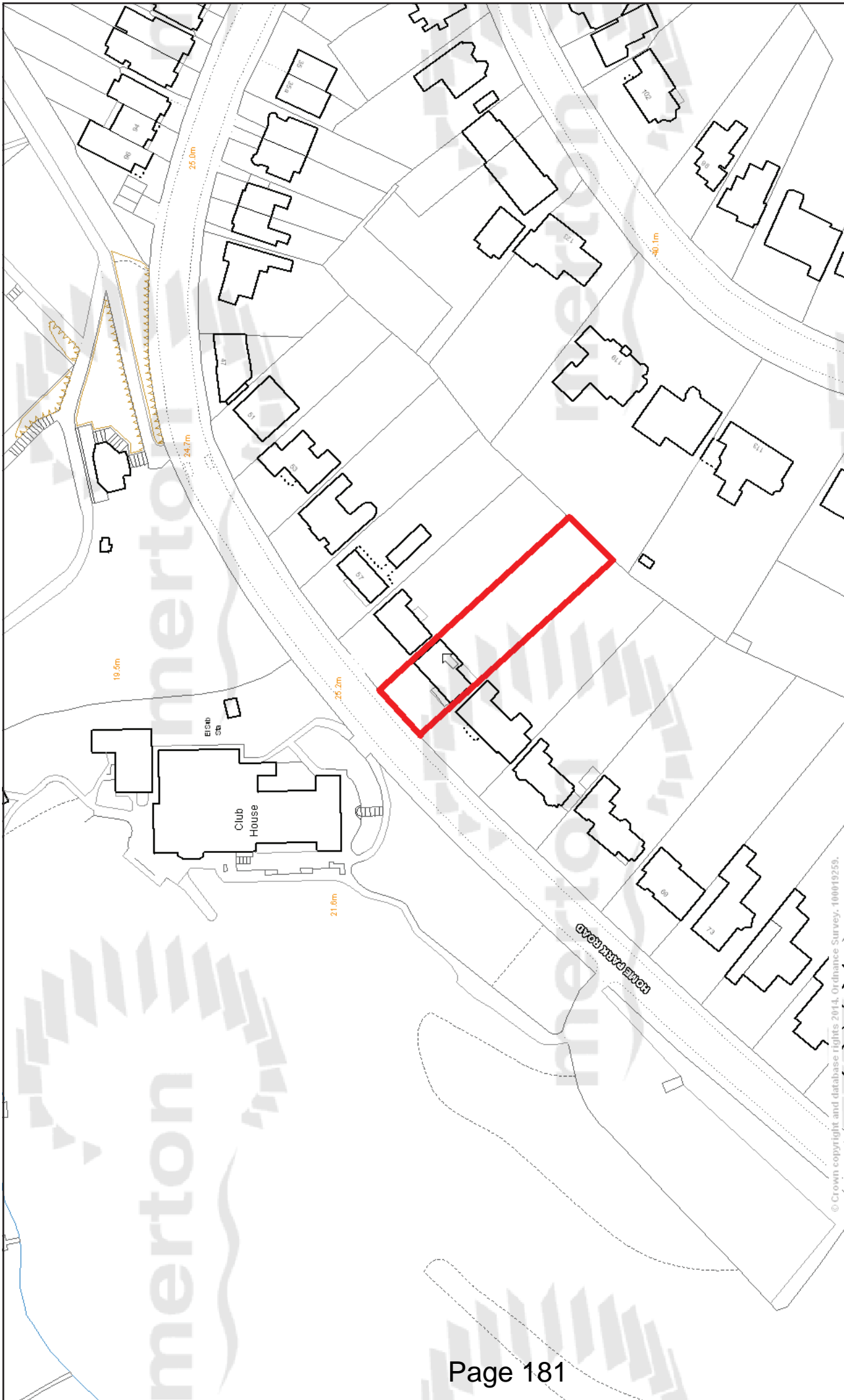
Reason: To protect and safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Strategy (July 2011).

17. F7 Trees - Notification of Start
18. F9 Hardstanding
19. H1 New Vehicle Access – Details to be submitted
20. H4 Provision of vehicle parking
21. H9 Construction Vehicles
22. J.1 Lifetime homes
23. L2P Code for Sustainable Homes – Pre-Commencement (New build residential)
24. L3P Code for Sustainable Homes – Pre-Occupation (New Build Residential)

Informatives:

INF12 Works affecting the public highway

Note 1



London Borough of Merton
 100 London Road
 Morden
 Surrey
 SM4 5DX

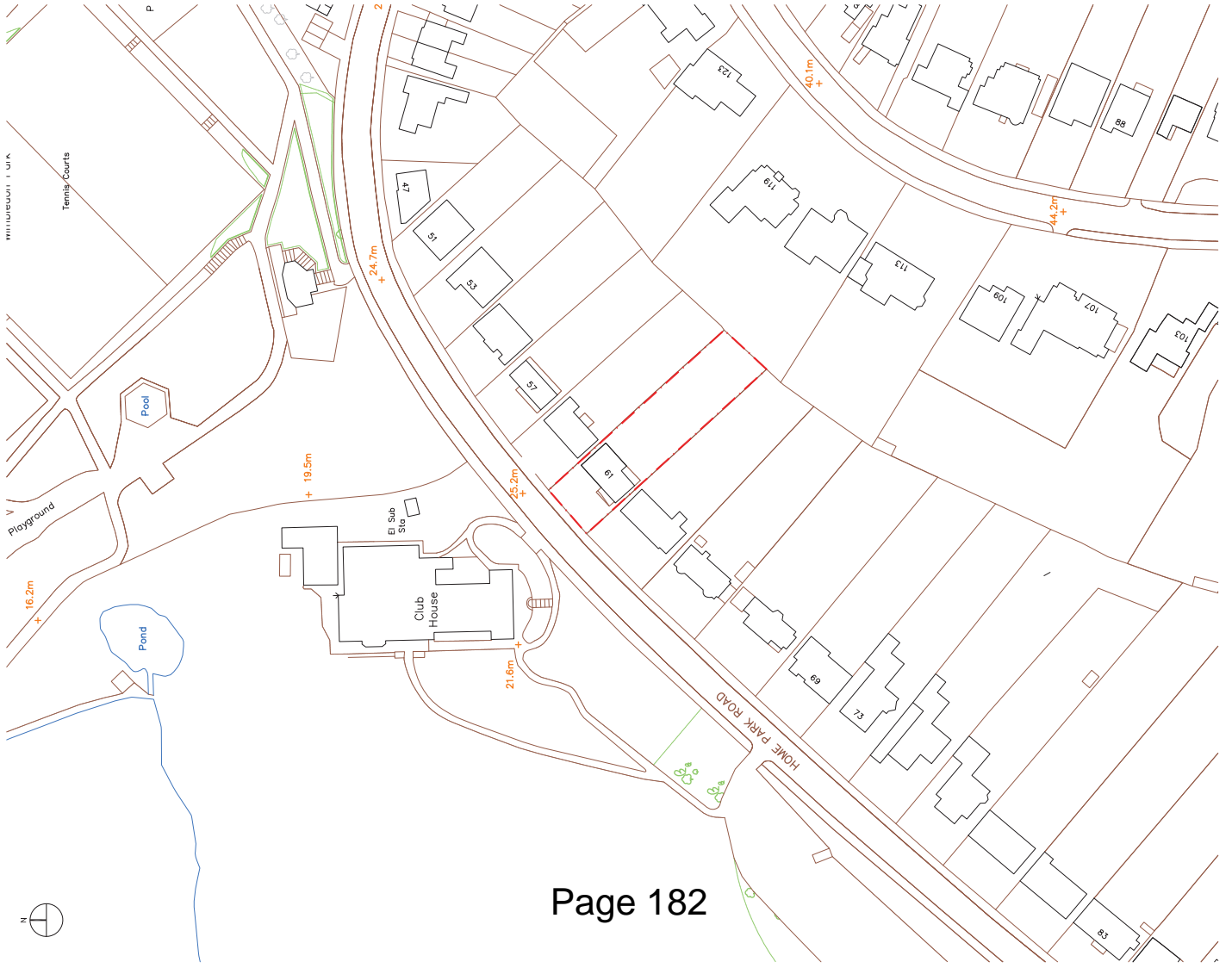
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Date 15/4/2014

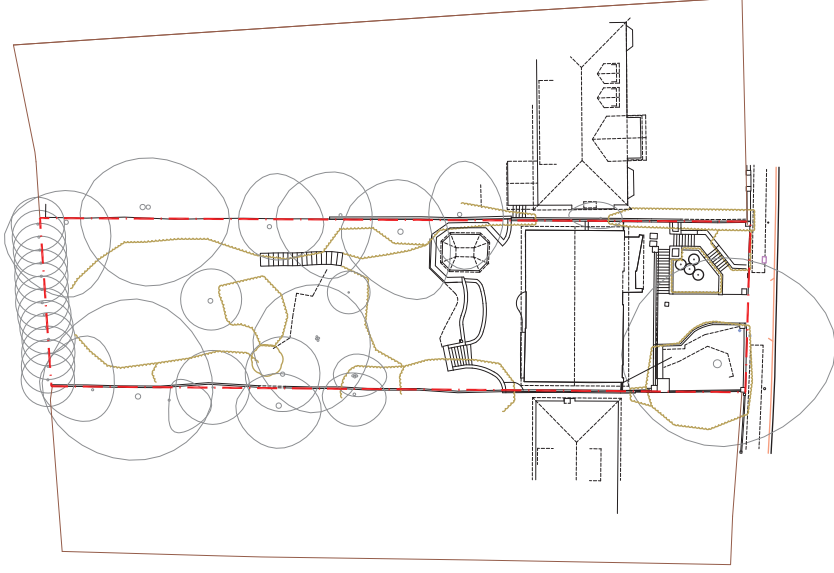
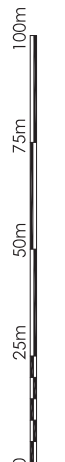
61 Home Park Rd

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DEVELOPMENT CONTROL



EXISTING LOCATION PLAN
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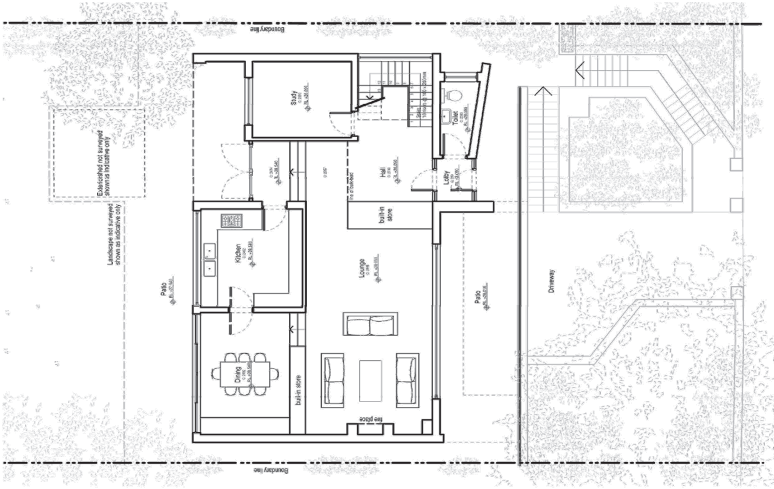


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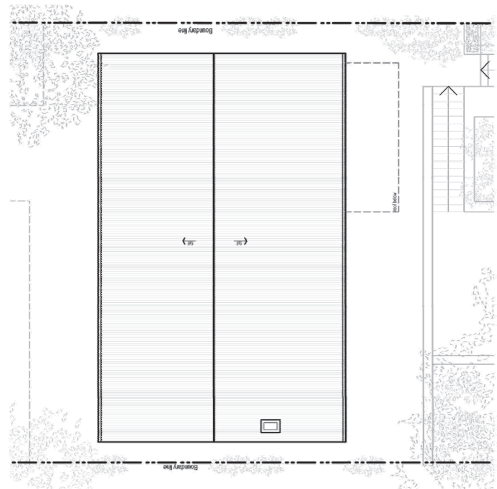
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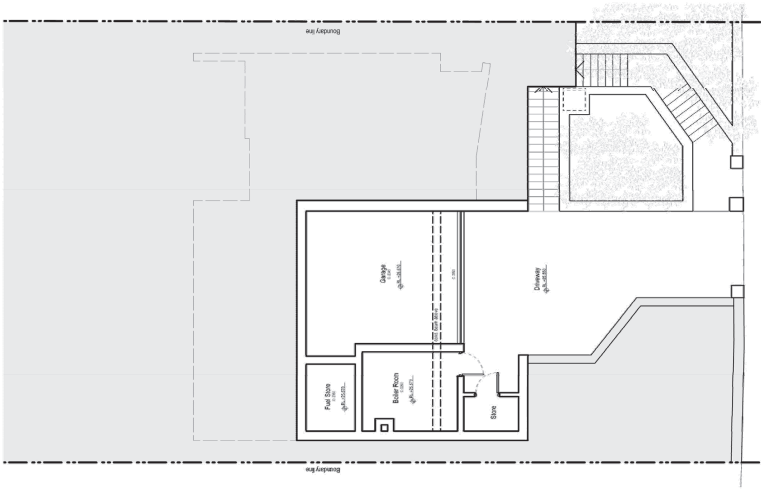
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drawing no.:	P_01	rev.:	-
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existing:	Varies @ A3	rev.:	-
location & site plan:	Varies @ A3	drawing no.:	P_01
notes:	NOTES: See to be used in conjunction with the full planning application.		
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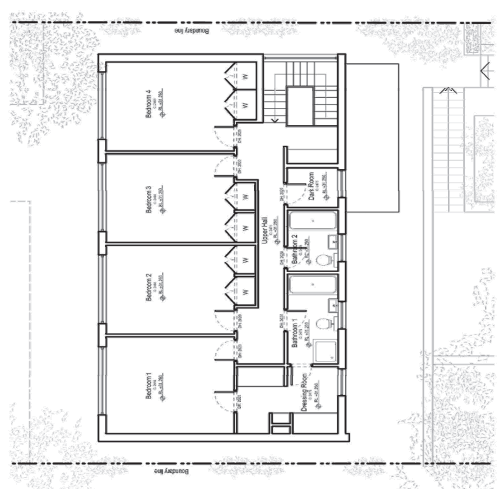
Existing Upper Ground Floor Plan



Existing Roof Plan



Existing Lower Ground Floor Plan



Existing First Floor Plan



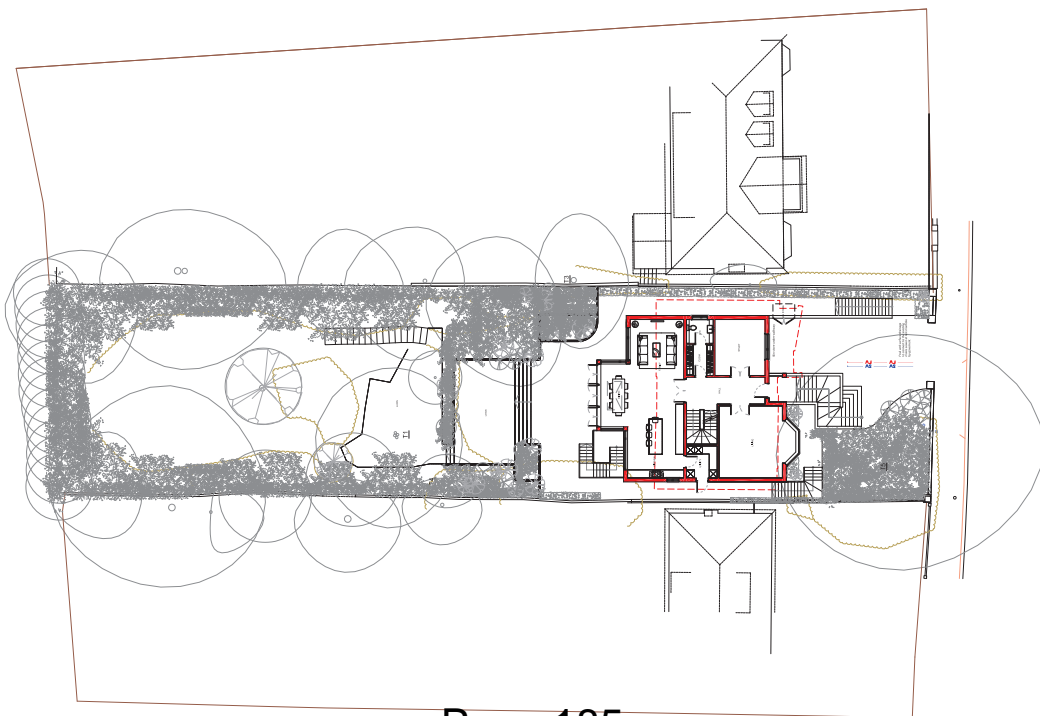
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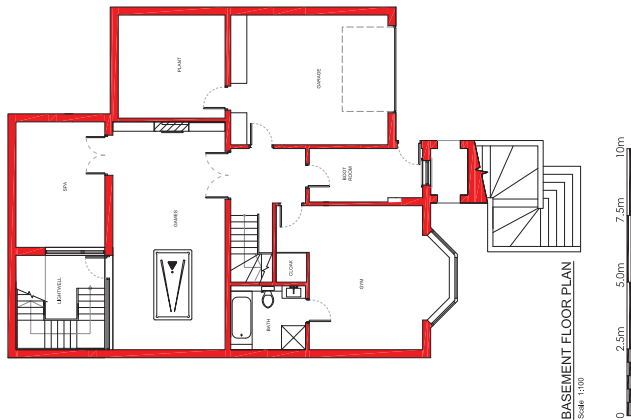
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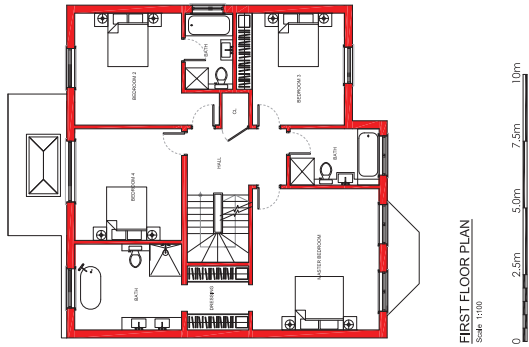
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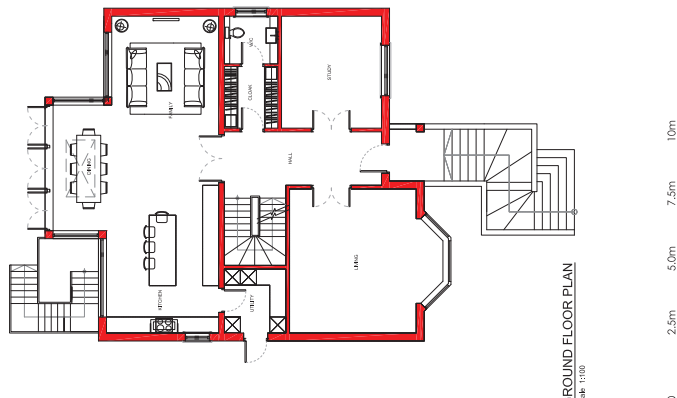
PROPOSED SITE PLAN
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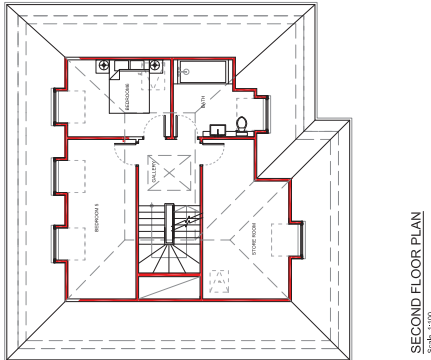
BASEMENT FLOOR PLAN
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FIRST FLOOR PLAN
Scale: 1:100



GROUND FLOOR PLAN
Scale: 1:100



SECOND FLOOR PLAN
Scale: 1:100

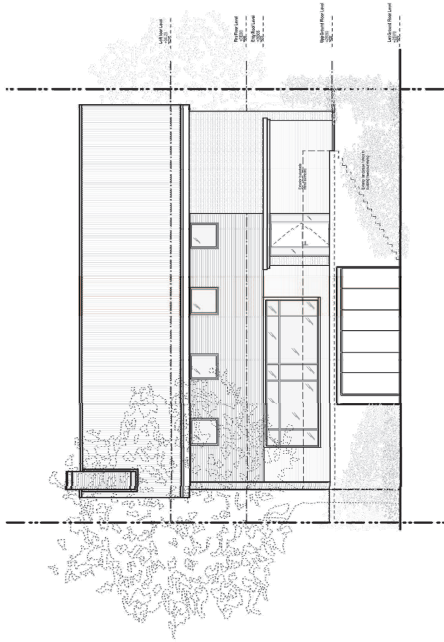
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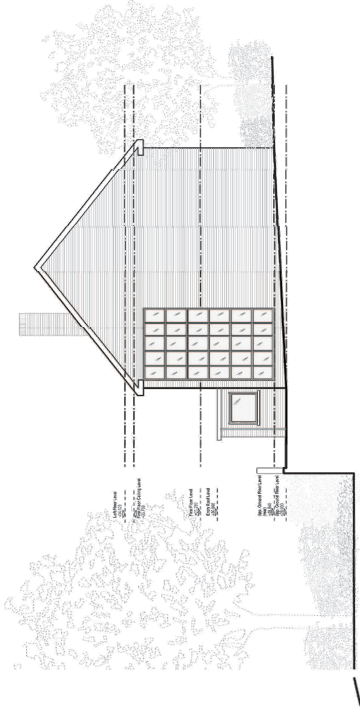
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Plans		rev.:	A

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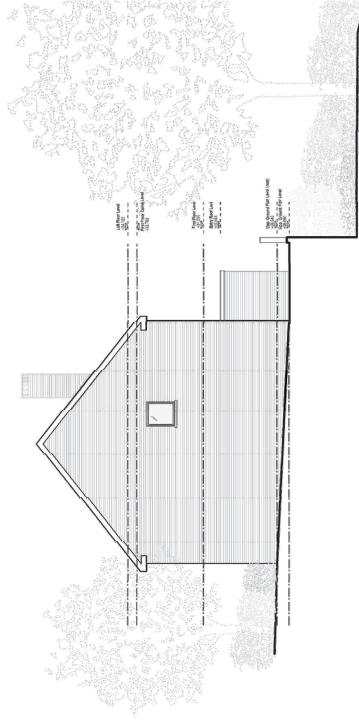
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Front Elevation



East Elevation



East Elevation



Rear Elevation

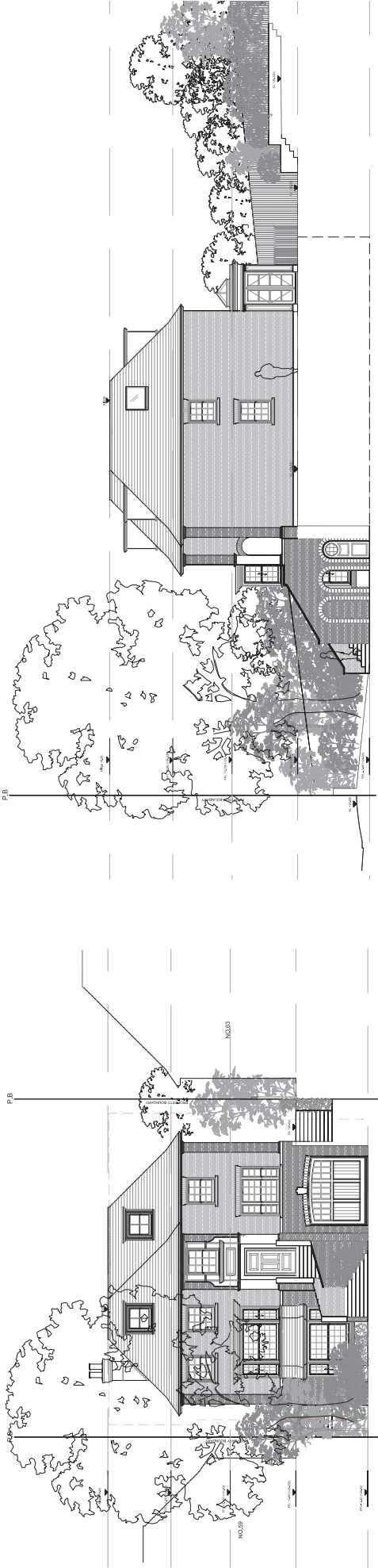


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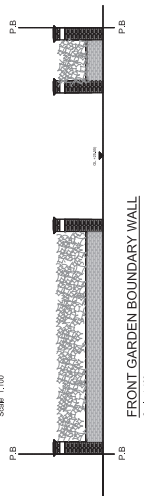
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job no:	121100	date:	16/12/13
job:	611, Home Park Road, SW19	drawing:	drawn
drawing:	Existing Elevations	scale:	1:100 @ A3
rev:		drawing no.:	EX_02
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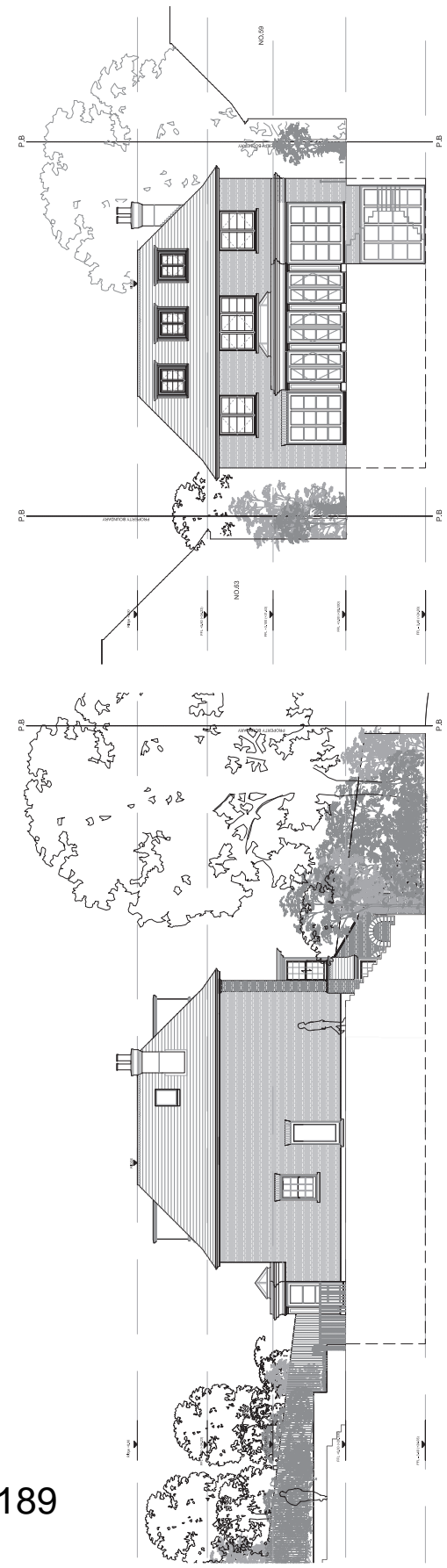


NORTH WEST/SIDE ELEVATION
Scale 1:100



FRONT GARDEN BOUNDARY WALL
Scale 1:100

NORTH EAST/SIDE ELEVATION
Scale 1:100



NORTH WEST/SIDE ELEVATION
Scale 1:100



SOUTH EAST/SIDE ELEVATION
Scale 1:100



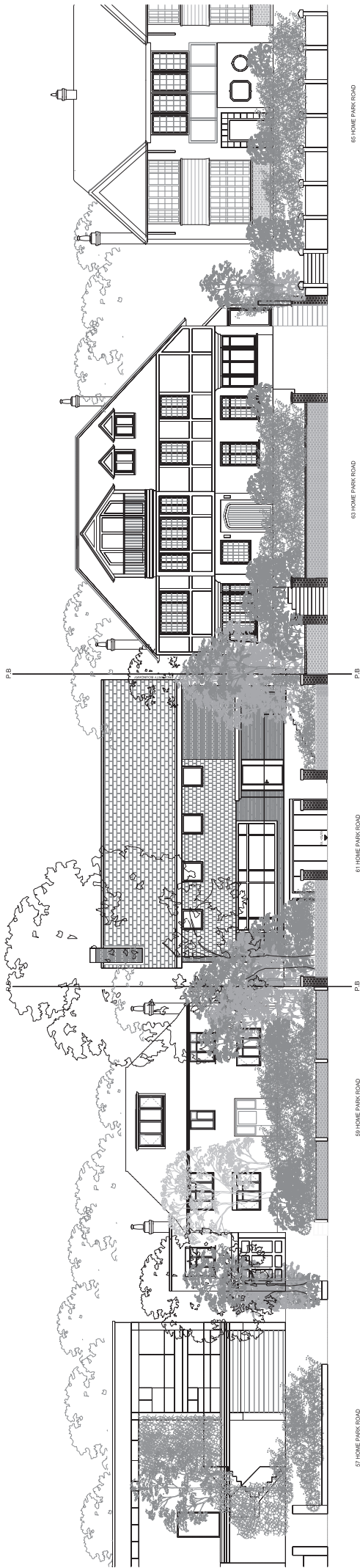
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date:	10/04/14
job no:	127
scale:	A3 @ 1:100 A1 @ 1:50
drawn:	JL
proposed elevations	
drawing no.	P_03
rev.	A

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EXISTING STREET ELEVATION
Scale: 1:100

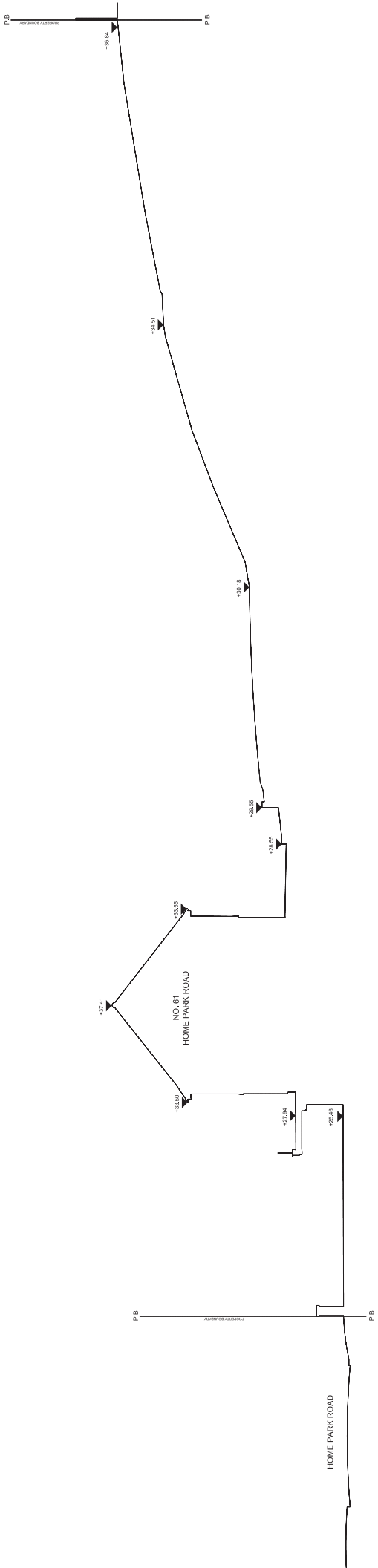


PROPOSED STREET ELEVATION
Scale: 1:100

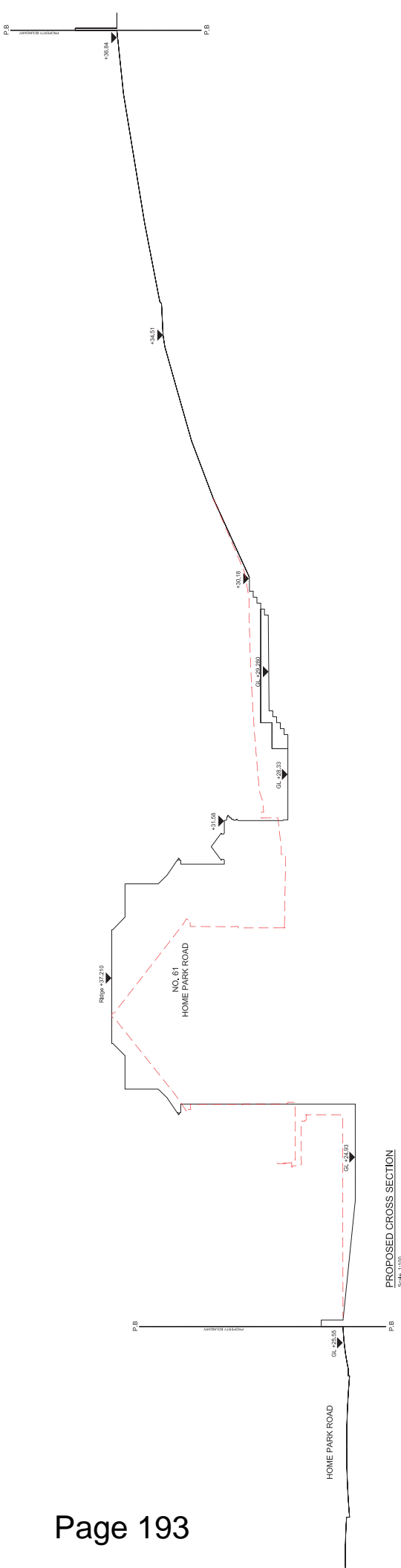


job:	61, Home Park Road, SW19	date:	10/04/14
scale:	A3 @ 1:100 A1 @ 1:50	drawn:	JL
drawing no.:	P_04	rev.:	A
<p>NOTES: All drawings are to be read in conjunction with the full planning application.</p> <p>All copyright is reserved to Andrew Harper Architects.</p>			

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EXISTING CROSS SECTION
Scale: 1:100



PROPOSED CROSS SECTION
Scale: 1:100

OUTLINE OF EXISTING PROPERTY



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job:	61, Home Park Road, SW19	date:	10/04/14
job no:	127	drawn:	JL
scale:	A3 @ 1:100 A1 @ 1:50	rev:	A
drawing no:	P_05		

NOTES:
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Committee: Planning Applications

Date: 30th April 2014

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Public Protection and Development

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectorate decision letters are not attached to this report, but can be viewed by either clicking the individual hyperlinks provided or by visiting the Council web-site at the following address:

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

- | | | |
|-----|--------------------------|---|
| 1.1 | Application number: | 13/P2207 |
| | Site: | Flat 2 Rockwell Court, 48 Ridgway, Wimbledon SW19 4QP |
| | Ward: | Village |
| | Development: | Replacement of 3 x first storey windows with UPVc |
| | Recommendation: | Refuse Permission (Delegated Decision) |
| | Appeal Decision: | ALLOWED |
| | Date of Appeal Decision: | 17 th March 2014 |

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081157/13P2207_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.2 Application number: **13/P2835**
Site: 264 Church Road, Mitcham, Surrey CR4 3BW
Ward: Lavender Fields
Development: Single storey side extension and enlarged garage.
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **ALLOWED**
Costs Decision: **REFUSED**
Date of Appeal Decision: 19th March 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081737/13P2835_Appeal%20Decision%20Notice.pdf

DETAILS

- 1.3 Application number: **12/P1299**
Site: 82/82A Coombe Lane SW20 0AX
Ward: Raynes Park
Development: Two storey rear extension providing ground floor retail and first storey flat.
Recommendation: Grant Permission subject to 106 (Refused at Committee)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 25th March 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000077000/1000077071/12P1299_Appeal%20Decision%20Notice.pdf

Link to Costs Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000077000/1000077071/12P1299_Appeal%20Costs%20Decision.pdf

DETAILS

- 1.4 Application number: **13/P1040**
Site: 78 Arthur Road, Wimbledon SW19 7DS
Ward: Wimbledon Park
Development: Conversion of 6 flats into a single dwellinghouse.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 4th April 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080055/13P1040_Appeal%20Decision%20Notice.pdf

DETAILS

1.5 Application number: **13/P2897**
Site: 1 Deepdale, Wimbledon SW19 5EZ
Ward: Village
Development: Demolition of existing house and garage and erection of new dwellinghouse.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th April 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000081000/1000081796/13P2897_Appeal%20Decision%20Notice.pdf

DETAILS

1.6 Application number: **13/P3747**
Site: 136 Dorset Road, Merton Park SW19 3HD
Ward: Merton Park
Development: Erection of part single part two storey side extension and 2 x dormers windows to roofslope.
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th March 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082580/13P3747_Appeal%20Decision%20Notice.pdf

DETAILS

1.7 Application number: **13/P3478**
Site: 8 Lingfield Road, Wimbledon SW19 4QA
Ward: Village
Development: Single storey rear extension and two storey front infill extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st April 2014

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000082000/1000082334/13P3478_Appeal%20Decision%20Notice.pdf

ALTERNATIVE OPTIONS

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
 1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 7.1. See 6.1 above.

8 BACKGROUND PAPERS

- 8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Committee: Planning Applications Committee

Date: 30th April 2014

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF PUBLIC PROTECTION AND DEVELOPMENT

Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	793 ¹ (800)	New Appeals:	0 (0)
New Complaints	51 (33)	Instructions to Legal	1
Cases Closed	64 (45)	Existing Appeals	4 (4)
No Breach:	-	<hr/>	
Breach Ceased:	-	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	33 (89)
Total	64 (45)	% Determined within time limits:	85%
New Enforcement Notices Issued		High Hedges Complaint	0 (2)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	4 (1)
New Enforcement Notice issued	2	Tree Replacement Notice	1
S.215: ³	0	Tree/High Hedge Appeal	1
Others (PCN, TSN)	0		
Total	2 (1)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (19th March – 21st April 2014*) and the figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous months figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

2.01 Land at 52 Cannon Hill Lane, Raynes Park, an enforcement notice was issued on 16th April 2014 against the construction of a brick and block-work wall to the front of the property. The notice comes into effect on 16th June 2014 unless there is an appeal before that date. The requirement is to demolish the structure and clear the resulting debris.

2.02 Land at Flat 2, 43 Richmond Avenue Wimbledon SW an enforcement notice was issued on 7th April 2014 against the erection of a satellite dish on the front façade of the building with a requirement for its removal. The notice comes into effect on 12th May unless there is an appeal before that and the compliance period is three months.

Some Recent Enforcement Actions

2.03 86 Morden Hall Road. Planning Enforcement Notice issued on 19th February 2014 against the conversion of the property into two flats. The Notice will come into effect on 25th March 2014 (unless a valid appeal is made against the Notice, before this date) with a compliance period of 6 calendar months.

2.04 Land at 39 West Barnes Lane, Raynes Park SW20. An enforcement notice was issued against the erection of a metal shed type structure, capable of accommodating two vehicles for painting and drying, metal fencing panel and the placing of floodlights atop existing fence posts. The notice was issued on 3rd December 2013 and requires the removal of the unauthorised structures,

including the large metal shed and fencing with floodlights and would come into effect by 14th January 2014 with a month's compliance period unless there is an appeal before that date. The notice is now effective as the Council has not been notified that an appeal has been received. Compliance period expired on 14/2/14. A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared.

- 2.05 39 West Barnes Lane, Raynes Park SW20 (second Notice).** An enforcement notice was issued against a material change of use of the land to a hand car wash/repair and car breaking yard and paint shop. The notice was issued on 3rd December 2013 and requires the unauthorised use to cease within one month of the effective date. The notice came into effect on 14th January 2014 as there was no appeal.

A subsequent inspection has revealed the Enforcement Notice has not been complied with and a prosecution for the failure to comply with the Notice is being prepared.

- 2.06 2A Crown Road, Morden SM4.** An enforcement notice was issued on 30th October 2013 against an unauthorised conversion of an Islamic prayer meeting room (D1 community use) into three self-contained residential units comprising two 1-bedroom apartments and a 2-bedroom flat. The notice would have come into effect on 12th December 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 6 months. Two enforcement notices were issued – one for the material change of use, and the other for the operational development involved in the creation of the residential units. An informal hearing appeal has been registered and would be heard in June 2014.

- 2.07 16 – 20 Kingston Road, Wimbledon SW19** A breach of Condition Notice (BCN) was issued on 6th November 2013 against Grenfell Housing Association for breaching a planning condition requiring an identified vehicle parking area to be kept for parking. The notice came into effect immediately as there is no right of appeal and the business has 39 days to comply. (NB – there is an on-going appeal against the refusal of planning permission for the retention of an erected communication aerial).

- 2.08 Rapid Ready Mix, Alpha Place, Garth Road SM4** a breach of Condition Notice was issued on 9th October against the business for breaching a planning condition relating to the hours of working which are from 9.00 am to 6.00 pm from Monday to Friday and up to 3.00 pm on Saturdays. Nothing is permitted on Sundays, bank holidays and Public Holidays. The notice came into effect immediately as there is right of appeal and the business has 28 days to comply and operate within the approved hours. There have been a number of allegations of the business breaching the approved working hours. Following this, officers have now started unscheduled early morning and evening site visits to monitor and check compliance with this condition.

Further breaches of the Notice have now been witnessed and prosecution proceedings are being taken. It is anticipated that the first hearing will be in April 2014. .

- 2.09 **23A Bruce Road, Mitcham**, The Council issued a section 215 Amenity Land Notice on 27th August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice came into effect on 25th September as there was no appeal. A site visit carried out in November confirmed that the notice had not been complied with. A prosecution for non-compliance was being considered, but due to the owners circumstances direct action is now being arranged.
- 2.10 **Land at 120 Gorringe Park Avenue, Mitcham**, An enforcement notice was issued on 8th August 2013 against the unauthorised erection of single storey rear extension. The notice would become effective on 8th January 2014 unless an appeal is made prior to that date or the notice is complied with, in which case the notice will be withdrawn. The reason for this is that planning permission has been granted for the retention of part of the L-shaped structure with a replacement roof which means some part the existing structure will have to be demolished at some stage. The enforcement action is required to ensure this happens on time. Once effective, the notice would require the demolition of the structure within 2 months.

The Enforcement Notice has now been fully complied with and the case has been closed.

- 2.11 **Land at 7 Morden Gardens CR4**. An enforcement notice was issued on 9/7/13 against the erection of a corrugated plastic and timber lean-to rear extension. The notice became effective as the owners run out of time in making an appeal. The notice therefore came into effect on 9th September and requires the removal of the unauthorised structure within 3 months of the effective date. A letter has been sent to the landlord advising that they would be prosecuted for non-compliance unless the required works are completed within 28 days.

The compliance period has expired and a prosecution witness statement was being drafted, however a recent site inspection confirmed that the majority of the lean-to extension has now been removed and full compliance is expected imminently

3.0 New Enforcement Appeals None

3.1 Existing enforcement appeals

- **150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21st August 2013 against the unauthorised erection of a four storey building with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An enforcement appeal and two planning appeals have been registered but are co-joined to be dealt together. The Council's final statement was sent on 30th January 2014.
- **27 Pitcairn Road, Mitcham CR4**. An enforcement notice was issued on 10th October 2013 against an unauthorised change of use of a garage/outbuilding into residential accommodation. The notice would come into effect on 21st

November 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 4 months. An enforcement appeal is now under way. And the Council's final statement was sent on 24th December 2013 and we are now waiting for a date for an inspector's site visit.

- **2 Lyndhurst Avenue SW16** – an appeal has been registered on 13/8/13 against an enforcement notice issued on 18/7/13 against the unauthorised conversion of the property into 2 self-contained flats. The appeal is proceeding by written representation and consultation letters were sent out on 27/8/13. The Council's final comment was sent on 17th October 2013. An Inspector site visit took place on 3rd April and a decision is expected within two to five weeks.

3.2 Appeals determined -

- **None**

3.3 Prosecution case.

Rapid ReadyMix – The prosecution for non-compliance with the Breach of Condition Notice (BCN) has been scheduled for 6th May 2014 at the Lavender Hill Magistrates Court in Battersea.

3.4 Requested updates from PAC

23A Bruce Road, Mitcham, The Council issued a section 215 Amenity Land Notice on 27th August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice comes into effect in 28 days unless there is an appeal to the Magistrate. Direct action is being considered and if approved, the remedial works could be carried out by the Council and a charge would be put on the property.

Legal Services wrote to the owner on 18/12/13 asking for her agreement for the Council to carry out the required works in default and was given up Monday 13th January 2014 to respond, failing which the Council would prosecute for non-compliance.

Burn Bullock PH, London Road, Mitcham –

Due to the failure by the landlord to carry out the essential repairs, enforcement action is under way and would involve the issuing of a Listed Building Repairs Notice.

A planning application for the sale of motor vehicles in the rear car park of the Burn Bullock Public House has been submitted ref. No. 14/P0767. A number of objections have been received following consultations.

4. Consultation undertaken or proposed

None required for the purposes of this report

- 5 **Timetable**
N/A
6. **Financial, resource and property implications**
N/A
7. **Legal and statutory implications**
N/A
8. **Human rights, equalities and community cohesion implications**
N/A
9. **Crime and disorder implications**
N/A
10. **Risk Management and Health and Safety implications.**
N/A
11. **Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
12. **Background Papers**