

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)
John Bowcott (Vice-Chair)
Tobin Byers
David Dean
Ross Garrod
Daniel Holden
Abigail Jones
Philip Jones
Peter Southgate
Geraldine Stanford

Substitute Members:

Janice Howard
Najeeb Latif
Ian Munn BSc, MRTPI(Rtd)
John Sargeant
Imran Uddin

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

Date: 15 October 2015

Time: 7.15 pm

**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

15 October 2015

- 1 Apologies for absence
- 2 Declarations of of pecuniary Interest
- 3 Minutes of the previous meeting 1 - 10
Officer Recommendation
That the Minutes of the meeting held on 17 September 2015 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 1 Arterberry Road, Raynes Park, SW20 8AD (Ref. 15/P2989) (Raynes Park Ward) 15 - 30
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions.
- 6 6 Murray Road, West Wimbledon, SW19 4PB (Ref. 15/P2351) (Hillside Ward) 31 - 50
Officer Recommendation:
Grant Permission subject to conditions.
- 7 Land at rear of 7 Somerset Road, Wimbledon, SW19 5JU (Ref. 12/P1707) (Village Ward) 51 - 76
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions.
- 8 Tree Preservation Order (No.676) at 95 Merton Hall Road, Wimbledon Chase, SW19 3PX (Dundonald Ward) 77 - 84
Officer Recommendation:
The Merton (No.676) Tree Preservation Order 2015 be confirmed without modification.
- 9 Planning Appeal Decisions 85 - 88
Officer Recommendation:
That Members note the contents of the report.
- 10 Planning Enforcement - Summary of Current Cases 89 - 96

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>

All minutes are draft until agreed at the next meeting of the committee/panel. To find out the date of the next meeting please check the calendar of events at your local library or online at www.merton.gov.uk/committee.

PLANNING APPLICATIONS COMMITTEE

17 SEPTEMBER 2015

(19.15 - 22.45)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor David Dean,
Councillor Ross Garrod, Councillor Daniel Holden,
Councillor Abigail Jones, Councillor Philip Jones,
Councillor Peter Southgate and Councillor Geraldine Stanford

ALSO PRESENT: Councillors Najeeb Latif, Stephen Crowe, Brian Lewis-Lavender,
Gilli Lewis-Lavender and Jill West

Chris Chowns (Principal Transport Planner), Jonathan Lewis
(South Team Leader - Development Control)), Neil Milligan
(Development Control Manager, ENVR) and Michael Udall
(Democratic Services)

1 FILMING (Agenda Item)

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

2 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for lateness were received from Councillors David Dean and Peter Southgate; and an apology for absence from Councillor Tobin Byers.

3 DECLARATIONS OF OF PECUNIARY INTEREST (Agenda Item 2)

None

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 13 August 2015 be agreed as a correct record.

5 ORDER OF THE AGENDA (Agenda Item)

Following consultation with other Members, the Chair brought forward consideration of items 13 & 14 as some Committee members had yet to arrive due to traffic.

6 PLANNING APPEAL DECISIONS (Agenda Item 13)

RECEIVED

7 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 14)

(a) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.12 & 3.4) – Officers advised that (i) a Council enforcement officer and a representative of English Heritage had visited the site earlier the same day to check that the works being were carried out to English Heritage standards; (ii) the works would continue to be monitored; and (iii) the number of cars on the site had been reduced to eight, a significant reduction.

(b) 1 Edge Hill, Wimbledon, SW19 (Hillside Ward) - Councillor Daniel Holden raised concerns that complaints to the Council over a number of months by the Chair of the Edge Hill and Darlaston Residents Association about unauthorised works to trees on the site had been ignored, and offered to supply further details to officers after the meeting. Officers undertook to investigate and respond to the resident.

(c) 7 London Road, Mitcham - Councillor Linda Kirby advised that following previous enforcement action about temporary structures on the site, there were now new permanent structures on the site. Officers undertook to investigate and update the Councillor.

(d) 25 Malcolm Road, Wimbledon, SW19 – Councillor Philip Jones advised that he was still getting complaints about the front garden, particularly the car port. Officers advised that officers were satisfied that the front garden and car port had sufficiently changed so as to comply with the S.215 Notice, but this would continue to be monitored as the site changed continually.

Councillor Philip Jones also advised that a number of new sheds had been erected in the rear garden, and queried whether action could be taken on these in view of a recent court case rejecting enforcement action in rear gardens. Officers advised that, in planning terms, it was possible to erect a considerable amount of such structures; that the new sheds appeared not to exceed 50% of the rear garden; and therefore, subject to recent case law, officers were looking at a the possibility of a further S.215 Notice about the state of the rear garden (rather than the sheds themselves) to try to improve its appearance.

(e) 10 St Marys Road, Wimbledon, SW19 – Subsequently at the end of the meeting, Councillor Daniel Holden referred to the report on 8 St Marys Road (item 12) advising that new house at 10 St Marys Road had been built in the wrong position. Officers confirmed that this was currently being investigated by the Enforcement Team.

RECEIVED

8 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, 8, 9, 10, 11, & 12, 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, 8, 11 & 12. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that the applicants/agents would be given the same amount of time to speak as objectors for each item.

The Council 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 5 – Councillors Stephen Crowe, Brian Lewis-Lavender and Gilli Lewis-Lavender; and
Item 12 – Councillor Najeeb Latif.

(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 - 5, 8, 12, 10, 11, 6, 7 & then 9.

RESOLVED: That the following decisions are made:

9 RAINBOW INDUSTRIAL ESTATE, APPROACH ROAD, GRAND DRIVE, RAYNES PARK, SW20 0JY (REF. 14/P4287 & 14/P4288) (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal A (ref. 14/P4287) - Redevelopment involving demolition of existing buildings and erection of 6 blocks of flats of 5-7 storeys and a terrace of 9 houses, providing 224 residential units (class C3) plus 3,449 sqm of commercial floorspace for uses within class B1 (business) and 264 sq.m of ancillary commercial floorspace for uses within classes A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes) and D1 (non--residential institutions), an energy centre, associated surface level and basement parking (126 - cars, 10 light goods vehicles, 21 motorcycles, 33 disability spaces) cycle storage (274 spaces) and external amenity space and landscaping.

1.1 Proposal B (ref. 14/P4288) - Works to upgrade land adjoining to the south and south west of Raynes Park Station including road widening and the creation of "kiss and ride" (a picking up and dropping off area) facility adjacent to Raynes Park Station.

2. Discussion – There was extensive discussion of the proposals including regarding the following -

- (a) the Planning Brief for the site and how the proposals related to the Brief;
- (b) the proposed level of affordable housing of 15% compared to the Council's target of 40%, which had been subject to an independent viability assessment;
- (c) the proposed housing mix on the site; and some of the proposed residential units being only single aspect;

- (d) the suitability of the site for residential use, having regard to its location within various railway lines;
- (e) the current and the proposed employment numbers on the site;
- (f) flood risk assessment and drainage arrangements;
- (g) the provision of only one access point and the lack of an additional access point for pedestrians;
- (h) access and safety for pedestrians, including lighting provision; and the public transport accessibility of the site;
- (i) access arrangements for vehicles including the signalled access under the railway bridge near the entrance to the site; and the proposed “kiss and ride” facility, including arrangements for turning round within the site;
- (j) access for emergency vehicles and other large vehicles such as refuse lorries; and vehicle access within the site, including arrangements for servicing the proposed business premises;
- (k) the proposed level of car parking provision; and
- (l) the impact of traffic generated by the proposals on the local road network.

3. Approval Motion - Proposal A (ref. 14/P4287) - It was moved and seconded that permission be granted. The motion was carried by 4 votes to 2 (Councillors Ross Garrod and Daniel Holden dissenting; and Councillors David Dean and Peter Southgate not voting due to their late arrival).

3.1 Approval Motion - Proposal B (ref. 14/P4288) - It was moved and seconded that permission be granted. The motion was carried by 5 votes to 1 (Councillor David Dean dissenting).

Decision: Item 5(A) - ref. 14/P4287 (Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY)

Proposal A: GRANT PLANNING PERMISSION subject to any direction from the Mayor of London, planning conditions and a S106 legal agreement, and the tabled modifications sheet.

Decision: Item 5(B) - ref. 14/P4288 (Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY)

Proposal B: GRANT PLANNING PERMISSION subject to any direction from the Mayor of London and planning conditions, and the tabled modifications sheet..

10 LAND TO REAR OF 81 & 83 ASHBOURNE ROAD, MITCHAM, CR4 2BF (REF.15/P1982) (GRAVENEY WARD) (Agenda Item 6)

1. Chair - Prior to consideration of Items 6 & 7 (both relating to the same site, Land to the rear of Nos. 81 & 83 Ashbourne Road), Councillor Linda Kirby advised that she lived close to this site and that she had also requested that these applications be brought before the Committee, and therefore she would vacate the Chair during discussion of these items. Councillor Linda Kirby then vacated the Chair (but remained in the room and took part in discussion of the two items), and the Vice-Chair, Councillor John Bowcott took the Chair for consideration of Items 6 & 7. Following the conclusion of consideration of Item 7, Councillor Linda Kirby resumed the Chair.

2. Proposal - Erection of a 4 bedroom detached dwelling house with accommodation in the roofspace.

3. Footprint – Officers confirmed that this application had the same footprint as the other application for this site detailed under Item 7, with this application having 3 bedrooms in the roofspace and the other application having 2 bedrooms in the roofspace, and both applications having a further bedroom on the ground floor.

4. Approval – The application was approved as detailed below (Councillor Geraldine Stanford dissenting).

Decision: Item 6 - ref. 15/P1982 (Land to rear of 81 & 83 Ashbourne Road, Mitcham, CR4 2BF) (4 bedroom house)

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

11 LAND TO REAR OF 81 & 83 ASHBOURNE ROAD, MITCHAM, CR4 2BF (REF.15/P2166) (GRAVENEY WARD) (Agenda Item 7)

1. Chair – As indicated above in the Minute relating to Item 6, prior to consideration of Items 6 & 7 (both relating to the same site, Land to the rear of Nos. 81 & 83 Ashbourne Road), Councillor Linda Kirby had vacated the Chair, and the Vice-Chair, Councillor John Bowcott had taken the Chair for consideration of Items 6 & 7. Following the conclusion of consideration of Item 7, Councillor Linda Kirby resumed the Chair.

2. Proposal - Erection of a 3 bedroom detached dwelling house with accommodation in the roofspace.

3. Approval – The application was approved as detailed below (Councillor Geraldine Stanford dissenting).

Decision: Item 7 - ref. 15/P2166 (Land to rear of 81 & 83 Ashbourne Road, Mitcham, CR4 2BF) (3 bedroom house)

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

12 2B BELVEDERE DRIVE, WIMBLEDON VILLAGE, SW19 7DG (REF. 15/P1087) (VILLAGE WARD) (Agenda Item 8)

1. Proposal - Demolition of existing house and construction of a new dwelling house including new basement.

2. Extra Informative – Party Wall Act – There was extensive discussion about concerns raised by objectors regarding the impact and safety of the proposed construction works for the neighbouring resident at 2A Belvedere Drive, including ensuring safe and continued access to their front door which was close to the application site boundary.

2.1 Officers highlighted various conditions proposed to ensure that the construction works, including for the new basement, were carried with the best techniques possible and with minimal impact to neighbours.

2.2 Officers explained that safety issues were mainly a matter for Building Regulations, and if appropriate, the Health & Safety Executive, not planning issues.

2.3 Officers advised that it would not be possible to impose a condition on the development at 2B Belvedere Drive, to ensure safe and continued access for the neighbour at No.2A to their front door, but that it would be possible to impose an Informative to remind the applicant of the requirements of the Party Wall Act. It was also noted that the developer of No.2B couldn't encroach on No.2A's land without the latter's agreement.

2.4 Members suggested that the Informative be expanded to remind the applicant of the need to also bear in mind possible difficulties for the neighbour during construction works (such as access to their front door).

2.5. As indicated below, the Committee subsequently agreed to this extra Informative.

Decision: Item 8 - ref. 15/P1087 (2B Belvedere Drive, Wimbledon Village, SW19 7DG)

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

(i) Extra Informative – Party Wall Act – An extra Informative be imposed to remind the applicant of the requirements of the Party Wall Act, and the need to also bear in mind possible difficulties for the neighbour during construction works (such as access to their front door).

13 2 CAITHNESS ROAD, MITCHAM, CR4 2EU (REF.15/P1841) (GRAVENEY WARD) (Agenda Item 9)

1. Proposal - The conversion of the existing dwelling into 3 x self-contained flats including the demolition of single storey side extension and conservatory and erection of a two storey extension with associated roof extension.

2. Affordable Housing Contribution – Officers highlighted that the applicant had agreed to provide an affordable housing contribution (as detailed in the tabled modifications sheet).

2.1. Councillor Ross Garrod queried why the affordable housing contribution for the previous application for a 4 bedroom house in Ashbourne Road (Item 7 above) appeared to be greater than the proposed contribution for this application at 2 Caithness Road which included a 3 bedroom flat and 2 x one bedroom flats. Officers advised that the formula for calculating the contribution in each case was complicated and undertook to provide details to the Councillor.

Decision: Item 9 - ref. 15/P1841 (2 Caithness Road, Mitcham, CR4 2EU)

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.

14 87 COTTENHAM PARK ROAD, WEST WIMBLEDON, SW20 0DR (REF.

15/P2510) (RAYNES PARK WARD) (Agenda Item 10)

1. Proposal - Partial demolition and rebuilding of the existing property to create a new three storey house including the conversion of garage into a summerhouse.

2. Extra Condition – Terrace Screening – Officers advised that the proposed development included various terraces with privacy screens, and suggested that an extra condition possibly be imposed to ensure that the proposed privacy screens were installed.

2.2. Extra Condition –BREEAM standard – Officers also suggested that so as to achieve a high level of sustainable design, a further extra condition be imposed requiring the remodelled building to meet the BREEAM domestic refurbishment very good standard.

2.3. As indicated below, the Committee subsequently agreed to these extra conditions and that officers be delegated authority to agree the detailed wording.

Decision: Item 10 - ref. 15/P2519 (87 Cottenham Park Road, West Wimbledon, SW20 0DR)

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

(i) Extra Condition - Terrace Screening – An extra condition be imposed requiring that the proposed privacy screens for the terracing are installed, subject to (B) below.

(ii) Extra Condition - BREEAM standard –An extra condition be imposed requiring the remodelled building to meet the BREEAM domestic refurbishment very good standard, subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra conditions.

(NB. For Rainbow Industrial Estate, Approach Road, Grand Drive, Raynes Park, SW20 0JY (Ref. 14/P4287 & 14/P4288) – see Minute on Item 5 above.)

15 48 RICHMOND ROAD, WEST WIMBLEDON, SW20 0PQ (REF. 15/P2716)
(RAYNES PARK WARD) (Agenda Item 11)

1. Proposal - Demolition of the existing side garage and the erection of a two storey side extension and a single storey rear extension.

2. Extra Condition – Flank Walls: Painting – Reference was made to an objector's request that if consent was granted, a condition be imposed requiring that the flank walls of the proposed development are painted white so as to improve reflected light. Officers confirmed such a condition would be feasible.

2.1 As indicated below, the Committee subsequently agreed to this extra condition and that officers be delegated authority to agree the detailed wording.

Decision: Item 11 - ref. 15/P2716 (48 Richmond Road, West Wimbledon, SW20 0PQ)

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

(i) Extra Condition - Flank Walls: Painting – An extra condition be imposed requiring that the flank walls of the proposed development are painted white so as to improve reflected light, subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above extra condition.

16 8 ST MARY'S ROAD, WIMBLEDON, SW19 7BW (REF.15/P2556) (VILLAGE WARD) (Agenda Item 12)

1. Proposal - Demolition of existing dwelling house and erection of a detached two storey dwelling house with accommodation at basement level and within the roof space together with the provision of off street parking, erection of front boundary treatment and associated landscaping.

2. Light Impact studies – Officers explained that there were two sunlight and daylight impact studies –

(a) one independent study from residents which concluded that the proposals marginally failed to meet the BRE guidelines; and

(b) a more in depth study from the applicants which concluded that the proposals met the BRE guidelines

2.1 Officers explained that

(i) they were satisfied that side window of No.6 St Mary's Road (which was not the main window to the room concerned) facing No.8 met the BRE guidelines as regards overshadowing; and

(ii) the study from the residents suggested that there would be marginal overshadowing in the garden between 4pm/6pm in the summer. Officers accepted that there may be a small impact but considered this was not sufficient to withhold permission.

3. Consultation period – In response to objectors concerns in their oral representations that the officer report had been compiled before the end of the consultation period and before all objections (including the residents independent light impact report) had been submitted, officers referred to the pressure from Government to consider applications within tight timescales and the use of the tabled modifications sheet to provide late updates. Officers also confirmed that, if appropriate due to the significant nature of late information submitted, officers would recommend on occasions that consideration of an application be deferred to a future meeting. (Officers made no such recommendation in this case.)

4. Location of No.10 St Marys Road – Reference was made to No.10 St Mary's Road as built having been constructed in the wrong position and that this was currently being investigated by the Enforcement Team (para. 7.6 refers).

4.1 A member sought confirmation that an allegation that the applicants for Nos. 8 & 10 St Mary's Road were the same, was not a planning issue. Officers confirmed that

this was not relevant to the consideration of the current application for 8 St Mary's Road.

5. Discussion – There was considerable discussion about the proposals, including the above light impact studies. Members expressed concern about the adverse impact of the proposals, particularly due to their bulk and massing, on the adjacent property at No.6 St Mary's Road; and concern about the relatively narrow width of the site, the proximity of the proposed development to No.6; the proposed new building being overbearing for No.6, and being an overdevelopment of the site.

6. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried by 5 votes to nil (Councillor Linda Kirby abstaining). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 12 - ref. 15/P2556 (8 St Mary's Road, Wimbledon, SW19 7BW)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following -

(i) The bulk and massing of the proposals;

(ii) The proposals would be contrary to -

(a) Policy DM D.2 of the Merton Sites and Policies Plan (July 2014); and

(b) Policy CS.14 of the Merton LDF Core Planning Strategy (July 2011).

(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 appropriate Council policies.

17 MODIFICATIONS SHEET (FOR VARIOUS ITEMS) (Agenda Item 15)

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

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 15th October 2015

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF 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 Planning Permission and may also include applications for 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.

- 2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.
- 2.4 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”.
- 2.5 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.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 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.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; and applications for advertisement consent.
- 3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**
- 3.1 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 sustainability and environmental impact assessment requirements.

- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that "the purpose of the planning system is to contribute to the achievement of sustainable development" and that "there are three dimensions to sustainable development: economic, social and environmental".
- 3.3 The NPPF states that "pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life", and that "at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking".
- 3.4 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) Regulations 2011 (As amended). 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. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5. CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

- 6.1. 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 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

- 11.1 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.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

- Appropriate Government Circulars and Guidance Notes and in particular the NPPF and NPPG.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended).

Agenda Item 5

PLANNING APPLICATIONS COMMITTEE 15 October 2015

Item No:

UPRN

APPLICATION NO.

DATE VALID

15/P2989

11/08/2015

Address/Site 1 Arterberry Road, Raynes Park SW20 8AD

(Ward) Raynes Park

Proposal: Demolition of existing detached dwelling house and erection of four two storey semi-detached 4 bedroom houses with accommodation at basement level and rooms within the roof space and associated parking and landscaping

Drawing Nos 590/P01B, 590/P02B, Basement Impact Assessment and Method Statement, Arboricultural Survey Report and Arboricultural Impact Assessment, Site Investigation Report, Code for sustainable Homes-Design Stage pre-Assessment Report and Design and Access Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions and completion of a S.106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 30
- External consultants: None
- Archaeology Priority Zone: No

1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached dwelling house dating from the 1950's situated on the west side of Arterberry Road, on the corner with Dunmore Road. It is orientated to face towards Dunmore Road although its entrance gates are just off the corner, fronting Arterberry Road. It is a two storey building with the second storey set partly within the roofspace. It has a large garden, with wide gaps to either side of the front elevation. A high wall and fence marks the boundary with the street on both frontages.
- 2.2 There are a number of mature trees on the site, some of which are covered by Tree Preservation Order MER (198). Although the application site itself is not within a Conservation Area, it immediately adjoins the boundary with Dunmore Road Conservation Area, made up of all the Dunmore Road properties on both sides of the road between the application site boundary and the junction with Langham Road. They were built around 1907 and are mainly semi-detached, closely spaced houses, which are united by a uniform highly decorative architectural style, with ornate porch, door and gable features. They have small attractive front gardens, most of which have a low front wall with a picket fence on top with no off-street parking.
- 2.3 To the rear, the site adjoins the rear gardens of houses in Worple Road with very long rear gardens as well as 1c Arterberry road, a small detached property

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing detached house and the erection of two pairs of semi-detached houses fronting towards Dunmore Road. They would be set back from the Dunmore Road frontage by between 3.8 m and 5.5 m (with bay windows set back between 3 and 4.5m from the site frontage). The flank wall of house 'A' would be sited 1.5 m away from the boundary with 1 Dunmore Road. The flank wall of house 'D' would be sited between 5.5 and 6.8 m from the boundary with Arterberry Road, beyond the three existing large TPO trees. The pairs of houses would be 14 m in width and the houses would be between 11.3 and 12.3 m in overall depth including projecting bay windows to the front elevation. The proposed houses would have an eaves height of 6 m and would have a pitched roof with a ridge height of 9.5 m. Conservation style roof lights would be provided on the rear roof elevation. The pairs of houses have been designed to reflect the character and appearance of the Victorian/Edwardian houses in Dunmore Road and would have similar eaves and ridge heights. The houses would incorporate two storey gabled bay windows with feature canopies above the front entrance. The houses would be faced in brick and render and would have tiled roofs.

- 3.2 They would be arranged over 4 levels with a wholly below ground basement level containing a games room, utility room, store and plant room, utility room, an entrance hall, living room and combined kitchen/dining room at ground floor, two bedrooms with en-suite bathrooms at first floor, and a further two bedrooms with separate bathroom within the roof space.
- 3.3 Houses 'A' and 'D' would each have a single off-street parking space, with house 'D' having the benefit of the existing vehicular access from Arterberry Road. Each house would have secure cycle parking and refuse and recycling storage. The middle properties, Houses B and C, would have no off street provision – this has been discussed with officers and enables the front garden arrangement to more closely follow the strong pattern of small landscaped front gardens within the rest of Dunmore Road.

4. **PLANNING HISTORY**

- 4.1 In January 2014 a pre-application meeting was held in respect of the redevelopment of the site by the erection of a terrace of three dwelling houses (LBM Ref.14/P0257/NEW).
- 4.2 In March 2015 a planning application was submitted for the redevelopment of the site by the erection of a terrace of four two storey houses with accommodation at basement level and within the roof space (LBM Ref.15/P0867. However the application was withdrawn by the applicant on 7 July 2015 following discussion with Council officers, who indicated that the application would be refused in its current form.

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 10 representations have been received from local residents and also from South Ridgway Residents Association. The comments are set out below:-
- design should be more in keeping with the rest of Dunmore Road in terms of front elevation, scale and massing, materials and positioning, front dormers not a feature of existing houses, does not comply with Dunmore Road Conservation Area design guide, front garden boundary treatment out of character,
 - replacement of 1 house with 4 will alter character of road, overdevelopment, gardens not as large as those in same vicinity
 - demolition should be resisted and house should be incorporated into the Dunmore road conservation area to which it adjoins, as having the architectural character fitting of designation
 - Council has a duty to preserve and enhance the character and appearance of the Conservation Area.
 - accepted that site will be redeveloped but should be acceptable in terms of character or road and not affect quality of life of existing residents

- amended design an improvement but still doesn't reflect the style or character of the street, will undermine character of Conservation Area.
- should be no change to street trees, object to loss of trees
- should not front onto or be accessed from Dunmore Road
- already parking congestion, road cannot accommodate any more cars, new crossover will reduce on street parking space, will add to parking pressure, will impact on highway safety .
- concerns about impact of basement construction upon the water table- should be subject to an independent third party report,
- occupiers of 2 Dunmore Road concerned about cumulative impact of this and planning permission for basement swimming pool at 1 Montana Road, at the rear of 2 Dunmore Road.
- concerns about damage to adjoining properties from vibration related to basement construction, any damage should be repaired and neighbouring windows should be cleaned following building works.
- risk of surface water and ground water flooding
- The proposed house will result in overlooking and loss of privacy to houses at the rear in Worple Road.
- construction management plan required

5.2 South Ridgway Residents Association

Very similar to previous application. Acknowledged that site will be developed but should be as sympathetic as possible. In relation to basements, there is a considerable amount of sub surface water running off the hill and any impediment will cause problems - ensure adherence with basement policy DMD2. Includes dormer windows to front elevations- not permitted on existing houses. Houses are sited at an angle – should align with other houses. Concerned about loss of a number of mature trees. Appears to be overdevelopment by virtue of size, massing and position - three houses would be preferable.

5.3 Tree Officer

The tree officer has been consulted and states that the current proposal has addressed concerns raised at the pre-application stage (LBM Ref.14/P0257/NEW). Therefore, there are no objections to the proposal subject to appropriate planning conditions being included in any grant of planning permission.

6. POLICY CONTEXT

6.1 Adopted Merton Core Strategy (July 2011)

CS 8 (Housing Choice), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H4 (Demolition and Redevelopment of a Single Dwelling House), DM 02 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments) and DM T3 (Car Parking and Servicing Standards).

- 6.3 The London Plan (March 2015)
The relevant policies within the London Plan are 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.11 (Affordable Housing), 5.7 (Renewable Energy), 7.4 (Local Character), 7.6 (Architecture).

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations concern the demolition of the existing house, the design of the new dwellings, together with neighbour amenity, basement construction, parking and sustainability issues.

7.2 Demolition of Existing Building

The existing dwelling house is not within a Conservation Area, is not statutorily listed or locally listed, therefore there is no in principle policy objection to its demolition. Any replacement scheme should, however, not detract from the setting of the adjacent Dunmore Road Conservation Area and should comply with all other relevant adopted Merton Core strategy policies and policies within the Merton Sites and Policies Plan. The Council seeks to make efficient use of land whilst respecting local character. The existing house occupies an uncharacteristically large plot and there is the opportunity to increase housing supply in accordance with policy targets as set out in Policy CS9 of the adopted Core Planning Strategy.

7.3 Design Issues

The current proposal for the redevelopment of the site by the erection of two pairs of semi-detached houses has been submitted following the withdrawal of application LBM Ref.15/P0867 on 7 July 2015. Application LBM Ref.15/P0867 proposed a terrace of four houses and was considered to be out of character with existing houses nearby in Dunmore Road. Following discussions with officers, the current application has been submitted for two pairs of semi-detached houses, picking up the key characteristics of the Victorian /Edwardian houses in Dunmore Road, including the rhythm and scale.

- 7.4 The houses have been designed as semi-detached pairs, which is the dominant form within Dunmore Road. They have been designed to reflect the width of the existing semi-detached pairs, the gaps between them and the front curtilage depth. They have identical eaves and ridge heights (6m to eaves and 9.5m to ridge) and incorporate the gable ends, bay windows and ornate covered porches which characterise and create a rhythm within the remainder of the street. The front curtilage treatment, with a low wall and picket fence on top marking the front boundary, has been chosen to reflect the prevalent treatment within Dunmore road, and replaces the high wooden fence and wall that currently exists. The doors and window detailing also mimic that of their neighbours.. The materials reflect those found within Dunmore Road, with brick and rendered walls, timber windows and porches and plain clay tile roofs.

- 7.5 Following discussion with officers, a balance has been struck between on and off street parking provision in order to maintain a street scene with a pattern of

continuous front boundaries with landscaped front gardens and there is no requirement to remove any street trees. There is a 5.5 – 6.8m gap between the flank wall of House D and the boundary with Arterberry Road, and the retention of the three mature trees on this boundary will maintain the green and spacious feel of the street corner.

- 7.6 A number of objections have been received in relation to the inclusion of dormer windows to the front elevations of the proposed houses. Although the existing houses in Dunmore Road do not have front dormer windows and they would generally be discouraged from being erected on the original properties, the current application is for two pairs of new build semi-detached houses. The dormer windows have been designed to sit comfortably within the roof plane, are of relatively small scale and add visual interest the front elevations of the two pairs of houses. The adopted design approach picks up on the general character of existing houses in Dunmore Road and the design is considered to be appropriate for its setting. There is not considered to be any valid reason why well designed front dormers should not be incorporated.
- 7.7 Reference has also been made to the siting – the pair closest to the corner sit approximately 1m further forward of the general building line within the street and the adjoining proposed new semi-detached pair. Given that this pair occupy an end of street corner location, this is considered to be acceptable in visual terms.
- 7.8 The original proposed scheme for a terrace of houses was withdrawn and comprehensively re-designed to avoid adversely impacting upon the setting of the adjoining Conservation Area. The housing form, siting and design is considered to sit comfortably with its neighbours and is therefore considered to be acceptable in terms of policies CS14, DM D2 and DM D4.
- 7.9 Neighbour Amenity
The first floor windows at the rear are a minimum of 10 metres from the rear garden boundary with existing houses in Worple Road. The Worple road houses have rear gardens in excess of 25m, therefore the window to window separating distance is well in excess of the Council's guidelines. Existing trees are to be retained on the rear boundary and the gardens in Worple Road are also densely vegetated. House A is set away from the boundary with 1 Dunmore Road by 1.5m and aligns with its flank, and is not considered to have any adverse impact on this property. The houses are separated by the road width of Dunmore Road from 3 Arterberry Road and would not result in any undue loss of privacy. It is therefore considered that the siting of the proposed house and its relationship to existing neighbouring residential properties is acceptable in terms of policy DM D2 (Design Considerations in all Developments).
- 7.10 Basement Construction
A number of representations comment on the provision of basement accommodation in the development and raise concerns over basement construction and the impact of basements upon the water table. However, in accordance with policy DM D2 the applicant has provided a Site Investigation

Report and a Basement Impact Assessment and Method Statement. The statement concluded that the design and construction of the basement accommodation is in line with industry norms and there are no technical reasons why the basement should not be constructed as planned. All applicable temporary and permanent design loads have been considered for the design of the basement box construction. The basement accommodation would be constructed to a sequence to ensure that the works remain stable at all times and that excessive deflections do not occur. A system of monitoring will be adopted to ensure that any possible movement is identified at an early stage and that appropriate measures can therefore be taken. It is not therefore envisaged that the proposed basement construction would have any impact upon neighbouring properties. A ground water assessment of the area incorporating the new basement as planned has been carried out by consultants. The predicted rise in ground water levels is considered to be insignificant in comparison with normal seasonal fluctuations and therefore the hydro-geographical impact of the proposed basement construction on adjacent properties will be negligible. Surface water flows will be required to be attenuated through the use of a Sustainable Urban Drainage System. The provision of basement accommodation is therefore considered to be acceptable in terms of policy DM D2 subject to suitable conditions being attached.

7.11 Trees

In relation to trees, the three large TPO trees on the frontage of Arterberry Road are to be retained and no street trees are to be removed as a consequence of the proposals. There are currently 9 B grade trees on the site and 1 B grade group. 5 of the B grade trees are to be retained and 4 trees and 1 group to be removed. Of these, trees T16 and T17 are within the rear garden area and make a limited contribution to the street scene. G15 is a line of Lawson cypresses which are set back from the street along the side boundary and although in reasonable condition, are not particularly attractive. T10 is a Lawson cypress in the front garden and T14 is a silver birch on the side boundary. The Council's Tree Officer has examined the proposals and has no objections subject to the planting of suitable replacement trees both within the front gardens and to the rear. The applicant has confirmed that all trees to be retained will be protected during construction works with protective fencing sited along the edge of the root protection area in accordance with the requirements of BS.5837:2012 and planning conditions can also ensure that the tree protection measures are undertaken together with associated landscaping works. The Council's tree officer has confirmed that the proposed tree works are acceptable and the proposal complies with the requirements of policy DM 02 (Nature Conservation, Trees, Hedges and Landscape Features).

7.12 Parking

A number of representations have expressed concern at the potential impact of the proposal upon on-street parking in Dunmore Road as well as the loss on on-street parking spaces due to the formation of a vehicular access for house 'A'. The proposed new vehicular access would result in the loss of possibly two on street parking spaces, the development would provide off

street car parking for House A (accessed from Dunmore Road) and house 'D' via the existing access to the site from Arterberry Road. Therefore two of the four houses would have off-street parking. Although it is acknowledged that demand within Dunmore Road is high because of lack of off street parking, the demand is less strong in surrounding roads. The proposal is considered to maintain a suitable balance between retaining a continuous front boundary treatment, suitable siting of houses with soft landscaped front gardens typical of the road and provision of parking. The transport officer does not consider parking pressures to be so acute as to warrant making the development permit free in this location. The parking provision, access and cycle parking arrangements are considered to be acceptable in terms of policy CS20.

7.13 Quality of Accommodation

The houses comfortably meet the GIA requirements of the London Plan for houses of this size and the garden sizes are in excess of 70 square metres for houses A-C and in excess of 150 square metres for House D.

7.14 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.15 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code level 4 equivalent. Where there is an existing plan policy which references the Code for sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.16 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

7.17 Developer Contributions

The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL). The proposal involves the redevelopment of the site by the erection of four dwellings. Policy CS8 (Housing Choice) of the Adopted Merton Core Strategy requires developments of 1 – 9 residential units to make a financial contribution towards Affordable Housing in the borough, secured through a S.106 Agreement. The developer has provided three independent valuations of the completed development and the financial contribution has been calculated using the formulaic approach set out in

Merton's Affordable Housing Viability Study (2010) for calculating the affordable housing equivalent to that provided on-site as a financial contribution. The developer contribution has been therefore been calculated at £367,326

8. **CONCLUSION**

- 8.1 The design and layout of the proposed pairs of semi-detached houses are considered to be acceptable in this location. The siting of the proposed houses would not affect neighbour amenity and would preserve and enhance the setting of the adjacent conservation area. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to

Completion of a legal agreement

Heads of terms

Affordable housing contribution of £367, 326

And subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Drawings
3. B.1 (Approval of Facing Materials, including 1:20 details of porches and Window Reveals)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 Obscure Glazing (Windows within Side Elevation of House 'A')
8. C.7 (Refuse and Recycling-Implementation)

9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. F.1 Landscaping Scheme
12. F.2 Landscaping (implementation)
13. F.5P Tree Protection
14. F.8 Site Supervision
15. H.2 Vehicular Access to be Provided
16. H.7 Cycle Parking to be Implemented
17. H.9 (Construction Vehicles)
18. J.1 (Lifetime Homes)
19. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.
20. Prior to commencement of development, a detailed Basement Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority and the basement shall be constructed in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to ensure that the basement works are constructed in a satisfactory manner and to comply with policy DM D2 of Merton's sites and Polices Plan (July 2014).

21. Prior to commencement of development full details of the design of a Sustainable Drainage system shall be submitted to and be approved in writing by the Local Planning authority and the Sustainable drainage system shall be implemented in accordance with the approved details.

Reason for condition: In the interest of sustainable development and to comply with policy DM F2 of Merton's Sites and Policies Plan (July 2014).

INF.1 (Party Wall Act)

. INF.7 (Hardstanding)

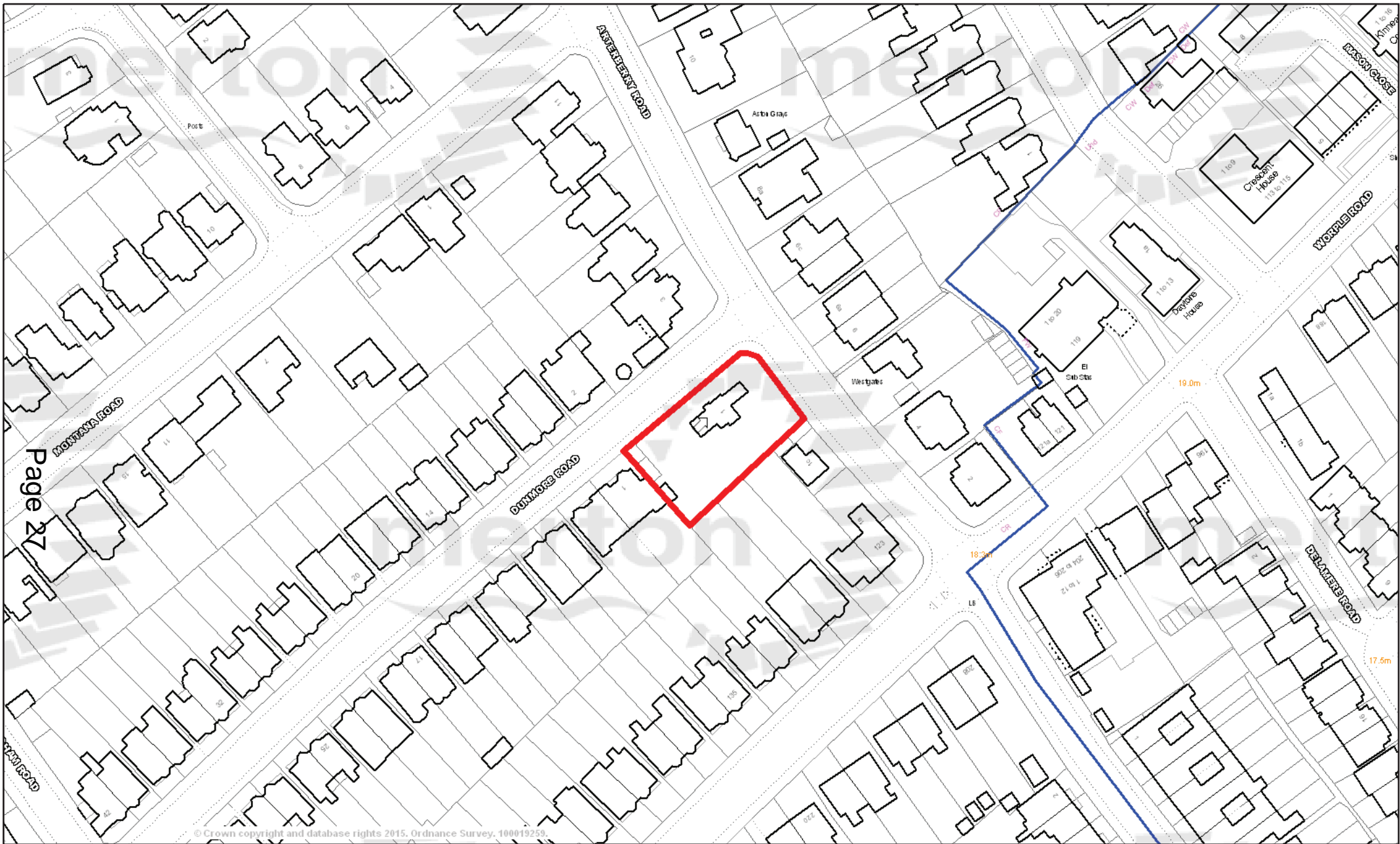
INF. 8 (Construction of Vehicular Access)

. INF.9 (Works to Public Highway)

Informative

Evidence requirements in respect of condition 19 are detailed in the 'Schedule of evidence required for Post Construction Stage from Ene1 and Wat 1 of the Code for Sustainable Homes Technical Guide.

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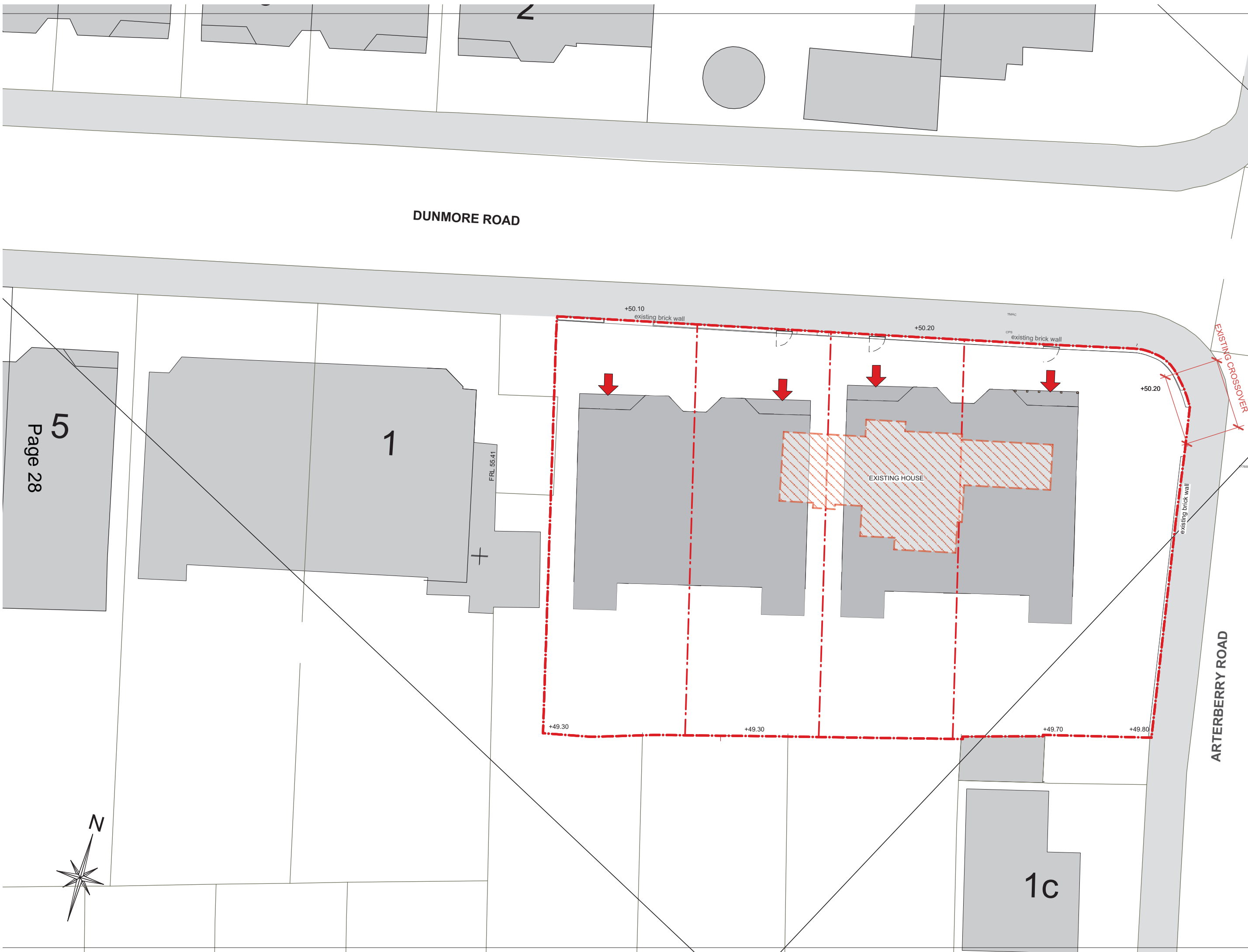
Scale 1/1250

Date 1/9/2015

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



DEVELOPMENT CONTROL



5
Page 28

DUNMORE ROAD

ARTERBERRY ROAD

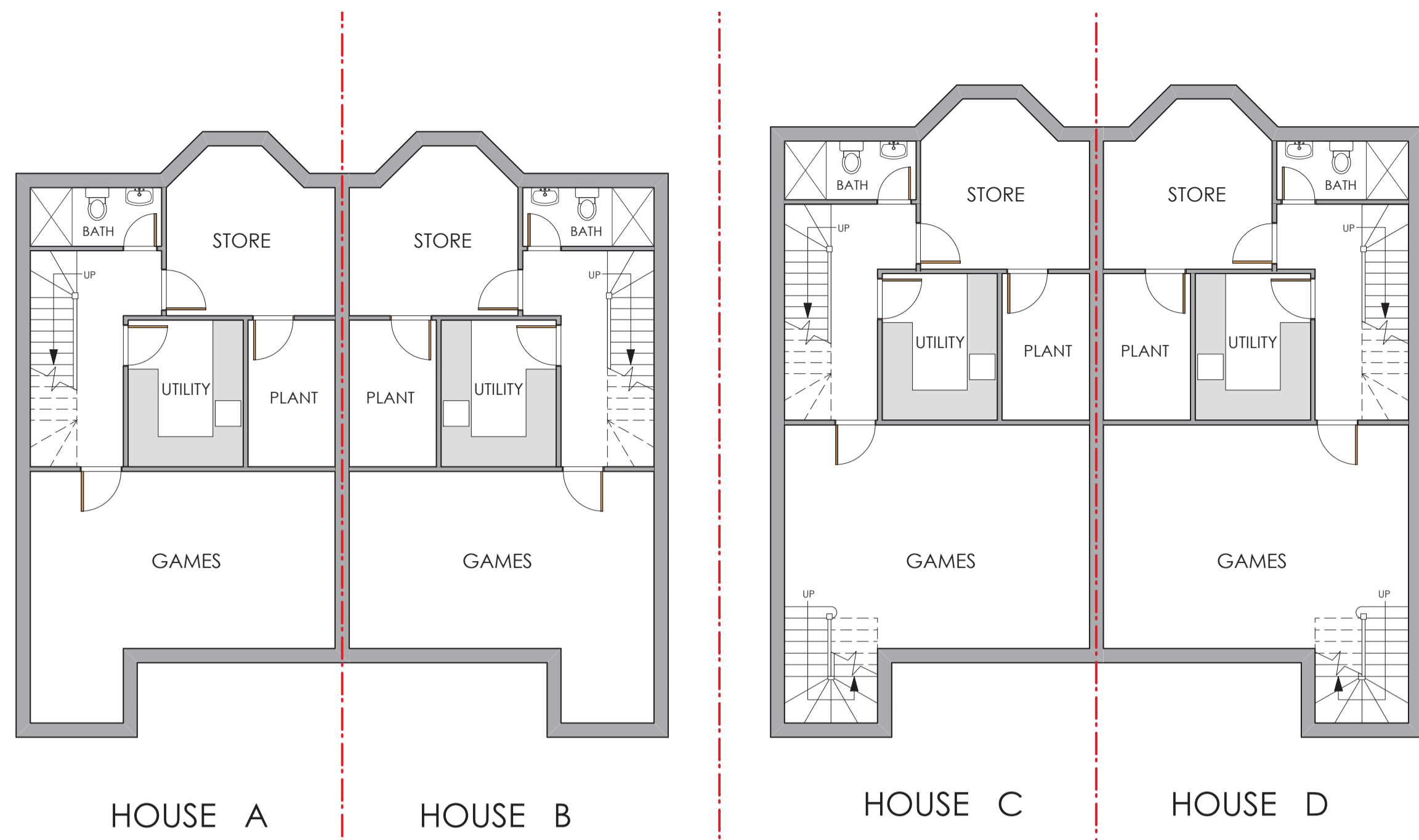


Rev	Date	Revision	By

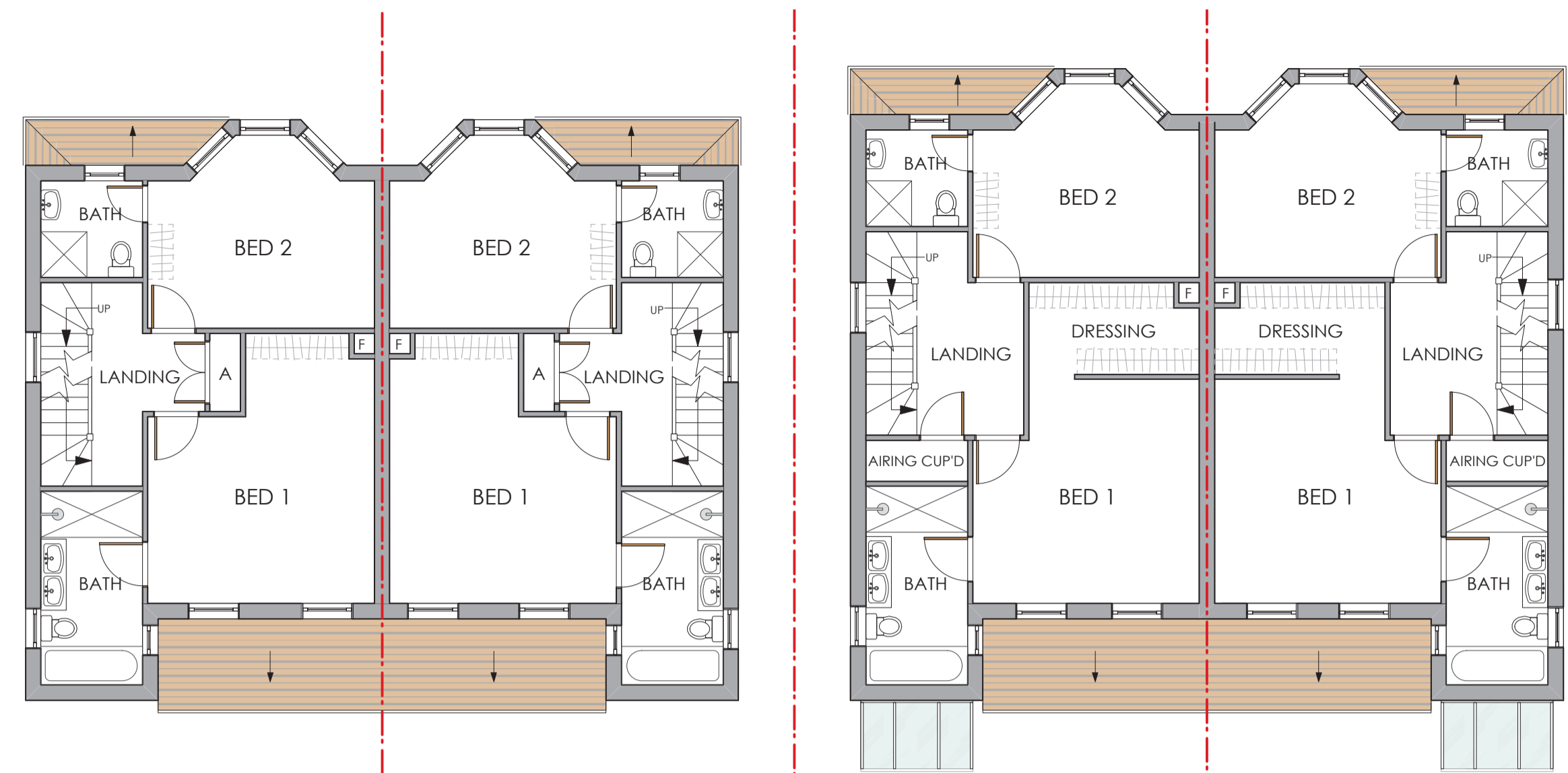
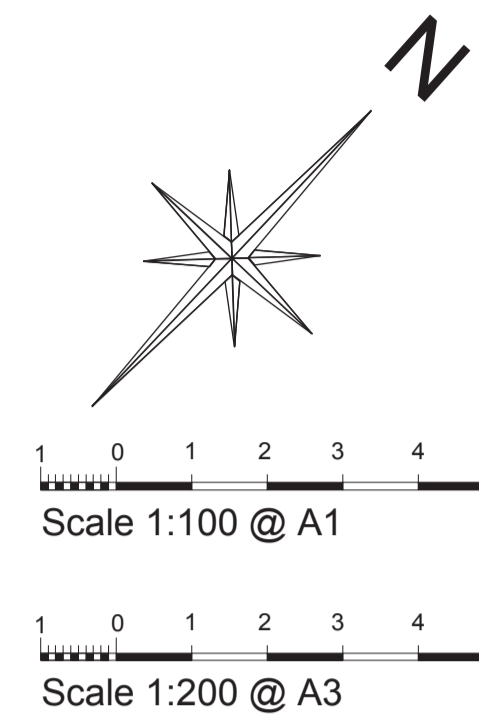
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 DWG: SITE CONTEXT PLAN
 JOB NO: 590
 DWG. NO: 590/P10
 REVISION:
 SCALE: 1:200 @ A1
 DATE: OCT 2015
 DRAWN BY: RF
 CHECKED BY: HH
 DWG. STATUS: PLANNING

Do not scale this drawing
 All dimensions to be checked on site
 Holden Harper copyright reserved

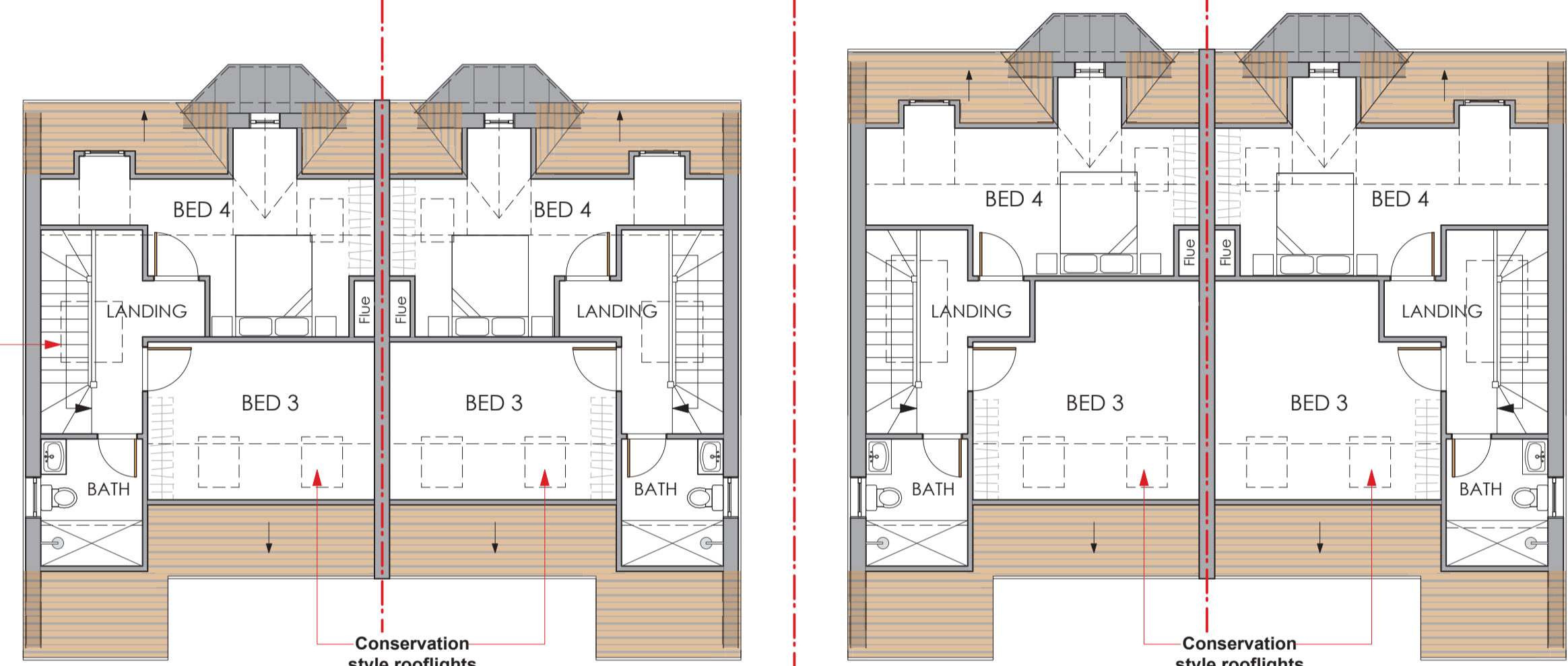
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 Telephone: 020 8946 5502
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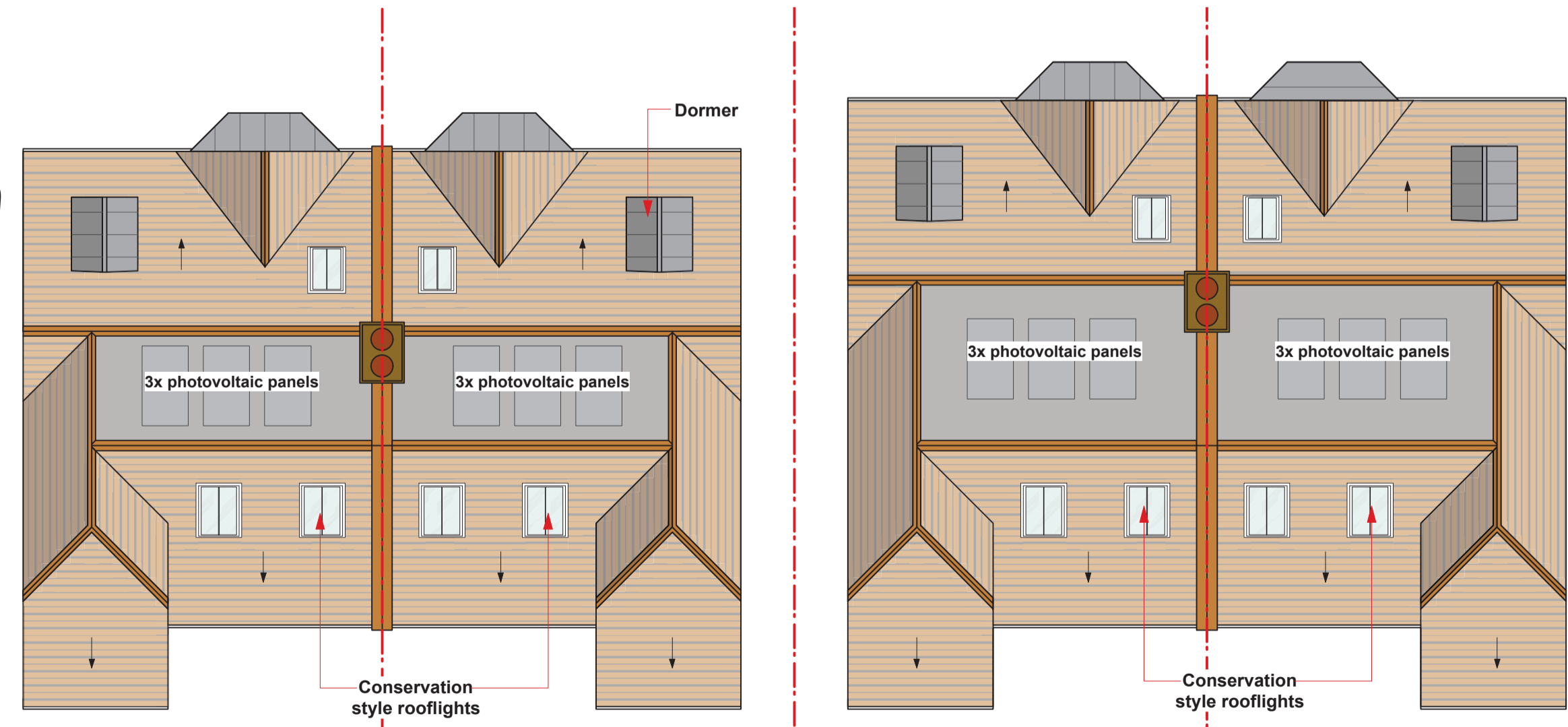
BASEMENT FLOOR PLAN



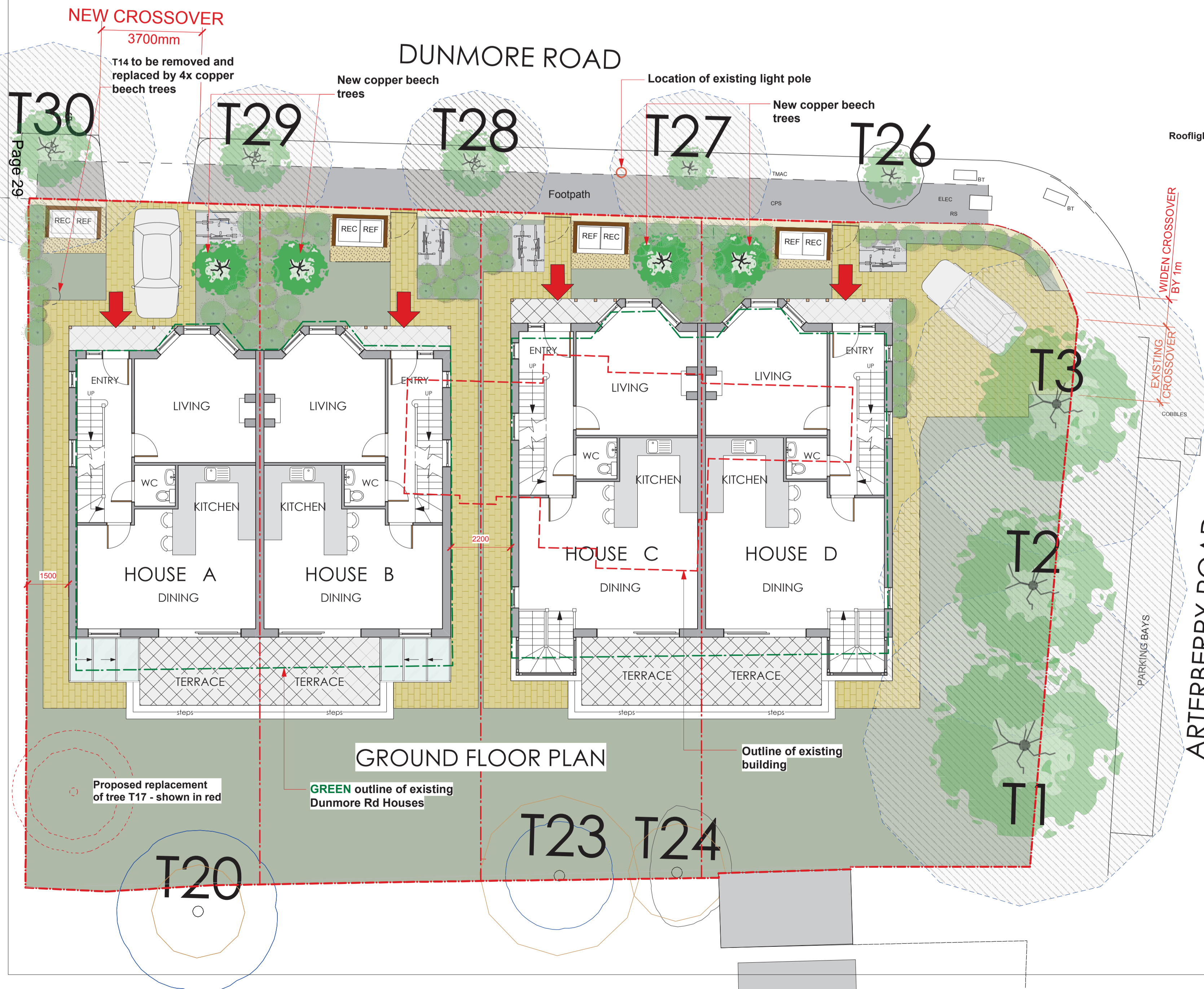
FIRST FLOOR PLAN



SECOND FLOOR PLAN



ROOF PLAN



GROUND FLOOR PLAN

KEY:

DENOTES TREE R.P.A (REFER TO TREE REPORT)

T26

DENOTES IDENTITY OF TREES ON OR AROUND THE SITE TO BE RETAINED

NOTE: T1, T2, T3, T14 have TPO's in place

HOUSE "A"
GIA = 231 SQM

HOUSE "B"
GIA = 231 SQM

HOUSE "C"
GIA = 256 SQM

HOUSE "D"
GIA = 256 SQM

Rev	Date	Revision	By
B	21/08/15	Street elevation updated. Change copper birch to copper beech	ECW
A	20/07/15	Change of new trees to Copper Birch	KR

JOB: 1 Arterberry Road, Wimbledon, SW20

DWG: PROPOSED PLANS

JOB NO: 590

DWG. NO: 590/P01

REVISION: B

SCALE: 1:100 @ A1

DATE: JULY 2015

DRAWN BY: KR

CHECKED BY: HH

DWG. STATUS: PLANNING

Do not scale this drawing
All dimensions to be checked on site
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Holden Harper
chartered architects & engineers
26 High Street, Wimbledon
London, SW19 5BY
Telephone: 020 8946 5502
Email: arch@holdenharper.co.uk

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PLANNING APPLICATIONS COMMITTEE
15th October 2015

Item No:

UPRN

APPLICATION NO.

DATE VALID

15/P2351

01/07/2015

Address/Site:

6 Murray Road, West Wimbledon, SW19 4PB

(Ward)

Hillside

Proposal:

Demolition of existing house and erection of a six bedroom detached house with basement accommodation.

Drawing Nos:

EX_01, P_01(A), P_02(A), P_03, P_04, P_05, P_06, Basement impact assessment from esi environmental specialists (Ref: 63995R1), Drainage strategy from Martin J. Harvey dated 11th June 2015, Subterranean impact assessment from AND Designs Ltd dated 7th June 2015.

Contact Officer:

David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning 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 Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 29
- External consultations: None

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two-storey four bedroom dwellinghouse, arranged over two floors, which dates from the 1960s. The house is located on the northeast side of Murray Road, Wimbledon.
- 2.2 The northeast part of Murray Road mainly consists of large detached houses. The surrounding houses are primarily traditional in character although they are individually designed in terms of style, material, size and shape.
- 2.3 The application site is located in the Wimbledon West Conservation Area and has a PTAL rating of 2, which means it has poor access to public transport. The site is also located in a controlled parking zone (CPZ).

3. CURRENT PROPOSAL

- 3.1 The current application is for full planning permission to demolish the existing house and erect a six bedroom detached house.
- 3.2 The proposed house would be arranged over four floors, with accommodation at basement, ground, first floor and roof levels. It would have a traditional design, featuring a hipped roof, double height bay window, and gable which addresses the street. Materials would comprise facing brickwork and clay tile roof. Dormers would be located on the front, rear and southeast facing roof slope.
- 3.3 The house would have an eaves height of 6.3m and a maximum height of 9.7m. The ground floor element at the rear of the house would have a maximum depth of 3.1m (not including bay window) and a height of 3.1m. Off-street parking for a single car is provided at the front of the house.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 WIM6459 - Erection of a dwelling house with an integral garage on land within the curtilage and adjacent to 8 Murray Road having frontage onto Murray Road of 40ft. Granted - 11/10/1962;
- 4.2 MER733/73 - Single storey extension with roof terrace over and dormer windows. Granted - 16/08/1973;
- 4.3 Pre –application advice for the demolition of the existing house and erection of a new six bedroom detached house was sought in May 2015 (Ref: 15/P1724/NEW)

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):

DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D4 (Managing Heritage Assets), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM O2 (Nature conservation, trees, hedges and landscape features)

- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are: CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (July 2011) are: 3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction)
- 5.4 The following Supplementary Planning Guidance (SPG) is also relevant: New Residential Development (September 1999)
- 5.5 Wimbledon West Conservation Area Character Appraisal (Sub Area 19: Murray Road (South))

6. CONSULTATION

- 6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, eight letters of objection and six letters of support have been received. The letters of objection are on the following grounds:
- Impact of basement on water table and underground water flows;
 - Disruption from construction work;
 - Precedent for basements will be created on Murray Road;
 - No need for an additional basement;
 - Lack of off-street parking;
 - Overlooking;
 - The house will look out of context with the street;
 - Impact on foundations of adjoining houses.
- 6.2 The letters of support are on the following grounds:
- The new basement is acceptable;
 - The proposed house is of a very high standard of design and is sympathetic to its surroundings;
 - Acceptable in terms of its size;
 - Complies with planning policies;
 - Existing house is unattractive and proposed house is significant improvement.

- 6.3 The Flood and structural engineers have assessed the proposal and are satisfied with the details submitted so far. They have requested further conditions area attached with any approval.

7. PLANNING CONSIDERATIONS

The main planning considerations in this instance concern the demolition of the existing house, the impact that the proposed house would have on visual and residential amenity, the standard of accommodation to be provided and any impact on parking/highways and trees.

7.2 Demolition of existing house

- 7.21 Policy DM D4 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals that will lead to substantial harm to the significance of, or the total loss of heritage assets will only be granted in exceptional circumstances. The loss of a building that makes a positive contribution to a conservation area should also be treated as substantial harm to a heritage asset.

- 7.22 The current house has been identified in the Wimbledon West Conservation Area Character Appraisal as making a neutral contribution to the conservation area. The house is not considered to be of any architectural quality and is typical of a number of houses built during this period, lacking the rich detailing common to other properties in the conservation area. It should be noted that the current house is the only house on this side of Murray Road in Sub Area 19, which is not locally listed or makes a positive contribution to the conservation area. Nos. 4 and 8 are both locally listed with No.4 dating from 1911 and featuring facing brickwork, gable roof which addresses the street, and a number of tall brick chimneys and other charming details. No.8 is a detached two and a half storey five bay house dating from 1909. This is a classically styled house with curved rendered eaves and half gables to each end dominated by large brick chimneys.

- 7.23 The proposal would therefore not be required to meet the criteria for demolition set out in Policy DM D4. Nevertheless, demolition would not be supported unless, a suitable replacement scheme that preserved or enhanced the character of the conservation area was proposed.

7.3 Design and Impact on Conservation Area

- 7.31 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

- 7.32 In relation to the street and surrounding properties it is not considered that the proposed house will be excessive in terms of its height, bulk or massing, with

both Nos. 4 and 8 considerably larger. This part of Murray Road has a gentle gradient that slopes down from north to south, which means the proposed house will step down in relation to Nos.8 and No.4. The house will be located at least 1.1m from each side boundary, which combined with the large gap to No.8 and the low eaves height and long side facing sloping roof of No.4 means adequate gaps will be retained with views to greenery to the rear of the site, which is a positive characteristic of the conservation area. In this respect there is very little difference between the current and proposed houses with the proposed house actually slightly narrower than existing.

- 7.33 The current house, which dates from 1962 is not a very high quality design and appears as an anomaly, sitting between two very attractive period houses. The proposed house is considered to be a very high quality design that would enhance the character and appearance of the conservation area. Although there is no dominant style on Murray Road, it is considered that the new house will be compatible with the character of the buildings found throughout the wider Wimbledon West Conservation Area. The proposed house will feature a hipped roof, double height front bay and gable roof, which addresses the street. Facing materials will comprise handmade brickwork and clay tiles and the windows will be painted timber. The proposed dormers are not too bulky, as they are set well back from the roof eaves and in from the flank walls.

7.3 Standard of Accommodation

- 7.31 The London Plan was published in July 2011 and sets out a minimum gross internal area standard for new homes as part of policy 3.5. It provides the most up to date and appropriate minimum space standards for Merton.
- 7.32 In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.33 As the proposed house would comfortably exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook, light and circulation, it is considered the proposal would provide a satisfactory standard of accommodation. In addition, the proposed house would provide over 400sqm of private amenity space, which is well in excess of the minimum of 50sqm required in policy DM D2. The proposed house would therefore comply with policy 3.5 of the London Plan (July 2011), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.4 Residential Amenity

- 7.41 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.42 It is considered that the proposal would not have an unacceptable impact on the amenity of Nos. 4 and 8 Murray Road. With regards to No.4 the house will project approx. 4.3m further back at ground floor level and 1.2m at first floor level beyond the rear elevation of No.4. This is considered to be acceptable in this instance given the house will be 1.2m from the side boundary. It should also be noted that No.4 is located southeast of the proposed house, which means it will have little impact on daylight/sunlight levels, and sits in a very wide plot, with a thick layer of foliage located along the side boundary further reducing any visual impact when viewed from No.4.
- 7.43 With regards to No.8 it should be noted that a detached garage block is located along the side boundary between the proposed house and the main house at No.8. The main house of No.8 itself is located 5.7m from the flank wall of the proposed house. It is considered that the proposal will not be visually intrusive or overbearing when viewed from No.8 given the location of the garage between both properties combined with the fact that the rear wall of the proposed house at first floor level will only project 60cm beyond the ground floor bay window at No.8. A condition will be attached requiring that windows in the side elevation of the house at first and second floor levels are obscure glazed and fixed shut below 1.7m internal floor height to protect privacy levels at Nos. 4 and 8.
- 7.44 Overall, it is considered that the proposal would not be visually intrusive and overbearing when viewed from adjoining properties or result in an unacceptable level of daylight/sunlight loss. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.5 Basement Construction

- 7.51 With regards to the basement, the applicant has submitted a subterranean impact assessment report, drainage strategy and surface water and groundwater report. These were carried out by suitably qualified structural and civil engineers and soil and groundwater specialists. The reports were informed by on site borehole investigation. They set out the proposed basement construction method and sequencing showing how the stability of ground conditions will be maintained in relation to adjoining properties. In relation to surface water, the impermeable area will increase which will increase the volume of runoff, therefore attenuation will be required. Initial site investigation shows that soakaways and impermeable paving may be suitable subject to infiltration testing, and if not the surface water will be attenuated to

'brownfield 'run off rates. In summary, subject to a suitable condition being attached, the additional runoff will be drained to an appropriate drainage system that will have a minimal effect on adjacent properties and drainage systems. In relation to groundwater, the proposed basement depth would extend 0.9m below the water table. The site investigation data in relation to the ground conditions indicates that it is unlikely that there would be a noticeable rise in groundwater flows or change in the groundwater level, although monitoring and appropriate mitigation should be employed during the construction phase. No springs or surface water features have been identified in the vicinity of the proposed development.

- 7.52 The council's structural and flood engineers have assessed the proposal and are satisfied with the details submitted subject to the imposition of suitable conditions on any planning approval relating to groundwater, surface water drainage, and a detailed method statement being submitted and approved by the LPA prior to commencement of development. It is therefore considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014)

7.6 Parking and Traffic

- 7.61 The proposal will provide a single off-street car parking space, which is the same as the current house and as such is considered to be acceptable. It should be noted that the proposed frontage would feature a lot of greenery and the addition of any further off-street parking would be to the detriment of this.
- 7.62 Although the site is located in a controlled parking zone it is considered that a S106 requiring the development is permit free is not necessary in this instance given the proposal would not result in a net increase in residential units. The application site also has poor access to public transport with a PTAL rating of only 2 and it should be noted that policy CS.13 of the Core Planning Strategy only supports permit free developments in areas within CPZ's benefiting from good access to public transport (PTAL 4-6). The proposal therefore accords with policy CS.20 of the Core Planning Strategy.

7.7 Trees and Landscaping

- 7.71 The application site is within a conservation area and as such trees are protected through policy DM O2. There are trees located in the rear and front garden of the application site as well as at No.4 close to the boundary with the application site. The applicant has provided a tree survey and arboricultural implications assessment which shows that only one category 'C' tree (T10), which is located on the application site has a canopy close to the flank wall of the proposal. This however can be easily kept in check by periodical remedial pruning. It is therefore considered that the proposal would not damage or destroy any tree and as such accords with policy DM O2.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. LOCAL FINANCIAL CONSIDERATIONS

- 9.1 The proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

10. CONCLUSION

- 10.1 It is considered that the proposed house would be acceptable in terms of its size and design and would not have an unacceptable impact on the Murray Road streetscene or the wider Merton (Wimbledon West) conservation area. The house is also considered to have an acceptable impact on neighbouring properties, traffic/parking and trees. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

(1) GRANT PLANNING PERMISSION subject to the following conditions:

1. A.1 (Commencement of Development)
2. B.1 (External Materials to be Approved)
3. B.4 (Details of Site/Surface Treatment)
4. B.6 (Levels)
5. C.1 (No Permitted Development (Extensions))
6. C.2 (No Permitted Development (Windows and Doors))
7. C.4 (Obscured Glazing (Opening Windows))
8. C.8 (No Use of Flat Roof)
9. C.10 (Hours of Construction)
10. F.1 (Landscaping/Planting Scheme)
11. F.2 (Landscaping (Implementation))
12. F.4 (Tree survey approved)
13. F.9 (Hardstandings)

14. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

15. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

16. J.1 (Lifetime Homes)

17. No development approved by this permission shall be commenced until a scheme to reduce the potential impact of groundwater ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction.

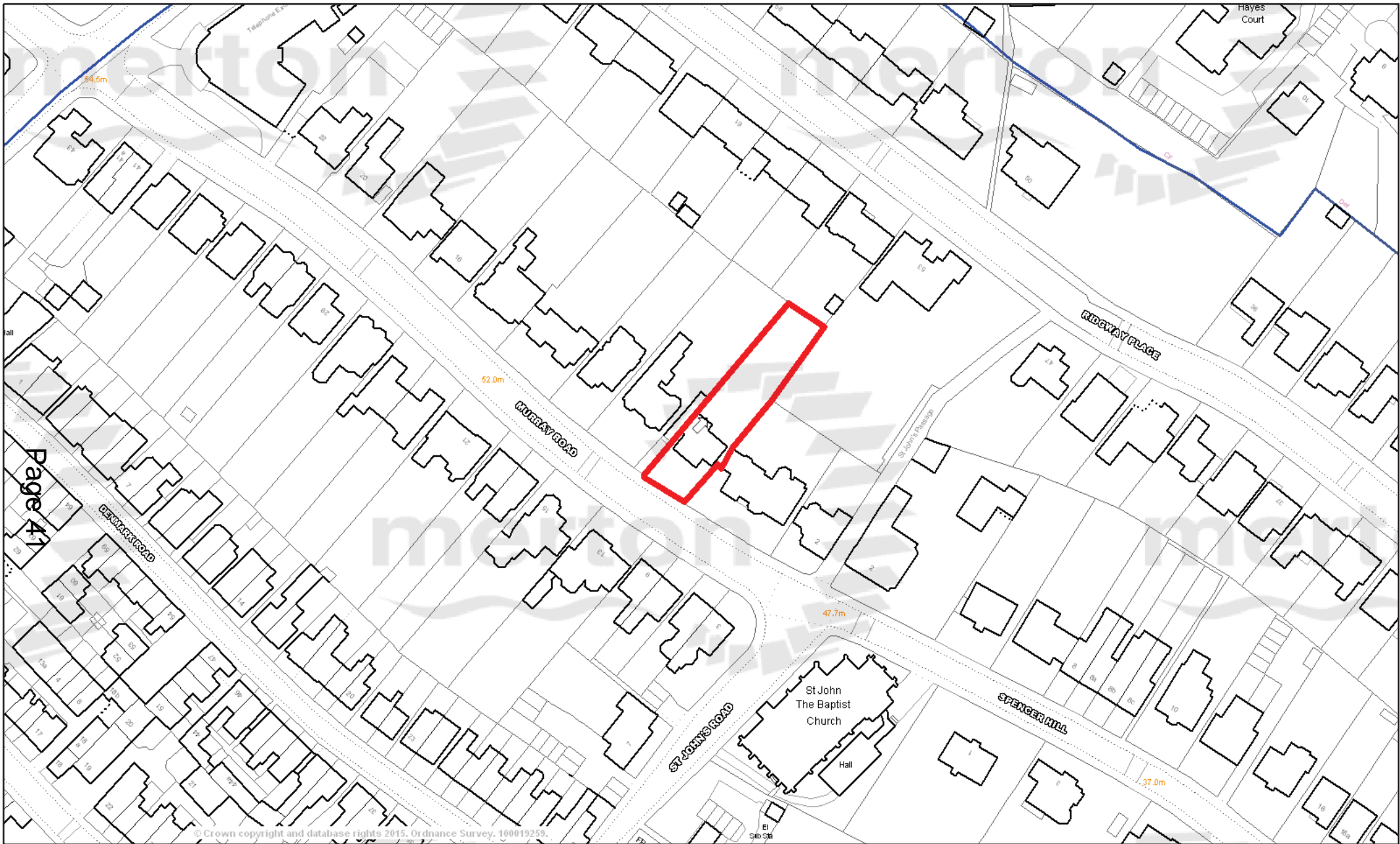
Reason: To ensure the risk of groundwater ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policies, DM D2 and DM F2 of Merton's Sites and Policies Plan 2014.

18. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London

Plan Policy 5.13 and the advice contained within the National SuDS Standards.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

19. No development approved by this permission shall be commenced until a detailed method statement has been submitted produced by the contractor and reviewed/agreed by a chartered engineer.



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6 Murray Rd

Scale 1/1250

Date 29/9/2015

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



DEVELOPMENT CONTROL

0 2.5m 5m 7.5m 10m

PROPOSED SITE PLAN
Scale 1:100 @ A1



Andrew Harper Architects

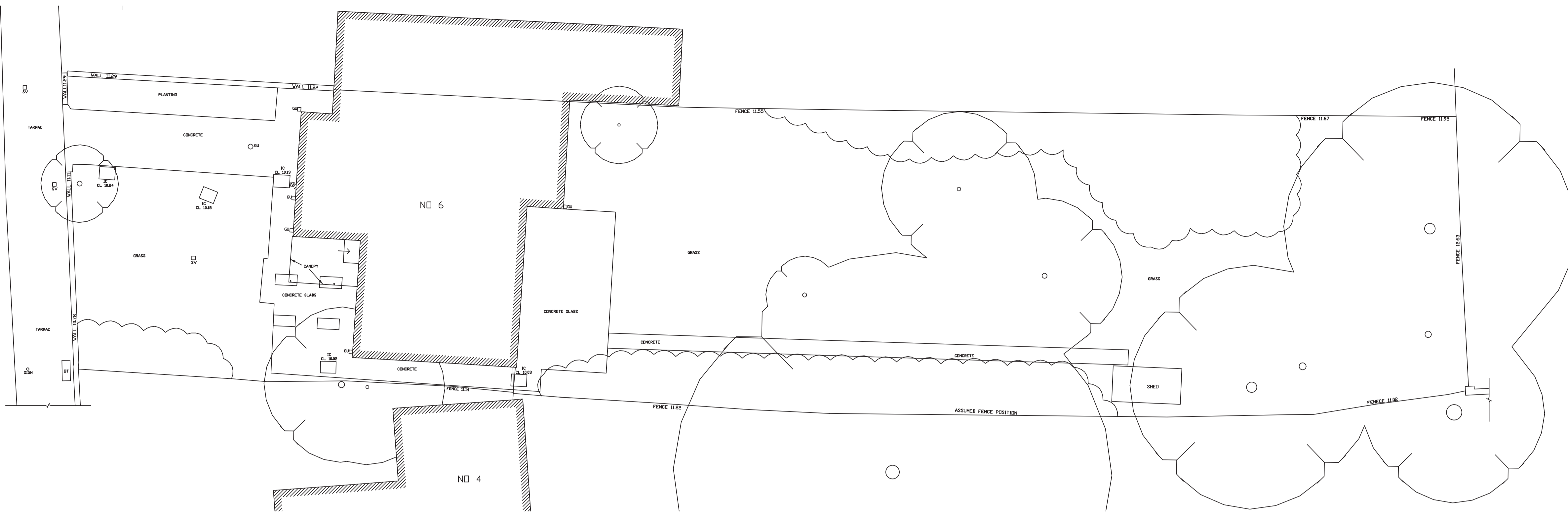
Address: Ground Floor, Woodcock House, High Street
 London, SW19 5BY
 t: 020 7183 0590
 e: office@andrewharperarchitects.co.uk
 w: www.andrewharperarchitects.co.uk

job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Proposed Site Plan	scale: A3 @ 1:200 A1 @ 1:100	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_01	rev. A

PLANNING

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EXISTING FRONT ELEVATION

Scale 1:100 @ A1

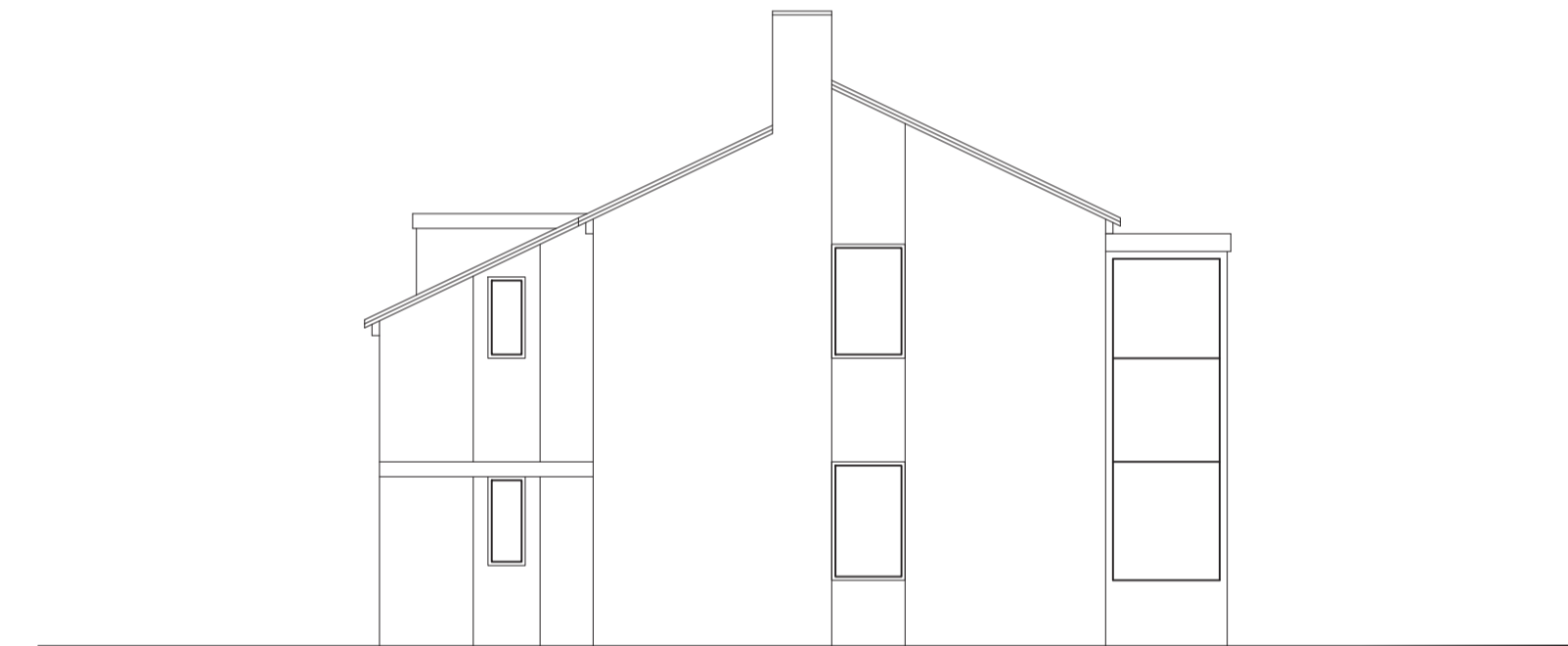


EXISTING FRONT ELEVATION

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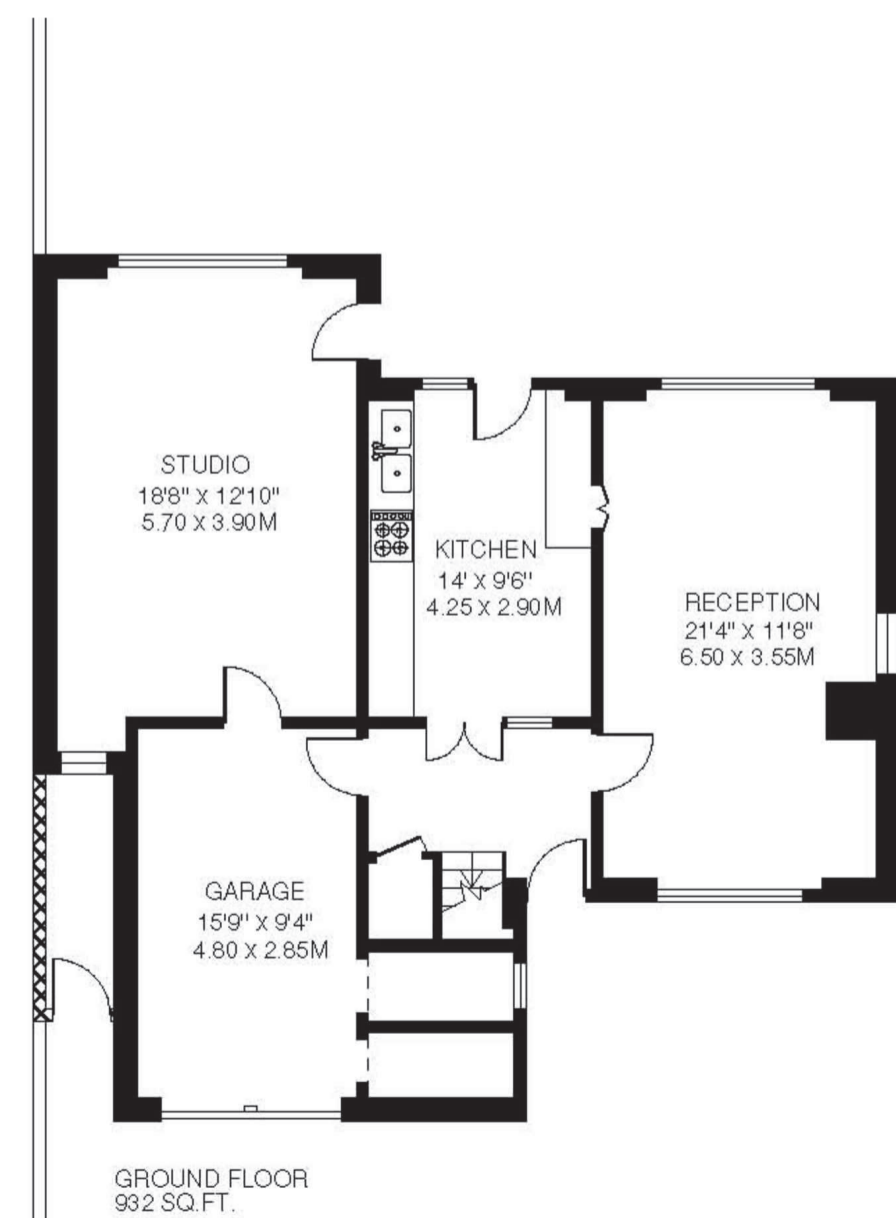
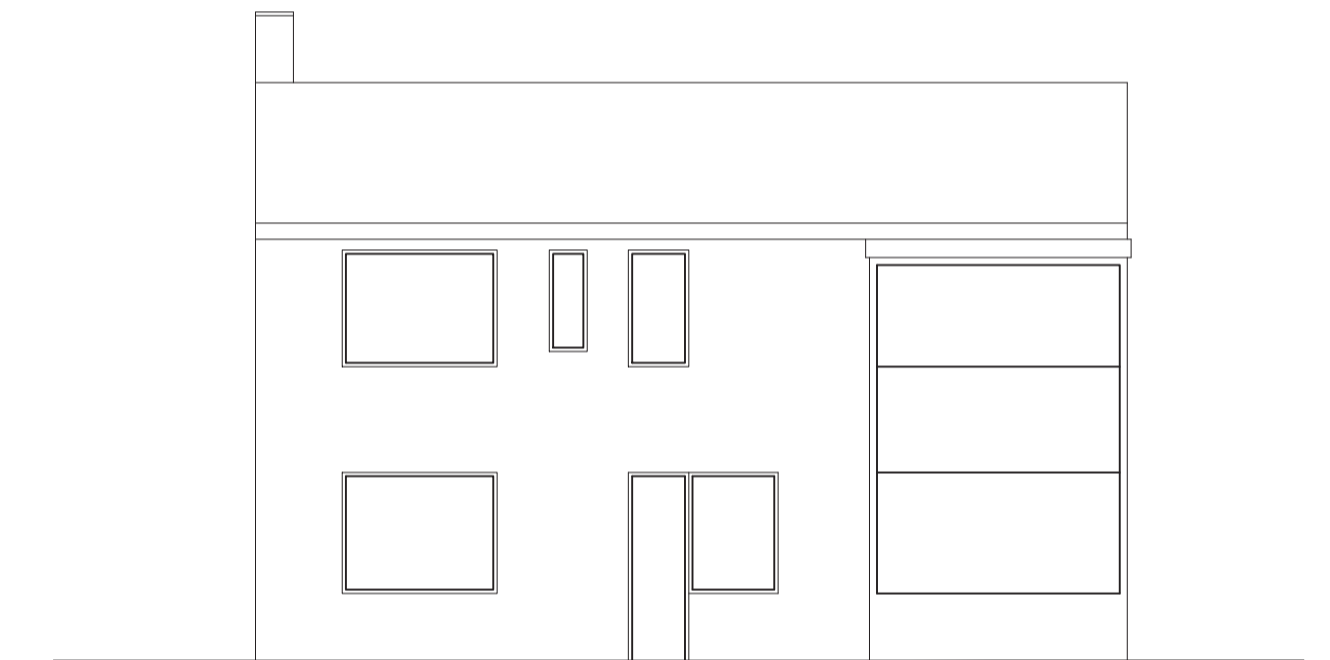
EXISTING SIDE ELEVATION

Scale 1:100 @ A1



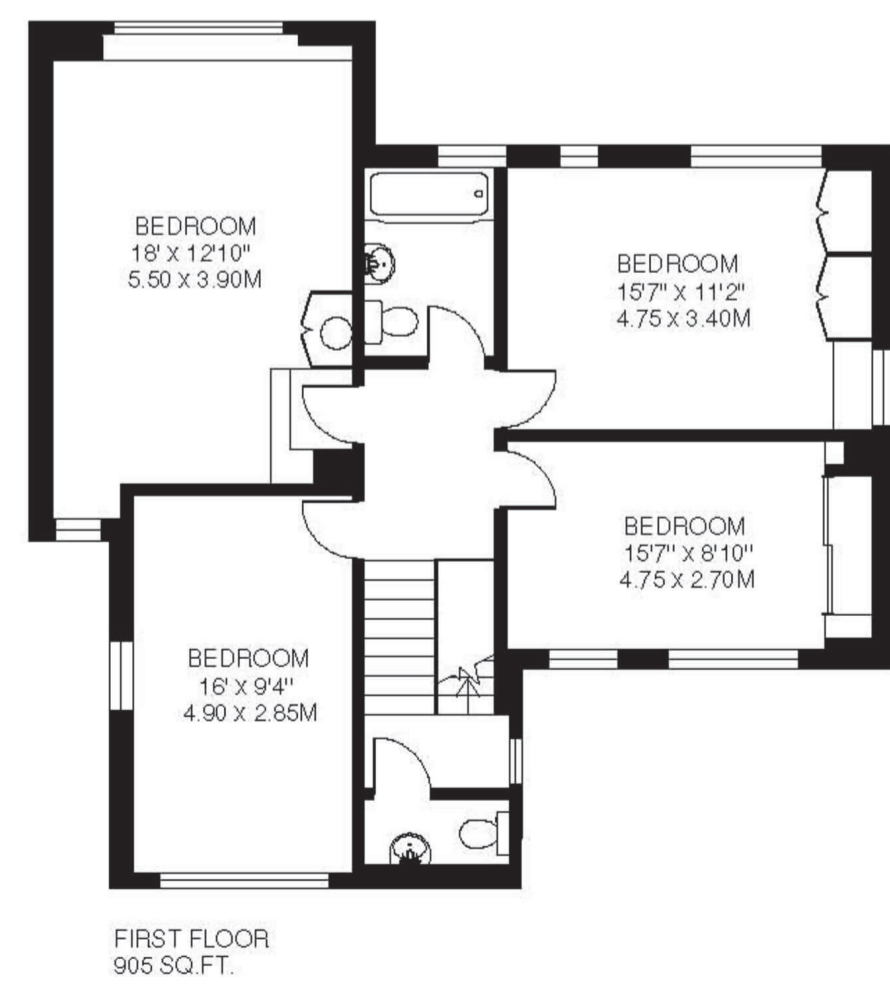
EXISTING REAR ELEVATION

Scale 1:100 @ A1



EXISTING GROUND FLOOR PLAN

Scale 1:100 @ A1



EXISTING FIRST FLOOR PLAN

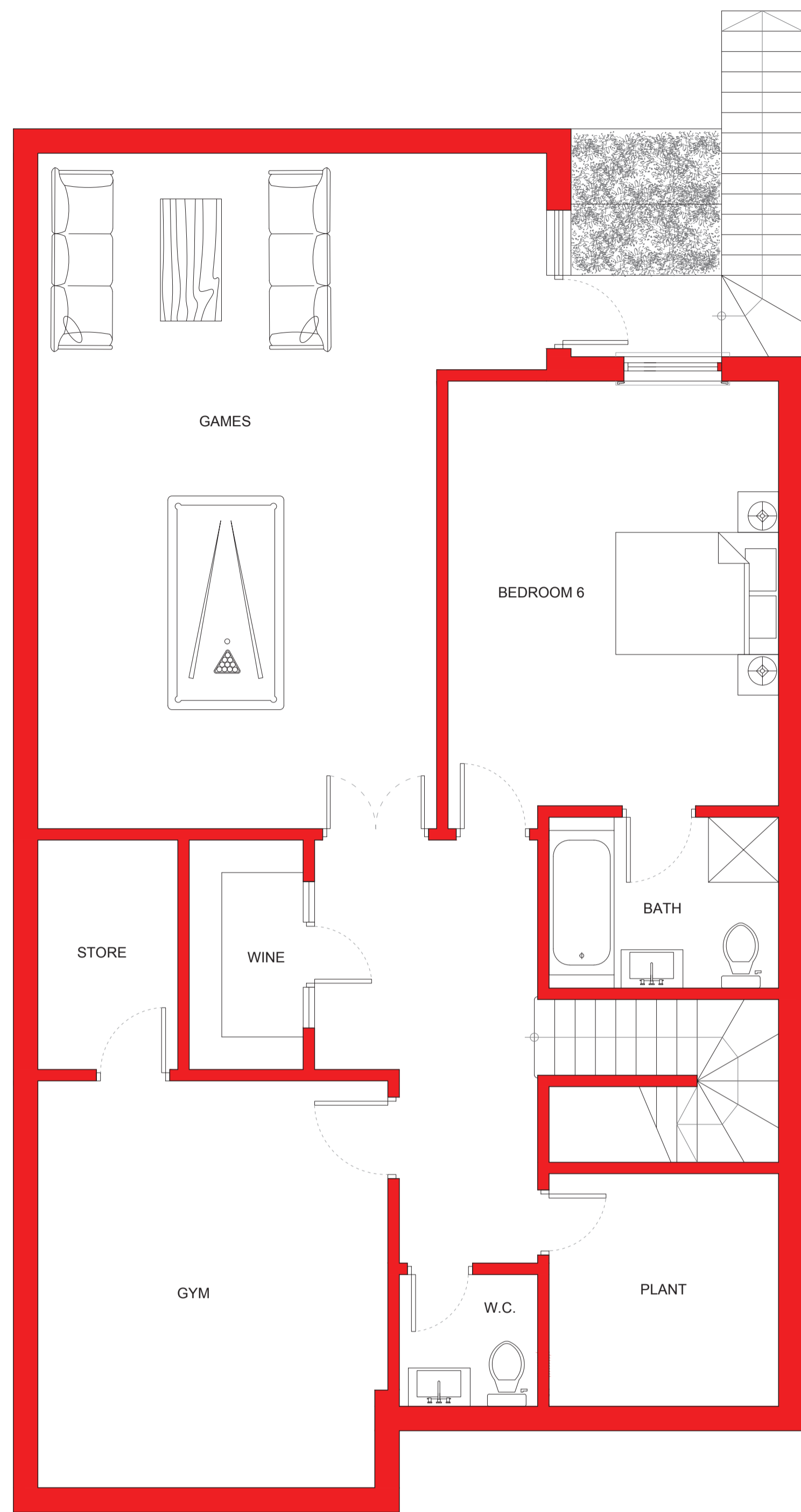
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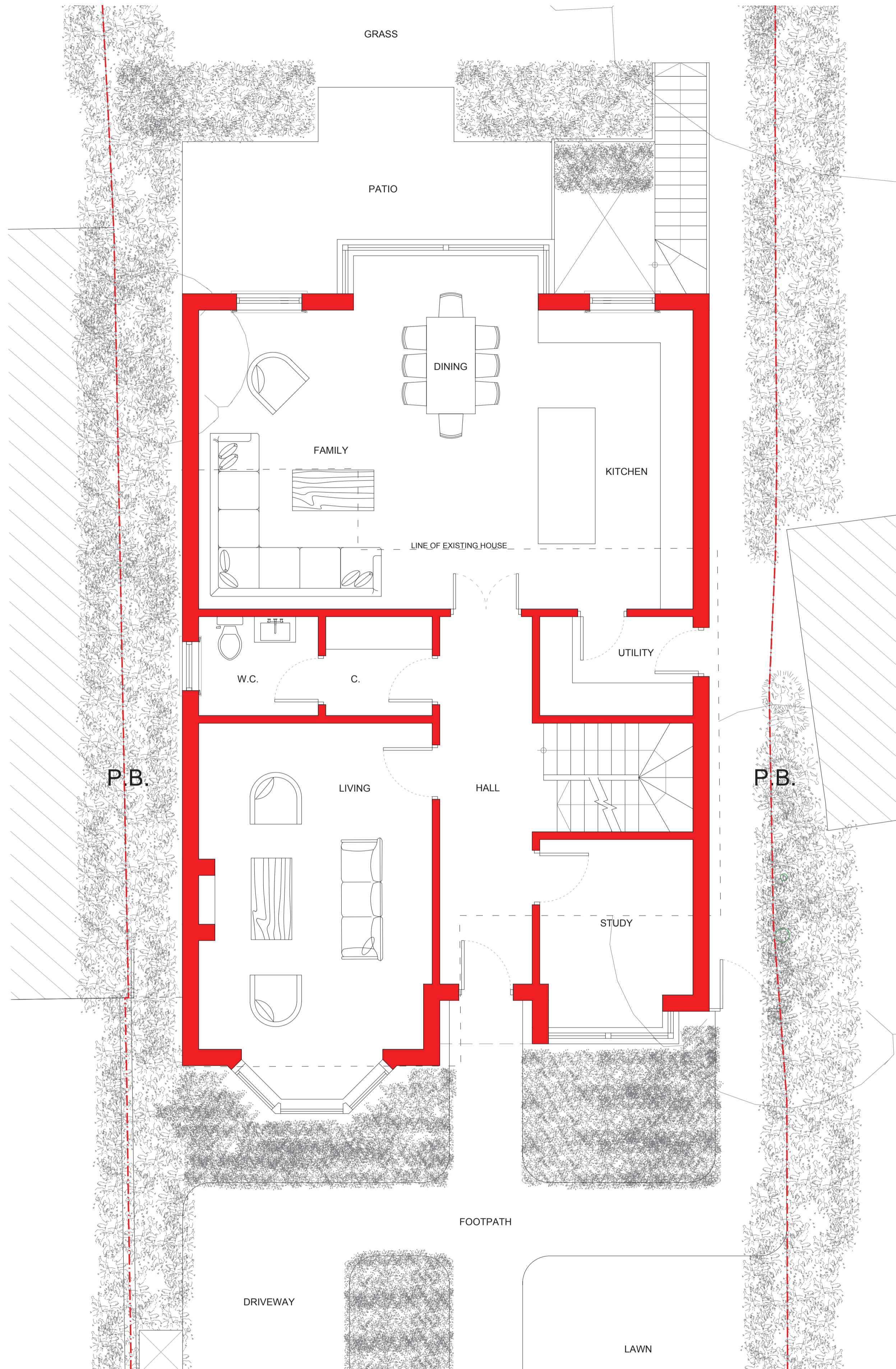
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Address: Ground Floor, Woodcock House, High Street
London, SW19 5BY
t: 020 7183 0590
e: office@andrewharperarchitects.co.uk
w: www.andrewharperarchitects.co.uk

job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Existing Plans & Elevations	scale: A3 @ 1:200 A1 @ 1:100	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. EX_02	rev. -



PROPOSED BASEMENT FLOOR PLAN
Scale 1:50 @ A1



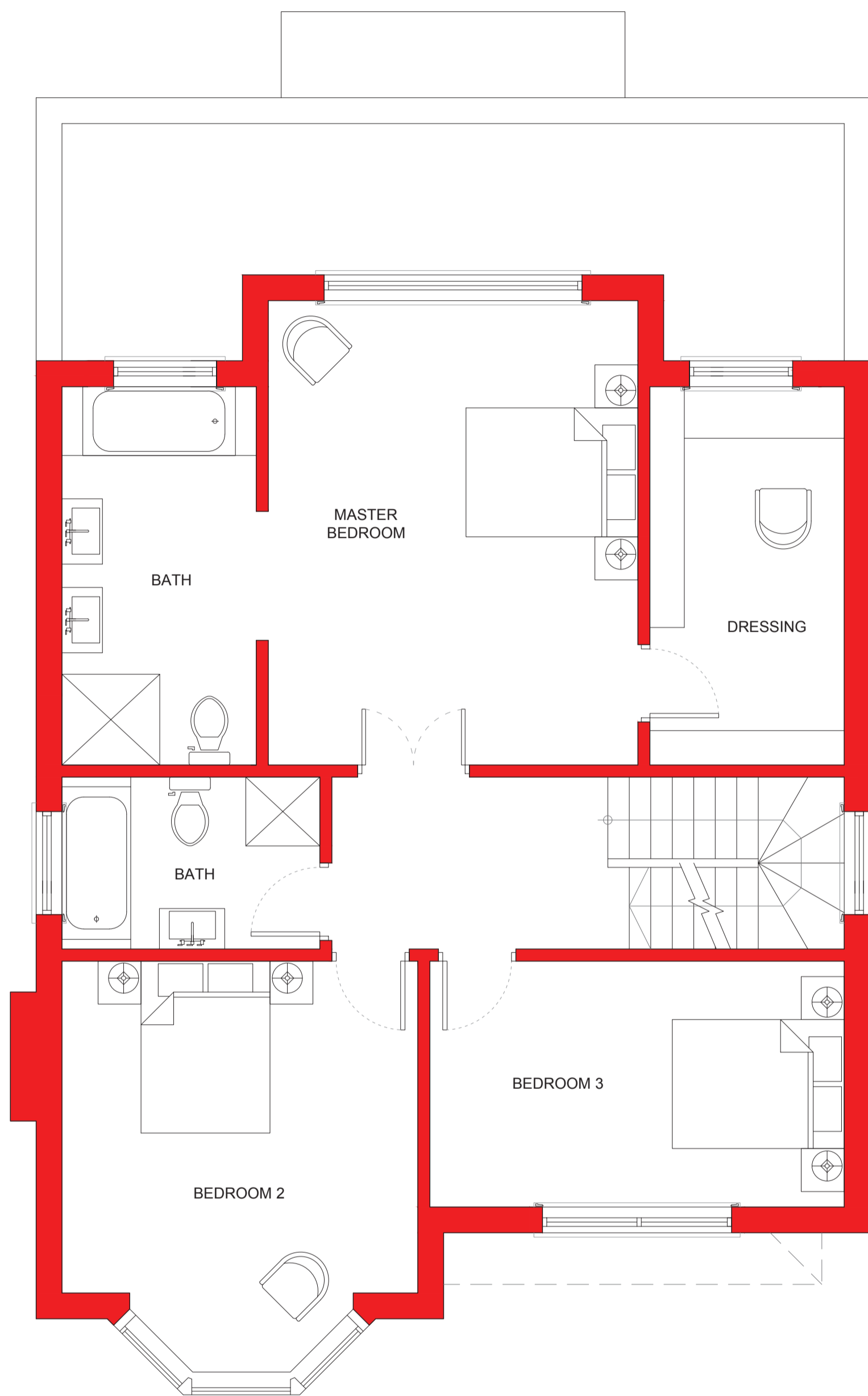
PROPOSED GROUND FLOOR PLAN
Scale 1:50 @ A1

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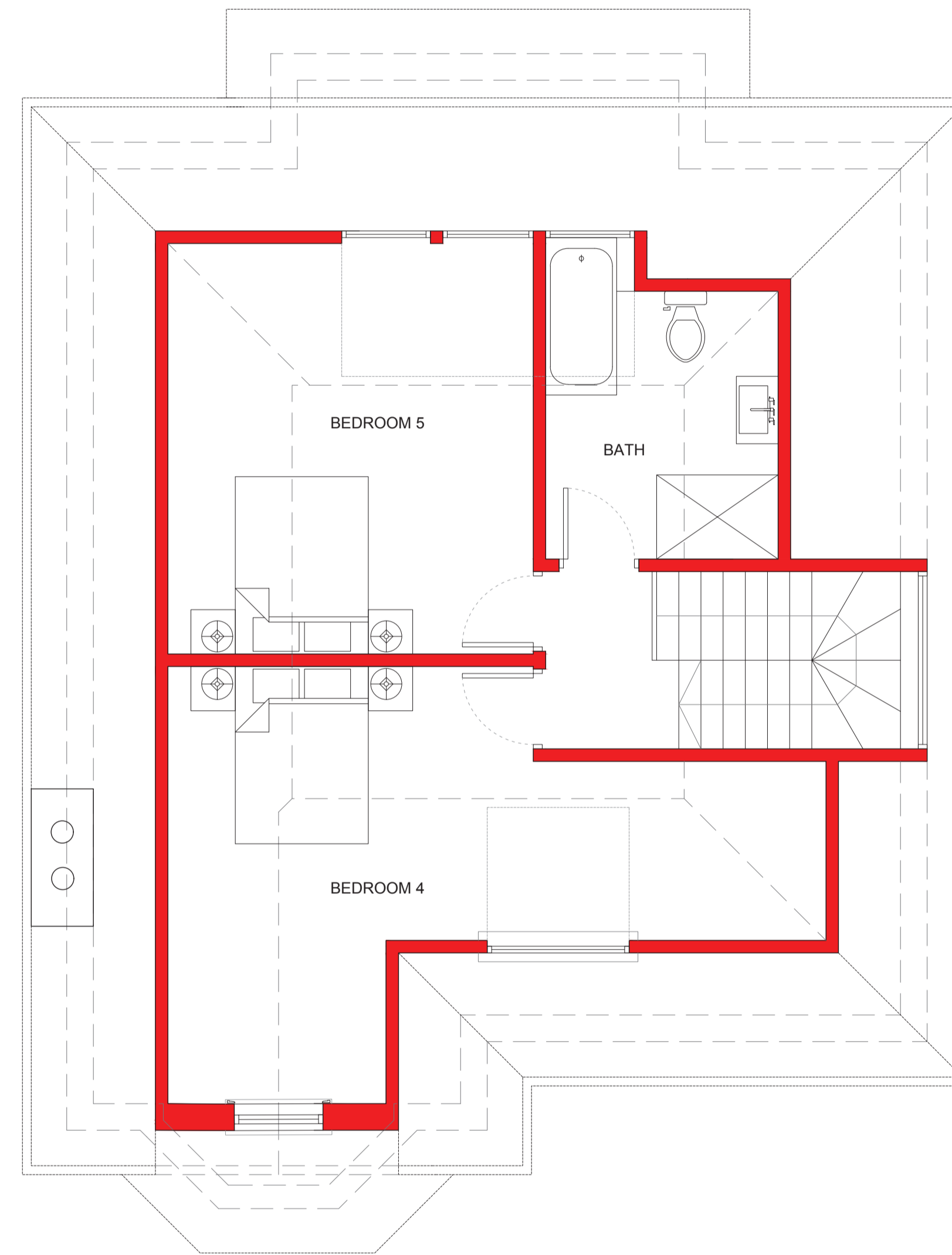
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London, SW19 5BY
t: 020 7183 0590
e: office@andrewharperarchitects.co.uk
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job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Proposed Plans (1 of 2)	scale: A3 @ 1:100 A1 @ 1:50	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_02	rev. A

PLANNING



PROPOSED FIRST FLOOR PLAN
Scale 1:50 @ A1



PROPOSED SECOND FLOOR PLAN
Scale 1:50 @ A1

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job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Proposed Plans (2 of 2)	scale: A3 @ 1:100 A1 @ 1:50	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_03	rev. -

PLANNING



PROPOSED FRONT ELEVATION
Scale 1:50 @ A1



PROPOSED REAR ELEVATION
Scale 1:50 @ A1



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 London, SW19 5BY
 t: 020 7183 0590
 e: office@andrewharperarchitects.co.uk
 w: www.andrewharperarchitects.co.uk

job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Proposed Elevations (1 of 2)	scale: A3 @ 1:100 A1 @ 1:50	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_04	rev. -

PLANNING



PROPOSED NORH WEST ELEVATION

Scale 1:50 @ A1



PROPOSED SOUTH EAST ELEVATION

Scale 1:50 @ A1



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 London, SW19 5BY
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 e: office@andrewharperarchitects.co.uk
 w: www.andrewharperarchitects.co.uk

job: 6, Murray Road, SW19	job no: 154	date: 12.06.15
drawing: Proposed Elevations (2 of 2)	scale: A3 @ 1:100 A1 @ 1:50	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_05	rev. -

PLANNING



PROPOSED STREET ELEVATION
 Scale 1:100 @ A1

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 t: 020 7183 0590
 e: office@andrewharperarchitects.co.uk
 w: www.andrewharperarchitects.co.uk

job: 6, Murray Road, SW19	job no: 154	date: 30.06.15
drawing: Proposed Street Elevation	scale: A3 @ 1:200 A1 @ 1:100	drawn: CAG
notes: All drawings are to be read in conjunction with the full planning application. Do not scale these drawings	drawing no. P_06	rev. -

PLANNING

Agenda Item 7

PLANNING APPLICATIONS COMMITTEE
15 OCTOBER 2015

Item No:

UPRN	APPLICATION NO.	DATE VALID
	12/P1707	02/07/12

Address/Site Land rear of 7 Somerset Road, Wimbledon, SW19 5JU

(Ward) Village

Proposal: Erection of a new detached 2 storey dwelling on land fronting Lincoln Avenue and comprising an existing rear tennis court within the rear curtilage of 7 Somerset Road.

Drawing No's: 0193_e001, 0193_e002 b, 0193_p101 g, 0193_p102 h, 0193_p103 d, 0193_sk059 B, Tree Survey and Arboricultural Implication Assessment, Trees and Proposed Building drawing, Basement Impact Assessment for 7 & 9 Somerset Road, Engineering, Design, and Construction Statement, Phase 1 Hydrology Desk Study, Arboricultural Report, and Natural England Licence to Close Sett.

Contact Officer: Sabah Halli (0208 545 3297)

RECOMMENDATION

GRANT Planning Permission subject to a S.106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of Agreement: Affordable Housing and 'permit free'
- 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: 19
- External consultations: No
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee (PAC) following its deferral at the January 2013 PAC in order to allow the

applicant to carry out further investigations following the discovery of a badger sett within the rear curtilage of 9 Somerset Road.

- 1.2 The application is also being brought to PAC for determination due to the number of objections received and requirement for a Section 106 agreement in respect of a financial contribution towards affordable housing in the borough and the development being 'permit free'.
- 1.3 In addition to further information within the report relating to badgers, the application has also been amended to reduce the height of the proposed house.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises part of the large rear garden area of a detached house, no 7 Somerset Road, Wimbledon. It occupies the rear part of the garden and is laid out as a hardsurfaced tennis court but is in very poor condition. The site is bounded by the side and rear garden boundaries of adjoining properties.
- 2.2 The application site is not within a Conservation Area. Properties along Somerset Road and Lincoln Avenue are subject to an Article 4 direction prohibiting the erection of marquees and other temporary structures. The site is not subject to any Tree Preservation Orders.

3. CURRENT PROPOSAL

- 3.1 This application comprises the erection of a new detached, 4 bedroom dwelling within the rear curtilage of 7 Somerset Road, with accommodation at basement level. The application also includes a proposed parking and landscaping scheme.
- 3.2 The proposed house would be two storeys in height with a flat roof (with accommodation at basement level), and would have the same front building line as the existing adjoining double garage at 3 Lincoln Avenue. The new property would be set 2.0m from the existing property at 7 Somerset Road and would be lower in maximum height than 7 Somerset Road and 3 Lincoln Avenue.
- 3.3 It would have a height of 6.2m from ground level. It was recently amended to reduce its height from that proposed in the original submission so that it is broadly the same as previous approvals 09/P2458 and 13/P2414 for a new single dwelling. The main flat roof would be constructed as a Green Roof. As well as containing roof lights to the bathrooms and hallway, it is indicated to include solar hot water panels and photovoltaic panels.
- 3.4 The basement level would have a smaller footprint than the main dwelling and would provide a garage, playroom, study, and w.c towards the front. The bedroom would open out into a sunken courtyard area at the rear. The basement would receive natural light from the courtyard and light wells.

- 3.5 Accommodation at ground floor level would comprise a sitting room, hall, kitchen/family room, coat room, and W.C, and the first floor level would comprise 3 bedrooms with en-suite facilities.
- 3.6 The property would be located at 17.95m from the rear boundary.
- 3.7 It is proposed to create a new access to the dwelling from Lincoln Avenue. The dwelling would include a single integral garage and one parking space in front of the garage. A rear garden would be provided as amenity space, which could be accessed from the basement or ground floor level.
- 3.9 The proposed dwelling would be of a simple, modern design and be constructed of 'fairfaced' brickwork of a buff colour, timber louvres, timber doors/windows, grey aluminium window frames, and white render. It is also proposed install/retain the side and rear boundary treatments as 1.8m timber fencing.

4. **PLANNING HISTORY**

Tennis Court Land at 7 Somerset Road

13/P2414 - ERECTION OF NEW DETACHED 6 BEDROOM DWELLING (TO BE BUILT ON EXISTING TENNIS COURT AREA AT REAR) FRONTING LINCOLN AVENUE – Members resolved to approve at August 2014 PAC subject to a S106 legal agreement however was withdrawn by the applicant prior to completion of the legal agreement. (*This application was made by Banner Homes however it is the site owners who are the applicants for this current application.)

12/P0181 - ERECTION OF NEW DETACHED 3 - STOREY DWELLING (TO BE BUILT ON EXISTING TENNIS COURT AREA AT THE REAR) FRONTING LINCOLN AVENUE – Withdrawn.

09/P2458 - ERECTION OF A 4 BEDROOM SINGLE FAMILY DWELLING ON LAND FRONTING LINCOLN AVENUE PREVIOUSLY FORMING PART OF SITE AT 7 SOMERSET ROAD - Approved at June 2010 PAC (but not implemented – permission expired 4th June 2013)

09/P1855 - ERECTION OF A 4 BEDROOM SINGLE FAMILY DWELLING ON LAND FRONTING LINCOLN AVENUE PREVIOUSLY FORMING PART OF SITE AT 7 SOMERSET ROAD – Withdrawn

7 and 9 Somerset Road

13/P2401 - DEMOLITION OF 2 X EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT DETACHED HOUSES (INCLUDING REAR POOL HOUSE) – Approved September 2013 and is still extant.

*This application was made by Banner Homes

13/P1625/NEW - PRE APPLICATION ADVICE FOR THE DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED GARAGES. ERECTION OF 3 X DETACHED DWELLINGS AND ASSOCIATED GARAGES.

12/P2102 - DEMOLITION OF 2 x EXISTING DETACHED HOUSES AND ERECTION OF 3 HOUSES (2 x 3 STOREY REPLACEMENT DWELLINGS FRONTING SOMERSET ROAD AND NEW DETACHED 2 STOREY DWELLING TO REAR OF 9 SOMERSET ROAD) – Previously deferred at January 2013 PAC for further investigation of Badger sett to the rear of 9 Somerset Road and would be heard at a PAC if Officers are minded to approve.

*This application has been made by the site owners.

12/P1709 - DEMOLITION OF TWO EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT HOUSES DETACHED HOUSES – Approved December 2012 and is still extant.

12/P0179 - ERECTION OF TWO NEW DETACHED 3 STOREY DWELLINGS REPLACING TWO EXISTING DETACHED HOUSES (FRONTING SOMERSET ROAD) – Withdrawn

5. CONSULTATION

There have been two consultations carried out on the application:

1st Consultation (July 2012)

The application originally was advertised by site notice and letters of notification to occupiers of neighbouring properties. There were 6 objections received and on the following grounds:

- Overdevelopment of the local area and marked reduction in green space
- The development is not in keeping with the surrounding area
- Loss of privacy to the properties to the rear of the site
- Increased level of traffic from construction activities
- The contemporary design is out of keeping with the local area
- Loss of trees from the site
- Increased traffic along Lincoln Avenue
- The height of the new dwelling would negatively impact the amenities of the occupiers of 3 Lincoln Avenue
- The dwelling would not sit comfortably within the street scene
- Overshadowing to the rear garden of 3 Lincoln Avenue due to the height of the dwelling

2nd Consultation (August 2015)

Following the receipt of additional information in August 2015 clarifying the level of Badger activity within the site, and submission of a construction method statement, hydrology and ground survey, and additional drawings superimposing the proposed development with previously approved schemes 09/P2458 and 13/P2414, a second consultation was carried out.

A further 11 objections have been received and on the following grounds:

- There is bomb damage and contamination from this, to the rear of 5 Lincoln Avenue
- The proposed development is an overdevelopment when combined with the proposed redevelopment of 3 Lincoln Avenue (15/P1972
- Loss of privacy from the front and rear windows
- The proposed dwelling is not in keeping with the character of the area in terms of its height or flat roofed design
- Contrary to the applicants submitted information, there is still Badger activity within the site
- The principle of building within back garden area sets a negative precedent for the area
- The application should be considered in the context of the current application to replace 7 and 9 Somerset Road and with one additional dwelling to the rear of no.9
- The proposed dwelling is larger than that previously approved
- Existing parking and traffic issues along the road will be worsened

Amended Plans

Subsequent to the 2nd consultation, the building has been lowered in height to be comparable with the two previous approvals.

Natural England comments for application 13/P2414 – Advise that the proposed development is not likely to have a significant effect on the interest features for which Wimbledon Common has been classified as an SSSI and SAC and that the SSSI does not represent a constraint in determining this application.

Natural England Standing Advice should be applied to this application. Standing Advice is a material consideration in its determination in the same way as any individual response received from Natural England following consultation. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Tree Officer – No objections subject to conditions in respect of tree survey, tree protection, levels, landscaping, and basement construction being added to any approval.

Conservation Officer – Initial comments were that this proposal is larger than the previous approval with greater mass and they may be trying to put too much on the site although welcomed a contemporary approach to this site

and acknowledged that the height is in line with the neighbouring properties (height now been revised)

Transport Officer – No comments on this application however comments on the previous approval (12/P) were:

‘Somerset Road has double yellow lines along both sides of the road but is not in CPZ however Lincoln Ave is therefore any new access will be subject to a change in the Traffic Management Order. There are no transport objections subject to a condition in respect of details of the new vehicular access being submitted to the Council for approval and an informative in respect of construction of accesses impacting upon a controlled parking zone being added to any approval.’

6. **POLICY CONTEXT**

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

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub - Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)

The relevant policies within the Adopted Sites and Policies Plan (October 2003) are:

DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (transport Impacts of Development), and DM T3 (Car Parking and Servicing Standards)

New Residential Development – SPG
Design – SPG
Planning Obligations – SPD

The relevant policies in the London Plan (2015) 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).

Natural England Standing Advice on Protected Species
National Planning Policy Framework (2012)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern the principle of the erection of a new dwelling within the rear curtilage of 7 Somerset Road, the design and appearance of the proposed dwelling, and its effect upon neighbour amenity and the Lincoln Avenue street scene.
- 7.2 Principle of Development
- 7.3 An earlier very similar proposal for a new detached dwelling on the tennis court land was approved at Planning Applications Committee in August 2014 (ref. 13/P2414) but which was withdrawn by the applicant prior to the completion of the legal agreement (which was Banner Homes, rather than the current applicant). Prior to that, a similar development was also approved at June 2010 PAC (ref.09/P2458) and expired two years ago. As such, there are no extant permissions at the site however, if the legal agreement for approval 13/P2414 been completed, that scheme would be extant and capable of implementation.
- 7.4 Similarly to this application, the 2 previous approvals were also for a flat roofed modern design. The approved plans are attached as an appendix to this report. Although neither approval 09/P2458 nor 13/P2414 are now capable of implementation, the general principle of development for a two storey flat roofed house with basement has been previously considered to be acceptable.
- 7.5 Since the approval granted in June 2010, permission has also been granted for the demolition of the existing houses at 7 and 9 Somerset Road and the erection of two detached replacement dwellings (refs. 12/P1709 and 13/P2401). These applications were considered and approved in the context of both the existing situation and the relevant approval/s for a new dwelling on the tennis court land (09/P2458 and 13/P2414).
- 7.6 The existing property has a very generous rear garden. The property is not within a Conservation Area, nor is it statutorily or locally Listed. Government guidance encourages the more intensive use of land for residential purposes. As such, there is still no objection in principle to the redevelopment of the site for residential purposes subject to its impact on the street scene, adjoining properties, and the existing property.
- 7.7 Design
- 7.8 The proposed dwelling would front onto Lincoln Avenue, which is a residential road comprising detached properties of a similar design on the opposite side of the road. On the application side of the road, there is the flank elevation of no 7 Somerset Road, and the large house at 3, Lincoln Avenue, both of individual design. Some have been extended two storeys to the side and/or the rear.
- 7.9 As per the previous approvals, the proposed dwelling is of a simple, modern design, with its flat roof and detailing, and it is proposed that high quality

materials would be used. The upper level roofs would be 'green roofs', and include roof lights serving the rooms below. The houses on the opposite side of Lincoln Avenue comprise relatively modern properties of a traditional design and finished with hipped, pitched roofs. This proposed development retains the more modern design approach of the previous approvals. This is still considered to be acceptable because the site sits between two large properties of individual designs - 7 Somerset Road and 3 Lincoln Avenue. The new dwelling has also been designed and sited so as to respect the front building line along Lincoln Avenue and not appear excessively prominent within the street scene.

- 7.10 The proposed dwelling is the same height as the previously approved dwellings and is therefore considered to have been designed with a satisfactory height and bulk, relative to 7 Somerset Road and 3 Lincoln Avenue. The eaves are at the same height as the eaves of the houses on the opposite side of Lincoln Avenue. The dwelling is broadly comparable to both previous approvals in terms of its width and height with a slightly adjusted siting, being more centrally placed. The proposed materials are also in keeping with those of the previous approvals whereby 09/P2458 proposed pale and medium grey coloured brickwork, timber or dark grey aluminium window frames and doors and 13/P2414 proposed through coloured render with powder coated aluminium window frames and doors.
- 7.11 It is considered that the architectural appearance of the scheme is similar to and an improvement on the original approvals, that this new dwelling would sit comfortably within its plot and would not appear cramped or excessively high within it.
- 7.12 There is a range of spacing between dwellings within the street. In this instance, the property would be set away from the side boundary with 3 Lincoln Avenue by 1.6m and it would further be separated from the main dwelling by no.3's double garage. To the opposite boundary, the new dwelling would be set 2m from its side boundary/the rear boundary of 7 Somerset Road. The set in of the dwelling from both sides in addition to the smaller footprint of the first floors will retain the feeling of openness between the site and adjoining dwellings.
- 7.13 The amenity space provision for the property exceeds the Council's SPG minimum levels and is acceptable in terms of the mix and split between hard and soft areas. The existing house of 7 Somerset Road would retain a garden well in excess of the Council's standards and commensurate with its size. The room sizes comply with the minimum room sizes within the table 3.3 of the London Plan (2015).
- 7.14 The recently approved replacement dwellings at 7 and 9 Somerset Road are larger in footprint than the existing dwellings however not significantly so and are sited in broadly the same locations. This proposed scheme has an acceptable relationship with both the existing dwellings and the approved dwellings if they were to be built.

- 7.15 In light of the above, the proposed development is considered to be acceptable in terms of its design, layout, and form, and satisfies the aims of policy CS 14 of the Core Strategy and policy DM D1 and D2 of the Sites and Policies Plan.
- 7.16 Landscaping/Trees
- 7.17 Representations received have voiced concerns regarding the potential impact of the development on the semi-rural nature of area. The site as it currently exists comprises a rear hard surfaced tennis court and part of the rear garden of 7 Somerset Road, which has been unused and has become overgrown since the site became vacant over 3 years ago.
- 7.19 The proposed development would result in less than half of the plot being built on and with the remainder to the front, sides, and rear being soft landscaped. Concerns have been raised regarding a loss of privacy if the existing side and rear vegetation is lost however it is intended that a scheme of landscaping be installed which enhances the appearance of the site, complements the proposed dwelling, and retains the existing level of amenity and privacy. It is recommended that a condition be added to any approval requiring that prior to development commencing a scheme of landscaping be submitted to and approved by the Local Planning Authority (LPA).
- 7.20 There are no protected trees on site however there is a tree of amenity value located within the curtilage of 3 Lincoln Avenue, in close proximity to the site and it is recommended a condition be added to any approval requiring that prior to development a scheme of tree protection be submitted to and approved by the LPA.
- 7.21 The Council's Tree Officer has requested that conditions in respect of tree survey, site supervision, levels, basement construction, and landscaping also be added to any approval
- 7.22 Neighbour Amenity
- 7.23 It is considered that there would not be an unacceptable impact on the outlook of the occupiers of the properties nearest to the site as the unit would be set in from both side boundaries and would be of lower overall height than 3 Lincoln Avenue and no.7 Somerset Road. It is not considered that there would be a detrimental impact on the daylight/sunlight of the occupiers of the adjoining properties as they do not have any main windows close enough to be affected and due to the low height of the unit and its distance from them.
- 7.24 There are flat roofed areas above the single storey projections to the rear and side, as well as the main flat roof. These are shown as green roofs. A condition is proposed requiring details of the specification of the green roofs, and prohibiting the use of the flat roofed areas at upper levels as terraces. As such there would not be a loss of privacy to the occupiers of the adjoining properties from the proposed side windows or flat roofed areas. A condition is

also proposed preventing installation of any further windows in the side elevations of the property.

- 7.25 The property would be a minimum of 16 - 17m from the rear of 7 Somerset Road and 17.95m from the side boundary of 9 Somerset Road. There are no side windows facing 3 Lincoln Avenue or 7 Somerset Road. It is also not considered that the new building would result in a significant loss of daylight/sunlight to the occupiers of the adjoining properties as the front building line is the same as the adjoining garage at no. 3, which itself is only set 0.4m forward of the front building line of that property. The main rear building line is the same as that of 3 Lincoln Avenue aside from a projecting part which would project 3.7m further to rear however this would be set 6.8m from the side boundary with no.3
- 7.26 Conditions are proposed prohibiting the insertion of any new windows/doors without planning permission and removing permitted development rights in order to protect residential amenity.
- 7.27 In light of the above, the proposals would not result in a detrimental loss of amenity to the occupiers of neighbouring properties and the proposal accords with policy DM D2 of the Sites and Policies Plan.
- 7.28 Standard of Accommodation
- 7.29 Table 3.3 of the London Plan (2015) advises a minimum of 106m² gross in internal floor area for new dwellings. The GIA of the proposed dwelling would be in keeping with this guidance.
- 7.30 The proposed internal layout is considered acceptable and each habitable room is considered would have a satisfactory light and circulation area.
- 7.31 The rear garden amenity space meets the 50m² minimum size required by policy DM D2 and the Council's guidelines.
- 7.32 Basements
- 7.33 There has been a marked increase in the number of applications within the Borough including extensive basements and as a consequence, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, a new policy has recently been adopted within Merton's Sites and Policies Plan July 2014, which requires a construction method statement to be submitted as well as details of impact on surface water and ground water.
- 7.34 In this instance, given that the application was submitted some time ago and a long time prior to the adoption of this policy, in combination with the changing levels of the site and the distances from adjoining properties, was considered that a hydrology and ground conditions survey be carried out and a Construction Method Statement submitted prior to determination of the application. Both submitted reports conclude that the proposed development

would not result on an undue impact on hydrology and ground conditions within the site and that the proposed development can be constructed in such a way as to ensure that this remain so both during and after construction.

7.35 Parking and Traffic Issues

7.36 The proposed parking provision is for 2 spaces (one single garage and one space in front of the garage, and this is considered acceptable.

7.37 The proposed access arrangements are also considered to be acceptable in principle, subject to exact details being submitted to the Council for approval prior to development commencing.

7.38 Ecology/Protected Species

7.39 Following the deferral of the application at PAC in 2013, a full survey and investigation was undertaken of both 7 and 9 Somerset Road in respect of the Badger sett to the rear of no.9 and a Licence was subsequently granted by Natural England in 2014 for the sett to be closed down. This took place in June 2014 in accordance with the terms of the licence and was permitted on the basis that it a low status outlier sett.

7.40 Residents have stated that there is still however Badger activity at the site and following this, the applicants have carried out further investigations. A site visit was carried on the 2nd October 2015 to the rear of 7 and 9 Somerset Road and to the rear of 7 Lincoln Avenue by the applicant, their specialist Ecologist, the application case Officer, and the Council's specialist Ecologist.

7.41 The site visit has confirmed again that the sett to the rear of 9 Somerset Road has been closed and that there is no evidence of badgers associated with the closed sett, the wider site, or now 7 Lincoln Avenue.

7.42 As such, it has been confirmed by the relevant experts that the proposed development will not have any significant adverse impact on the local badger population either directly through sett loss or indirectly through disturbance or loss of foraging resources.

7.43 Proposed Redevelopment of 3 Lincoln Avenue

7.44 Residents have raised concerns regarding the potential quantum of development along Lincoln Road and Somerset Road should this proposed development, the proposed redevelopment of 7 and 9 Somerset Road (current application ref. 12/P2102), and the proposed redevelopment of 3 Lincoln Avenue (current application ref. 15/P1972) be approved.

7.45 Application 12/P2102 proposes the demolition of 7 and 9 Somerset Road and the erection of 3 replacement dwellings. Application 15/P1972 currently proposes the demolition of 3 Lincoln Avenue and the erection of 4 detached properties with accommodation at basement and roof level.

4.46 Officers have noted residents' concerns however all three schemes are individual and need to be assessed on their own merits and on the basis of the sites and surroundings as they are at the time of consideration. Furthermore, should one or all of the applications be approved, there is no guarantee that one or all would be built out. In addition, this is a site where Members have twice considered the principle of a single house of modern design with a similar siting and massing at Planning Applications Committee and found it be acceptable and there has been no change in circumstances that would affect this conclusion.

7.47 Members are also asked to note that should Officers be minded to approve either application 15/P1972 or 12/p2102, they would be heard at Committee due to the number of objections received.

7.48 **LOCAL FINANCIAL CONSIDERATIONS**

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

8.1 The new dwelling would be required to be built to Lifetime Homes Standards.

8.2 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. **SECTION 106 LEGAL AGREEMENT**

9.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£214, 552)

9.2 The development would also need to be 'permit free'.

9.3 The Applicant has confirmed that they would be willing to enter into such an agreement.

10. **CONCLUSION**

10.1 The proposal makes efficient use of this generous garden area and will not be to the detriment of the residential amenities of the occupiers of the surrounding properties, the existing house, local parking, or pedestrian safety. The protected species issue has been thoroughly investigated and the proper procedures have been adhered to in relation to Natural England and

their licensing process. The proposed dwelling has overcome previous design related concerns through a reduction in height and the previous reason for deferral of the application has been addressed.

Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to a Section 106 Obligation covering the following heads of terms:

1. The provision of a financial contribution towards affordable housing (£214,552)
2. That the development be 'permit free'
3. The developer agreeing to meet the Council's costs of preparing drafting and monitoring the Agreement.

And the following conditions:-

1. A.1 Commencement of Development (Full Application)
2. A.7 Approved Plans
3. B.1 Approval of Facing Materials
4. B.4 Details of Site Surface Treatment
5. B.5 Details Walls/Fences
6. B.6P Levels
7. C.1 No Permitted Development (Extensions)
8. C.2 No Permitted Development (Windows in first and Second Floor Side Elevations)
9. C.4 Obscure Glazing (Side Elevation Windows at First Floor Level)
10. C.6 Refuse and Recycling (Details to be Submitted)
11. C.7 Refuse and Recycling (Implementation)
12. C.8 No Use of Flat Roof
13. D.11 Hours of Construction
14. E.6 Ancillary Accommodation (Basement)

15. F.4 Tree Survey
16. F5P Tree Protection
17. Non – Standard Condition: No development shall take place until there has been submitted to and approved in writing by the LPA a scheme of hard and soft landscaping which shall include a semi-mature (20 – 25 cms girth) replacement Beech tree to be planted in the frontage area of 7 Somerset Road, and furthermore, a scheme that shall include a plan, full details of the size, species, spacing, quantities and location of plants, in addition to details of the approved ‘green roof’ together with any hard surfacing, and means of enclosure to the whole development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS 13 of the Adopted Merton Core Strategy 2011.

18. F.2 Landscaping (Implementation)
19. F9 Hardstanding
20. Non-Standard Condition: No works or development shall commence until a scheme of supervision for the arboricultural protection measures required by condition 16 has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and will include details of:
 - a) Induction and personnel awareness of arboricultural matters
 - b) Identification of individual responsibilities and key personnel
 - c) Statement of delegated powers
 - d) Timing and methods of site visiting and record keeping, including updates
 - e) Procedures for dealing with variations and incidents
 - f) The scheme of supervision will be carried out as agreed
 - g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the LPA.

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

21. Non-Standard Condition: The basement hereby permitted shall be constructed using a sheet/contiguous piling method of construction. The method of excavation and construction of which shall form part of the Arboricultural Method Statement and Tree Protection Plan.

Reason; To safeguard the trees in accordance with policy CS 13 of the Adopted Merton Unitary Development Plan 2011.

22. H.10P Site Operatives

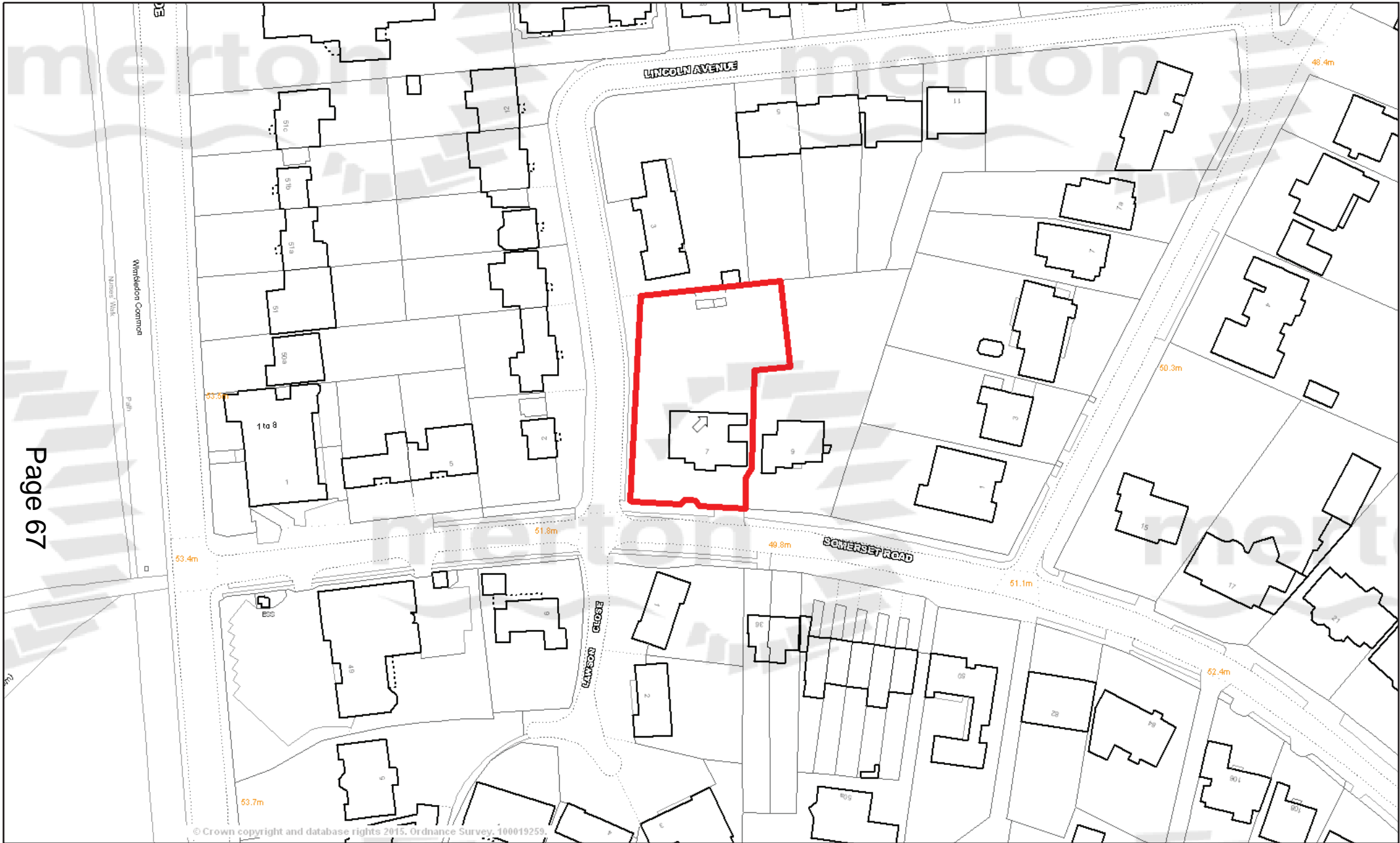
23. H.15 Provision of Vehicle Parking
24. J.1 Lifetime Homes
25. Non-Standard Condition: No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

Informatives:

1. INF12 Works affecting the public highway
2. It is current Council policy for the Council's contractor to construct new vehicular accesses and to reinstate the footway across redundant accesses. The developer is to contact the Council's Highways team, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be
3. Note 1 to Applicant

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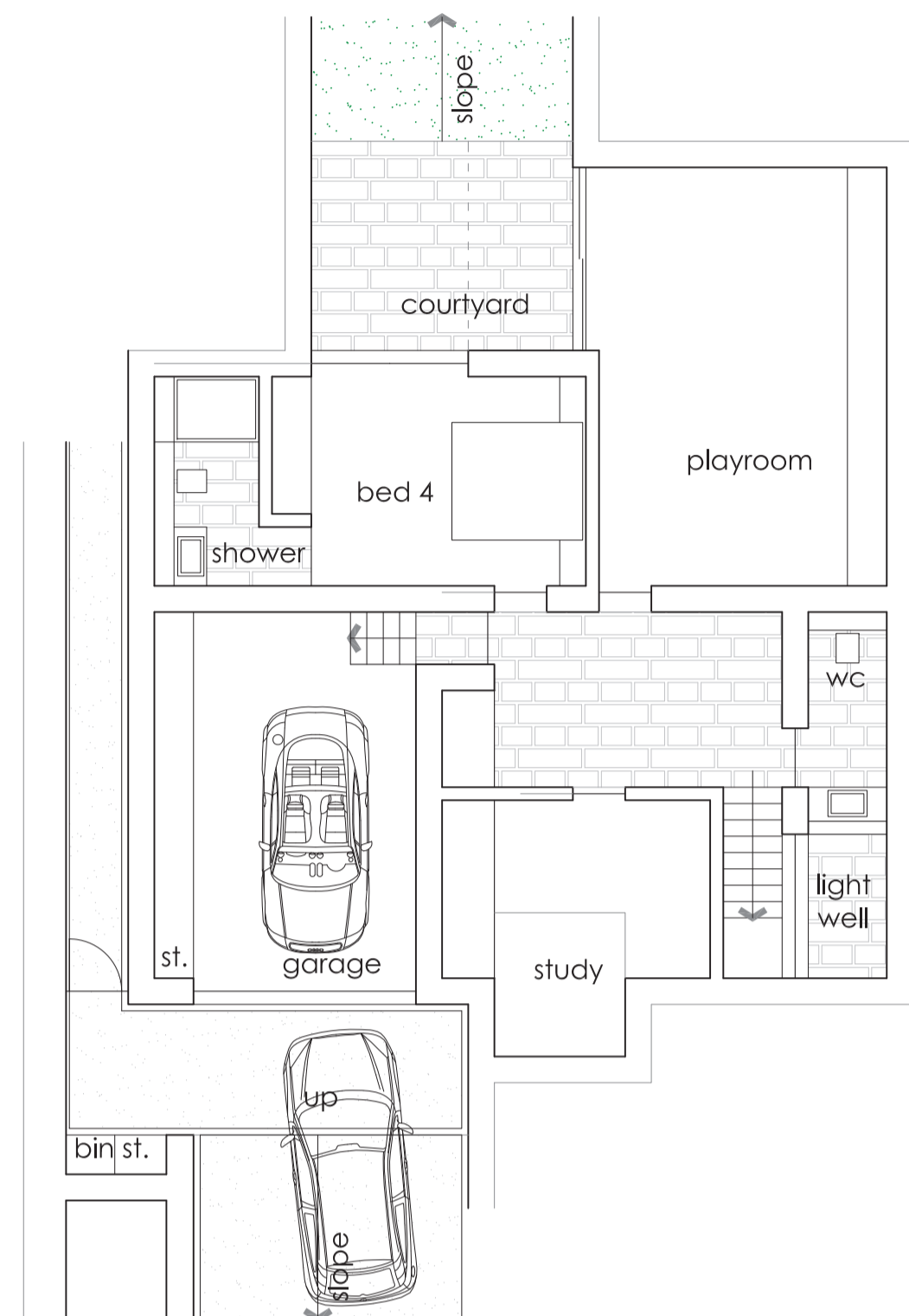
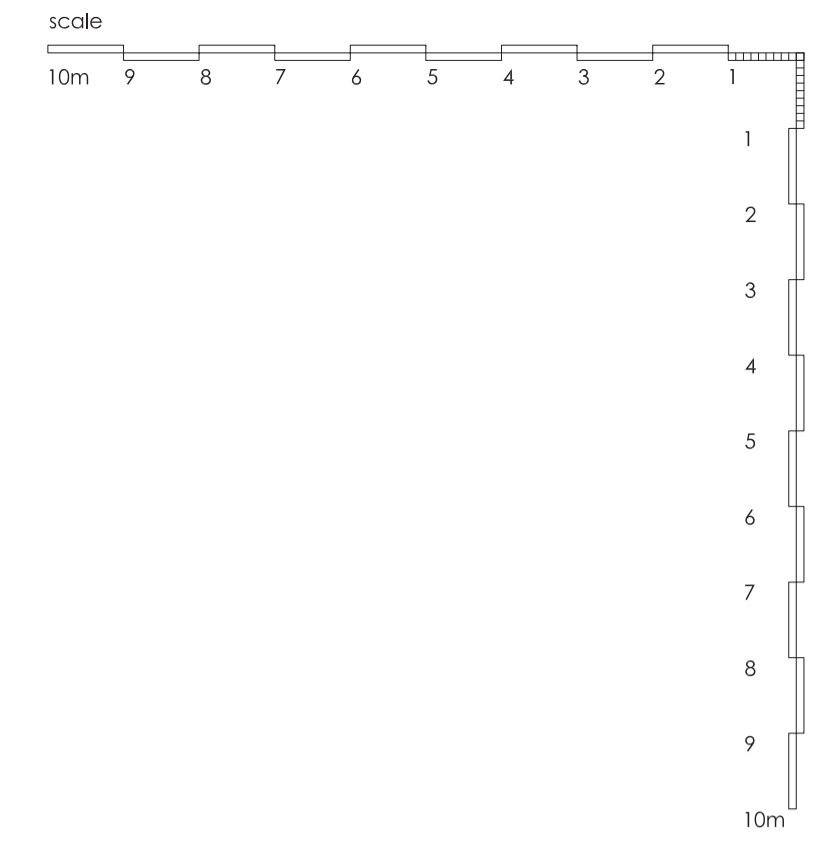
DEVELOPMENT CONTROL

7
Somerset Rd

Scale 1/1250
Date 29/9/2015

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

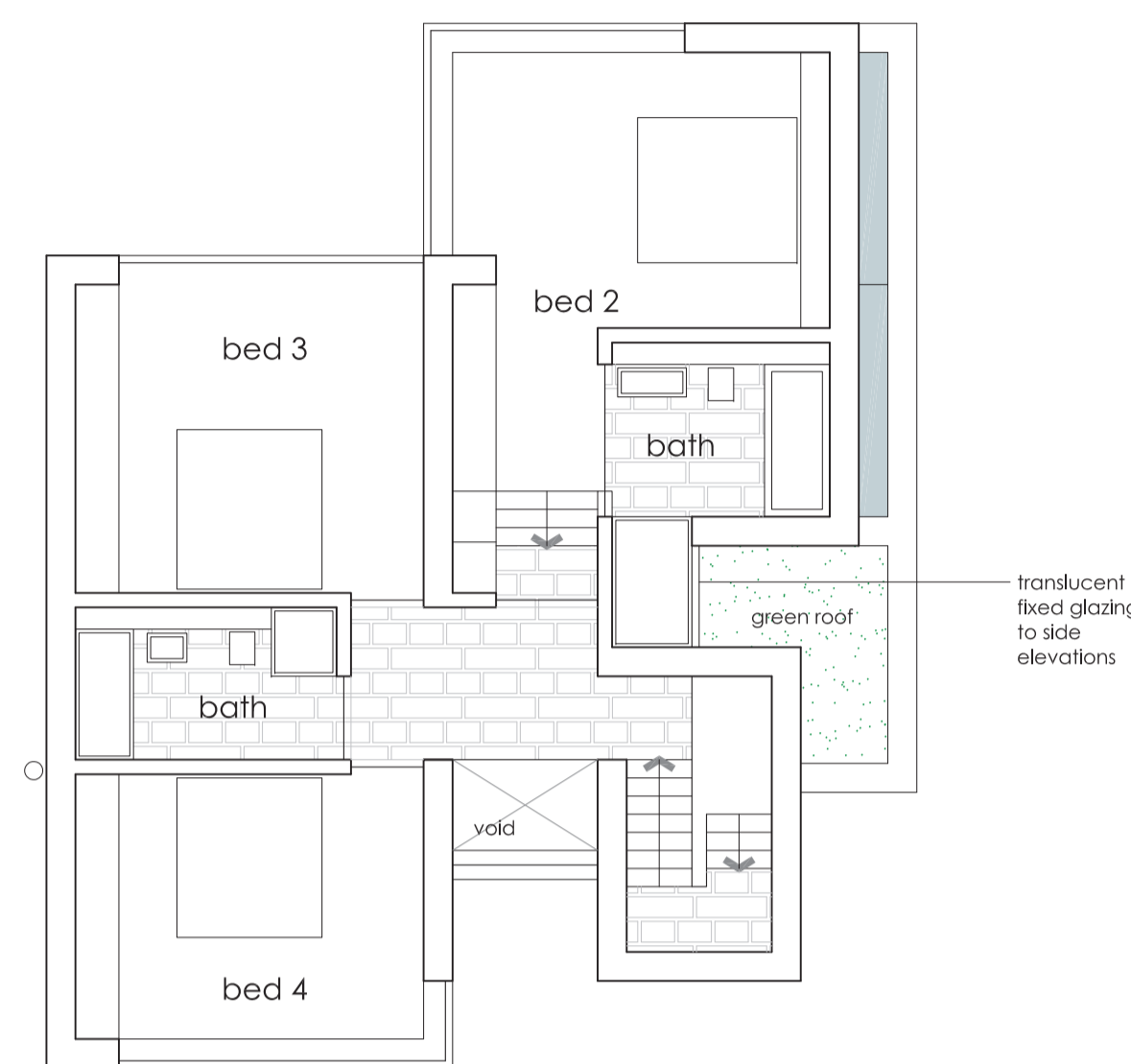




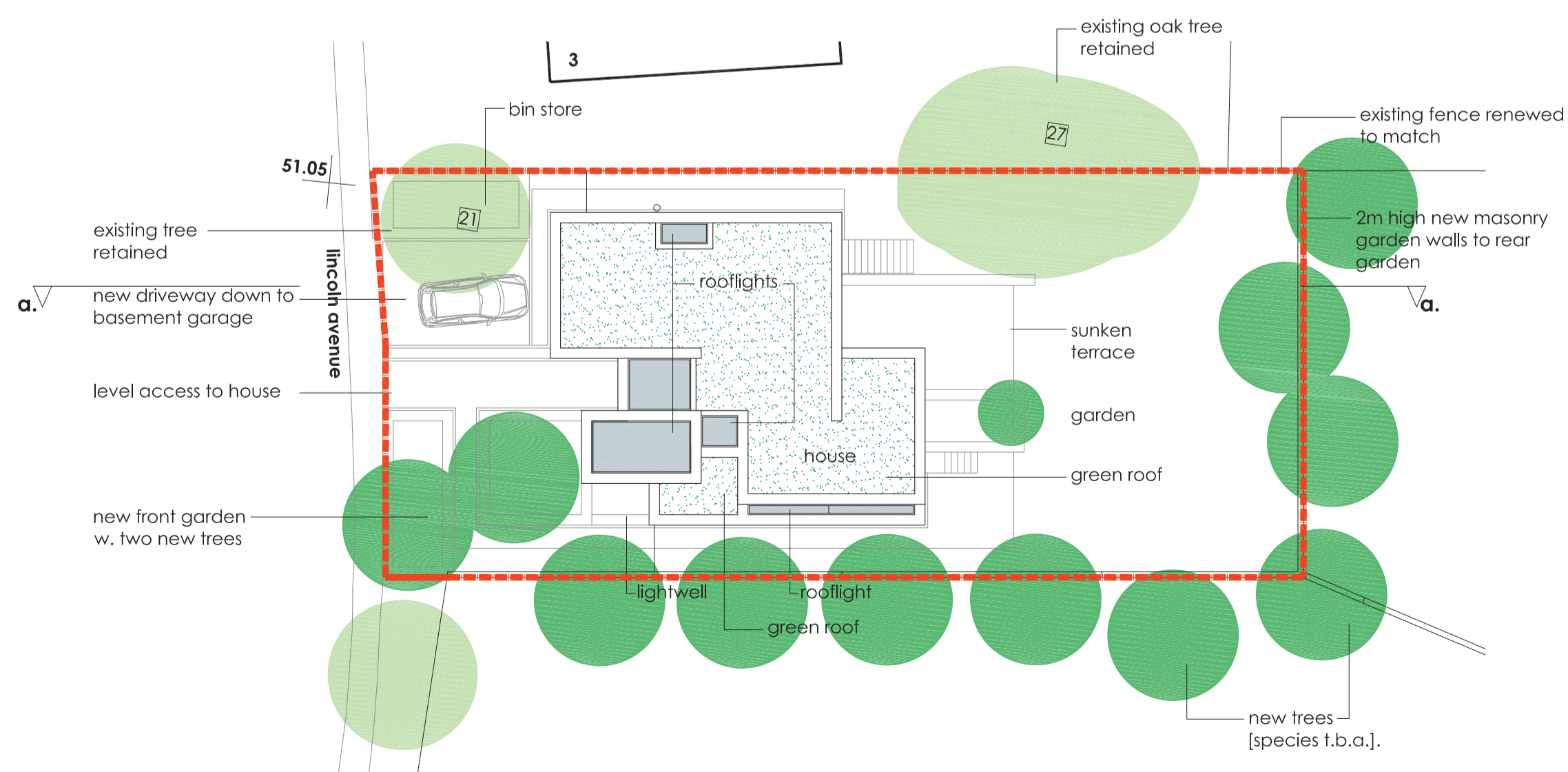
basement plan 1:100



ground floor plan 1:100



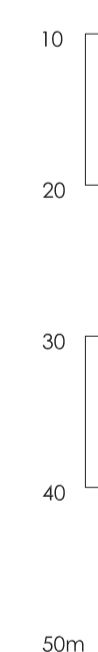
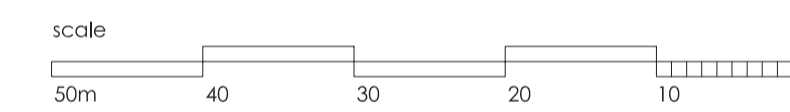
first floor plan 1:100



site plan 1:200



block plan 1:500



proposed

rev g	issued for planning approval	13.06.12
rev f	issued for comment	11.06.12
rev e	issued for comment	28.05.12
rev d	issued for comment	30.04.12
rev c	issued for comment	26.04.12
rev b	issued for planning consent	27.01.12
rev a	issued for planning consent	05.12.11

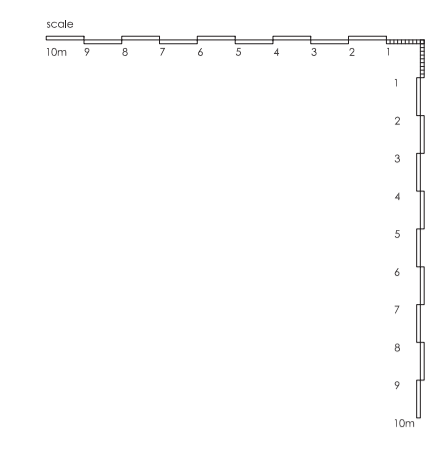
h2 architecture
12 LADDERSTILE RIDE KINGSTON-UPON-THAMES KT2 7LP 1.0845 053 0880

PROJECT 0193
1 lincoln avenue wimbledon sw19

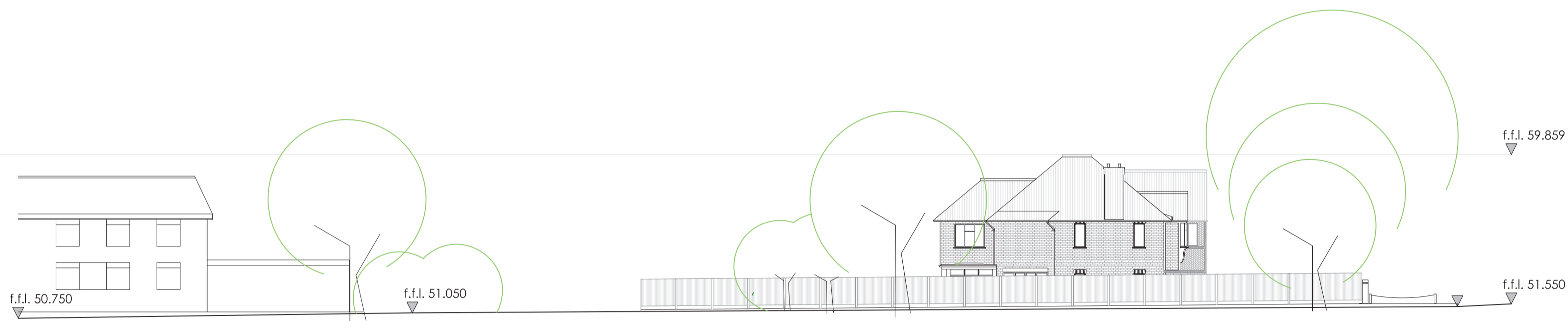
CLIENT
kubik konstruktion

proposed (dwg no. 0193_p101)
floor plans, site plan + block plan

SCALE	DATE	DRAWN	REVISION
100/200/500@a1	sep 2011	mh	g



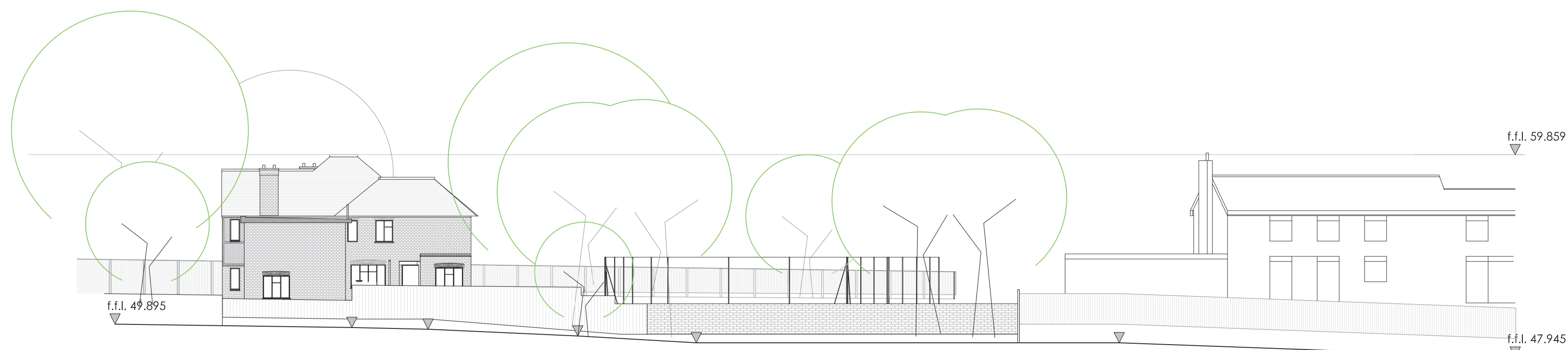
north elevation [to rear of no's 7 + 9 somerset road]



west elevation [to lincoln avenue]



south elevation [to somerset road]



east elevation [from rear of bathgate road properties]



KEY LOCATION PLAN
1:500

existing

rev b f.f.l. added 02.11.11
rev a issued for comment 20.09.11

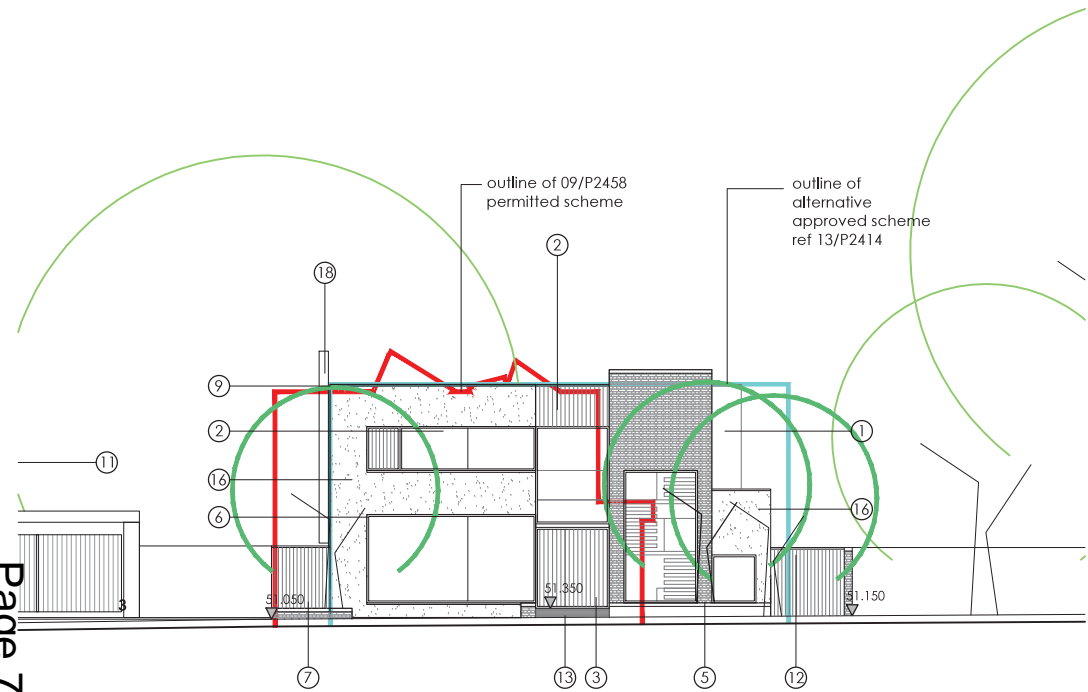
h2 architecture
12 LADDERSTILE RIDE KINGSTON-UPON-THAMES KT2 7LP 1.0845 053 0880

PROJECT 0133
9 - 7 SOMERSET ROAD WIMBLEDON LONDON

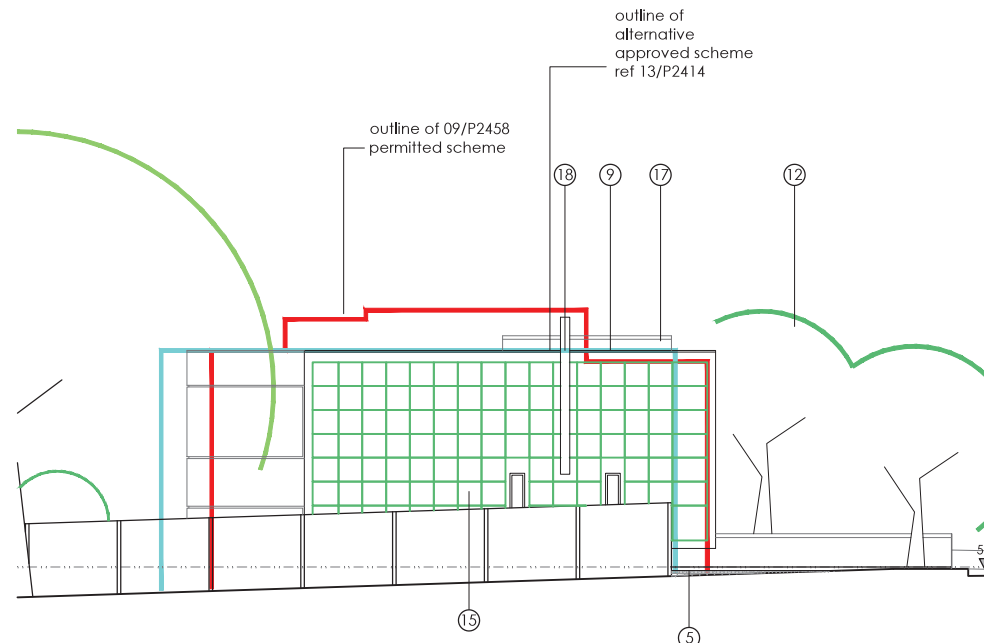
CLIENT
JALAL AL-YAWAR

existing (dwg no. 0193_e002)
elevations

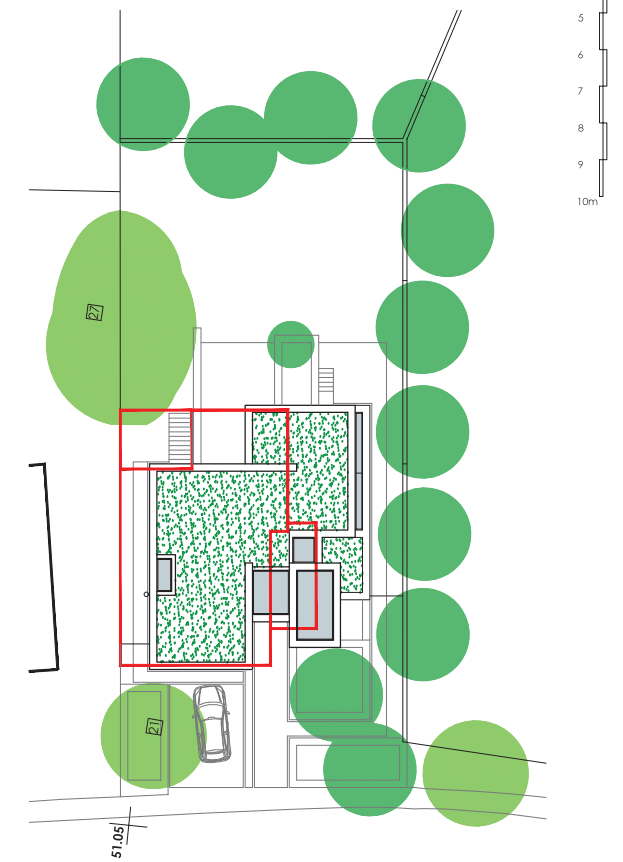
SCALE	DATE	DRAWN	REVISION
200@a1	sep 2011	mh	b



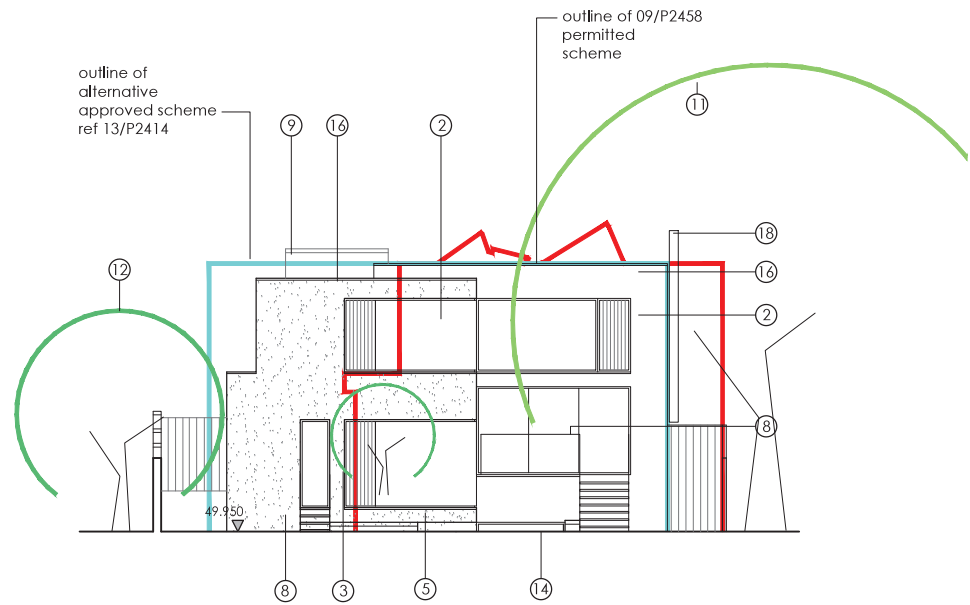
front elevation [west] 1:100



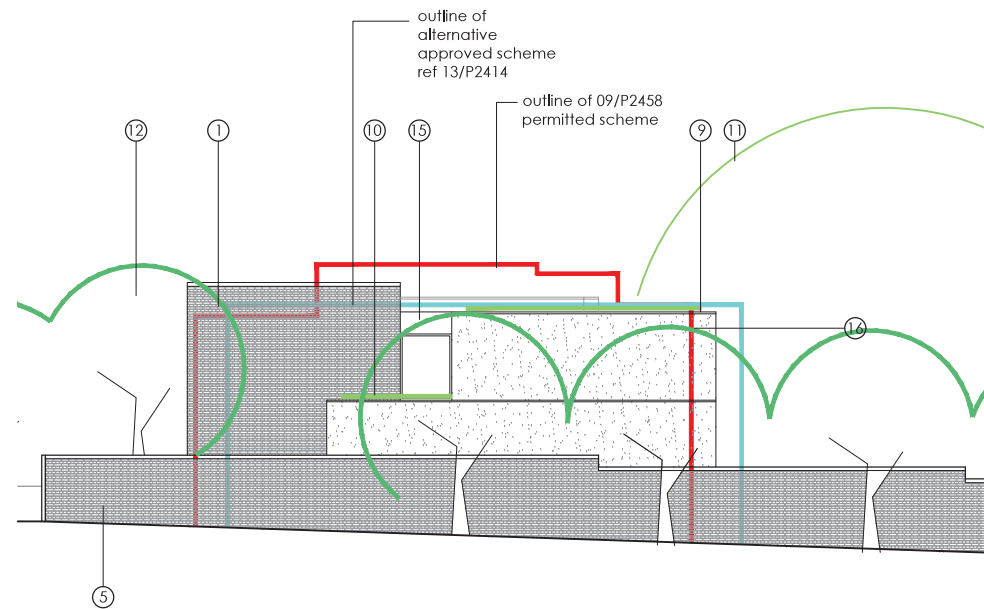
side elevation [north] 1:100



site plan showing new and previously permitted scheme



elevation to rear garden [east] 1:100



side elevation [south] 1:100

materials:

1. fairfaced brickwork in buff colour (type: t.b.a.)
2. aluminium framed windows in grey (type: t.b.c.).
3. timber doors/ windows
5. masonry walls + planters to match house
6. timber louvres on mechanical device
7. timber clad garage doors + walls (type: t.b.c.).
8. steel + glass balustrades + steps down to garden
9. aluminium copings in grey
10. green roofs
11. existing trees
12. new trees
13. permeable surfaced driveway + terraces
14. masonry stairs up from courtyard
15. obscured glazing
16. white render finish
17. rendered wall with climbing grid for planting
18. external chimney flue

proposed

rev a	issued for planning approval	06.10.15
rev c	issued for planning approval	13.06.12
rev b	issued for comment	11.06.12
rev a	issued for comment	28.05.12

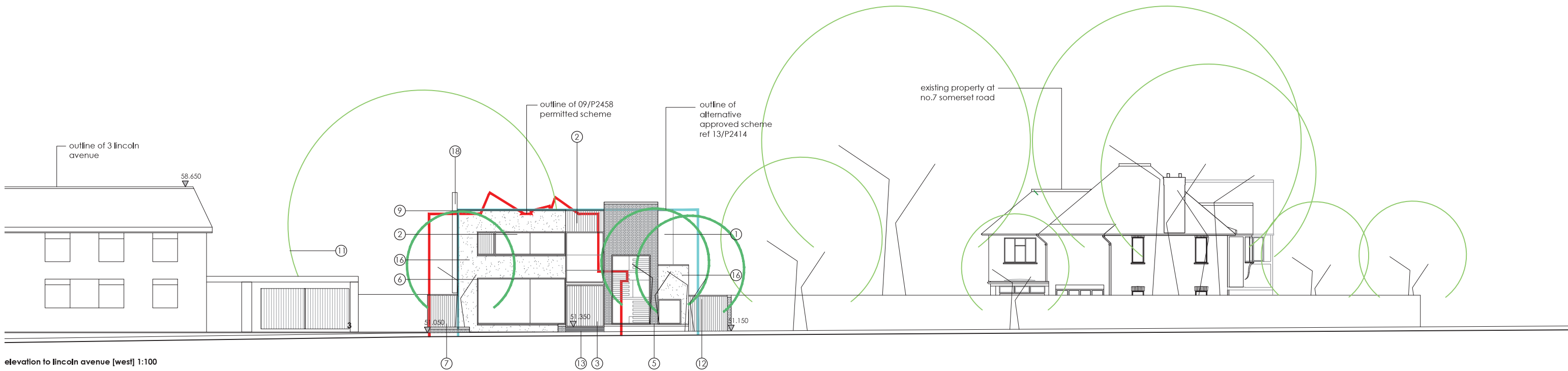
h 2 architecture
12 LADDERSTILE RIDE KINGSTON-UPON-THAMES KT2 7LP T. 0845 053 0880

PROJECT 0193
1 Lincoln Avenue wimbledon SW19

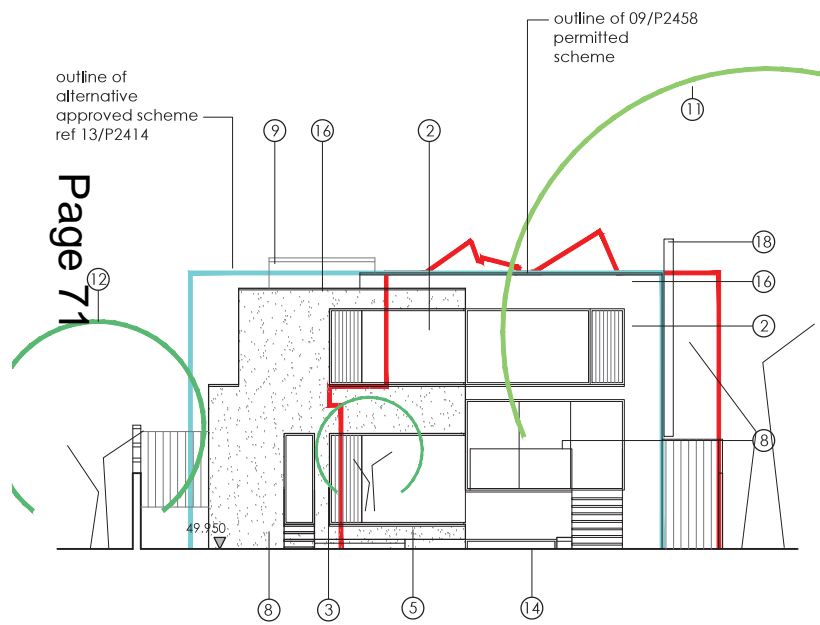
CLIENT
kubik konstruktion

proposed (dwg no. 0193_p103)
scheme for land at rear of 7 somerset road
w.outlines of previously permitted schemes

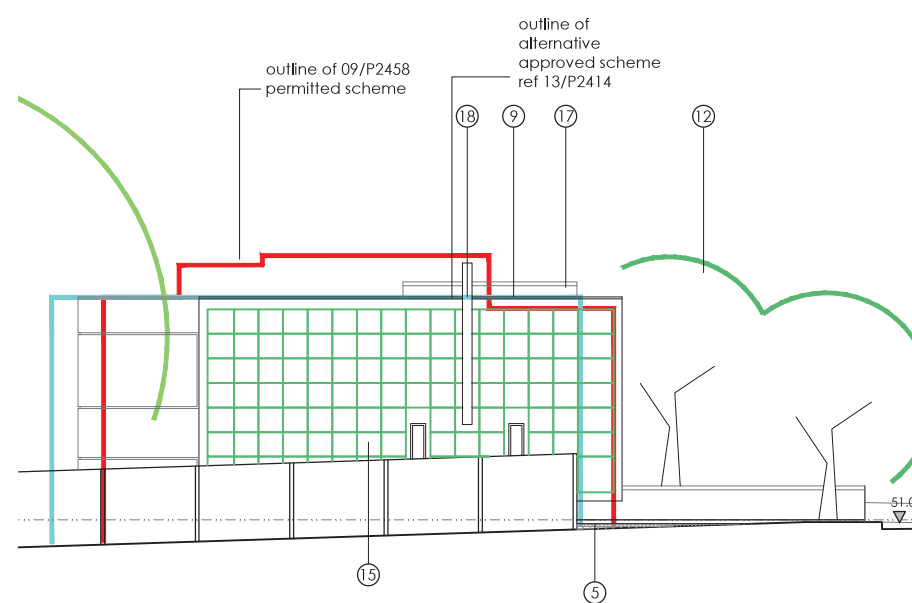
SCALE	DATE	DRAWN	REVISION
100@a1	sep 2011	mh	d



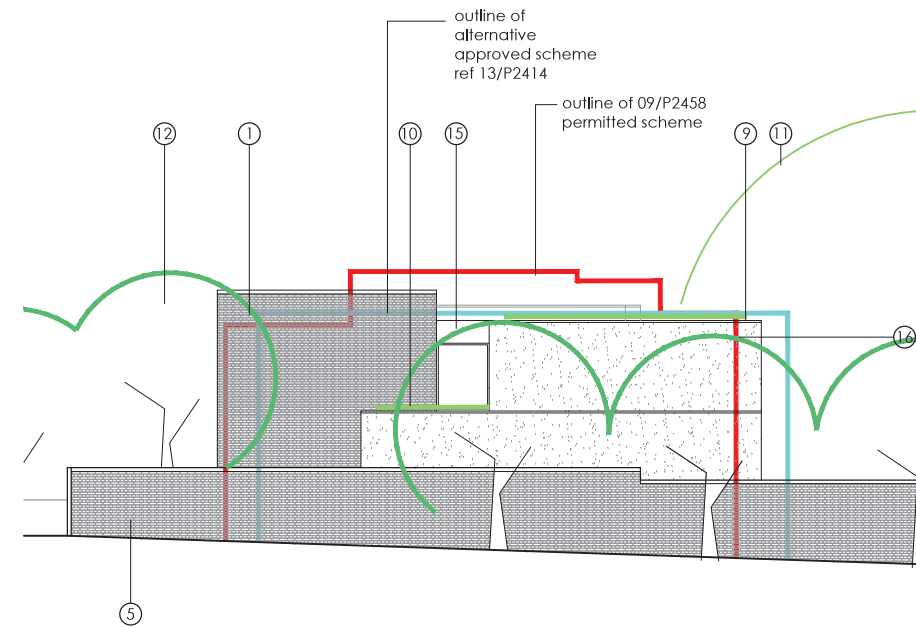
elevation to lincoln avenue [west] 1:100



elevation to rear garden [east] 1:100

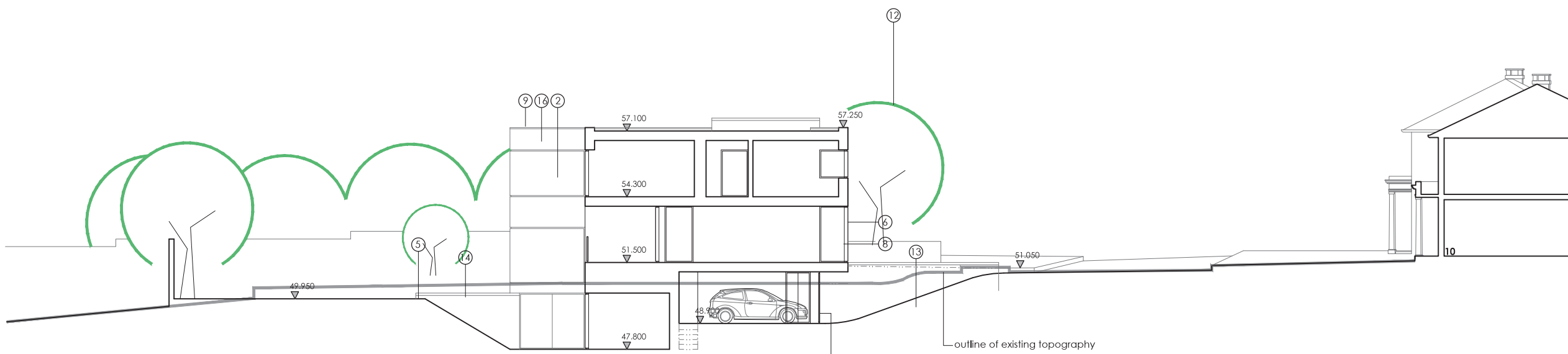


side elevation [north] 1:100



side elevation [south] 1:100

- materials:
1. fairfaced brickwork in buff colour (type: t.b.c.)
 2. aluminium framed windows in grey (type: t.b.c.)
 3. timber doors/ windows
 5. masonry walls + planters to match house
 6. timber louvres on mechanical device
 7. timber clad garage doors + walls (type: t.b.c.)
 8. steel + glass balustrades + steps down to garden
 9. aluminium copings in grey
 10. green roofs
 11. existing trees
 12. new trees
 13. permeable surfaced driveway + terraces
 14. masonry stairs up from courtyard
 15. obscured glazing
 16. white render finish
 17. render finish w. stainless steel planting grid for climbers
 18. external chimney flue



site section a.a. [east to west] 1:100

proposed

rev h	issued for planning approval	06.10.15
rev g	issued for planning approval	13.06.12
rev f	issued for comment	11.06.12
rev e	issued for comment	28.05.12
rev d	issued for comment	15.05.12
rev c	issued for comment	01.05.12
rev b	issued for planning consent	27.01.12
rev a	issued for planning consent	05.12.11

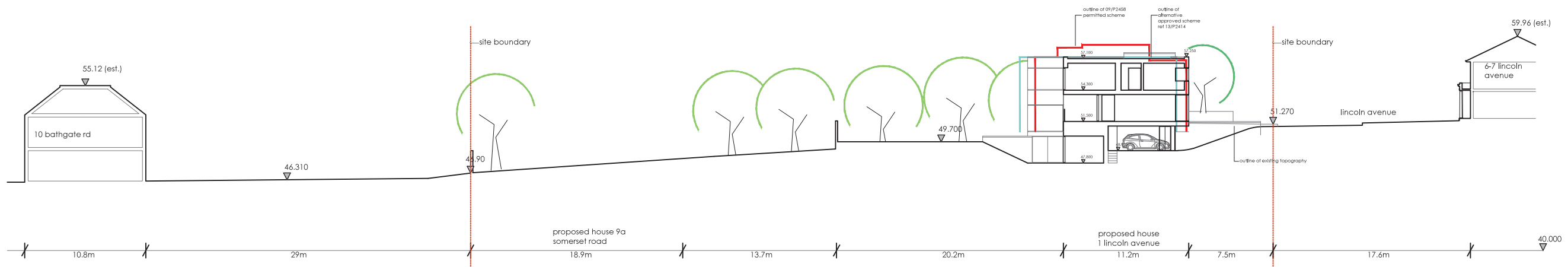
h2 architectur
12 LADDERSTILE RIDE KINGSTON-UPON-THAMES KT2 7LP 1.0845 053 C

PROJECT 0193
7 somerset road wimbledon sw19

CLIENT
kubik konstruktion

proposed (dwg no. 0193_p102)
elevations and site section

SCALE	DATE	DRAWN	REVISI
100@a1	sep 2011	mh	h



section a.a



section b.b

Page 72



key plan (n.t.s)

NOTES:
all dimensions and levels shown are approximate only.

Rev b issued for planning 06.10.15
Rev a issued for planning 23.09.15

h2 architecture
12 LADDERSTILE RIDGE KINGSTON-UPON-THAMES KT2 7LP 1.020 8974 8731

PROJECT 0193
7 - 9 somerset road wimbledon sw19

CLIENT
kubic construction

sketch (dwg no. 0193_sk059)
proposed site sections

SCALE DATE DRAWN REVISION
1:200@A1/1:400@A3 sep 15 mh 8

1 LINCOLN AVENUE, SW19

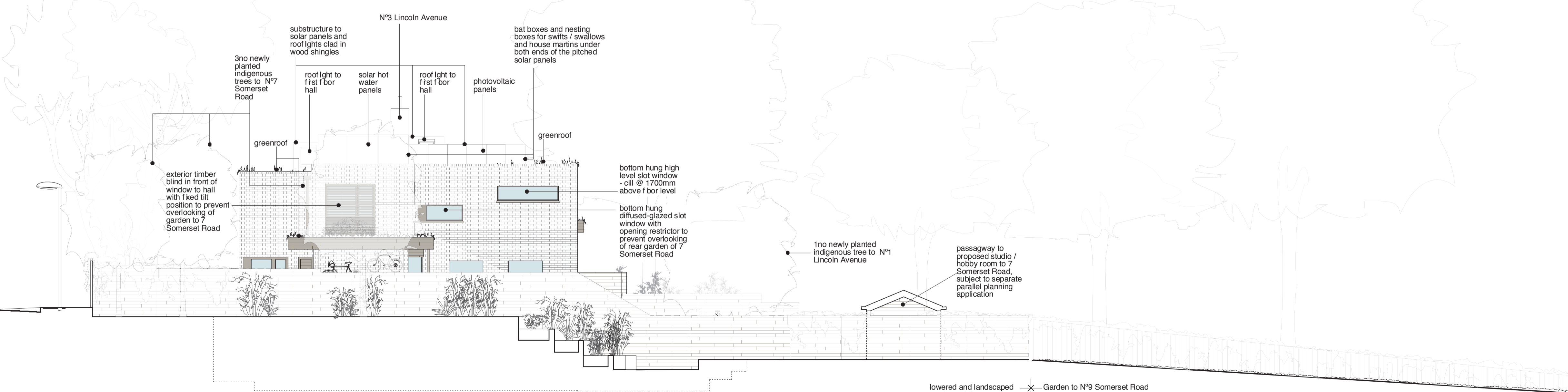
Page 73

MATERIALS:

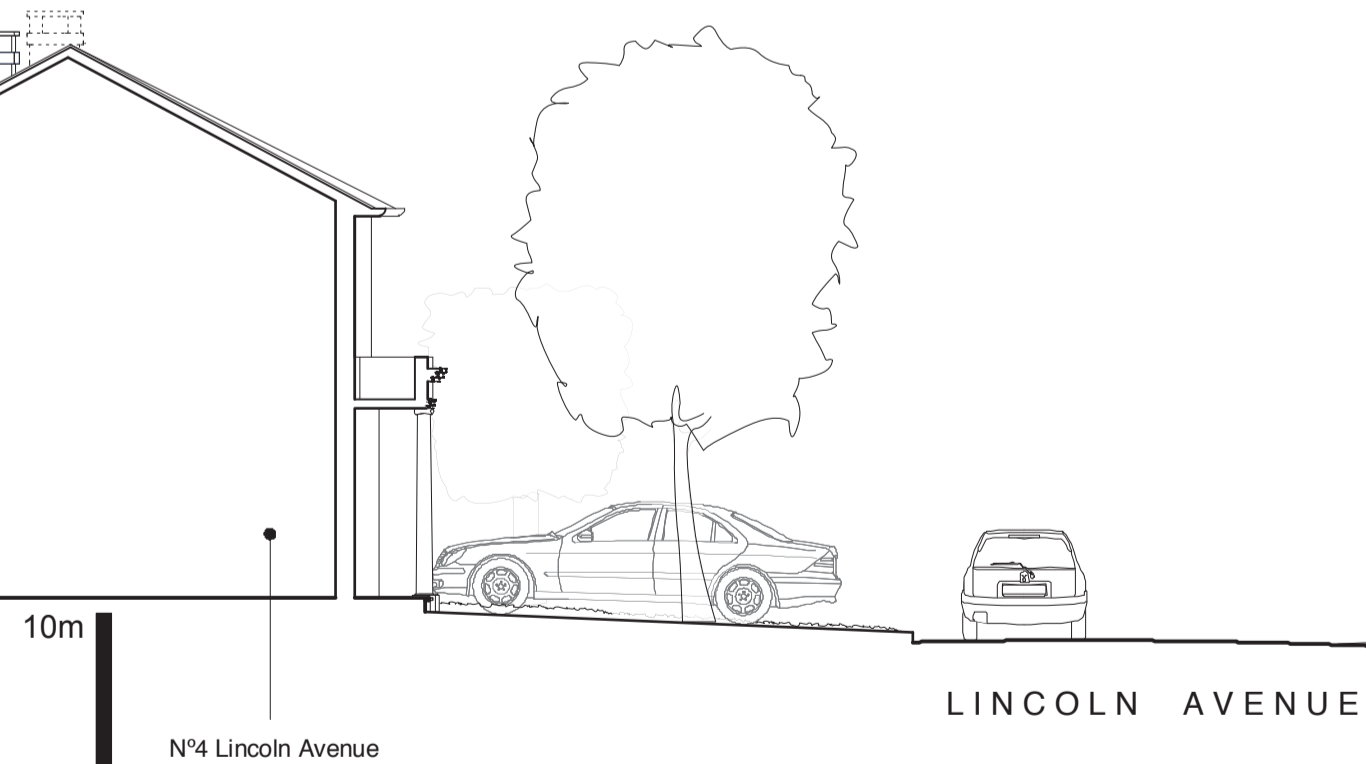
- external walls: cavity walls with outer leaf of pale and medium grey multi-toned brick provisionally Petersen Tegl D91 or similar to be agreed
- external front ledge + skylight adjacent to garage: grey bricks with black-stained timber slatted seating to top and clear toughened glass with internal safety grille below
- cladding to the rear window box and side wall bay window and canopy: black stained timber slats
- door to integral garage: black stained timber slats or dark grey aluminium slats
- windows: timber finished externally with black stain or dark grey aluminium lining
- external doors: timber finished externally with black stain
- external blind to south facing first floor window: black stained slatted cedar blind - probably custom-made by Tidmarsh Ltd
- refuse storage and recycling storage low brick enclosure - roofed over with a planter - black-stained plywood doors
- roofs above ground and first floor: 'Extensive' green roofs planted with mixture of wild flowers, tall grasses and sedums
- substructure to solar panels and rooflights: clad in wood shingles with Code 4 lead flashing
- railings + gate: round steel bars painted in black, smooth Hammerite
- paving: permeable block/brick pavers
- fencing: untreated sustainable timber approximately 1800mm high



WEST ELEVATION



SOUTH ELEVATION



N°4 Lincoln Avenue
LINCOLN AVENUE



AS PROPOSED ELEVATIONS SHEET 1 Revision A 1:100 @ A1

Revision A - TJ Oct 2009:
 - Second floor removed and solar panels and roof lights reconfigured
 - First floor layout amended and first floor windows amended to suit

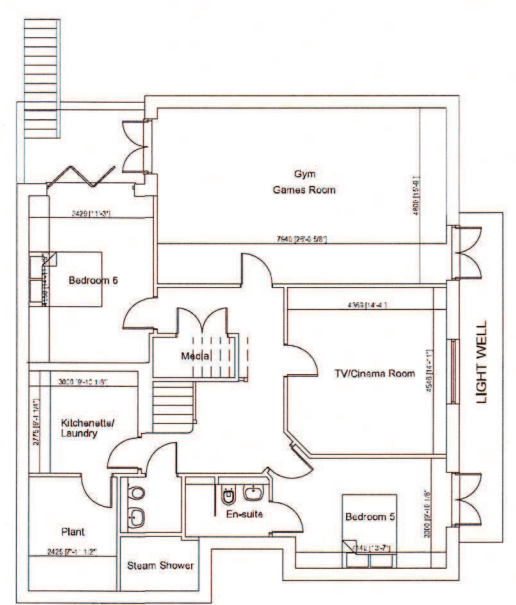
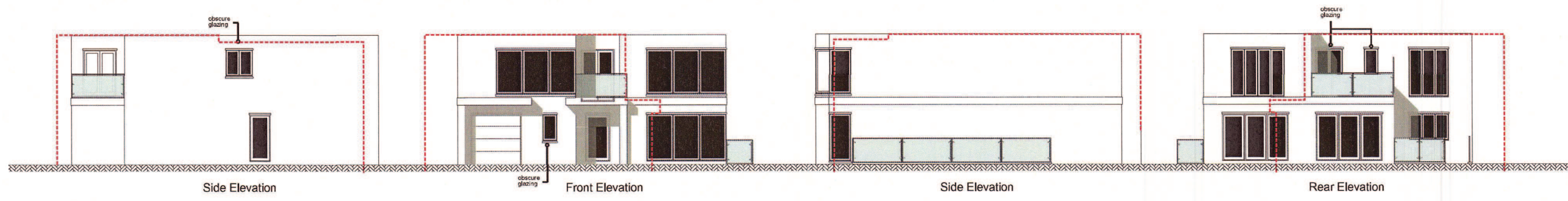
JEFF KAHANE + ASSOCIATES ARCHITECTS		client: T + J KAHANE	
46 - 47 Bilton Street London EC1 1SLJ Telephone 020 7338 6960 Facsimile 020 7338 6960 VAT number 921096454 Jeff Kahane MA (Cantab), Dip. Arch. RIBA		job: 1 LINCOLN AVENUE, SW19	
drawing: AS PROPOSED ELEVATIONS SHEET 1		date: OCT 2009	
drawn: TJ	scale: 1:100 @ A1	drawing no.: 534.PL.05	rev: A

DRAWING STATUS: ISSUED FOR PLANNING APPLICATION

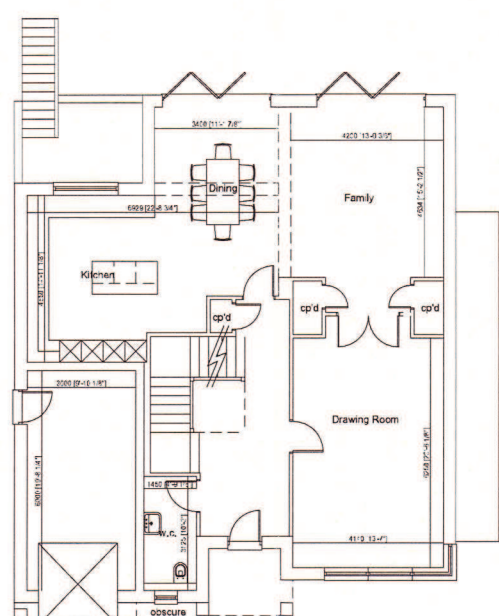
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RECEIVED 7/7/14

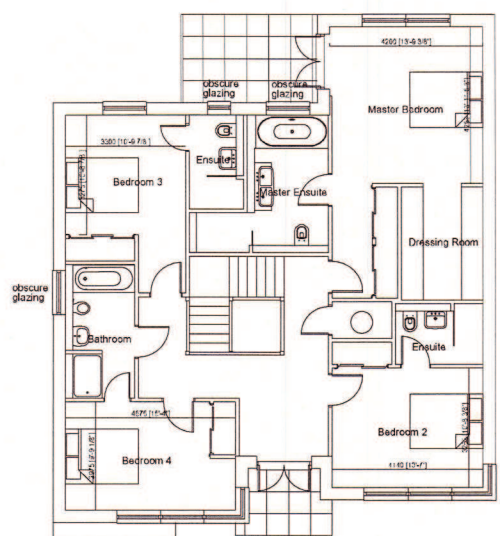
13/P2914
ADDITIONAL PLAN
FOR INFO



BASEMENT



GROUND



FIRST

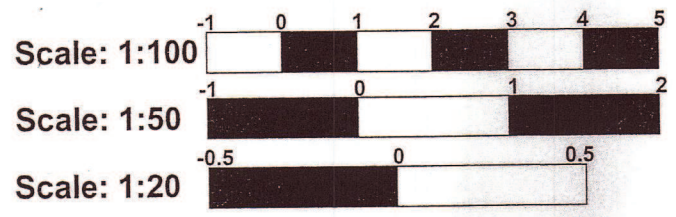
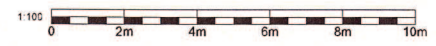
Rev	Date	Description
D	07.07.14	amended approve outline shown
C	30.06.14	scale bar added
B	27.05.14	Building height reduced
A	16.04.14	Approved outline shown in red

BANNER HOMES LIMITED
Riverside House, Holtspur Lane, Woburn Green
High Wycombe, Buckinghamshire, HP10 0TJ
Tel: 01628 636200 Fax: 01628 636201
DX: 123610 Woburn Green E-mail: info@banner-homes.co.uk

Project
Somerset Road
Wimbledon

Drawing title
Plot 3
Floor Plans

Scale 1:100 @ A1	Dwg No. 040177/PL.302
Date 16.07.13	Rev D
Drawn CLB	



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Committee: Planning Applications Committee

Date: 15th October 2015

Agenda item:

Wards: Dundonald

Subject: Tree Preservation Order (No.676) at 95 Merton Hall Road, SW19

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

Contact Officer Rose Stepanek: 0208 545 3815
rose.stepanek@merton.gov.uk

Recommendation:

That the Merton (no.676) Tree Preservation Order 2015 be confirmed, without modification.

1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take the objection into account before deciding whether to confirm the Order, with the recommended modification, or to permit the removal of the tree based on the concerns raised by the objector.

2. Details

2.1 On the 17 April 2015, a s.211 notice was submitted to the Council proposing the removal of a Lime tree located in the rear garden of 95 Merton Hall Road. The applicant provided the following information:

Very large Lime tree – fell due to size causing excessive shading over grass and plants below. Sticky sap now coming onto the trampoline. Will replant with

an olive tree all ready to plant. We had the tree pollarded a few years ago but the size is now far too big for the garden.'

- 2.2 No objections or representations were received in connection with this notification.
- 2.3 The case officer inspected the tree and noted that it is a good, healthy and mature specimen, and which is clearly visible from the nearby Henfield Road and which provides a significant level of visual amenity value to the local environment. The tree is also clearly visible from the front of the property. The olive tree referred to is a small specimen (approx. 1 metre high) currently growing in a plant tub.
- 2.4 The case officer took the view that the reasons proposed for the removal of the tree did not outweigh the visual amenity value provided by the tree and that the tree should be protected from removal.
- 2.5 As the property is located in the Merton Hall Road Conservation Area, it was decided that a tree preservation order should be made to protect the tree. The Merton (No.676) Tree Preservation Order 2015, and this took effect on the 18 May 2015. A copy of the plan identifying the location of the tree (referred to as T1) is appended to this report.

3. Relevant History

- 3.1 In 2009, there were 3 Lime trees in the rear garden of the property and these were all of a similar age and size. A s.211 notice was submitted proposing the removal of the 2 trees located on the rear boundary and to be replaced with one feature tree. The third Lime tree (the subject of this tree preservation order) was to be re-pollarded. The tree officer raised no objection to this proposal and the tree work was allowed to take place on the understanding that a new tree would be planted within one year from the date of the council's decision letter. However, it should be noted that as the two Lime trees were in a healthy condition, the council would be unable to enforce the planting of the replacement tree.

4. Legislative Background

- 4.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order is whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 4.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the tree; that the tree has an intrinsic beauty; that it is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; and that the tree contributes to the local bio-diversity; and protects against climate change.
- 4.3 This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201

ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order. This Order remains valid, in its temporary state, until the 17 November 2015.

5. Objection to the Order

5.1 The council received an objection to the Order from the property owners.

5.2 The objection is summarised as follows:

- The tree does not have an intrinsic beauty, and is overgrown and out of proportion to the garden. It discharges sap and is the size of the tree is detrimental to the growth of other trees, plants and grass in the garden;
- Other trees in neighbouring gardens are more visible;
- The removal of the tree would add to the environment of the garden and would allow the other vegetation, including a lilac and a new tree, to flourish;
- The tree is out of proportion and has grown greatly since the re-pollarding of 2009. The tree is approx. five times larger than the street trees in Merton Hall Road and other roads ;
- Are committed to planting another tree in its place. If all the street trees grew to this size this would cause significant structural damage to council streets and kerbs;
- Are committed to local bio-diversity and climate change issues which is why a different tree is proposed.

6. Planning Considerations

6.1 Members should take into account the advice set out in paragraph 4.1 of this report and bear in mind that the essential purpose of a tree preservation order is to protect the visual amenities of a local area.

6.2 The tree officer would respond to each point in respective order:

- The tree is a good healthy example of the species. The tree is located adjacent to the boundary fence with no. 97 Merton Hall Road, towards the lower end of the garden. It is positioned approximately 19 metres from the rear of the property. The sap is known as Honey Dew and is caused by aphids feeding on the leaves of the tree. The size of the tree could continue to be managed to maintain a smaller canopy. The relationship of the tree to the garden is no different to any other garden that supports a mature tree in that this should be taken into account when planting other trees and shrubs. The shedding of leaves etc., onto the grass should not be seen as a reason in itself to justify the removal of a mature tree;
- When viewed from Henfield Road, two other trees located in a neighbouring garden are clearly visible, but this tree can be clearly distinguished from those other trees;

- The lilac is at present a small shrub that has been planted in a shady location beneath the canopy of Lime tree and other vegetation. The new tree referred to is a young Laburnum which has been planted close to the same boundary and the presence of other higher growth is likely to inhibit the satisfactory growth and formation of the canopy of this tree;
- The street trees are managed as pollards for reasons of their position in the street and to avoid issues relating to damage to any immediate surrounding structures and conflict with the use the highway and footway. This is a completely different form of management for different reasons and which bears no relation to the management of privately owned trees. The Lime tree is larger than the street trees, but can be managed to be a smaller size if so desired;
- Noted and as commented on above;
- Noted, however the present tree is a native mature example of the species with many years ahead of it. This tree is approximately 60 years old. A new tree, of an as yet unknown species, may not ever reach this size or level of visual prominence in the local area.

7. Officer Recommendations

- 7.1 The Merton (No.676) Tree Preservation Order 2015 be confirmed, without modification.

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. Financial, resource and property implications

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

11. Legal and statutory implications

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

15. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.676) Tree Preservation Order 2015
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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Merton (No.676) Tree Preservation Order 2015
 95 Merton Hall Road

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



Date 11/5/2015

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 Scale 1/1250

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Committee: Planning Applications

Date: 15th October 2015

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

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 Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

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

DETAILS

Application Number: **13/P1390**
Site: 43 Lessness Road, Morden SM4 6HP
Development: Certificate of Lawfulness for a hip to gable rear roof extension
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th September 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080391/13P1390_Appeal%20Decision%20Notice.pdf

Application Number: **15/P0242**
Site: 562 Kingston Road, Raynes Park SW20 8DR
Development: Advert consent for 48-sheet advertisement
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 21st September 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087562/15P0242_Appeal%20Decision%20Notice.pdf

Application Number: **14/P4401**
Site: 35 London Road, Morden SM4 5HT
Development: Erection of 3 storey block of flats
Recommendation: Refuse Permission (*Delegated Decision*)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 1st October 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000087000/1000087031/14P4401_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.

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Committee: Planning Applications Committee

Date: 15th October 2015

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, 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:	838 ¹ (896)	New Appeals:	3 (2)
New Complaints	6 (111)	Instructions to Legal	2
Cases Closed	64 (79)	Existing Appeals	9 (6)
No Breach:	34	<hr/>	
Breach Ceased:	30	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	52 (27)
Total	64 (79)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (0)
New Enforcement Notice issued	5	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	1		
Total	6 (6)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (8th September to 5th October 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's 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 19 Laings Avenue Mitcham CR4** The Council issued an untidy land notice on 10th September 2015 to require the owner to trim and cut back overgrown bushes in the rear garden and the garden in an tidy condition.. The notice came into effect on 1st October as there was no appeal and the owner has 28 days to comply with the requirements.
- 2.02 14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15.

Recent Enforcement Actions

- 2.03 1 Dovedale Rise, Mitcham CR4** - The Council served an enforcement notice on 17th August 2015 against the erection of four outbuildings in the rear garden of the property with a requirement to demolish these structures within three months of the effective date. The notice came into effect on 25th September as there was no appeal prior to that date. The compliance period expires by 25th December 2015.

- 2.04 2 Cavendish Road, Colliers Wood SW19** - The Council issued a Temporary Stop Notice (TSN) on 12th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice came into effect immediately and required the construction works to cease for 28 days. Non-compliance would have resulted in prosecution. The notice was fully complied with and the works stopped immediately.
- 2.05 11 Carlingford Road Morden SM4** - An enforcement notice was issued on 10th August 2015 against the unauthorised erection of a tree house. The notice would come into effect on 21st September 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised tree house to be demolished. **This has been complied with and the case has been recommended for closure.**
- 2.06 18 Morton Road, Morden SM4** The Council served an enforcement notice on 29th June 2015 against the erection of an outbuilding with a requirement to demolish the structure within two months of the effective date of the notice of 6/8/15. The Council has been notified of an appeal and is waiting for a start date letter to confirm this.
- 2.07 32 Consfield Avenue KT3.** The Council issued an enforcement notice on 24th June 2015 against the unauthorised erection of a single storey rear extension. The notice came into effect on 30th July 2015 as no appeal was registered before that date. The main requirement is to remove the structure within one month of the effective date. The owner has indicated a retrospective planning application would be submitted for a smaller extension but this has been delayed. An extension has been agreed to for an application to be submitted as failure could result in prosecution for non-compliance.
- 2.08 43 Approach Road, Raynes Park SW20.** An enforcement notice was issued on 4th June 2015 against the installation of a roof terrace with a requirement to cease its use and remove all facilitating fixtures such as the balustrade. The compliance period is one month of the effective date of 15th July 2015 as there was no appeal.

The landlord has to comply by 15th August 2015 or could be prosecuted. The owner has made some progress and is cooperating with officers to remedy the breach.

- 2.09 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27th October 2014 for consideration.

The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, were meant to be completed within five months of the approval date.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include:

- 1) The roof and rainwater goods,

- 2) Masonry, chimney and render repairs
- 3) Woodwork, glazing and both internal and external repairs.

Officers inspected the property with a representative from English Heritage on 17th September and it appeared that works have been halted. A work scheduled showing expected completion times has been requested from the contractor/agent to support a current application for a time extension to complete the works.

The Car lot – the enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20th August 2014 as there was no appeal prior to that date and the compliance period would expire by 20th October 2014 (2 calendar months).

The car sales business has ceased in compliance with the requirements of the notice. More cars have now been removed from the site and this is expected to continue until the site is cleared.

3.0 New Enforcement Appeals

- **2 Cavendish Road, Colliers Wood SW19** - The Council issued an enforcement notice on 18th August 2015 against the unauthorised erection of a first floor extension to an existing structure. The notice would have come into effect on 30th September 2015 but the Council has been notified of an appeal. The main requirement is to remove the first floor structure within one month of the effective date. The Council has been notified of an appeal.
- **61 The Quadrant SW20** - The Council issued an enforcement notice on 25th August 2015 against the unauthorised erection of a single storey rear extension. The notice would come into effect on 6th October 2015 unless there is an appeal prior to that date. The main requirement is to demolish the structure within three months of the effective date.
- **14 Glenthorpe Road Morden SM4** An enforcement notice was issued against the erection of a raised timber decking with uprights and a polycarbonate lean-to with roofing. The requirements are to remove these structures within one month of the effective date. The owner has appealed and the council's statement was sent on 5/10/15.

3.1 Existing enforcement appeals

- **36 Deal Road SW17** An enforcement notice was issued on 6th July 2015 against the conversion of the property from two into three self-contained flats involving the use of the roof space as a self-contained flat. The notice would have come into effect on 10th August 2015 but an appeal has been registered.

The main requirement of the notice would be for the use of the building as three self-contained flats to cease within 6 months.

- **24 Greenwood Close SM4** An enforcement notice was issued on 20th July 2015 against the unauthorised erection of a detached bungalow. The notice would have come into effect on 25th August 2015 but an appeal has been registered.

The main requirement of the notice is for the unauthorised building to be demolished within three months

- **163 Central Road, Morden SM4**, An enforcement notice was issued on 9th April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would have come into effect on 19th May 2015 but an appeal was registered and is proceeding under written representations. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit within four months.

The Council's questionnaire and consultee letters have been sent.

- **14 St James Road, Mitcham**, An enforcement notice was issued on 29th April 2015 against the unauthorised conversion of the property into two flats. An appeal has been registered and is proceeding by written representation. If the appeal is dismissed and the notice is upheld, the requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use within three months.

Final statements and comments have been exchanged and now awaiting an inspector site visit date.

- **204 Tamworth Lane, Mitcham CR4**, - An enforcement notice was issued on 11th May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. An appeal has been registered and is proceeding under written representation. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

The Council's statement has been sent to the Inspectorate.

- **Land and premises known as 336 Lynmouth Avenue, Morden SM4.** An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding. The Council's final statement was sent on 27th March 2015. An inspector site visit has been scheduled for Monday 12th October 2015.

3.2 Appeals determined –

None

3.3 Prosecution case.

None

3.4 Requested update from PAC

Requests for updates on following

(a) 1 Edge Hill, Mitcham – by Cllr Daniel Holden

The matter has been investigated and following the threat of enforcement action, Circle Housing has agreed to replant replacement trees. The remaining trees and the new ones would be placed under preservation orders to ensure their full protection.

(b) 7 London Road, Mitcham – by Cllr Linda Kirby

Councillor Linda Kirby advised that following previous enforcement action about temporary structures on the site, there were now new permanent structures on the site. Officers undertook to investigate and update the Councillor.

This refers to the Tooting Medical Centre, 5 London Road, Tooting, SW17.

Enforcement action was taken against the previous wooden fence which has now been dismantled.

Planning permission (ref: 15/P0728) was subsequently granted on 19/5/15 for a 'brick boundary treatment at rear first floor level and change of use of the upper floor to D1 use from B1a use and to operate from 9am - 9pm'. The new brick wall is therefore lawful.

This follows a recent appeal- 14/P2341 for the retention of the 'existing boundary treatment' when the Inspector said he was satisfied that the relationship in terms of siting, orientation and scale of the boundary treatment in relation to the adjoining properties, and in particular 1 Golf Place caused no material harm to the living conditions of the immediate neighbours, including with respect to overlooking and loss of privacy; loss of light and noise and disturbance.

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**

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