

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

David Dean

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Najeeb Latif

Imran Uddin

Andrew Judge

Substitute Members:

Daniel Holden

John Sargeant

Laxmi Attawar

Stephen Crowe

Joan Henry

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

Date: 16 June 2016

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

16 June 2016

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Recommendation: GRANT Planning Permission subject to Conditions | |
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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– Members of the Design and Review Panel (DRP)

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

NOTES

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

Procedure at meetings of the Planning Applications Committee

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

1 Public speaking at the Planning Applications Committee

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

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

2 Submission of additional written evidence at meetings

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

Agenda Item 3

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

23 MAY 2016

(7.15 pm - 9.15 pm)

PRESENT Councillor Linda Kirby (Chair), Councillor John Bowcott, Councillor David Dean, Councillor Abigail Jones, Councillor Philip Jones, Councillor Peter Southgate, Councillor Geraldine Stanford, Councillor Najeeb Latif, Councillor Imran Uddin and Councillor Andrew Judge

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies for absence were received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

No declarations of pecuniary interest were received

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the meeting held on 21 April 2016 were agreed as a true record.

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

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

- a) Supplementary Agenda: A list of modifications for agenda items 5 and 7 was published as a supplementary agenda.
- b) Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.
- c) Order of the Agenda – The Chair amended to order of items to the following:
6, 5, 7, 8,

5 BROWN AND ROOT HOUSE, 125 HIGH STREET, COLLIERS WOOD, SW19 2JG (Agenda Item 5)

The Committee noted the Officers presentation and the additional information provided in the Supplementary Agenda. Officers explained that the application was a minor material amendment to the current scheme, however Officers were considering how to proceed on the issue of the infilling of the void area to provide additional flats.

Members also noted that the amendments proposed would result in 90.4% of the flats in phase 1 being under London Plan Space Standards, whereas in the original scheme 65.30% of the flats were under these standards, although the consented scheme was not assessed against these standards. Members asked how far under the space standards the amended sizes fell. Officers replied that this information could be provided but that the space standards gave a minimum requirement, which units either exceeded or fell below.

Members also discussed issues of viability and affordable housing and noted that officers were recommending that the financial viability of the phased development be appropriately reviewed to secure off site contributions towards affordable housing. Members commented on the effects if phase two was not to be built.

Members noted the regenerative power of the development and the 3 and 4 bedroomed flats proposed in phase 2 as positives of the development, but felt that the high number of phase 1 flats falling under the London Space Standards was an overriding concern and that they needed more information on this issue before they could make a decision.

A motion to defer was proposed and accepted by a majority of members.

RESOLVED

The Item was **deferred** to a future meeting so that Officers could provide additional detailed information on the size of the apartments in relation to the London Plan space standards..

Officers would also provide a Legal view on whether all the variations could be considered under the terms of a section 73 application.

6 THE CRICKETERS PUBLIC HOUSE, 340 LONDON ROAD, MITCHAM, CR4 3ND (Agenda Item 6)

The Committee noted verbal representations from an Objector to the application representing Mitcham Cricket Green Community and Heritage, and the Agent to the Applicant.

Officers asked the Committee to note that the application was required to satisfy the requirements of SPP policy DM D4 that proposals for new development in the conservation area are required to preserve or enhance the character and appearance of the conservation area.

Members discussed the application and noted that the Design and Review Panel had given the proposed building a 'Red' rating indicating that they concluded that the proposal did not achieve the design criteria for this important site and that the 'bar should be set higher' for the design of any application at this site.

Officers suggested that the Committee consider London Plan policy 7.6 (Architecture) which requires that buildings and structures should be of the highest architectural quality and whether this had been met by this application.

Councillor Andrew Judge summed up the views expressed by Committee Members and proposed a motion for refusal which was seconded and then carried unanimously

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The two main elevations of the proposal did not sit well with each other and the corner of the proposed building does not have sufficient quality or distinction
 - The design is muted, bland and of insufficient quality
 - The Committee is looking for a more distinguished building for the prominent site
 - The proposal does not enhance setting of Vestry Hall or The Old Fire Station
 - The Proposal does not make a sufficient contribution to views from the public spaces of Cricket Green and Lower Green West
 - The proposal does not comply with CS14 on Design and does not enhance or reinforce the character of the area sufficiently. Nor does it contribute to Mitcham's sense of place and identity.
 - It does not enhance the setting of the Heritage Assets of Vestry Hall and The Old Fire Station as required by SPP policy DM D4 - nor does it enhance the open areas of Cricket Green and Lower Green West.
 - The proposal does not meet English Heritage Guidance which requires such a new development to maximize the setting of heritage assets
 - London Plan policy 7.6 (Architecture) which requires that buildings and structures should be of the highest architectural quality has not been met by this proposal

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies.

7 68-70 MEOPHAM ROAD, MITCHAM, CR4 1BJ (Agenda Item 7)

The Committee noted the Officer's presentation and the amended information and recommendations in the Supplementary Agenda. The Committee noted the proposal to request funding from Cabinet to provide affordable housing on site, and the alternate recommendation in the case of no Cabinet approval.

RESOLVED:

The Committee approved the Officer recommendations:

Recommendation A: Grant planning permission subject to planning conditions and a S106 legal agreement including on site affordable housing in order to deliver a policy compliant scheme (not less than 5 units comprising shared ownership and/or affordable rented units), subject to Cabinet approval for any support funding.

Recommendation B: In the event that Cabinet approval for support funding is not confirmed by 1st of September 2016, grant planning permission subject to planning conditions and a S106 agreement including an off-site financial contribution of £261,500.

8 1 SIBTHORP ROAD, MITCHAM CR4 3NN (Agenda Item 8)

The Committee noted the officers presentation and a verbal representation by the representative of the Applicant. The Committee noted that the second reason for refusal proposed in the officers report was no longer relevant, but that the first reason stood and represented Officers views on the application. Councillor Stanford said that she agreed with the Officers report and recommendations.

Members voted unanimously to refuse the application for the first reason given in the Officers report.

RESOLVED

Refuse planning permission for the following reasons:

The proposed additional third and fourth floor by virtue of its bulk, form, scale, height and design would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the London Road streetscene, and would be harmful to the amenity of neighbours in terms of loss of daylight and sunlight and visual intrusion. Therefore, the proposal would be contrary to London Plan policies 7.4 and 7.6, Merton LDF Core Planning Strategy policy CS14 and Merton SPP policies DMD2 and DMD3.

The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS8 of the Merton LDF Core Planning Strategy (2011).

- 9 46 - 76 SUMMERTOWN (VOLANTE), WIMBLEDON, SW17 0BH (Agenda Item 9)

The Committee noted that this Item had been Withdrawn from this Agenda

- 10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Committee noted the report showing recent decisions made by Planning Inspectors.

RESOLVED

The Planning Committee noted the contents of the Planning Appeal Decisions Report.

- 11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 11)

The Committee noted the contents of the Planning Enforcement – Summary of Current Cases report, and noted that the site visit to the Burnt Bullock had taken place on 29 April 2016, and that required works had taken place.

RESOLVED

The Committee noted the contents of the Planning Enforcement – Summary of Current Cases report

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 16th June 2016
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).

PLANNING APPLICATIONS COMMITTEE
16th June 2016

Item No:

UPRN

APPLICATION NO.

DATE VALID

16/P1164

21/04/2016

Address/Site:

100 Ashen Grove, Wimbledon Park, SW19 8BN

(Ward)

Wimbledon Park

Proposal:

Change of use from communal alleyway to part of private curtilage of 100 Ashen Grove and rerouting of existing alleyway with security gate and new fencing (existing garage to be demolished).

Drawing Nos:

Block Plan - Existing and Proposed, Proposed Plan showing new fence line

Contact Officer:

Jonathan Gregg (0208 545 3297)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions

CHECKLIST INFORMATION

- Heads of agreement: n/a
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 40
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 This application relates to an end of terrace dwelling on the south western side of Ashen Grove. The property is sited opposite the junction with Durnsford Avenue to the north and is the first property along Ashen Grove

when entering the road from Durnsford Road. This property has a detached garage to the west which is in a dilapidated state and which is separated from the property by an alleyway. This alleyway serves the rear of properties along Durnsford Road, Ashen Grove and Stewart Road. There are alternative access points on Stewart Road and further west along Ashen Grove.

- 2.2 The site is not within a Conservation Area or covered by any other relevant planning designations.

3. CURRENT PROPOSAL

- 3.1 This application proposes to demolish the garage and incorporate the alleyway within the curtilage of 100 Ashen Drive for use as a parking area, re-routing the communal alleyway around the edge of the land within the applicant's ownership, adding a kink into the previously straight alleyway. The alleyway would be retained at its current width (0.85m) for the whole of this route and would finish in line with the front of the house, as per the existing. New fencing would be provided and the existing security gate re-located.

4. PLANNING HISTORY

- 4.1 10/P2532 - application for lawful development certificate for a single storey rear and side extension - Issue Certificate of Lawfulness 27-10-2010

5. POLICY CONTEXT

- 5.1 London Plan 2015;
7.4 (Local Character), 7.6 (Architecture)
- 5.2 Merton Sites and Policies Plan July 2014 policies;
DMD2 (Design considerations in all developments), DMD3 (Alterations and extensions to existing buildings)
- 5.3 Merton Core Strategy 2011 policy:
CS 14 (Design)
- 5.4 The following Supplementary Planning Guidance is also relevant;
Residential Extensions, Alterations & Conversions (November 2001)

6. CONSULTATION

- 6.1 Public consultation was undertaken by letters sent to neighbouring properties. The applicant also placed an advert in the local paper as it the application was accompanied by Certificate D (as they couldn't determine all of the owners of the land in question):
- 6.2 Eight objections were received, summarised as;
- Changes would make the alleyway have more turns thus harder to carry items through the alley
 - Creates blind spots along the alley

- Issues with maintenance
- Plans are incorrect
- Width of the alleyway would not be sufficient

7. PLANNING CONSIDERATIONS

7.1 The main considerations for this application are the principle of the change of use, the character and appearance of the area and the impact on neighbour amenity.

7.2 Principle of the Change of Use

7.3 There is no objection in planning terms to the alleyway being incorporated into the curtilage of 100 Ashen Road.

7.4 Character and Appearance

7.5 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

7.6 The application property is well kept as are others within the immediate vicinity and the dilapidated timber garage detracts from the character and appearance of this part of the street scene. It is considered that its removal and the erection of fencing around the proposed parking space would be a welcome change that would improve the street scene. Details would be required of the surface treatment.

7.7 The proposed fencing would be standard close boarded timber fence panels erected around the edge of the site and around the alley. This is considered acceptable and would match the rear boundary treatments of the properties which front onto Durnsford Road to the east.

7.8 Neighbouring Amenity

7.9 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an adverse impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

7.10 The alleyway would run along the rear of the gardens of no.350-356 Durnsford Road rather than being separated by the garage, however this would continue the relationship found along the rest of the alley and on this basis it is not considered to have any adverse impact on the residential amenities of neighbouring occupiers.

7.11 In relation to security it is appreciated that the alterations would introduce a sharp turn within the alley, however the other accesses to the alley, from

Ashen Grove and Stuart Road, are all gated with the same security gates and access would therefore still be restricted to residents as at present.

7.12 Other Matters

- 7.13 A number of representations have raised issues about maintenance, width of the access to the alley and ease of using it for large items. These are considered to be private civil matters relating to a non-public alleyway. The granting of planning permission does not override any other consent or private legal requirement relating to the accessway that may be required to actually undertake the proposal. An informative to this effect can be added to any decision notice

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. CONCLUSION

- 9.1 The principle of development is considered acceptable and it is considered that the removal of the garage and erection of fencing would be an improvement to the street scene. Moreover it is considered that there would be no adverse impacts on the residential amenities of the occupiers of neighbouring properties. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS 14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2015.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:

1. A1 Commencement of Development (Full Application)
2. A7 Approved Plans
3. Non Standard condition:
No development shall take place until details of the surfacing of the area of the site between the alleyway (highlighted in green on drawing 'Proposed Plan showing new fence line') and Ashen Grove have been submitted to and approved by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details.
Reason: Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning

Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.

Informatives:

1. Note to Applicant – Approved Schemes
 2. Non-standard Informative: This Planning Permission does not grant or imply any other permissions or requirements that it may be necessary to obtain prior to undertaking the works hereby approved.
-

To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load

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NORTHGATE SE GIS Print Template




Text Details **100 Ashen Grove**

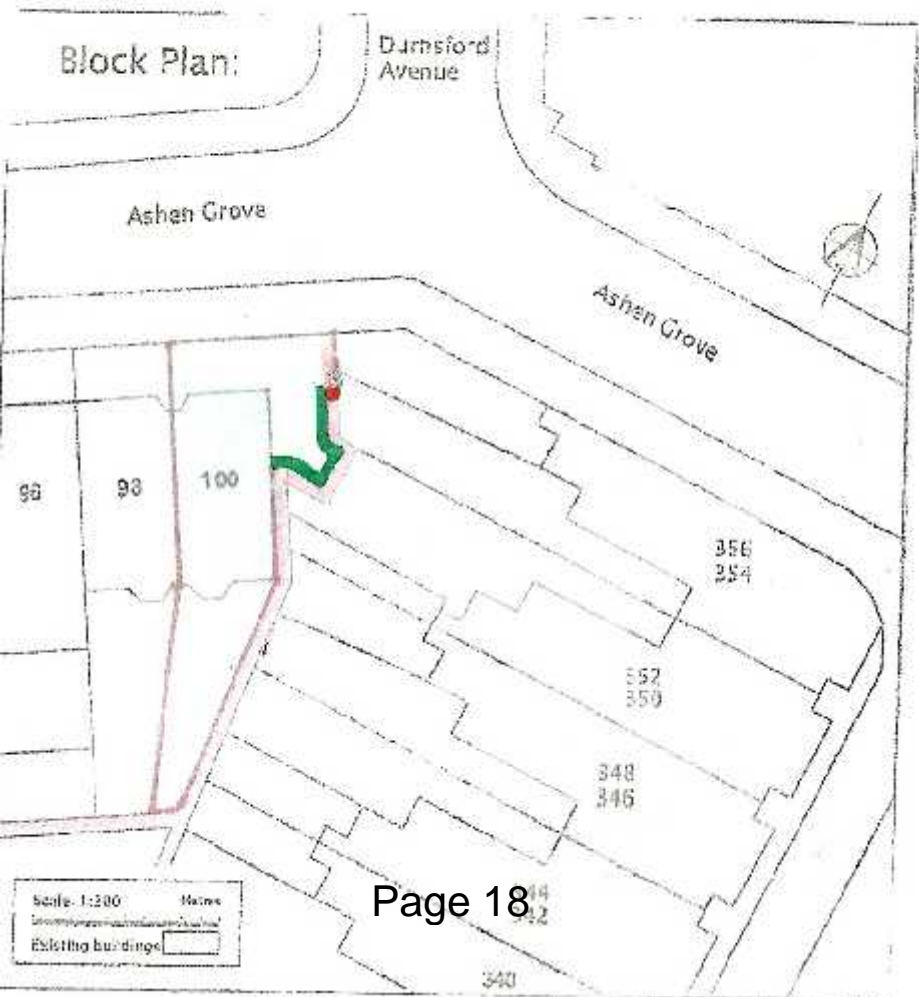
This material has been reproduced from Ordnance Survey digital map data with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright.

Proposed Plan:

 new position of existing metal alley gate

 new closeboard, all timber fencing at the maximum height allowed (2 metres)

Block Plan:



PLANNING APPLICATIONS COMMITTEE
16 June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P0315	04/02/2016

Address/Site: Land Adjacent to New Malden Golf Centre Ltd
Beverley Way
New Malden
KT3 4PH

Ward: Raynes Park

Proposal: Erection of high ropes and skytrail structure, ancillary building and associated parking and landscaping.

Drawing No.'s: 1234-A.01, SKN_P(PL)001 (Rev: B), SKN_E(PL)001 (Rev: C), SKN_E(PL)002 (Rev: C), TIMQ9957-L-06-RevH (received 07/06/2016), SKN_SP(PL)002 (Rev: B), SKN_SP(PL)003 (Rev: B), P(LP)001 (Rev: C), 'Report on the impact on trees of proposals for development at Land adjoining New Malden Golf Centre, Beverley Way, New Malden, KT3 4PH (15th September 2015)', 'Ecological Assessment' (received 19/01/2016), 'Habitat Enhancement and Management Plan' (received 06/05/2016), 'Framework Travel Plan' (dated August 2015), 'Transport Statement' (dated August 2015), 'Flood Risk Assessment' (dated August 2015), SAS_70180041_1_1 (dated 20/07/2015), 'Planning Statement' (dated January 2016) and 'Design Statement: Rev C' (dated 20/09/2016).

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 1
- External consultations: 4
- Controlled Parking Zone: No
- Flood zone: Zone 3

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of development and the sensitivity of the site, being on Metropolitan Open Land (MOL).

2. SITE AND SURROUNDINGS

- 2.1 The site is located on Metropolitan Open Land (MOL), positioned to the western side of, and accessed directly from, the A3. The area of MOL is roughly regular in shape being framed by the Beverley Brook to the west, the Pyl Brook to the south, the A3 to the east and train tracks to the north. The area of MOL generally slopes from the north, reducing in elevation toward the south. Across the Beverley Brook is Beverley Park, a large area of MOL which is within the Royal Borough of Kingston Upon Thames.
- 2.2 The application site is a triangular plot of land positioned between existing recreation facilities, being New Malden Golf Centre's driving range to the south and Goals Football Centre to the north; the plot is approximately 1.25ha in area. The central and southern portions of the triangular site comprise a gully which rises as a steep embankment toward the land to the north, beyond which is a flat section of land. Given the nature of the land, being within a gully, it has become neglected. Beyond the site to the north is fencing associated with the football centre which is approximately 10m in height. Within the gully is a wetland which feeds into the Beverley Brook - the wetland is designated as a Site of Importance for Nature Conservation (SINC), albeit it is considered to be of relatively low value. The western and southern borders of the site are lined with mature trees. The netting associated with the golf range is 25-30m in height and runs the length of the site along the southern boundary to the eastern corner of the site, at the eastern corner the netting doubles back and runs along the northern boundary for a distance of approximately 60m; resulting in the site being completely enclosed by the netting, as viewed from the east (looking westward toward the site).

- 2.3 The golf range to the south is operated from 07:30-00:00 (midnight) 7days/week and has 14 mounted floodlights in 7 banks of 2 in the roof and 6 banks of 2 floodlights on the range. The football centre to the north is operated between 10:00-22:15 7days/week and is, along with the carpark to the east, also surrounded by floodlighting.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erection of a sky trail adventure/confidence course, with ancillary building and including parking provisions, tree works, landscaping and remediation works to the existing wetland. The facility would operate seasonally – between the hours of 09:00-16:00 during the winter months and 09:00-20:00 during the summer months.
- 3.2 The proposed sky trail would be positioned on the sloping embankment. It would largely be constructed from steel framing and would involve high ropes courses and zip wires. The sky trail would have the following dimensions: 64.7m long, 17.4m wide, an approximate average of 8.3m high and raising 7m above the flat section of land to the north.
- 3.3 The proposed ancillary building would be located immediately to north of the sky trail structure upon the flat land to the north. The building would have a regular foot print with an undulating, multi-pitch roof. It would be constructed from cross laminated timber with a vertical orientation and would have a sedum (green) roof. The front, northeast, corner of the building would contain full length glazing. The proposed building would provide a toilet block, equipment store, reception, a seating area and a covered changing area. The ancillary building would have the following dimensions: 15m long, 8.5m wide, a maximum of 4.6m high and a minimum height of 2.6m.
- 3.4 The northern portion of the site is predominantly flat and would be used to provide 103 vehicle parking spaces constructed from permeable materials, the parking area would include 7 disabled spaces, 2 electric charging points and 1 mini bus parking space. Albeit, it is noted that this area is already used as an informal overflow parking area by the Goals Football Centre. Tree works involve removing 29 trees of low value and low life expectancy, pruning existing trees and planting 20 replacement trees in the north eastern portion of the site. The works to the wetland and SINC would involve clearance of unwanted vegetation, dredging of channels, provisions for riparian zones, installation of king fisher perch posts and otter holts and measures to control the spread of non-native invasive plants.

- 3.5 Planning officers have raised concerns regarding the size of the proposed reception building; revised plans have subsequently been submitted which reduce the scale of the ancillary building by 5m in length, 1m in width and up to 2m in height.

4. PLANNING HISTORY

There is no recorded planning history relating to the subject site. However, there are numerous permissions relating to the surrounding land, the relevant permissions which influence the existing built environment in the immediate vicinity of the application site are summarised below:

90/P0787: Use of land as a golf driving range involving the erection of a two storey building for club house pro shop restaurant and golf driving with floodlighting on roof and on poles and the provision of a 93 space car park access road up to 12 metre high fence and associated landscaping – Granted.

02/P2511: Erection of synthetic sports courts with changing pavilion/club house and associated infrastructure, cycle and parking provision – Granted.

04/P1100: Planning permission for the erection of a 20m high ball catch net and support towers along the southern boundary of pitches and part of western boundary car park – Granted.

06/P3112: Alterations and extension to height of existing ball-stop perimeter netting up to 30 metres high along northern edge of site and up to 35 metres along eastern and southern edges of golf driving range including erection of replacement support towers – Granted.

07/P3195: Extension and alterations to existing building to provide shop, café, office and teaching facilities with removal of putting green and extension of car park – Granted.

10/P0659: Extension of existing driving range safety netting, involving the erection of 1 x 25 metre tower, 1 x 30 metre tower and the extension to 30 metres of four existing 25 metre towers – Granted.

11/P1160: External alterations to western elevations and roof in connection with the provision of an enlarged retail area, for the sale of golfing and associated products, within the existing building – Granted.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices and consultation letters. No public representations have been received.
- 5.2 Transport Planning – No objection following various changes to the layout of the parking area and the provision of additional cycle parking. Permission to be subject to the submission and approval of a delivery and servicing plan and a travel plan.
- 5.3 Flood Risk Management Engineer. No objection. The building would be above the flood risk level and while the structure is within the flood risk level it is open in nature (framing only) thus it would not impede flood flow or storage. Permission to be subject to the submission and approval of details of finished floor and site levels, an emergency flood plan and a surface water drainage scheme.
- 5.4 Environmental Health. No objection.
- 5.5 Trees & Landscape Officer. No objection. Permission to be subject to the submission and approval of details to ensure the proposed tree protection measures would be adhered and details of a landscaping scheme.
- 5.6 Merton Ecologist Consultant – No objection. The proposed Habitat Enhancement Management Plan would result in improvements to the SINC.
- 5.7 Transport for London – No objection. Satisfied with the information relating to trip generation. It is not considered the proposal would result in a significant negative impact on the road network. Permission to be subject to submission and approval of details. In addition, it was recommended to require details of a delivery and servicing plan and a construction logistics plan to the approval of LBM and in consultation with TFL, by way of condition. It was further requested to include provisions of cycle parking by way of condition.
- 5.8 Thames Water – No objection.
- 5.9 Environment Agency – No objection. Advised that the development must be undertaken in accordance with the Flood Risk Assessment and the Habitat Enhancement Management Plan.
- 5.10 Royal Borough of Kingston Upon Thames – No objection.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):

- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

6.2 London Plan Consolidated 2015:

- 2.6 Outer London: vision and strategy
- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 3.1 Ensuring equal life chances for all
- 3.19 Sports facilities
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.17 Waste Capacity
- 6.3 Assessing effects of development on transport capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.17 Metropolitan open land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

6.3 Merton Core Strategy 2011 policy (CS):

- CS11 Infrastructure
- CS13 Open space, nature conservation, Leisure and culture
- CS14 Design
- CS16 Flood risk management
- CS17 Waste management
- CS18 Active transport
- CS19 Public transport
- CS20 Parking, servicing and delivery

6.4 Merton Sites and Policies Plan July 2014 policies (SPP):

- DMC1 Community facilities
- DMO1 Open space
- DMO2 Nature conservation, trees, hedges and landscape features
- DMD1 Urban design and the public realm
- DMD2 Design considerations in all development
- DMF1 Support for flood risk management
- DMF2 Sustainable urban drainage systems (SuDS) and; Wastewater and water infrastructure
- DMT2 Transport impact of development

7. PLANNING CONSIDERATIONS

Material Considerations

- 7.1 The key issues in the assessment of this planning application are:
- Principle of development.
 - Design and impact upon character and appearance of MOL and the wider area.
 - Impact of external lighting.
 - Impact upon surrounding properties.
 - Impact upon flooding.
 - Impact upon transport, road safety, parking & sustainable transport.
 - Impact upon trees.
 - Nature conversation and impact upon SINC.

Principle of development

- 7.2 The principle of development should be considered in the context of the site's designation as Metropolitan Open Land (MOL). London Plan (2015) policy 3.19 and CS policy CS13 seek to increase participation in, and increase access to, sport and recreation in London - the policy states that development which increases or enhances sports facilities will be supported, subject to need. There is no specific need identified for the facility proposed; however, London's (and Merton's) population is growing and there is therefore an increased demand for recreational facilities in general.
- 7.3 Policy 7.17 of the London Plan (2015), policy DM O1 of the SPP and policy CS13 of the CS seek to protect open space, especially MOL, from inappropriate development and to maintain its function. Policy 7.17 of the London Plan (2015) advises that appropriate development should be small scale structures to support outdoor uses. In addition, policy DM O1 of the SPP provides the key tests for whether development would be acceptable on MOL; the policy states that the proposal should not harm the character appearance or function of the open space and the proposal retains public access.
- 7.4 The area of MOL has been subject to major development in the past, being the golf driving range immediately south of the site and later the football centre, immediately north of the site; both developments involve high netting (ranging from 10 – 30m in height) and flood lighting. It might be considered that the existing development on the MOL has resulted in the urbanisation of the site; it is within this context that the proposal is considered. Furthermore, it is noted that the site is largely positioned upon an embankment within a gully, given the lack of usability for the site it has become neglected.
- 7.5 The proposed sky trail structure would provide an outdoor recreational use on neglected land with a relatively small footprint. The sky trail structure would be open in nature, it would be positioned within a gully and would be surrounded by high netting associated with the surrounding recreational facilities along with existing and proposed trees. Recreational facilities similar to the proposed sky trail can be found in wooded areas which incorporate trees into

the structure; as a matter of judgement, officers consider the design proposed would relate well to the urbanised area and that it would not result in harm to the character or appearance of the MOL that has undergone considerable change in recent decades. The proposed building would be ancillary to the recreational facility performing only essential functions; it would be small in scale and would incorporate a green roof with timber cladding, thus meeting the tests for an ancillary building on MOL. With regard to function and as mentioned above, the purpose of the application is to add an outdoor recreational facility to the site; therefore, the function of the open space would be enhanced. With regard to access, the facility would be open to the public and existing public access would not be diminished.

- 7.6 Given the above, it is considered the proposal would be suitable in the context of its surroundings and that it is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Design and impact upon character and appearance of MOL and the wider area

- 7.7 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of their surroundings. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.8 The structure would be constructed from steel and would be largely open in appearance. The positioning of the structure and the topography of the land is such that the base of the structure would be set below the surrounding ground level, thus the structure would be partially obscured. The structure would be positioned between the high netting associated with the surrounding recreational facilities; it is noted that the structure would extend approximately 7.2m in height above the surrounding ground level, whereas the fencing enclosing it to the north and south would be approximately 10m and 30m in height respectively.
- 7.9 Due to the surrounding built form, the structure would not be readily visible from the north or south. The structure would be visible from the east, from the car park within the MOL and from specific points along the A3; however, relative to the surrounding netting, the structure would be subservient and would not appear out of keeping. It is further noted that the majority of the replanting would be focused around the north eastern portion of the site - this would further obscure visibility of the structure and soften any visual impact. CGI's have been provided in support of the application which shows the proposal as viewed from the A3; it is considered that these images sufficiently demonstrate that any visual impact as from the A3 would be minimal. To the west, across the Beverley Brook, is Beverley Park; views of the proposal from Beverley Park would be largely obscured by the existing (retained) trees. In addition, it is noted that Beverley Park is within the Royal Borough of Kingston

Upon Thames, whom have responded to LBM's consultation advising that they have no objections.

- 7.10 The proposed structure would not be readily visible from the public realm due to the existing development, existing trees and proposed trees; in addition and notwithstanding the screening, in the context of the existing development and the urbanised site, it is not considered the proposed development would be out of keeping with the area or detrimental to the appearance of the MOL, which, in the immediate vicinity of the application site, has undergone significant change over the years creating a more urbanised character.
- 7.11 The scale of the proposed ancillary building has been reduced as far as practicable which is considered to meet the tests for development on MOL. The roof would be undulating and multi-pitched; internally, the section of relatively high ceiling would facilitate natural air circulation and cooling, avoiding reliance on artificial cooling mechanisms. The exterior would be timber with a vertical orientation and a sedum (green) roof. It is considered the design, scale and materials would ensure the ancillary building would not be intrusive within the context of the MOL.

Impact of external lighting

- 7.12 London Plan policy 3.19 of the states that the provision of lighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the lighting gives rise to demonstrable harm to the local community. SPP policy DM D2 states that proposals for all development will be expected to ensure provision of appropriate energy efficient external lighting that provides safe and secure environments while not causing light pollution that adversely affects neighbouring occupiers. When considering light proposals the Council will seek to ensure that unacceptable levels of illumination are controlled by conditions or that unacceptable proposals are refused planning permission.
- 7.13 External lighting has the potential to affect the character and appearance of the MOL, impact upon neighbouring amenity and to affect species within the SINC. The applicant has requested that external lighting be dealt with by way of condition; however, to ensure that indicative levels of lighting are known at the time of determination, the applicant has provided some detail in relation to lighting.
- 7.14 Elevations have been provided showing backlighting on the signage of the ancillary building along with 'up-lighting' around the structure's edge. It is advised that stop-go lights would be installed on the structure to manage the flow of participants; these would be red and green and would be 10cm in diameter. In addition, some lighting would be required for staff to supervise participants in poor light or after dark, albeit it has been advised that this would be at much lower lux levels than the surrounding recreational facilities. It is further noted that the recreation facilities to the north (football centre) and south (driving range) are operated from 07:30-00:00 (midnight) and 10:00-22:15 respectively. Whereas the proposal would operate between 09:00-16:00 during the winter months and 09:00-20:00 during the summer months.

- 7.15 Given the above, it is considered that the external lighting of the proposal could reasonably be addressed by way of condition.

Neighbour amenity

- 7.16 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

- 7.17 Given the positioning, scale and nature of the proposed structure and ancillary building it is not considered it would result in an undue impact on neighbouring amenity.

Flood risk

- 7.18 SPP policy DM F1 and CS policy CS16 require development to mitigate the effects of flooding.

- 7.19 A Flood Risk Assessment has been submitted in support of the application which advises that there will be no raising of ground levels within Flood Zone 3; the car parking and ancillary building would be above the flood level; the portion of the sky trail structure which is within the flood zone would allow free movement of water to avoid reducing flood storage capacity or impede flood flows; attenuation of surface water runoff would be addressed by way of permeable paving for the car park, a green roof for the ancillary building and attenuation tanks. In addition, a safe escape route has been identified to the northeast of the site, under A3 Kingston by-pass which leads to an area of Flood Zone 1.

- 7.20 Both the Environment Agency and the LBM Flood Risk Engineer have reviewed the proposal and stated they have no objections; however, based on the advice of these parties, a condition requiring the development to be undertaken in accordance with the Flood Risk Assessment and conditions requiring details of finished floor and site levels, an emergency flood plan and a surface water drainage scheme have been recommended. Subject to the recommended conditions, it is not considered the proposed development would have an undue impact on flooding.

Impact upon transport, road safety, parking & sustainable transport

- 7.21 Core Strategy policies CS18, CS19 & CS20 requires development to promote a variety of sustainable transport modes and requires that development would not unduly affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

- 7.22 A Framework Travel Plan has been submitted in support of the application which encourages a variety of sustainable transport modes by providing cycle parking, electric vehicle charging points and by providing information to staff and patrons on public transport (timetables, routes, locations etc.), car sharing, cycle routes and walking routes. Information would be distributed via the Skytrail website, leaflets and noticeboards; noticeboards and leaflets

would be in strategic locations where they are highly visible to staff and patrons. In addition to the methods of travel, educational information will also be distributed regarding the health, financial, social and sustainability benefits for the modes of travel promoted. It is proposed to monitor the modes of travel and the effectiveness of the Framework Travel Plan 1, 3 & 5 years following the occupancy of the site. It is recommended to include a condition requiring the measures specified within the Framework Travel Plan to be implemented.

- 7.23 A Transport Statement has been submitted in support of the application which examines the accessibility of the site, forecasts trip generation, considers the necessary level of parking provisions and servicing arrangements and examines highway safety and capacity. It is estimated that 40 vehicles per hour would access the site and that 40 vehicles per hour would exit the site. The Transport Statement concludes that the development would not have a severe effect on the transport network in terms of capacity or safety nor would it exacerbate parking pressure in the area.
- 7.24 Both Transport for London and an LBM Transport Planner have reviewed the application and neither party have raised objection. However, both have recommended the following provisions be secured by way of condition, delivery and servicing plan, travel plan, construction logistics plan and cycle parking. Given the above and subject to the recommended conditions, it is considered that the proposal is acceptable in terms transport, road safety, parking and sustainable transport.

Impact upon trees

- 7.25 Core strategy policy CS 13 expects development proposals to incorporate and maintain appropriate elements of open space and landscape features such as trees which make a positive contribution to the wider network of open spaces whilst SPP policy DM 02 seeks to protect trees that have a significant amenity value as perceived from the public realm.
- 7.26 A report on the impact on trees as a result of the proposal has been submitted in support of the proposal. The report suggests removing 29 trees of low value and low life expectancy, undertaking protection measures, some pruning for those trees to be retained and planting 20 replacement trees, the replacements would be advanced nursery forest stock including dawn redwood & aspen (native to the UK).
- 7.27 The Trees and Landscape Officer has reviewed the application and has not raised objection; however, conditions ensuring the proposed tree protection measures would be adhered to along with suitable supervision and details of a landscaping scheme have been advised. Given the above and subject to the recommended conditions, it is considered that the proposal is acceptable in terms of its impact of trees and the resulting impact on the visual amenity of the area.

Nature conservation and impact upon SINC

- 7.28 NPPF section 11 and SPP policy DM O2 seek to protect and enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.29 An Ecological Assessment has been submitted in support of the application relating to the impacts of the proposal on the environment in general, and more specifically, the SINC. The assessment advises that the proposal would have a low impact on the SINC given the wetland area would be avoided by the development. The development would primarily affect bare, re-colonising sloping ground and some grassland of moderate species diversity. Measures are proposed to avoid disturbance of nesting birds and to manipulate habitats in such a way as to avoid harm to reptiles.
- 7.30 In addition to the Ecological Assessment, a Habitat Enhancement and Management Plan (HEMP) has been submitted in support of the application. The existing wetland/SINC has been described as deteriorating due to infilling with organic matter, bulrush dominating other species, encroaching willows threatening to dry out the wetland and also overshadow the wetland to the detriment of aquatic species. It has been proposed to clear the invading willow, remove invasive plants, deepen the areas of the wetland to make separate pools through dredging and to install king fisher perch posts and otter holts to enhance habitat.
- 7.31 Both the Environment Agency and an ecologist consultant appointed by LBM have reviewed the application and confirmed they have no objections. The LBM Ecologist Consultant advised that the HEMP was acceptable and that it would result in improvements to the SINC. The Environment Agency advised that the measure proposed in the HEMP would need to be ensured by way of condition.
- 7.32 In addition to the proposed improvements outlined in the HEMP, the scheme would involve a green roof and additional trees; given the above and subject to recommended conditions, it is considered that the proposal would result in net biodiversity gains and would be acceptable in terms of its impact on the environment and more specifically, the SINC.

8. CONCLUSION

- 8.1 In the context of the urbanised character of the MOL alongside the A3, it is considered that the provision of an outdoor sky trail recreation facility along with an ancillary building, in what might be judged the space left over between two existing sports/leisure uses (the soccer centre and the golf driving range) would be acceptable in principle. It is considered the proposal would have a positive influence by providing an additional recreation facility for a growing population. Given the context of the site, it is considered the development would be acceptable in terms of its impact on the character and appearance of the MOL. It is not considered that the proposal would unduly affect neighbouring amenity, flooding, highway matters, trees or the environment.

Furthermore, it is considered the proposal would result in improvements to the SINCC and a net gain in biodiversity.

RECOMMENDATION

Grant planning permission
subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B3 External Materials as Specified
4. C07 Refuse & Recycling (implementation)
5. D10 External lighting
6. F01 Landscaping/planting scheme
7. The details and measures for the protection of the existing retained trees as proposed in the approved document 'Report on the impact on trees of proposals for development at Land adjoining New Malden Golf Centre, Beverley Way, New Malden, KT3 4PH (15th September 2015)' shall be implemented and retained for the duration of the development and shall follow the sequence of events as detailed in the document and as shown in drawing ref: 1-38-3745/P1 (Rev: 16/07/15).

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

8. An arboricultural expert shall monitor the implementation of the approved document 'Report on the impact on trees of proposals for development at Land adjoining New Malden Golf Centre, Beverley Way, New Malden, KT3 4PH (15th September 2015)' and drawing ref: 1-38-3745/P1 (Rev: 16/07/15) and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree protection measures throughout the course of the demolition and site works. The works shall be carried out strictly in accordance with the approved document 'Report on the impact on trees of proposals for development at Land adjoining New Malden Golf Centre, Beverley Way, New Malden, KT3 4PH (15th September 2015)' and drawing ref: 1-38-3745/P1 (Rev: 16/07/15).

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core

Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

9. The details and measures proposed in the 'Habitat Enhancement and Management Plan' received 06/05/2016 shall be implemented in accordance with, and follow the sequence of events of, the document.

Reason: To mitigate and offset the impact of the development hereby approved and to ensure a net gain in biodiversity in accordance with NPPF section 11 and Merton's Sites and Policies Plan 2014 policy DM O2.

10. H04 Provision of vehicle parking
11. H07 Cycle parking (implementation)
12. H11 Parking management strategy
13. H12 delivery and servicing plan
14. H13 construction logistics plan
15. The details and measures of the 'Framework Travel Plan' dated August 2015 shall be implemented at the time of first occupancy. The development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2015, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

16. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Gyoury Self Partnership dated August 2015.

Reason: To minimise the impact of flooding to the occupants and elsewhere of the development and to comply with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Policies Plan 2014.

17. No development shall take place until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority, and no development shall be carried out except in strict accordance with the approved levels and details. There will be no raising of ground levels within Flood Zone 3 to ensure no loss of floodplain storage.

Reason: To minimise the impact of flooding to the occupants and elsewhere of the development and to comply with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

18. Prior to the commencement of the development an emergency flood plan covering details of flood evacuation and safe escape routes, flood warning systems and appropriate signage, shall be submitted to and approved in writing by the local planning authority. The approved works and the emergency flood plan will then be implemented in full from when the building is occupied.

Reason: To minimise the impact of flooding to the occupants of the development and to comply with the following Development Plan policies for Merton: policy 5.12 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F1 of Merton's Sites and Polices Plan 2014.

19. Prior to the commencement of the development 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. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site to 5l/s the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate; and,
 - iiii. provide a drainage management and maintenance plan for the lifetime of the development.

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 Polices Plan 2014

Informatives:

1. It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that

storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

2. Prior to the commencement of works, any proposed works within 8m of the Beverley Brook will be subject to a Flood Defence Consent application with the Environment Agency under the terms of the Water Resources Act 1991 and Thames Region Land Drainage Byelaws 1981.
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To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load

NORTHGATE SE GIS Print Template



Text Details **Land adjacent to Malden Golf Centre**

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PLANNING APPLICATIONS COMMITTEE
16th June 2016

UPRN	APPLICATION NO. 15/P4633	DATE VALID 22.12.2015
Address/Site	Albany House, 300 Burlington Road, New Malden, Surrey, KT3 4NH	
(Ward)	West Barnes	
Proposal:	Demolition of existing MOT garage (Sui generis) and carpet shop (A1) and the erection of 41 residential units (C3), 25 car parking spaces, 63 cycle parking spaces and associated landscaping.	
Drawing No's	Site location plan, drawings; 6519_D6000 Rev 00, 6519_D6100 Rev 03, 6519_D6101 Rev 03, 6519_D6102 Rev 02, 6519_D6103 Rev 02, 6519_D6104 Rev 02, 6519_D6150 Rev 02, 6519_D6500 Rev 01, 6519_D6501 Rev 00, 6519_D6502 Rev 00, 6519_D6600 Rev 00, 6519_D6700 Rev 02, 6519_D6701 Rev 01, 6519_D6702 Rev 01, Surface Water Drainage Strategy (produced by Cole Easton Ltd Dated March 2016 Rev 2), Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION
GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND
CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: Yes
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted –No
 - Design Review Panel consulted – Yes
 - Number of neighbours consulted – 1279
 - Press notice – Yes
 - Site notice – Yes
 - External consultations: Environment Agency, Network Rail, Metropolitan Police
 - Number of jobs created – n/a
 - Density 242 units per ha/ 783 hab rooms per ha
-

1. INTRODUCTION

- 1.1 The application is brought before PAC due to the level of objection to the proposal and for authority to enter into a section 106 agreement for affordable housing (Less than 40% provision).

2. SITE AND SURROUNDINGS

- 2.1 0.17 hectare roughly triangular shaped site located on the east side of Burlington Road to the north of the junction with Claremont Avenue. The rear of the site abuts the mainline rail line between Raynes Park and Motspur Park stations and the site is just south of a nearby level crossing. The site is situated opposite commercial units on Burlington road including the Tesco Extra store whilst to the south the site adjoins residential properties in Claremont Avenue. The site is currently occupied by an MOT centre and carpet retailer with a flat above the carpet premises.
- 2.2 The site is not within a Conservation Area, Archaeological Priority Zone or Controlled Parking Zone .
- 2.3 The application site enjoys reasonable access to public transport, (PTAL level 3) although this may rise with the advent of Crossrail 2. It is not in a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 The current proposal involves the demolition of the existing MOT garage (Sui generis) and carpet shop (A1) with associated C3 flat and the erection of 41 residential units (C3), 25 car parking spaces, 63 cycle parking spaces and associated landscaping. The scheme has been reduced from 43 units and has undertaken a number of design revisions in response to comments received including those from the Design Review Panel.
- 3.2 On the ground floor the layout aligns with the pavement and improve the layout of the communal amenity area. The building at this level provides the ground floor of the three duplex units as well as a family sized unit. There are two entrance lobbies, three plant rooms, two refuse stores, two secure cycle parking areas providing 63 spaces and a 25 space parking area with four disabled spaces and 11 electric vehicle charging points.
- 3.3 The layout of the residential units are similar on each of the first, second and third floors whilst the building only provides a fourth floor of accommodation on the north of the site with the south being given to a communal roof garden.

4. PLANNING HISTORY

- 4.1 04/P1071 Planning permission granted for a change of use from mixed use of site including car sales, servicing and ancillary mot testing to use of southern part of site as an MOT testing station with ancillary vehicle servicing and the use of the northern part of the site for the sale and display of motor vehicles. The proposals include the erection of a brick dividing wall across part of the open yard facing Burlington Road in connection with the division of the site.
- 4.2 02/P2030 Planning permission refused for change of use from garage workshops/repair centre and vehicle showrooms to retail and storage. Reasons for refusal: The proposed development would be detrimental to the vitality and viability of the Borough's established town centres as defined in the shopping hierarchy, and the existing shopping parades within the vicinity of Burlington Road contrary to Policy S.11 of the Adopted Unitary Development Plan (April 1996) and Policies ST.29 and S.6 of the Second Deposit Draft Unitary Development Plan (October 2000) and inconsistent with Government advice contained in PPG 6 (Town Centres and Retail Development).
And
The proposal would result in the loss of an employment generating site, prejudicial to the Council's objectives of maintaining an adequate supply of employment land for small and growing businesses and preventing the erosion of land and buildings in business use, contrary to Policies SW.1 and W.9 of the Adopted Unitary Development Plan (April 1996) and Policies ST.14 and E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).
- 4.3 96/P0794 Planning permission granted for a change of use from ancillary offices for car sales showroom and servicing to a caretakers flat.
- 4.4 95/P0705 Planning permission granted for a change of use of premises from storage, distribution, sales and karate studio to vehicle sales, showroom and servicing area involving provision of ancillary car parking, landscaping, creation of new front elevation and demolition of existing single and two storey flat roofed extensions.

5. CONSULTATION

- 5.1 Prior to the submission of the application the applicants undertook their own community involvement consultation process with letters sent to local residents and businesses. Meetings were also held with immediate neighbours, residents from the wider community, the Raynes Park and West Barnes Resident's Association and held a public event to allow local residents to view and comment on the proposals on November 4th 2015.

5.2 The proposal was publicised by means of major press and site notices, and letters were sent to 1279 neighbouring occupiers on both the original and amended designs. In response 24 objection letters have been received from local residents and businesses raising the following issues:

- Insufficient on-site parking with 25 spaces for 43 (41) flats. Already pressure from local business visitors and staff, residents, commuters and Local Indian Community hall. Parking is insufficient and will add to congestion to the detriment of other businesses.
- Should provide one space per flat. 2 & 3 bed flats will have more than 1 occupant, total would be at least 82 people which equates to a need for at least 47 spaces meaning 22 will have to park on side streets.
- PTAL rating is 2 not 3
- Reference to Crossrail 2 is misleading as it is at least 17 years away.
- Increased pressure on traffic levels.
- 66 cycle parking spaces too many would be better used for car parking.
- Increased pressure on local infrastructure including schools, medical services, electrical and water supplies.
- Increased risk of flooding.
- Building too high, with too many units and out of keeping.
- Loss of daylight/sunlight, impact on Seaforth Avenue not been considered.
- Loss of privacy to buildings and gardens, 26 flats will overlook Seaforth Avenue houses
- Not enough Affordable Housing will be provided. Local people should get first refusal.
- Proposal involves forced closure of a viable business that provides local services to the community
- Architecture is horrendous, cheap and nasty, just a lumpy concrete structure that will add nothing to the area.
- Increased dust levels during construction.
- No consultation with local community.
- Not been assessed under the Countryside and Wildlife Act 1981.

5.3 A letter was received from MOTEST, one of the businesses on the site raising objections on the grounds that;

- The applicants have not supported their search for alternative premises.
- They have never seen the Levene Commercial documentation before and it does not address their needs.
- This is not just an MOT station; 70% of the work is servicing and repair so is important local service.
- The business should be integrated into the scheme or alternative site found before any development goes ahead.
- Employs 13 at the MOT centre and 7 at the carpet shop.
- Application fails to accord with policy DM E3.

- 5.4 Six letters of support were received making the following comments;
- Glad that it is not a commercial use next door, shops would become fast food or of licence outlets.
 - Provides much needed high quality accommodation.
 - This will help define the area as residential not a commercial/light industrial area.
 - Will improve look of the local area.
 - It has been planned in conjunction with the local community.
 - Council should sell the triangular plot of grassland to north of the site to allow it to be landscaped as part of this development.
 - Ideal location for an apartment block.
- 5.5 Future Merton Policy Team. Flexible application of policy DM.E3 appropriate subject to applicant clearly demonstrating actively assisting the current occupiers of the site with finding new suitable alternative accommodation.
- 5.6 Transport Planning have confirmed that the site has reasonable access to public transport with nearby bus stops and rail services from Motspur Park being on the cusp of PTAL 2 and 3. Whilst there is no set minimum provision for vehicle parking the provision of around 50% on-site parking is considered acceptable. 2011 Census data for West Barnes ward is that only 20.4% of households have no access to a car (this is lower than the borough average) – however because all the units are flats with a significant number of 1 and 2 beds this suggests that level of car ownership within development will be lower than the ward average. The site is PTAL 3 – reasonable access to public transport. No increased vehicle trips are anticipated over the MOT/garage and carpet shop uses. A new on street dedicated loading bay will be needed for servicing needs and requires a S278 agreement. The cycling and electric vehicle provision meets London Plan standards and overall no objection to the proposals. A parking management strategy is also recommended.
- 5.7 Environmental Health officers were consulted on the proposals and had no objections but given the site's location recommended conditions relating to noise, vibration, external lighting, site contamination, air quality and a demolition and construction method statement be imposed.
- 5.8 Flood Risk Management confirmed the site is outside of Flood zones 2 & 3 and raised no objection to the proposal subject to the imposition of a suitable condition relating to a Sustainable Urban Drainage Scheme.
- 5.9 Future Merton - Climate Change; raised no objections to the proposals subject to the imposition of suitable conditions.

- 5.10 The Metropolitan Police Safer by Design Officer was consulted on both designs and offered comments on the latest revision relating to gates, recessed areas, defensible space, communal area seating, undercroft design, lighting, cycle storage design and landscaping.
- 5.11 Network Rail raised no objection to the proposal but pointed out that Crossrail 2 would increase the frequency of trains and the tracks coming closer to the site boundary. Informatives relating to Network Rail Asset protection were recommended.
- 5.12 Environment Agency raised no objection subject to the imposition of conditions relating to contamination, sustainable drainage and piling of foundations
- 5.13 The Design Review Panel discussed the design as originally submitted and made the following comments;
“The Panel felt that the proposal had the potential to be a really elegant building and supported the principle of intensification on the site. There was some discussion on appropriate height for the building, but that this needed to be justified better by showing long street elevations of the surrounding context on Burlington Road. The recently completed building at the junction with Claremont Avenue was cited as a potential reference point.

The Panel were concerned about the number of single aspect flats in the building and although there was discussion on this issue it appeared to remain an issue for the Panel. The Panel stated that the test of good quality would be whether the flats were good to live in. This was a matter of ‘shades of grey’ rather than a simple ‘black and white’ application of standards.

The Panel had a number of suggestions regarding the best way to develop the site, addressing a range of issues, including that of single aspect flats. Overall the Panel felt that the footprint of the building brought it perhaps too close both to the railway and the busy road on either side of the site.

Whilst the Panel saw merit in the façade of the building being subdivided into planes of brick, they felt that this could appear monolithic when viewed from the street and also the Tesco car park. The suggestion was to have three separate buildings each with its own core. This would break up the bulk of the building with its large footprint, as well as address the single-aspect issue.

The Panel were also concerned about the quality of the recessed winter garden balconies becoming ‘cave like’ or becoming enclosed in clutter for privacy. There was some concern about using different shades of brick and it was recommended to find a really high quality

brick for the large areas of facing and stick with one shade. It was also noted that the depth of the brick skin would be critical to the feel of the building and this needed to be got just right. The Panel suggested there was scope for introducing curves in the brickwork for this part of the design and also elsewhere, given that the proposed triangular spaces would give rise to similar issues as curved spaces.

The Panel also felt that the distinction of the ground floor from those above was weak and the building would benefit from a stronger feel of a bottom-middle-top progression. There was some criticism of the location and size of the amenity space.

It was suggested that the parking could be located in a line alongside the railway, accessed from the southern end of the site, in order to provide a stronger active frontage to the street as well as allowing a more generous 'breathing space' between the building and the busy road for the ground floor units.

Whilst the local parking context was appreciated, it was suggested that an on-site car club could reduce the need for parking provision and should be explored.

The Panel liked the simplicity of the elevations and the encouraging view from the north that drew the eye to the building at this pivotal location. The proposal had great potential but needed further design work to become the high quality building it needed to be on this prominent site.

VERDICT: **AMBER**

The DRP have not discussed the revisions subject of this report

6. POLICY CONTEXT

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.

- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Paragraph 17 of the NPPF sets out a number of ‘Core Planning Principles’. These include:
- Not being simply about scrutiny, but be a creative exercise in finding ways to enhance and improve the place in which people live their lives;
 - To proactively drive and support sustainable economic development to deliver homes and businesses;
 - Always seek to secure high quality design;
 - Encourage effective use of land by reusing land that has been previously development (brownfield land) where it is not of high environmental value;
 - Promote mixed use developments, and encourage multiple benefits from the use of land in urban areas; and to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.5 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.6 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
- London Plan (March 2015)
- 6.7 Relevant policies in the London Plan (March 2015) are 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction), 5.13 (Sustainable drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.5 (Public realm), 7.6 (Architecture), 7.15 (Reducing and managing noise), 7.21 (Trees and woodlands).

Merton LDF Core Planning Strategy (2011).

- 6.8 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS 13 (Open space), CS14 (Design), CS15 (Climate Change), CS 16 (Flood risk management).CS 17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

Merton Sites and Policies Plan (2014).

- 6.9 Relevant policies in the Adopted Sites and Policies Plan 2014 are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to buildings), DM E3 (protection of scattered employment sites), DM EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), DM F2 (Sustainable urban drainage systems), DM O2 (Nature conservation), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 Car parking and servicing standards.

- 6.9 London Housing SPG 2016

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include the loss of the existing scattered employment site; housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; planning obligations.

7.2 Loss of the existing scattered employment site.

SPP policy DM E3 is concerned with the protection of scattered employments sites. The policy defines those employment uses to be those with Use Class B1 (a), (b) & (c) B2 & B8 as well as appropriate sui generis uses. The MOT test facility and car servicing (MOTEST Ltd) being sui generis and B2 uses would therefore fall within this policy, the carpet shop being A1 use would not. Policy resists the loss of scattered employment sites except where;

- (i) The site is located within a predominantly residential area and it can be demonstrated that its operation has a significant adverse effect on local residential amenity.
- (ii) The site is unsuitable and financially unviable for whole site employment use and
- (iii) It has been demonstrated through full and proper marketing that there is no realistic prospect of employment or community use of the site in the future.

- 7.3 In this case the current occupiers of the MOT test centre and garage (MOTEST Ltd) are making full use of the site. No marketing has been undertaken. The carpet retailer is still operating from the site.
- 7.4 Part b of the policy allows the Council to seek mitigation against the loss of employment land through the provision of alternative sites for employment use. Officers consider this approach to have greater merit in this instance rather than seeking a notional provision of employment floorspace (probably B1 floorspace) on the ground floor as part of the redevelopment given the availability of vacant office floorspace locally, some of which have been subject to Prior Approval submissions to convert to flats, and the impact this would be likely to have on the viability of the scheme, potentially squeezing out potential for the delivery of affordable housing for which there is a need.
- 7.5 The applicant has undertaken a process of actively seeking alternative sites that may be suitable for use by the current occupiers at a rental value commensurate with the current costs on site. The sites listed below have been suggested to the operators of MOTEST but no alternative suitable sites have been identified as being acceptable to them as yet.
- 7.6 Sites presented to MOTEST by location, size, price, parking and distance from the existing site.

Address	Size sqft	Price	Price per sqft	Parking	Distance (Miles)
Motest, 300 Burlington Road (The site)	4500	£90,000.00	£20.00	25	0
9 St Dunstan's Hill, SM1 2JX	3500	TBC	TBC	20	3.3
Shannon Commercial Centre, Beverley Way, KTS 4PT	3985	£55,000.00	£13.80	8	1.3
158 Garth Road, Morden, SM4 4LU	10,278	£60,000.00	£5.83	Approx 12	1.6
177 Hook Road, Surbiton, KT6 5AR	9,832	£51,000.00	£5.18	17	3.8
196 Morland	3220	Not	Not known	Not	10

Road, CR0 6NF		known		known	
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3503		£12.25	Circa 30	3.3
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3526		£12.25	Circa 30	3.3
Kimpton Trade and Business Centre, Minden Road, SM3 9PF	3513		£12.25	Circa 30	3.3
44 Mill Place, Surrey, KT1 2RL	2011	£25,000. 00	£12.43	5	3
Capital Industrial Estate, 24 Willow Lane, Mitcham, CR4 4NA	6232	£60,000. 00	£9.62	5	4.9
Mill Lane Trading Estate	1006 8	£80,000. 00	£7.94	8	7.5
Unit 4, 681 Mitcham Road, CR0 3YH	8912	£125,000 .00	£14.02	Circa 20	6.1
Capital Industrial Estate, 24 Willow Lane, Mitcham, CR4 4NA	2254	£25,000. 00	£11.09	Circa 9	4.9
193 Garth Road, Morden SM4 4LZ	2279	£20,000. 00	£8.77	Yes but number not known	2.7

Merton Industrial Estate, Lee Road, SW19 3WD	6760		£14.00	8	3.5
Sutton Business Park, Restmor Way	Various Sizes	TBC	TBC	Yes but number not known	5.2
Nelson Trade Park, The Path, SW19 3BL	6,144	£82,000.00	£13.00	Yes but number not known	3.1
15 Lyon Road, Wimbledon	8,905	£120,000.00	£13.47	Aug-15	2.5

7.7 While officers acknowledge that the applicant can achieve vacant possession of the site under the Landlord and Tenant Act within the near future, in order to mitigate against the loss of the scattered employment site it is recommended that a section 106 agreement be structured to ensure that the business relocation/site finding process undertaken by the applicant continues for a period of not less than six months from the grant of planning permission.

7.8 The principle of residential development on the site.

Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] states that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. The site currently has a flat above the carpet company offices, is adjacent to the residential development of Claremont Avenue and separated from houses in Seaforth Avenue by a railway line. Consequently, subject to mitigation against noise and vibration from the rail line, officers consider that the site would be acceptable for residential occupation as a continuation of the surrounding residential area. The proposal would provide 41 new flats ranging in a mix of sizes with 11x one bedroom units, 21 x two bedroom, 8 x three bedroom and 1 x four bedroom unit.

7.9 Affordable housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was submitted with an Economic Viability Assessment that has been independently assessed taking into consideration matters such as construction costs, CIL costs, development costs including fees, the assigned existing use value of the site and sales values of the scheme's market homes. This assessment followed an initial

assessment of the applicant's affordable housing and viability report. That updated report from April 2016 concluded that the smaller scheme for 41 flats was able to support an on-site affordable housing contribution of approximately 17% or 7 flats. The applicant has commented that whilst not agreeing with the findings of the report, on an entirely without prejudice basis they are prepared to increase the affordable housing offer on the site to 20% (8 flats) on the following basis:

- Permission is granted at local level for a solely residential scheme/ for the scheme currently under consideration; and
- That no review mechanism is imposed, given that uplift in affordable housing is already being provided and, for a scheme of this size, would be contrary to clear advice set out within the PPG and in recent Planning Inspectors appeal decisions.

7.10 In April the applicant confirmed that the scheme has been reviewed by Wandle Housing Association who would be prepared to take affordable rent and intermediate units in the scheme. The following mix is therefore proposed and based upon the current drawings:

Affordable Rent

- 1 x 2 bed (Unit 1.1)
- 3 x 3 bed (Units G1/ G2/ G4)
- 1 x 4 bed (Unit G3)

All of these units are either accessed from the southern core or directly from the street.

Intermediate/ Shared Ownership

- 1 x 1 bed
- 2 x 2 bed

The location of these units is to be determined but can be mixed with the private accommodation.

7.11 The latest London Housing SPG (2016) advises that review mechanisms are encouraged to be considered when a large scheme is built out in phases and/or is built out over a long period of time. The mechanism should specify the scope of a review of viability for each phase or relevant phase of development. For schemes with a shorter development term consideration should be given to using S106 clauses to trigger a review of viability if a scheme is not substantially complete by a specified date. Such approaches are intended to support effective and equitable implementation of planning policy while also providing flexibility to address viability concerns.

7.12 So as to be consistent with the SPG, officers therefore recommend adding a review mechanism for the purpose of securing an additional off site contribution in any legal agreement in the event that the development is not substantially complete within a specified period.

7.13 Standard of Accommodation and Amenity Space

The London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2016 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards are based on the numbers of bedrooms and therefore likely future occupiers. Each flat either meets or exceeds this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. Similarly each unit meets or exceeds the minimum requirement for private amenity space.

Floor and Amenity space provision

Apartment	Floor Area m2	London Plan GIA standard m2	Amenity space m2	London Plan Standard m2
1 3b5p Duplex	110	93	14	8
2 3b5p Duplex	112	93	17	8
3 4b5p Duplex	124	97	12	8
4 3b6p	106	95	72	9
5 2b4p	74	70	9	7
6 1b2p	51	50	5	5
7 2b4p	81	70	16	7
8 3b6p	109	95	9	7
9 1b2p	51	50	5	5
10 2b4p	74	70	8	7
11 2b4p	79	70	15	7
12 2b4p	74	70	9	7
13 1b2p	52	50	5	5
14 2b4p	74	70	9	7
15 1b2p	51	50	5	5
16 2b4p	81	70	16	7
17 2b4p	77	70	9	7
18 3b6p	109	95	9	9
19 1b2p	51	50	5	5
20 2b4p	74	70	8	7
21 2b4p	79	70	15	7
22 2b4p	74	70	8	7
23 1b2p	52	50	5	5
24 3b5p	86	86	44	8

25 1b2p	51	50	5	5
26 2b4p	82	70	16	7
27 2b4p	77	70	9	7
28 3b6p	109	95	9	9
29 1b2p	51	50	5	5
30 2b4p	74	70	8	7
31 2b4p	79	70	15	7
32 2b4p	74	70	8	7
33 1b2p	52	50	5	5
34 1b2p	51	50	5	5
35 2b4p	76	70	10	7
36 2b4p	77	70	9	7
37 3b6p	109	95	9	9
38 1b2p	51	50	5	5
39 2b4p	74	70	8	7
40 2b4p	79	70	8	7
41 2b4p	74	70	8	7

7.14 Occupier amenity

Sites and Policies Plan policies DM EP2 and DM EP4 seek to reduce exposure to noise, vibration and pollution. The development will be set between a railway line to the rear and a main distributor road to the front which have the potential to impact the amenity and health of occupiers. Environmental Health had no objections to the principle of the development but have requested conditions be imposed to ensure that sufficient mitigation measures are put in place to protect future occupiers.

7.15 Design

London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. The applicants have actively engaged with the public and officers in refining the design of the building and the Council's Urban Design officer has been involved in refining the scheme with involvement and suggestions from The Metropolitan Police Safer by Design Officer. The proposal has been reviewed by the Council's Design Review Panel who gave the original design an amber light. A number of alterations have been made to the design including servicing and access, amenity space, internal corridors, brickwork, active frontage and building alignment such that officers are supportive of the design and apart from some comments relating to its size, only two objections were received relating to its architectural merit.

7.16 Neighbour Amenity

London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, visual intrusion or noise and disturbance. During the early

stages of the application revisions were made to the scheme so as to reduce the impact of the proposals on the amenity of the closest residential neighbours at 2 and 2a Claremont Avenue and this included a daylight/sunlight assessment and the occupiers of 2 Claremont Avenue have written in support of the proposals. There have been objections from neighbours in properties in Seaforth Avenue at the rear of the site concerned about the impact on their amenity in terms of loss of light and privacy. The closest flats to the rear garden boundaries are 20m away and the closest point between windows in the flats and the houses is 45m and this exceeds the Council SPG guidance for a 25m gap between windows on upper and lower floors to ensure adequate levels of privacy and daylight/sunlight.

- 7.17 As a result of comments from neighbours the applicants undertook a further light impact assessment in relation to the houses in Seaforth Avenue. Reference was made in that report to the BRE guide 'Site layout planning for daylight and sunlight- A guide for good practice' The BRE document states that "if the angle to the horizontal subtended by the new development at the level of the centre of the lowest window is less than 25 degrees for the entire development then the new massing is unlikely to have a substantial effect on the diffuse sunlight enjoyed by the neighbouring building". In this instance the angle is 17 degrees and the proposal thereby fully complies with the BRE tests and therefore there will be no material impact with regards to internal skylight to the Seaforth Avenue properties. The assessment also considered the impact of shading to the gardens in Seaforth Avenue and their 'Sun-on-Ground calculations' of 21st March show "absolutely no change in sunlight availability caused by the proposal to the vast majority of gardens". The only change that was registered was a 1% variation which is within the 20% loss considered to be potentially material under the BRE guidance. A further transient overshadowing assessment for March 21st showed a limited impact to a small proportion of every garden in the late afternoon hours but existing garden walls also cast shadows at this time of day such that there is no material change in amenity levels to the spaces. A shading test was also undertaken for June 21st when gardens are well lit throughout the day. Towards sunset shadows are extended towards the gardens but at these times sunlight would already be blocked by garden walls and the existing trees and bushes located at the western boundary of the garden which would be in full leaf in the summer months. The findings based on December 21st found that there are no additional shadows cast by the proposals when compared to the pre-existing conditions in winter. Therefore, whilst the proposals may increase the perceived loss of privacy and sunlight, the technical assessment has found that is not the case.

7.18 Traffic, Parking and Servicing

This issue was of greatest concern in most objections to the proposals. With regards to increased traffic levels the Council's Transport planning officer is satisfied that the level of vehicle movements generated is

unlikely to be greater than the current use of the site as a garage, MOT centre and carpet shop and therefore the proposals will not have an adverse impact on the local highway network.

- 7.19 In terms of parking Government and Mayoral guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. To this end there are only guidelines on the maximum level of parking that should be provided rather than a minimum. The Council's Transport Planning Officer advised that the 2011 Census data for West Barnes ward is that only 20.4% of households have no access to a car (this is lower than the borough average) – however because all the units are flats with a significant number of 1 and 2 beds this suggests that level of car ownership within the development may be lower than the ward average. Consequently given the level of on-site parking, it is considered that the development would be unlikely to result in adverse impacts for highway safety and the scheme provides the required amount of onsite parking such that it would not warrant refusal of the scheme. The proposal will provide electric vehicle charging points and disabled bays in accordance with London Plan requirements and the Council's Transport Planning Officer has advised that the proposal should be subject to a standard condition to provide a Parking Management Strategy.
- 7.20 The scheme will require a new on street loading bay to service the development, provide a new vehicle access point and reinstate the pavement where the current vehicle access is located. A condition requiring this to be addressed through a Section 278 agreement under the Highways Act is therefore recommended.
- 7.21 The proposed level of cycle parking exceeds the London Plan minimum standards by four spaces and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and therefore a condition requiring details to be approved is also recommended.
- 7.22 Flood risk and Sustainable Urban Drainage
The site itself is not at risk from flooding but larger schemes such as this proposal are required to have regard to policy 5.13 of the London Plan and ensure that they incorporate SUDS that aims to achieve greenfield run-off rates and ensures that surface water run-off is managed as close to its source as possible. A condition requiring compliance with the SUDS strategy already submitted with the application is therefore recommended.
- 7.23 Play space
The confined nature of the site means that the capacity to provide formal play space for children is too constrained although there is amenity space provided in the form of private balconies and two communal areas. Monies obtained through CIL would allow for improvements to play space in other local public areas.

7.24 Contaminated land.

The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination given the commercial use history of the site.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

9.1 Although the site is currently in use as a scattered employment site for the MOT centre, the retail outlet falling outside the reach of this policy, the applicants have actively sought to arrange for alternative employment space for the current commercial occupiers of the site as a means of mitigating the loss of the site for employment purposes. Although a suitable alternative site has yet to be found, a section 106 agreement would ensure this process continues and fulfil the objectives of adopted policy.

9.2 Notwithstanding the proximity of the railway line, subject to suitable conditions to ensure remediation in the event of site contamination and to safeguard against noise and vibration, redevelopment of the site for residential purposes is considered acceptable.

9.3 The redevelopment of the site would provide 41 units of varying sized accommodation for which there is a recognised need. 20% (8) of the units will be for affordable housing and all the accommodation meets or exceeds the minimum internal and external space standards and the design and layout is considered to be of a high standard. Whilst parking has been of major concern to the majority of objectors the amount of vehicle and cycle space on site meets the London Plan standards. For these reasons the proposals are considered to accord with relevant planning policies and the proposals are therefore recommended for approval.

RECOMMENDATION, GRANT PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS

Heads of terms:

- i) Provision of on-site affordable housing (not less than 8 units - 5 affordable rent, 3 shared ownership).
- ii) The S106 to include a review mechanism such that at the stage of substantial completion a determination can be made as to the scope for an off-site contribution towards affordable housing and to secure such a contribution.
- iii) To provide for measures such that for a period of 6 months from the date of the planning permission, the applicant has made best

endeavours to assist MOTEST Ltd to find suitable, appropriate and equivalent alternative premises for the operation of the business displaced by this development.

- iv) The developer agreeing to meet the Councils costs of preparing drafting and monitoring the Section 106 Obligations.

1. A.1 Commencement of development for full application
2. A.7 Approved plans Site location plan, drawings; 6519_D6000 Rev 00, 6519_D6100 Rev 03, 6519_D6101 Rev 03, 6519_D6102 Rev 02, 6519_D6103 Rev 02, 6519_D6104 Rev 02, 6519_D6150 Rev 02, 6519_D6500 Rev 01, 6519_D6501 Rev 00, 6519_D6502 Rev 00, 6519_D6600 Rev 00, 6519_D6700 Rev 02, 6519_D6701 Rev 01, 6519_D6702 Rev 01, Surface Water Drainage Strategy (produced by Cole Easton Ltd Dated March 2016 Rev 2), Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119
3. B 1 Material to be approved
4. B.4 Surface treatment
5. B.5 Boundary treatment
6. C.6 Refuse and recycling
7. D.9 No external lighting
8. D.11 Construction times.
9. F.1 Landscaping/ Planting Scheme.
10. F.2 Landscaping (Implementation)
11. H.3 Redundant crossovers.
12. H.4 Provision of Vehicle Parking amended to include “and shall provide electric vehicle charging points in accordance with London Plan standards”.
13. H.7 Cycle Parking to be implemented
14. H.10 Construction vehicles
15. H.11 Parking Management Strategy
16. Non standard condition. Prior to the commencement of construction works details of: the design of the seating in the communal amenity areas; the design of all access gates; defensible buffer zones; communal entrance security; refuse and cycle store locking systems, and the design and lighting of the undercroft parking area shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational prior to first occupation of the building. Reason; To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015
17. Non standard condition An air quality assessment shall be undertaken and submitted to the Council before development commences. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A

scheme of proposed remedial measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to the occupation of the residential properties.

Reason: To safeguard the amenities of occupiers of the development hereby approved and ensure compliance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014

18. Non standard condition. No construction may commence until a section 278 Highways Act agreement has been entered into with the Local Highways Authority in relation to those works comprising a new on street loading bay to service the development, provide a new vehicle access point and reinstate the pavement where the current vehicle access is located. Reason; To ensure a satisfactory appearance for the development and to improve parking and servicing for this development and ensure compliance with policy DM D4 of the Adopted Merton Sites and Policies Plan 2014 and policy CS 20 of Merton's Core Planning Strategy 2011.
19. Non standard condition. 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. The scheme 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, shall be in accordance with the approved submitted drainage strategy (produced by Cole Easton Ltd Dated march 2016 Rev 2) . The final drainage scheme include the following:
- i. provide information about the design storm period and intensity, the method employed to delay (attenuate provision no less than 47.5m³ of storage) and control the rate of surface water discharged from the site to no more than 5l/s the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.
- and
- iii. provide a drainage management and maintenance plan for the lifetime of the development.

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 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

- 20 Non-standard condition. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
Reason; Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater in accordance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014
- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
Reason; Piling or any other foundation designs using penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risk to underlying groundwater in accordance with policy DM EP4 of the Adopted Merton Sites and Policies Plan 2014
- 22 Non standard condition Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Acoustic Report by WSP/Parson Brinckenhoff Report no: 70016119 shall be implemented as a minimum standard. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development. Vibration within the dwellings shall not exceed the range of 'low probability of adverse comment' as detailed in BS6472:2008 Human Exposure Vibration in Buildings.
Reason; To protect the amenity of future occupiers from noise and vibration disturbance in accordance with policies 7.15 in the London plan 2015 and DM D2 of the Merton Sites and Policies Plan 2014
- 23 M2 Contamination
24 M3 Contamination remediation
25 M4 Contamination –validation report.
- 26 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.

INFORMATIVES:

It is the responsibility of the developer to make proper provision for drainage

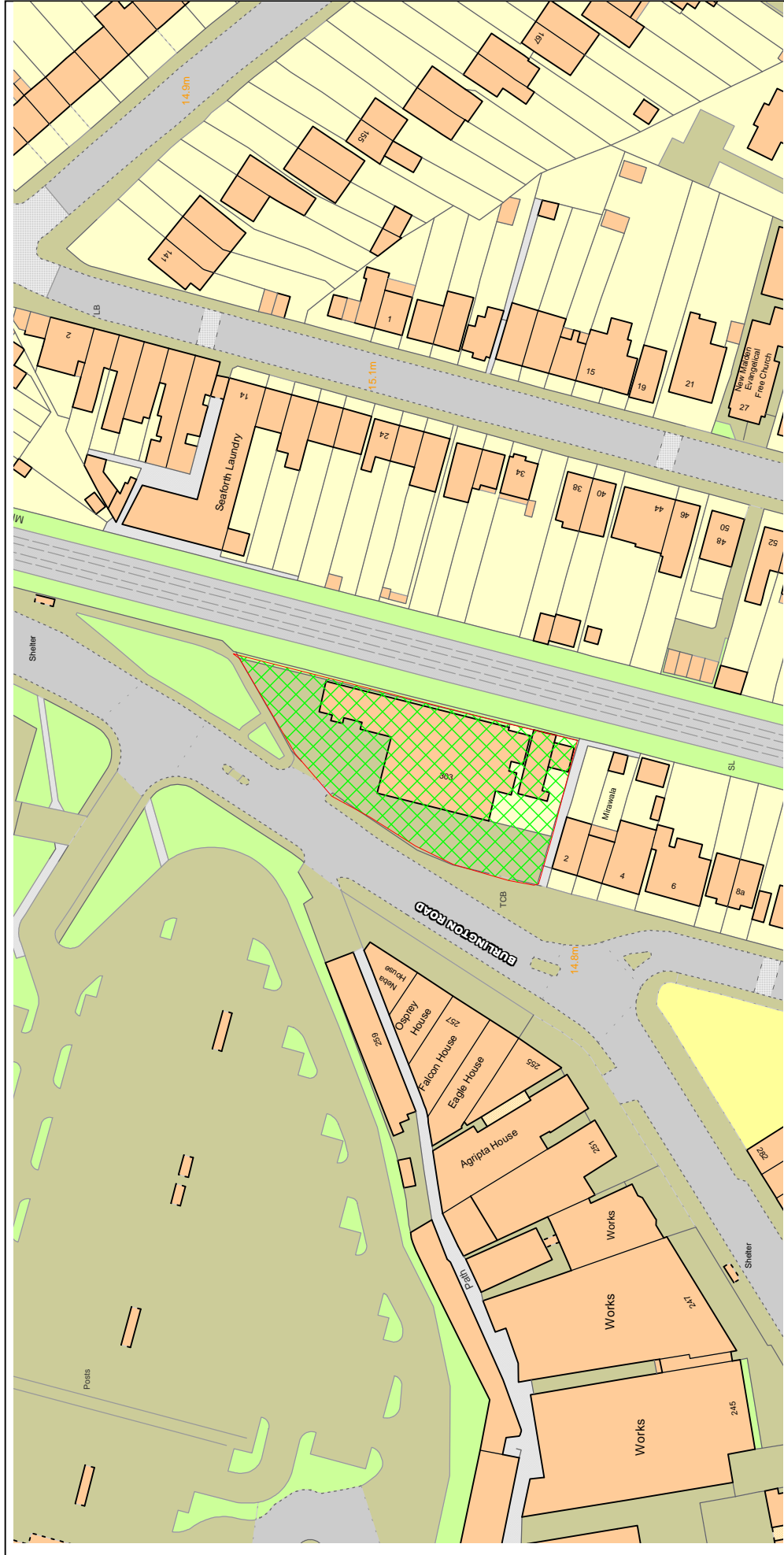
to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

As the application site is adjacent to Network Rail's operational railway infrastructure, it is strongly recommended that the developer contacts Network Rail's Asset Protection Sussex team at - AssetProtectionSussex@networkrail.co.uk, prior to any works commencing on site. Network Rail recommends the developer agrees an Asset Protection Agreement with them to enable approval of detailed works. More information can also be obtained from their website at www.networkrail.co.uk/aspx.

To view Plans, drawings and documents relating to the application please follow this [link](#)

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NORTHGATE SE GIS Print Template



Text Details Albany House, Burlington Rd

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Note:

Revisions:

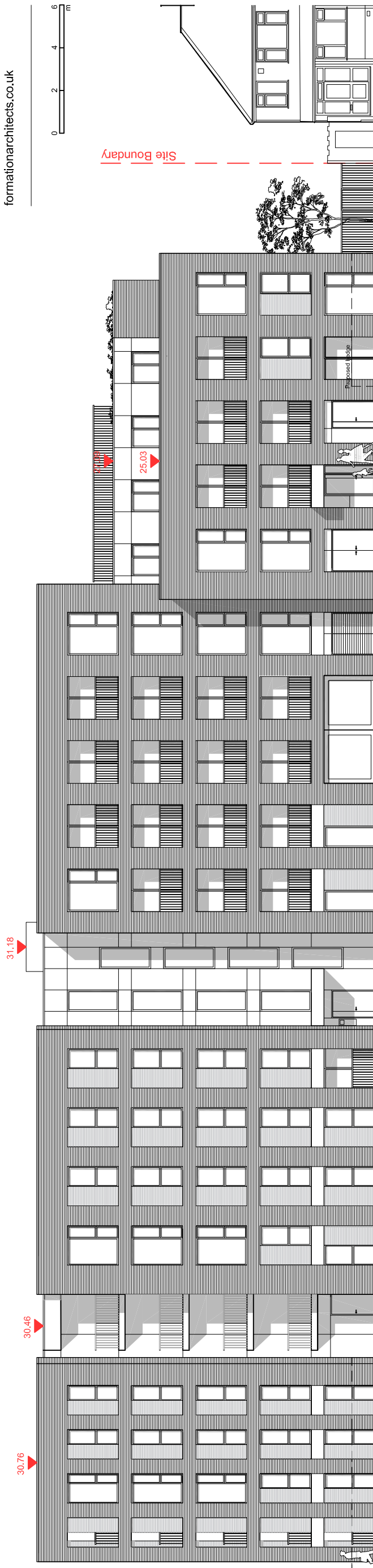
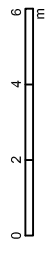
- 00 HV 07.03.16 First Issue
- 01 HV 22.03.16 Revisions
- 02 HV 31.03.16 Updates

Planning
Formation Architects

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formationarchitects.co.uk



Burlington Road Elevation

Project: Albany House
 Burlington Road
 New Malden
 KT3 4NH

Client: Medina Capital Investments
 (Albany House) Ltd.

Drawing Title: Proposed
 Burlington Road Elevation

Drawn by: HV
 Checked by: MT
 Scale: 1:200@A3

Drawing no: 6519 D6700 Rev: 02

PLANNING APPLICATIONS COMMITTEE
16 June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P0796	15/03/2016
Address/Site:	20 Church Lane, Merton Park SW19 3PD	
Ward:	Merton Park	
Proposal:	Demolition of existing concrete shed in rear garden and erection of a single storey wooden outbuilding to be used as an office ancillary to main dwellinghouse	
Drawing No.'s:	Site Location Plan, Block Plan, Plans & Elevations – Drawing 1 (Amended 27.05.2016), Drawing 2 & Drawing 3.	
Contact Officer:	Felicity Cox (020 8545 3119)	

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Conservation area: Yes
- Number of neighbours consulted: 2
- External consultations: 0
- Controlled Parking Zone: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination given the level of public interest.

2. SITE AND SURROUNDINGS

2.1 The application site is a two-storey, semi-detached property located on the eastern side of Church Road. The property is located within the John Innes-Merton Park conservation area.

2.2 The site currently has two outbuildings; one adjacent to the southern boundary and a second adjacent to the rear boundary of the site.

2.3 The area is characterised by semi-detached housing of a similar scale and design, with properties commonly having 1-2 outbuildings within the rear garden areas.

3. CURRENT PROPOSAL

- 3.1 The application is for the demolition of the existing concrete garage in the rear garden and erection of a single storey wooden outbuilding to be used as an office ancillary to the main dwelling house.
- 3.2 The outbuilding would be located 0.4m from the southern side boundary, in a location similar to the existing outbuilding.
- 3.3 The outbuilding would have the following dimensions:
- Width of 3.4m
 - Depth of 5.8m
 - Eaves Height of 2.1m
 - Maximum Height of 3.2m (hipped roof)
- 3.4 The outbuilding is to be constructed from cedar shingle roofing, painted softwood walls, painted wood framed doors and windows and glazed garden facing bi-fold doors.
- 3.5 The applicant has identified that the use of the outbuilding is as a home office and for occasional guest accommodation. The outbuilding will include a toilet/shower.

4. PLANNING HISTORY

- 4.1 15/P3334 – Planning permission granted for the erection of a single storey rear extension and rear roof extension with side bay window, dormer to front roof slope and roof light to front roof slope.

15/P1266 – Planning permission refused for the erection of a timber fence on the boundary of 20 and 21 Church Lane.

Reasons for refusal: By reason of their size, position, massing and design, the timber fence would result in an overly large form of development out of keeping in the Church Lane streetscene and would be out of character with, and harmful to appearance of the John Innes Merton Park Conservation Area, contrary to policies DM D1, DM D2, DM D3 and DM D4 of the Merton Sites and Policies Plan. (July 2014).

14/P4381 Erection of a rear roof extension and installation of one dormer and a roof light to front roof slope. Application withdrawn.

14/P4377 Erection of a single storey rear and part side extension and erection of a single storey garden office. Application withdrawn.

5. CONSULTATION

- 5.1 A press notice was published in the Wimbledon, Mitcham and Morden Guardian, a site notice was posted outside the property and letters sent to neighbours.
- 5.2 Six representations were received objecting to the proposal; five from neighbours and one from the John Innes Conservation Group. The objections were on the basis of the following matters:
- Outbuilding has shower/toilet facilities and will be used as permanent accommodation. Any home office should be contained within main house.

- Outbuilding would be an intrusive, out of scale extension that is visually intrusive on neighbours.
- Out of character with conservation area.
- Scale of outbuilding impinges on privacy of neighbours.
- Set precedent for development of gardens in area.
- Description of application should reference previous extensions approved.
- More detailed drawings and light impact calculations should be submitted.
- Overdevelopment of the garden given approved extension and existing large timber outbuilding at the rear.
- Rooflights will be intrusive and impact amenity of adjoining living space.
- Cumulative effect of additional higher outbuilding built close to boundary of property will increase intrusion into adjoining living space and garden in terms of light, noise and proximity.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):
Part 7 Requiring Good Design

6.2 London Plan Consolidated 2015:
7.4 Local character
7.6 Architecture
7.8 Heritage assets and archaeology

6.3 Merton Sites and Policies Plan July 2014 policies:
DM D2 Design considerations in all developments
DM D3 Alterations and extensions to existing buildings
DM D4 Managing Heritage Assets

6.4 Merton Core Strategy 2011 policy:
CS 14 Design

6.5 Supplementary Planning Guidance:
Merton Council Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions

7. PLANNING CONSIDERATIONS

7.1 The planning considerations in this case relate to the scale and design of the proposed outbuilding, and the impact on the conservation area and neighbour amenity.

Character and Appearance

7.2 London Plan 7.8 and SPP policy DM D4 seek to ensure that alterations and extensions to properties within conservation areas should conserve and enhance such areas whilst Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale bulk, proportions and character of the original building and its surroundings.

7.3 The outbuilding is single storey and of similar scale to the existing outbuilding. Whilst the overall height to the roof ridge is 3.2m, the height to eaves is only 2.1m. The additional height above permitted development allowances of 2.5m provides for a hipped roof that is considered to complement the character of the conservation area without being visually overbearing.

- 7.4 It is noted that the outbuilding is comparable in scale to surrounding outbuildings within the conservation area, including a 'garden room' outbuilding approved at 22 Church Lane. The timber materials proposed will assist the building to blend into the garden setting.
- 7.4 In response to submitted concerns of overdevelopment, it is noted that the outbuilding is only slightly larger than the existing structure and even with the existing/approved improvements to the dwelling house and garden, will leave a substantial amount of space for the rear garden, therefore not detracting from the open character of the conservation area. It is also noted that several other dwellings within the conservation area have more than one outbuilding.
- 7.5 Although the outbuilding will be positioned along the side boundary in line with the side passage, it will be located approximately 24 metres from the site frontage. Given the distance from the street frontage combined with the modest scale of the proposal and presence of an existing outbuilding in this location, it is not considered the outbuilding will compromise the streetscene or surrounding conservation area.
- 7.6 It is therefore considered that the proposed outbuilding would preserve the character and appearance of the conservation area and meet the objectives of policies DM D2 and DM D4 of the Sites and Policies Plan (2014).

Neighbouring Amenity

- 7.5 Policy DM D2 and DM D3 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.6 Given the siting of the building adjacent to the southern side boundary, the proposal is not considered to adversely impact the amenities of 19 Church Road (to the north) or 4 Melrose Road (to the east).
- 7.7 In terms of amenity impacts on 21 Church Lane, no loss of privacy is considered to result as the windows and doors are oriented to the garden/front passage of the site. Although the rooflights are oriented to the south for maximum solar benefit, as rooflights they will not allow for overlooking into 21 Church Lane and being flush with the roof are not considered to be visually intrusive to neighbours.
- 7.8 The outbuilding is located adjacent to the adjoining outbuilding on 21 Church Lane and a reasonable distance from the rear wall of the dwelling house, so that from the rear windows of 21 Church Lane the proposed outbuilding will be largely concealed by this property's existing outbuilding. The siting and scale of the outbuilding is therefore considered appropriate to not be visually intrusive on neighbouring occupiers, and will not result in loss of light into adjoining habitable rooms or significant overshadowing of the adjoining garden.
- 7.9 In terms of noise intrusion, the outbuilding is to be used for activities ancillary to the enjoyment of the dwelling house and is therefore considered unlikely to detract from neighbour amenity.
- 7.10 It is recommended that a condition be attached to any approval restricting the use of the outbuilding to activities ancillary to the main dwelling house to address residents' concerns in relation to the potential use as a self-contained unit of accommodation.
- 7.11 It is therefore considered that the proposed outbuilding would not be detrimental to the amenities of neighbours, and would be compliant with Policy DM D2 and DM D3.

8. CONCLUSION

- 8.1 The scale, form, design, positioning and materials of the proposed outbuilding are not considered to have an undue detrimental impact upon the character or appearance of the conservation area, the host building or on neighbouring amenity. Suitably conditioned the use of the building would be unlikely to detract from neighbour amenity in terms of noise and disturbance or allow for the creation of an additional self-contained unit of accommodation. Therefore, the proposal complies with the principles of policies DMD2, DMD3 and DMD4 of the Adopted SPP 2014, CS 14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2015. It is therefore recommended to grant permission subject to conditions.

Conditions:

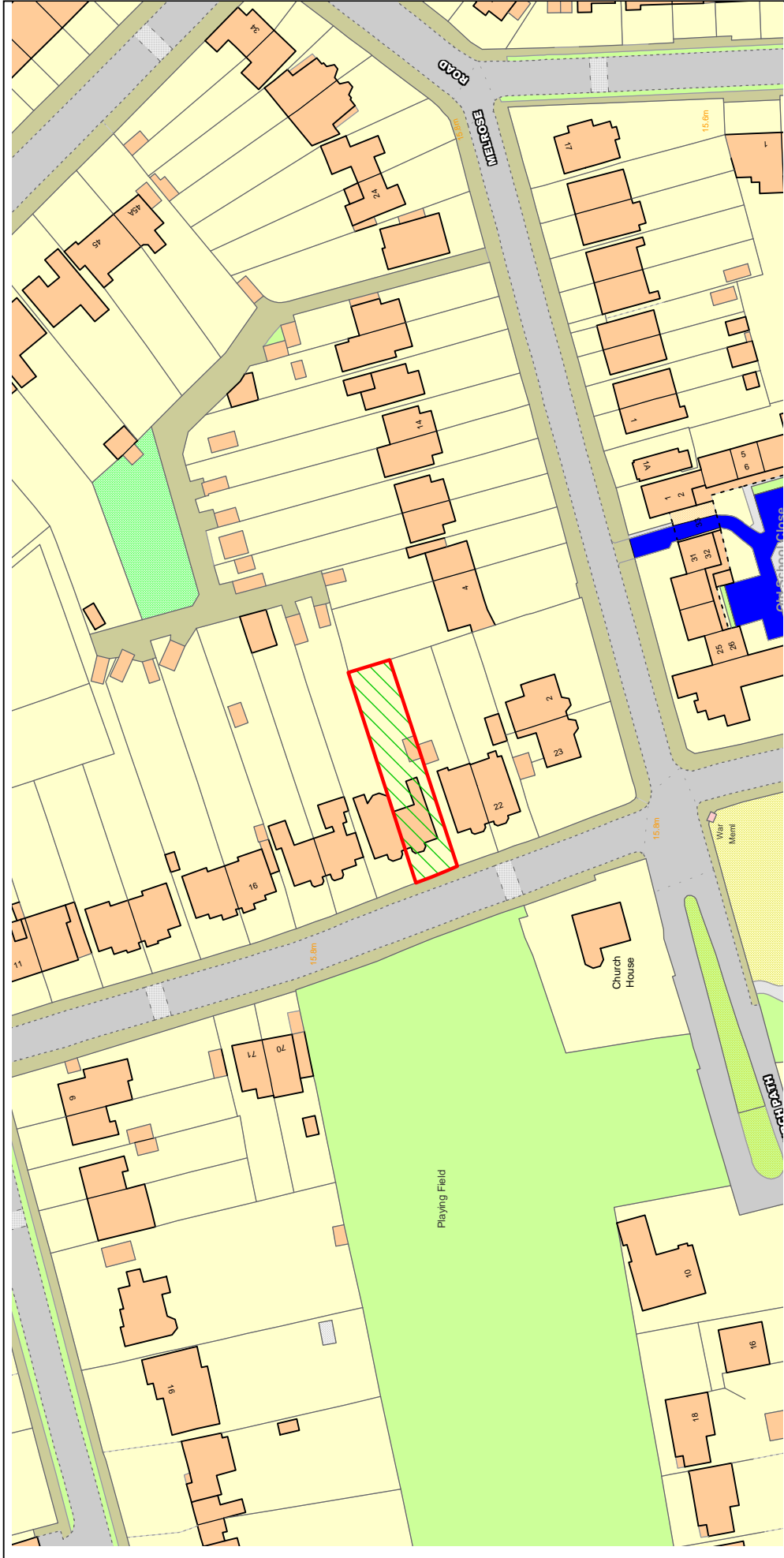
- 1) A1 Commencement of works
 - 2) A7 Built according to plans;
 - 3) B3 External Materials as Specified
 - 4) E06 Ancillary Residential Accommodation
 - 5) NPPF Informative
-

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PLANNING APPLICATIONS COMMITTEE

16th June 2016

UPRN	APPLICATION NO. 16/P0749	DATE VALID 19.02.2016
Address/Site	231 Coombe Lane, Raynes Park, SW20 0RG	
(Ward)	Raynes Park	
Proposal	Application for the erection of single storey and two storey front and rear extensions; the incorporation of the garage into the main house involving an increase in the footprint and alterations and enlargements to the existing garage roof to create a new garage and garden room; the erection of a rear roof extension including alterations to the roof and internal alterations to the main house.	
Drawing No's	Site location plan and drawings;1847/03 R, 1847/04R, 1847/05T & 1847/06K	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION:
GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: No
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted –No
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 8
 - Press notice – Yes
 - Site notice – Yes
 - External consultations: Nil
 - Number of new jobs created – n/a
-

1. INTRODUCTION

- 1.1 This application is brought before Members due to the level of residents objection.

2. SITE DESCRIPTION.

- 2.1 The application site comprises a large semi-detached house with ancillary single storey garage located on a large corner plot at the junction of Coombe Lane and Westcoombe Avenue. The site is surrounded by residential development which exhibits a variety of

styles and designs but is predominantly formed of large semi-detached single family dwellings.

- 2.2 The site is adjacent to the Westcoombe Avenue Conservation Area. It is an area at low risk of flooding with some surface flooding to the rear garden. It is not within an Archaeological Priority Zone or a Controlled Parking Zone and has a Public Transport Accessibility Level – 2 with low accessibility to public transport.
- 2.3 There are Leylandi trees on site. There are two public trees on the verge to the west of the site including a large London Plane tree on the pavement on Westcoombe Avenue.

3. PROPOSAL

- 3.1 On the ground floor the front elevation on the Westcoombe Avenue side would be extended forward of the existing kitchen to provide a square fronted bay in line with the existing bay window flanking the front door. A forward facing window would provide natural light to a home office space whilst the existing kitchen space behind would be reconfigured to provide a cloak room, staircase and store and a utility room. At the rear the existing back wall would be opened up to create a new open plan family and dining room that would be located within a 2.7m deep part single storey rear extension, the rear of which will tie in with the rear of the adjoining property. This element would feature two sets of aluminium framed double glazed bifold doors opening out into the back garden. The part single storey element would feature a large skylight above it.
- 3.2 To the side of the house the front elevation of the existing garage would be brought forward to a point level with the existing front door and feature garage doors for a 5.35m wide new double garage at the front of the side element which would also have a doorway entrance leading to the garage and house with a garden room to the rear, again with bifold doors out to the garden. This garage and garden room element would feature a tiled hipped roof with a 2.52m eaves height and a ridge height of 4.73m. The overall length of the garage would be 9.23m.
- 3.3 At first floor level there would be a new bedroom above the square bay, a number of internal reconfigurations to the layout and a new bedroom above part of the new rear extension. The first floor front bedroom would have a small bay type window to reflect the design common in this locality whilst the rear bedroom would have windows to match the fenestration at the rear of the house. This side extension element would have a hipped roof to reflect the existing situation and to mirror works on the adjoining house.
- 3.4 The extension of the roof will provide space in the loft for a rear roof dormer extension to provide a master en-suite bedroom with dressing

room and storage in the roof space. Two Velux windows would be inserted into the front roof slope.

4. CONSULTATION

- 4.1 Consultation was via a site notice and letters to 8 neighbouring addresses. Five objections were received on the grounds of:
- The garage may be turned into another dwelling or set precedent for a detached house in the future.
 - Application is trying to put a detached building on the site which is out of keeping with the area.
 - Velux windows will cause overlooking.
 - Second storey addition is out of keeping with the area.
- 4.2 Councillor Jill West objected to the proposals on the grounds that;
- It would be unduly prominent and visually intrusive, failing to complement the character and appearance of adjoining dwellings.
 - Detract from views into and out of the Westcoombe Avenue Conservation Area.
 - The owners do not live here and have no regard for local residents and the developer is just trying to maximise profits.

5. PLANNING HISTORY.

- 5.1 MER877/83 Planning permission granted for erection of first floor extension over existing double garage.
- 5.2 13/P2211 Planning permission refused and appeal dismissed for demolition of existing garage and 2 storey side extension and erection of new five bedroom dwelling house with living accommodation over three floors. Erection of part single and part two storey rear extension and rear roof extension to original property.

Reasons;

The proposed development, by reason of scale, design, and siting, would be unduly prominent and visually intrusive, would fail to complement the character and appearance of the existing and adjoining dwellings and would detract from views into and out of the Westcoombe Avenue Conservation Area, contrary to policy 7.6 of the London Plan (2011), CS.14 of the Merton LDF Core Planning Strategy (2011) and policies BE.3, BE.16, BE.22 and BE.23 of the Merton Unitary Development Plan (2003).

In the absence of a unilateral undertaking to secure a financial contribution towards the provision of affordable housing off site, the proposal would fail to contribute to meeting affordable housing targets in the borough and would therefore be contrary to policy CS.8 of the London Borough of Merton Core Strategy (2011).

6. PLANNING POLICIES

6.1 **Relevant policies, London Plan (2015)**

- 3.5 Quality and design of housing developments
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture

6.2 **Merton Local Development Framework Core Strategy (2011)**

- Relevant policies include:
- CS 13 Open space and leisure
 - CS 14 Design
 - CS 15 Climate Change

6.3 **Merton Sites and Policies Plan (2014)**

- Relevant policies include:
- DM D1 Urban Design
 - DM D2 Design considerations
 - DM D3 Alterations and extensions to buildings
 - DM D4 Managing heritage assets
 - DM F1 Support for flood risk management
 - DM O2 Nature conservation

7. **PLANNING CONSIDERATIONS.**

7.1 Key Issues for consideration relate to the scale and design of the proposed extensions to the main house and garage, the impact on the adjacent Westcoombe Avenue Conservation Area and the amenity of local residents.

7.2 **Design of the proposals**

Sites and Policies Plan policies DM D1 (Urban design), DM D2: (Design considerations) and DM D3: (Alterations and Extensions to existing Buildings) as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. The houses are of a similar style and extensions should be sympathetic to their character and appearance. The extension works to the main house have been designed to reflect the scale, bulk and massing of the adjoining house and the house at 227 Coombe Lane and whilst the first floor element and roof elements are not set back, as is the case with the neighbouring houses, the proposals are considered to be in keeping with the neighbouring houses, both on the front and rear elevations as is demonstrated on the Context Elevation drawings. Slight differences would not justify grounds for a refusal of the application.

7.3 **Impact on the area and the adjacent Conservation Area.**

London Plan policy 7.8 and SPP policy DM D4 seek to ensure that developments associated with the borough's heritage assets or their setting will be expected to conserve and where appropriate enhance such areas. The site is opposite the Westcoombe Avenue Conservation Area and as such this is a material consideration in determining the application.

7.4 Whereas previous attempts at redeveloping the site sought a new dwelling in the side garden, a feature that would be alien to this location, this application has been designed to reflect the overall design of houses in the area with the main difference being the presence of the garage. Although there have been concerns that the garage was a detached structure it is to be physically linked to the main house with a flat roofed section and as such it forms part of the overall house. Although it is to have the front elevation brought forward the front of the garage building will remain in use as a garage and no part of the structure will be any closer to the side boundary than is currently the case. In view of these considerations the proposals are not considered to have a detrimental impact on views into and out of the Conservation Area.

7.5 **Trees**

Core strategy policy CS 13 expects development proposals to incorporate and maintain appropriate elements of open space and landscape features such as trees which make a positive contribution to the wider network of open spaces.

7.6 There are two large street trees adjacent to the boundary that contribute to the visual amenities of the area. In order to ensure that the works do not impact their root systems a condition requiring the submission and approval of an Arboricultural Impact Assessment and Tree protection plan is recommended.

7.7 **Neighbour Amenity.**

London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, privacy visual intrusion or noise and disturbance. The works are predominantly on the opposite side of the house to the adjoining neighbour and the single storey rear extension has been designed to tie in with the rear elevation of the neighbour's house and the first floor extension is located away from their windows at first floor level. Consequently the proposals are not considered to have a harmful impact on neighbour amenity through loss of light and outlook and there have been no objections in this respect. There was an objection on the grounds of loss of privacy from the accommodation in the roof but this could be provided as permitted development and this would not constitute reasonable grounds for refusal.

7.8 **Use of the extension.**

Given the applicant's previous efforts to create a new house on this site the majority of objections have related to the possibility of the works forming a separate detached unit of accommodation. The works are to be attached to the main house and the use of the side element can be made ancillary to the use of the main house through the imposition of a condition to that effect.

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

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. **CONCLUSION**

9.1 The proposed additions to the existing house and garage building represent a significant downsizing in terms of previous attempts to develop the site. The extensions will broadly reflect the extension works that have already taken place at the adjoining house and at 227 and have been designed so as not to have a negative impact on neighbour amenity whilst still preserving the character and appearance of the adjoining Westcoombe Avenue Conservation Area. In view of these considerations the proposals are considered to accord with relevant planning policy and are recommended for approval subject to conditions

RECOMMENDATION

Grant planning permission subject to planning conditions

Conditions

1. A1 Commencement of works
2. A7; Site location plan and drawings; 1847/03 R, 1847/04R, 1847/05T & 1847/06K
- 3 B3 Materials as stipulated
- 4 E6 Ancillary residential use
- 5 F5 Tree Protection

To view Plans, drawings and documents relating to the application please follow this [link](#)

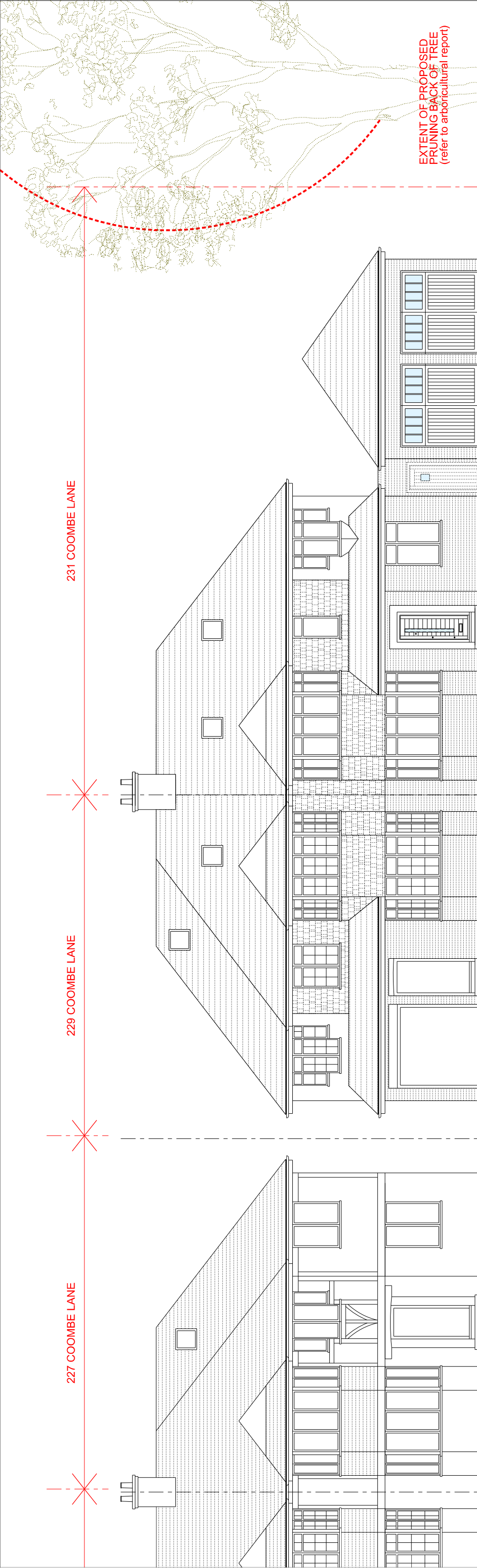
Please note that this link, and some of the related plans, may be slow to load

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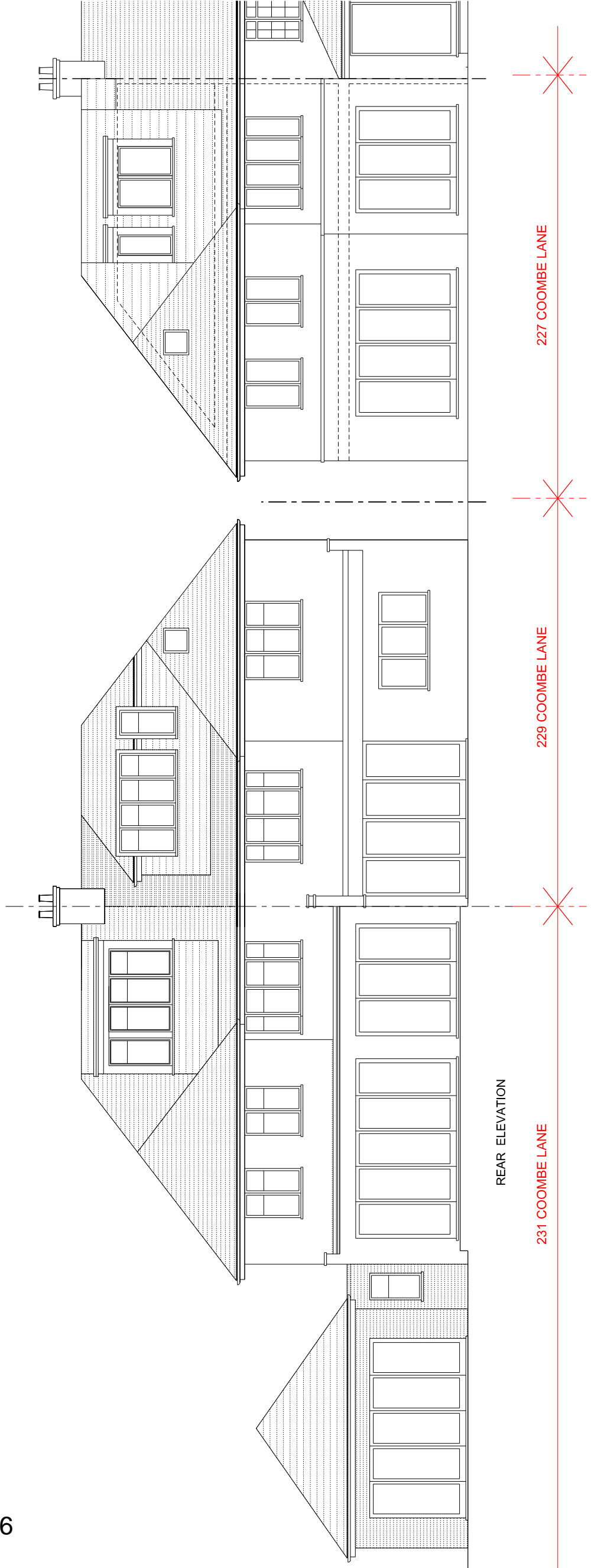
Text Details **231 Coombe lane**

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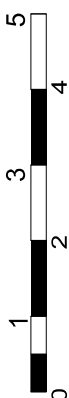


EXTENT OF PROPOSED PRUNING BACK OF TREE (refer to arboricultural report)

FRONT ELEVATION



REAR ELEVATION



- Notes:
1. No dimensions are to be scaled from this drawing.
 2. All dimensions are to be checked on site prior to fabrication.
 3. Any discrepancies on site have to be reported to the architect.
 4. For steelwork, foundations, structural details refer to S.E. drawings

notes	231 COOMBE LANE SW20			
title	PROPOSED ELEVATIONS IN CONTEXT	job no.	1847	revision
scale	1 : 100 @ A3 / 1:50 @ A1	date	11.05.2016	
drg.no	1847 / 06K			

Simon Smith & Michael Brooke Architects
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PLANNING APPLICATIONS COMMITTEE

16th June 2016

UPRN	APPLICATION NO.	DATE VALID
	16/P0666	09.02.2016
Address/Site	Cranleigh Lawn Tennis Club, Cranleigh Road, Merton Park, SW19 3LX	
(Ward)	Merton Park	
Proposal:	Use as a day nurse (Use within Class D1) in addition to existing use as a tennis/social club (use within Class D2).	
Drawing No's	Site location plan and drawings; 'Proposed Plan', 'Plan', 'Car park plan 01' & 'Car park plan 02'	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION:
GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: No
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted –No
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 83
 - Press notice – No
 - Site notice – Yes
 - External consultations: Nil
 - Number of new jobs created – 3 part time
-

1. INTRODUCTION

- 1.1 The matter is brought before The Planning Applications Committee due to the level of resident objection.

2. SITE DESCRIPTION.

- 2.1 The application site is an existing tennis and social club set within its own grounds at the rear of houses in Cranleigh Road and Poplar Road South with vehicle access to the on-site car park from Cranleigh Road.
- 2.2 The area is not at risk from flooding, it is not within a conservation area or a Controlled Parking Zone and it has Public Transport Accessibility Level of 3 (medium).

3. PROPOSAL

- 3.1 This proposal would allow for the site to be used in addition to its use as a tennis club for a small Montessori nursery for 20 children aged between 2 and 4 years of age, from Mondays to Fridays between 8.30am and 12.30pm during term time. The existing tennis club is only used from 3.30pm on weekdays, on weekends and in school holidays. The proposals would not entail and physical alterations to the building and would use their existing car park as a drop off zone.

4. CONSULTATION

- 4.1 The application was advertised through direct neighbour consultation letter and site notice. As a result of which six residents objected on the grounds of:

- Increased vehicular traffic.
- Increased on street parking restricting the free flow emergency and other large vehicles on neighbouring roads.
- On-site parking issues may cause people to drop off children on the street.
- Increased noise and disturbance from the children playing.

- 4.2 A letter of support was received stating that since the Cliveden Kindergarten on Mostyn Road was shut in 2014 the community was in desperate need of a sessional term time only nursery because other nurseries offered day care rather than sessional care and school nurseries only take children the term after their third birthdays. Three further letters of support were received from local residents welcoming the provision of a Montessori nursery to the local area.

- 4.3 Transport planning officers commented that:

- The fact the club has dedicated car park for 12 vehicles and this use does not overlap timewise with other club uses. No significant concerns about traffic and parking associated with the application.
- Parking stress in Cranleigh Road does look to be high as it is uncontrolled. If staff that drive to the site are able to park off street then it will not be problematic. Ideally staff should use sustainable modes and this should be conditioned through the development of a framework travel plan.
- Linked trips may arise given the proximity of the site to Poplar primary school many of which will be by foot and not necessarily private car - those that are by car will likely be on the road network already meaning there will be a limited number of additional vehicle trips generated by the new use.
- Adequate cycle parking provision already exists at the club.
- A framework travel plan developed for the nursery targeting both staff and parents to discourage private car trips – this is to be conditioned.

- 4.4 Environmental Health. No objections subject to conditions restricting hours of use (8.30 to 13.00 in term time) and outdoor play (1 hour) so as to protect neighbour amenity.
- 4.5 Merton's Early Years team have visited the site and confirmed that it can be made suitable for this use and that there is a need for additional funded early education places in the Morden area of the borough for 2-4 year olds.

5. PLANNING HISTORY.

- 5.1 07/P1179. Planning permission granted for retention of floodlight columns.

6. RELEVANT POLICIES

- 6.1 London Plan (2015)
Relevant policies include:
3.16 Protection of social infrastructure.
3.19 Sports facilities
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.10 Walking
6.11 Smoothing traffic flow and tackling congestion
6.12 Road network capacity
6.13 Parking
- 6.2 Merton Local Development Framework Core Strategy (2011)
Relevant policies include:
CS 11 Infrastructure
CS 13 Open space and leisure
CS 18 Transport
CS 19 Public transport
CS 20 Parking servicing and delivery
- 6.4 Merton Sites and Policies Plan (2014)
Relevant policies include:
DM C1 Community facilities
DM D2 Design considerations
DM T1 Support for sustainable travel and active travel
DM T2 Transport impacts from development
DM T3 Car parking and servicing standards
DM T5 Access to the road network.

7. PLANNING CONSIDERATIONS.

- 7.1 The key issues for consideration include the provision of nursery school places, the effective use of premises, the impact of the proposals on traffic and parking and neighbour amenity.

7.2 Nursery school places.

SPP Policy DM C2 encourages the provision of children's Day care centres and the proposal will provide for 20 children to attend for three hour periods for 34 weeks a year. The company that will provide the facilities, the Little hands Montessori, already operate a 16 child facility at Wimbledon Methodist Church and therefore this proposal represents an expansion of operations by an established and experienced nursery provider. The Council's Early years team have assessed the site and have confirmed that there is a need for such provision within this part of the borough.

7.3 Effective use of community facilities

SPP policy DM C1 encourages the provision and retention of community facilities. The site is currently unused on weekday mornings and therefore has no active role in the provision of community facilities within those hours. Policy 3.19 of The London Plan encourages the provision of sporting and community facilities This proposal will allow for the site to provide community facilities and the nursery will generate income for the tennis club to allow it to continue providing tennis facilities for local residents, both children and adults. Although the two uses would not overlap the operation of a nursery would not prevent use of the tennis courts.

Traffic and parking.

- 7.4 London Plan policies 6.3 & 6.12, Core Strategy Policy CS 20 and SPP policies DM T2 and T5 consider the impact of proposals on the road network and matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles. Objections to the proposals have been largely in relation to parking and the impact of this on the local area. The Council's transport officer has raised no objections to the proposal and recommends a condition be attached requiring a travel plan to be submitted and approved in order to address issues of sustainable transport. The site itself has spaces for 12 cars which can be used to drop off children and it is considered that by having staggered start,(normally after 9.15am) and finish times it will be possible for parents that don't walk their children can still enter the site and drop off children without the need to park on surrounding roads to do so. Additionally the use would only be in the mornings and would therefore have no impact on the afternoon rush hour or school closing times. In view of those considerations and subject to suitable conditions the proposals are not considered likely to have a negative impact on local road users.

Neighbour Amenities.

- 7.26 Policy DM D2 and EP2 require proposals not to have a negative impact on neighbouring occupiers through matters of noise and disturbance. There has been an objection on the grounds of noise from children playing. However this is for a nursery use for children between the ages of 2 and 4 and with only 20 places playground activity and

resultant noise would not be comparable with that produced by an infants school. Suitably conditioned to regulate the duration of outdoor play (a maximum of 1 hour per morning session) it is considered that the use can be properly controlled so as not to impact harmfully on neighbour amenity.

However in order to ensure that the Council can adequately assess the impact of other D1 uses on neighbour amenity and traffic and parking a condition is recommended restricting the D1 use to a morning and term time only nursery.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

- 9.1 The proposed additional use of the tennis club to provide a Montessori nursery facility for 20 children aged between 2 and 4 years old on term time mornings will provide needed nursery places within the local community and through this more effective use of these community facilities the club can continue providing sporting facilities for the local community. Through a combination of a travel plan to improve sustainable transport, adequate levels of on-site cycle storage and staggered start and finish times it is considered that the onsite parking space will allow for the safe drop off and collection of children without the need to impact on street parking and traffic on the surrounding roads. The facility would only operate in the mornings and in term time and this combined with the ages and numbers of the children means that it is considered that the proposals will not have an adverse impact on the amenity of local residents that would warrant a refusal of planning permission. In view of these considerations the proposals are considered to accord with relevant planning policy and are recommended for approval subject to conditions

RECOMMENDATION

Grant planning permission subject to planning conditions

1. A1 Commencement of works
2. A7 Site location plan and drawings; 'Proposed Plan', 'Plan', 'Car park plan 01' & 'Car park plan 02'
3. D1 Hours of operation. 08:30 to 13:00 Monday to Friday during those weeks corresponding with those of Merton's Primary Schools for any calendar year for a maximum period of 34 weeks per year.
4. E5 The premises shall only be used for Nursery use and for no other purpose, (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes Order)

(2015) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification

5 H8 Travel Plan

To view Plans, drawings and documents relating to the application please follow this [link](#)

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NORTHGATE SE GIS Print Template



Text Details **Cranleigh Tennis Club**

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**PLANNING APPLICATIONS COMMITTEE
16 JUNE 2016**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P0092	19/02/2016

Address/Site 52 Gladstone Road, Wimbledon SW19 1QT

(Ward) **Dundonald**

Proposal: Conversion of existing 2-bed house into 1 x 2 and 1 x 3 bedroom flats, involving erection of a single storey rear extension, two storey side infill extension, replacement of existing hipped roof with gable ended roof with rear mansard roof extension with increase in ridge height by 200MM and 2 x dormer windows and two roof lights to front roof elevation and erection of rear external staircase to provide access to the garden

Drawing Nos 52GR/CD/01, 02a, 13e, 14e, 15e, 16b, 17c, 18, 19, 20b, 21b, 22b, 23a, 24, 25, 26, 27, 28 29 and Design and Access Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to conditions

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 – 4
- External consultants: None
- Density: n/a
- Number of jobs created: n/a

- Archaeology Priority Zone: No

1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee at the request of Councillor Grocott.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey, two bedroom end of terrace property situated on the east side of Gladstone Road. The surrounding area is residential in character. The application site is not within a conservation area.

3. **CURRENT PROPOSAL**

- 3.1 As originally submitted the application proposed the conversion of the property into three flats (2 x 2 bedroom flats and 1 x studio flat). Following discussions with officers the application was amended to convert the property into two flats (1 x 2 bedroom and 1 x 3 bedroom flats) involving the erection of a single storey rear extension, two storey side infill extension, replacement of existing hipped roof with gable ended roof with rear mansard roof extension involving increasing the ridge height by 200MM incorporating 2 x dormer windows, two roof lights to front roof elevation and erection of rear external staircase to provide access to the garden
- 3.2 The proposed two storey side extension would be between 1.2 and 2.8 metres in width and 11.8 metres in length. The side extension would have eaves height of 5.1 metres to the front elevation with a pitched roof carried over the side extension. The rear section of the side extension would have a flat roof with a height of 6 metres. The two storey side extension would enclose the existing space between the application property and number 50 Gladstone Road.
- 3.3 It is also proposed to erect a single storey rear extension. The proposed extension would be 4.8 metres in width and 5 metres in length. The extension would have a height of 2.8 metres (plus 500mm parapet wall detail). An external staircase would provide access to the garden from the proposed first floor flat.
- 3.4 The proposed rear roof extension would comprise a rear dormer window with a 70 degree pitch erected on the main roof and above the rear wing. The roof extension would involve increasing the ridge height by 200mm and replacing the existing hipped roof with a gable ended roof flush with the boundary with 50 Gladstone Road.
- 3.5 Internally, at ground floor level a two bedroom flat would be provided and a three bedroom split level flat provided at first and second floor levels. Both the ground floor flat and upper flat would have access to the rear garden.

- 3.6 The alterations to the front elevation are in keeping with the design of the original Victorian house whilst at the rear the extensions are of contemporary design.

4. **PLANNING HISTORY**

- 4.1 There is no planning history relating to the application property. However there have been applications submitted for both number 50 and 54 Gladstone Road. Details are set out below:-

4.2 50 Gladstone Road

In April 2011 a certificate of lawfulness was issued in respect of a rear roof extension on main roof and part of rear wing (LBM Ref.11/P0530).

In April 2011 planning permission was granted for the erection of a new single storey front bay window and single storey rear extension to the side of the existing rear wing (LBM Ref.11/P0591).

In April 2011 a Certificate of lawfulness was issued in respect of the construction of a rear roof extension on the main roof and part of the rear wing (LBM Ref.11/P0530).

4.3 54 Gladstone Road

In June 1981 planning permission was granted for the conversion of the property into two self-contained flats and erection of external staircase at rear and rebuilding side extension (Ref.MER507/81).

In July 2014 planning permission was granted for the erection of a single storey rear extension (LBM Ref.14/P1980).

4.4 54A Gladstone Road

In June 2014 planning permission was granted for a hip top gable and rear roof extensions involving increasing the height of the ridge of the roof (LBM Ref.14/P1444).

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 2 letters of objection have been received from the occupiers of 50 and 51A Russell Road together with a representation form Councillor Grocott. The grounds of objection are set out below:-

5.2 50 Gladstone Road

An objection has been received from a consultant acting for the owners of 50 Gladstone Road. Although the owners of 50 Gladstone Road have no

objection in principle to the rear extension to number 52 they consider the current proposal to convert the dwelling into three flats as overdevelopment, which would affect living conditions and character which would affect living conditions and character of the townscape as a whole.

-Number 50 Gladstone Road is a two/three storey end of terrace dwelling with a rear roof extension and side infill extension. It is separated from number 52 by a passage way which provides pedestrian access to the rear of number 52. The proposal would result in the loss of the gap.

-Number 52 was part of a pair of Victorian semi-detached houses with hipped roof separated from adjoining terraces by side passageways. Number 54 was adjoined to the neighbouring terrace by the erection of a side extension as part of the conversion of the property into two flats (54 and 54A). This infill retained the hipped roof.

-the proposed extension would have a detrimental impact upon the street scene as it will result in the loss of another hipped roof.

-The proposed side extension would result in the loss of the gap between properties and create a terrace of 25 dwellings.

-The drawings showing the front elevation of 52 shows roof alterations to 54A (hip to gable end) as if they have been implemented. They have not.

-The frameless window to the front elevation is out of character.

-The full height rear window (ground and first floor) would result in overlooking and loss of privacy.

5.3 51A Russell Road

-Full height fully glazed windows would face towards the garden of 51A Russell Road and would affect privacy.

-The development could take up to 12 months causing disturbance.

5.4 Letter of Support.

One letter of support has been received from the owner of 1 Gladstone Road Stating that number 52 Gladstone Road has been left undeveloped for many years and is crying out for development. The proposal will be an improvement in the streetscape, rebalancing the terrace following the precedent set a few doors along the road.

5.5 Amended Plans

Following discussions with officer's the application was amended with a reduction in the number of flats from three to two units with the studio flat initially proposed incorporated into the first floor flat to create a split level unit. The large frameless window to the front elevation originally proposed has also been replaced by a conventional window. A reconsultation has been undertaken and a further letter of objection has been received from the occupier of 50 Gladstone Road.

5.6 50 Gladstone Road

-The amended plans fail to address concerns already raised by the consultant

-The increase in height of the roofline by 200mm would not match the roof height of either adjacent property.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)
CS8 (Housing Choice), CS9 (Housing Provision), CS14 (Design) and CS20 (Parking)
- 6.2 Sites and Policies Plan (July 2014)
DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM T3 (Car Parking and Servicing Standards).
- 6.3 The London Plan (March 2015) as Amended by the Mayor of London's Housing Standards, Minor Alterations to the London Plan (March 2016) and the Mayor's Housing SPG (March 2016)
The relevant policies within the London Plan are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Sites Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 7.4 (Local Character) and 7.6 (Architecture).
- 6.4 DCLG Technical Housing Standards – Nationally Described Space Standard

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern the principle of the change of use, design, standard of residential accommodation, neighbour amenity and developer contribution issues.
- 7.2 Principle of Change of Use
Policy CS14 (Design) seeks to ensure that all residential development complies with the most appropriate minimum space standards, by requiring existing single family dwellings that are converted into two or more smaller units of accommodation to incorporate at least one family sized unit (defined as a 3-bed unit); comply with the most appropriate minimum space standards and not result in an adverse impact upon the suburban characteristics of the streetscape. The existing house is a small two bedroom house in its original unaltered condition. The application as originally submitted, proposed 2 x two bedroom flats and 1 studio flat, which would not have maintained a family sized unit within the development and created sub-standard units at first floor and roof level roof level.. The application was subsequently amended to provide a two bedroom flat at ground floor level and a three bedroom family sized flat within a split level apartment arranged over first and second floor levels. The adjoining property, number 54 Gladstone Road is currently occupied as two flats. There are no objections to the principle of the change of use subject to the proposal being satisfactory in respect of all other material planning considerations.
- 7.3 Design Issues

The proposed two storey side extension would have a traditional appearance to the street elevation and would have a contemporary design at the rear with the two storey extension being constructed in brick with a mono-pitched roof separated by a two storey vertical window. A single storey rear extension would have a render finish and incorporate glazed doors. An external staircase would be provide access to the garden for the upper flat. The existing hipped roof would be replaced by a gabled roof involving increasing the ridge height by 200mm and erection of a rear mansard roof extension to the main roof and part of the rear wing. The original application was amended at the case officer's request to remove the uncharacteristic double height window from the front elevation and replace it with a conventional sliding sash.

- 7.4 Objections have been raised regarding the increase in ridge height and the loss of the gap between properties. It should be noted that the gap between 54 and 56 Gladstone Road has already been enclosed. Planning permission has also been granted at 54 Gladstone Road for replacing the hipped roof with a gabled roof involving increasing the ridge height by 200mm and the erection of a rear roof extension to both the main roof and the roof of the rear wing (LBM Ref.14/P1444). This permission has not been implemented. Gladstone Road is characterised by two storey dwellings mainly of the Victorian/Edwardian period, which pairs of semi-detached houses to the north of the application site (numbers 14- 32 and even) and terraced housing between numbers 34-50 (even numbers). If the gap between 52 and 54 were lost the existing terrace at 34-50 would be joined to the existing terrace at 52-80 Gladstone Road). Although it is proposed to increase the height of the roof of 52 by 200mm, number 50 Gladstone Road is a taller building of different architectural style with a ridge height 500mm higher than the extended roof to 52. If the current application at 52 were to be granted and both that permission and the recent permission at 54 were to be implemented then the ridge heights of 52, 54 and 56 Gladstone Road would be uniform, no.56 already having been raised.. However, if the extant planning permission at 54 Gladstone Road was not implemented then the hipped roof to 54 and flat roofed side extension would remain creating an odd break in the roofline. Whilst this scenario would be unfortunate in terms of the visual appearance of the Hartfield Road streetscape it is not a reason for refusing the application to extend 52 Gladstone Road. Given that terraced housing is the prominent form of development on the east side of Gladstone Road the loss of the small gap between 50 and 52 would not itself be a reason for refusing planning permission.
- 7.5 Number 54 is also already occupied as two flats and also has an external staircase to the rear garden.
- 7.6 Therefore, notwithstanding the concerns of the objectors, the design of the proposed extensions is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments) and DM D3 (Alterations to Existing Buildings).

7.7 Standard of Residential Accommodation

The proposed ground floor flat would be a two double bedroom unit with a gross internal floor area (GIFA) of 79m² and the split level flat would have three double bedrooms with a GIFA of 92m² (comprising 67m² at first floor level and 25m² at second floor level). The Mayor of London's Housing Standards (March 2016) require that a single storey two bedroom 4 person dwelling have a gross internal floor area of 70m² and a 2 storey three bedroom 6 person dwelling a gross internal floor area of 102m². The ground floor flat exceeds the minimum space standards. Although the first/second floor flat fails by 10 sqm, officers have taken into account that the same standard would apply to 2 –storey houses and given that this is partly within the roof space, consider that the 1 storey dwelling standard of 95m² may be more appropriate, with a more marginal fail of 2sqm. The upper flat would have a combined living/kitchen/dining area. Although the Mayor's Housing SPG encourages developers to consider providing 2 living spaces for larger units, this is not a requirement. On balance, the upper unit, is considered to be acceptable in terms of floorspace. The existing rear garden would be subdivided to provided two gardens of 50m² with the upper flat having access to the rear section of the garden via an external staircase. The proposed change of use therefore maintains a family sized unit with access to suitably sized private amenity space and the proposal is considered to accord with the aims of policy CS14 (Design).

7.8 Neighbour Amenity Issues

The concerns raised about privacy and overlooking in relation to the rear window by the occupiers of neighbouring properties are noted. However the tall glazed window on the rear elevation of the two storey extension would provide light to a bedroom on the ground floor and a kitchen at first floor level. Although a tall window, the potential overlooking would be no different than from conventional windows. The proposal would have minimal impact upon number 51A Russell Road due to the separation distance between properties. Issues such as disturbance during construction can be addressed by a condition restricting the hours of construction. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.9 Developer Contributions

The proposal involves the conversion of an existing two bedroom dwelling house into two flats. Based on the Council's current legal advice, although an additional unit would be formed there would be no requirement for a financial contribution towards affordable housing in this instance due to the recent court decision in respect of financial contributions towards affordable housing of sited of less than 10 units.

The proposed development would however, be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

9. CONCLUSION

- 9.1 The proposed change of use of the property into two residential units involving the erection of rear extension and roof extensions is considered to be acceptable in design terms. The proposal would also be acceptable in terms of neighbour amenity. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

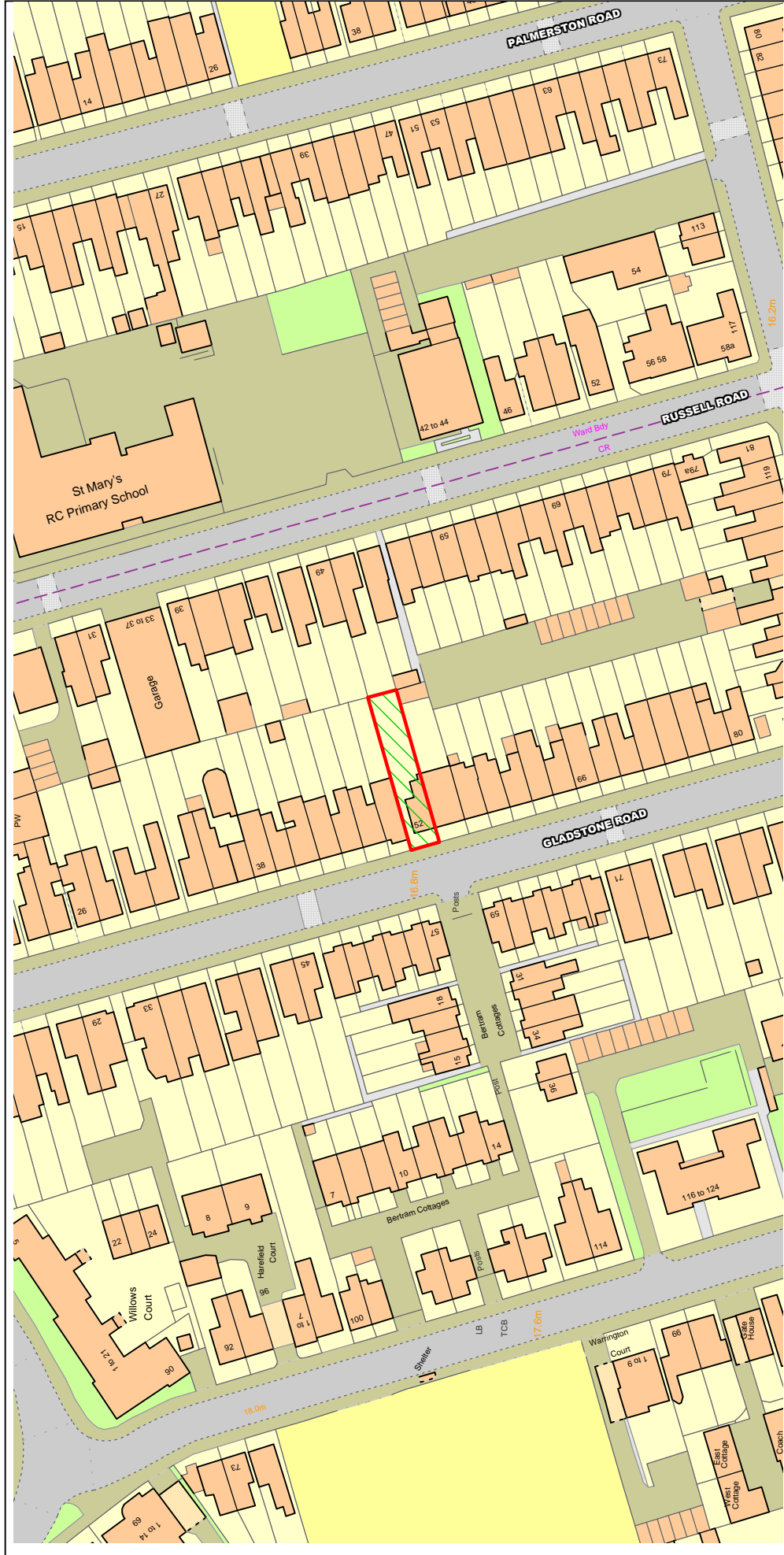
and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Drawings
3. B.1 (Approval of Facing Materials)
4. C.2 (No Permitted Development Doors/Windows)
5. C6 (Refuse and Recycling – Details to be Submitted)
6. C9 (Balcony/Terrace Screening)
7. D.11 (Hours of Construction)
8. INF.1 Party Wall Act

To view Plans, drawings and documents relating to the application please follow this [link](#)

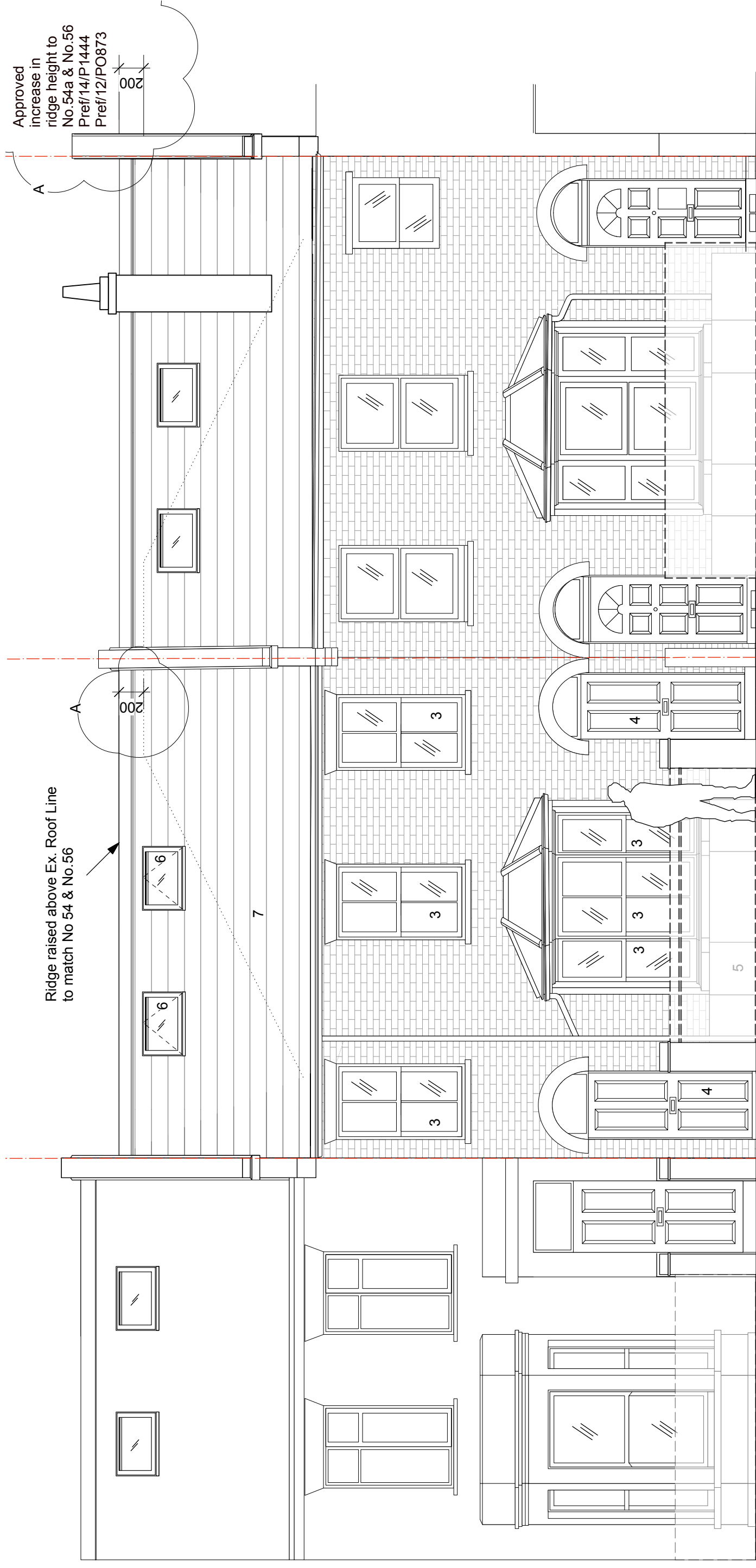
Please note that this link, and some of the related plans, may be slow to load

NORTHGATE SE GIS Print Template



Text Details **52 Gladstone Road**

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Approved increase in ridge height to No. 54a & No. 56 Pref/14/P1444 Pref/12/PO873

Ridge raised above Ex. Roof Line to match No 54 & No. 56

No.50
[Un-Surveyed]

- MATERIALS KEY**
1. London stock brick to match existing
 2. Fixed frameless glazing
 3. Double glazed timber sash windows
 4. Timber door
 5. Render
 6. Velux window
 7. Slate tiled roof

No.52

No.54
[Un-surveyed]planning approved
ref:
- No.54A: 14/P1444
- No.54: 14/P1980

No.56
[Un-surveyed]
Planning Approved
Ref:
12/PO873

BOUNDARY LINE

BOUNDARY LINE



PLANNING APPLICATIONS COMMITTEE

16th June 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P2647	10/09/2015
Address/Site	Brown and Root House, 125 High Street, Colliers Wood, SW19	
(Ward)	Colliers Wood	
Proposal:	Amendments to conditions, attached to planning permission reference 10/P2784 for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block to provide a mixed use development of 213 dwellings, 3 units (598 sq.m in total) for use within Classes A1 (retail), A2 (Financial and professional services) and A3 (Restaurants/cafes), 523 sq.m for community use (Use within Class D1) 301 sq.m for use as offices (Class B1) or community use (Class D1), creation of public open space together with car and cycle parking provision and landscaping.	

Drawing Nos

Proposed Site Plan

Phasing plan 210805 P008A

LO(03)301 P1 Ground Floor Plan (amended rec'd 03/05/16)

LO(03)302 P1 First Floor Plan (amended rec'd 03/05/16)

LO(03)303 P1 Second Floor Plan (amended rec'd 12/04/16)

LO(03)304 P1 Third Floor Plan (amended rec'd 12/04/16)

LO(03)305 P1 Fourth Floor Plan (amended rec'd 12/04/16)

LO(03)306 P1 Fifth Floor Plan (amended rec'd 12/04/16)

LO(03)307 P1 Sixth Floor Plan

LO(03)308 P1 Seventh Floor Plan

LO(03)309 P1 Eighth Floor Plan

LO(03)310 P1 Ninth Floor Plan

LO(03)311 C3 Tenth Floor Plan

LO(03)312 Eleventh Floor Plan

LO(03)313 Twelfth Floor Plan

LO(03)314 Thirteenth Floor Plan

LO(03)315 Fourteenth Floor Plan

LO(03)316 Fifteenth Floor Plan

LO(03)317 Sixteenth Floor Plan

LO(03)318 Seventeenth and Eighteenth Floor Plan

LO(05)101 North Elevation

LO(05)100 South Elevation

LO(05)102 East Elevation

LO(05)103 West Elevation

Accommodation Schedule Phase 1
Accommodation Schedule Phase 2
PL(02)100 Site Plan.

WH148/13/LO(05)001 – Proposed elevation with Phase 2 not implemented.

Contact Officer: Jonathan Lewis (020 8545 3287).

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London the completion of a signed Section 106 Unilateral Undertaking/Legal Agreement and conditions.

CHECKLIST INFORMATION.

- Heads of agreement – Permit free housing and provision of a review mechanism to deliver affordable housing contributions.
- Is a screening opinion required: Yes.
- Is an Environmental Impact Statement required: No.
- Press notice: Yes.
- Site notice: Yes.
- Design review panel consulted: No.
- Number of neighbours consulted: 192
- External consultations: English Heritage, GLA, TfL
- Archaeology: In a Priority zone.
- Flooding: In flood zone 3.

1. INTRODUCTION.

- 1.1 At the meeting of the Council's Planning Applications Committee on 23rd May a decision on this application was deferred The Item was deferred to a future meeting so that Officers could provide additional detailed information on the size of the apartments in relation to the London Plan space standards.
- 1.2 Officers were also requested to provide a Legal view on whether all the variations could be considered under the terms of a section 73 application.
- 1.3 Planning permission has been granted for a major mixed use development of the above site. Condition 2 attached to planning permission reference 10/P2784 requires the scheme be implemented in accordance with a schedule of plans. The applicant seeks to vary the condition under the terms of a Section 73 application in order to implement the development the design of which is different from that of the approved plans.
- 1.4 Development of Phase 1 is already progressing on the basis of the plans to be considered under this application and is well under way.

- 1.5 Accompanying the application are revised drawings which would result in a modest reduction in the number and mix of dwellings, some changes to the floorspace of non-residential uses, and a change to the configuration of the flats within the development.
- 1.6 The proposed amendments have been submitted against a backdrop of on-going discussions between Council officers and the applicant about a fresh application for what is known as the Phase 2 land and which could supersede proposals for this part of the development.

2. SITE AND SURROUNDINGS.

- 2.1 The site and its surroundings are described in the 2004 and 2006 reports to Committee extracts from which are appended to this report.
- 2.2 Since the 2010 application was considered by Committee development on site has commenced including the erection of an extension to the north side of the Tower and cladding of the building and continues to progress. The surrounding area is also experiencing change with environmental improvements to the highway network having taken place including along Christchurch Road, High Street Colliers Wood and Baltic Close. Completion of the Colliers Wood public realm improvements rely on the provision of the tower piazza.
- 2.3 The area within which the Tower is located is identified in the London Plan (2015) as an opportunity area for intensification.

3. CURRENT PROPOSAL

- 3.1 Planning permission was granted in April 2008 for a major mixed use development comprising the refurbishment conversion and extension to Brown and Root Tower. Details of the consented scheme are appended to this report, the scheme being amended between 2004 when a report was first considered by Committee and 2006 when amended proposals deleted a small parcel of land in the south east corner of the site. Planning permission was granted in 2011 for variations to the conditions attached to the 2008 permission such that it introduced a phasing condition into the permission; Phase 1 essentially being the extension and conversion of the Tower and Phase 2 being the erection of extensions to the rear of the Tower. The amendments to the permission were concurrent with amendments to the terms of a previously brokered S106 agreement and deleted various financial contributions towards the delivery of a new library, towards education open space and employment and the provision of affordable housing.
- 3.2 The applicant seeks to vary the conditions further under the terms of a Section 73 application in order to enable changes to the design of the development which would still be undertaken in two phases.

- 3.3 The submitted drawings differ from those considered at the time of the consented scheme in 2011. Changes are proposed to the quantum and arrangement of accommodation and to the massing of the proposals.
- 3.4 The changes to the design include a simplification of the shape and form of the projecting extension on the north side of the Tower. The approved scheme had a north facing elevation with a sloping face with a footprint smaller on the ground floor than on the upper floors. The revised design has a simple vertical face to the northern elevation. The change alters the footprint of the ground floor and results in an increase in floorspace for the commercial units (floorspace changes in table below). The northern extension to the tower has been built in advance of a decision being issued.
- 3.5 A more flexible arrangement of accommodation is proposed for the commercial units and rather than designating two retail units and 1 restaurant/café unit each is now identified as being for use within Class A1 (retail) A2 (financial and professional services) or A3 (Restaurant/café).
- 3.6 Adjustments have also been made to the community and office space in Phase 2 resolving a degree of conflict between floorspace figures and plans from an earlier iteration of the scheme. The changes also reflect a change in circumstances locally. The approved scheme had identified the D1 primarily for a new library and this is now being constructed at the nearby former Cavendish House site. The D1 floorspace is now identified for community uses providing greater flexibility with the remaining B1 office floorspace being identified for either office or community use (floorspace changes in table below)

	Consented scheme: 10/P2784	Amended scheme: 15/P2647
B1 (office)	923 sq.m	0 sq.m
D1 (Library/ community floorspace)	629 sq.m library	523 sq.m
B1 or D1 floorspace	0 sq.m	301 sq.m

A1 (retail)	370 sq.m	598 sq.m for use within Class A1, A2 or A3.
A2 (offices)	0 sq.m	
A3 (restaurant/café)	102 sq.m	

- 3.7 The latest changes propose more flats in the remodelled Phase 1 and fewer in Phase 2 with a slight reduction overall in the numbers (215 instead of 218 flats). The potential for Phase 1 to deliver more units is linked to re-designing the interior of the tower removing a redundant stairwell freeing up more space for active use.
- 3.8 Alterations to the configuration of the flats within the development are set out below:

Schedule of Accommodation:

Existing Permitted Scheme (10/P2784)	Studios	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Total
Tower and Extension to the North	12	56	82	0	0	150
Extension to the South	0	10	46	12	0	68
Total	12	66	128	12	0	218

Current Application (15/P2647)	Studios	One Bedroom	Two Bedroom	Three Bedroom	Four Bedroom	Total
Tower and Extension to the North	0	80	97	0	0	177
Extension to the South	0	0	0	30	6	36
Total	0	80	97	30	6	213

- 3.9 Amenity space for the development would be provided in the form of an enclosed open space with a footprint of 216 sq.m running up from the second floor to the fifth floor in the link between the rear of the Tower and the Phase 2 block in an area that previously had been shown as flats and 718 sq.m in an atrium in what also had previously been flats in the eighth and ninth floors in Phase 2. Individual flats in Phase 1 would not have balconies and this does not differ from the consented scheme while flats in phase 2 are designed to have individual balconies.
- 3.10 The applicant has also provided elevations showing the rear of the Tower in the event that Phase 2 does not proceed in its present form and is superseded by new proposals.
- 3.11 The applicant has also submitted with the application a copy of the 2003 Planning statement, the 2004 Flood Risk assessment and also an up to date viability study.
- 3.12 In order to clarify matters regarding sizes of units vis a vis London Plan standards the applicant has submitted a revised schedule of accommodation. The applicant advises that the revised schedule takes into account the sizes of the two bedroom apartments and their respective bedrooms and “clearly demonstrate that the two bedroom units are only suitable for three persons

and not four persons as previously outlined. In more detail, at least one of the bedrooms in each two bed unit are below the 11sq.m threshold, as set in the Nationally Described Space Standards and as such, are only suitable for single person occupancy”.

- 3.13 In support of the latest application the applicant’s planning advisor asserts that “the spreadsheet clearly highlights that the current live application, with the amended 2b3p units, makes an overall marked improvement on previous planning permission (10/P2784). Percentage wise, the previous application was 11% below London Plan Standards in total, whilst the current application with the correctly recognised 2b3p apartments are only 6% below the standards in total. This is a clear marked improvement.”

4. PLANNING HISTORY

- 4.1 March 2004 (03/P0202) the Planning Applications and Licensing Committee resolved to grant planning permission subject to the completion of a Section 106 obligation for the demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping (see Appendix 1).
- 4.2 December 2005. Planning Applications Committee resolved to grant planning permission for the same development as above subject to an amended set of heads of agreement for a Section 106 obligation and amended conditions.
- 4.3 August 2006. Following issues arising from part of the site being owned by a third party, the design of the scheme was amended, removing the part of the proposed extension in the south east corner of the site. The amended development comprised the following: Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café / bar (A3/A4) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping

Planning Applications Committee resolved to grant planning permission for the scheme as amended subject to the completion of a S106 agreement (subject to the amended heads of agreement and conditions).

Planning Permission was granted following completion of S106 in April 2008.

- 4.4 August 2006. (06/P1641) Application for redevelopment of site submitted by London Green Properties for the refurbishment and extension of the existing tower to include 315 residential units (146 X 1, 151 X 2 and 18 X 3 bedrooms), new library building (794 q.m), B1 office space (537 sq.m), retail

units (250 sq.m), D1 Health Centre (750 sq.m) and a new public square with associated landscaping and highway works. Application withdrawn.

- 4.5 December 2008 (08/P2787) Installation of an internally illuminated advertising hoarding. Advert consent refused and following grounds:
The proposal, by reason of its size, orientation, illumination and location would result in an unduly prominent and intrusive advertising display, detrimental to the visual amenities of the area, inappropriate to the location in which it is sited, and which would detract from the general conditions of highway and pedestrian safety, contrary to policies BE.28 and BE.29 of the Adopted Unitary Development Plan (2003).
- 4.6 September 2009 (09/P0652) Renewal of temporary permission for car wash facilities. Withdrawn.
- 4.7 February 2011 11/P0047
Emergency notice of installation of a 15m high temporary mobile phone mast fixed to a movable base on land to the rear of the tower and in place for a period of up to 6 months.
- 4.8 February 2012 10/P2784. Amendments to conditions attached to 2008 planning permission including introduction of a phasing condition and amendments to S106 agreement.
- 4.9 Submission of details to discharge various conditions attached to permission reference 10/P2784:
12/P2033 - Condition 15 - Archaeological works – approved. This submission also included details in relation to Phase 1 in respect of the following conditions: 24 (Car club scheme) approved, 18 (Working method statement) approved, 17 (Remediation) approved, 12 (café/bar kitchen ventilation) generic details at this stage and requires further submission, 11 (Sound insulation/attenuation measures) approved 10 (Parking and electric charging) approved, 9 (Cycle parking) approved, 6 (Storage and recycling of refuse) approved.
12/P3118 – Condition 16 – Foundation design for relevant phase - approved. Condition 13 - Landscaping (outstanding and now to be linked with the design details of the Colliers Wood public realm project). Condition 5 - surface treatment for relevant phase (outstanding and as Condition 13).
12/P3257 – Condition 20 temporary boundary treatment for relevant phase – approved.
13/P3306 – Condition 8 - general arrangement and 23 - parking plan approved.
13/P0514 – Condition 4 - external materials (Phase 1) – approved.
- 4.10 2013 - 13/P0467 - Application for non-material amendment to conditions 5, 8, 13 16 and 21 approved. The non-material amendment has the effect of changing pre-commencement conditions to pre-occupation conditions in relation to approval and implementation of surface treatment, vehicle access, hard and soft landscaping, foundations and groundworks for the relevant phase, and for entering into a S278 agreement for a scheme of works to the

highway including alterations to site access, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus layby and taxi rank on Christchurch Road within the overarching public realm design established by the Council and TfL's public realm project.

Officers advise that since endorsing this amendment TfL have assumed responsibility for all roads surrounding the development, and that any S278 agreement would now need to be between the applicant and TfL.

5. CONSULTATION

- 5.1 Site and press notices and 192 neighbours. No replies.
- 5.2 Cllr Nick Draper. Objections are raised regarding the absence of affordable housing and that all the development would be private.
- 5.3 GLA Planning Decision Unit. The proposed changes do not raise any strategic planning issues. The application relates to a permission that pre-dates the current London Plan and as such the development will not comply with various aspects such as space standards. However, it would be unreasonable to revisit these matters now particularly as the Phase 1 works are on site and the envelope of the building is fixed.
- 5.4 Transport for London. No objections. Given the nature of the proposed changes TfL is satisfied that they are unlikely to have an impact on the TLRN.
- 5.5 English Heritage (Archaeology). No comments.
- 5.6 Environment Agency. No objection.

6. POLICY CONTEXT

- 6.1 The relevant policies in the London Plan (2015) are:
 - 2.3 Growth Areas and coordination corridors;
 - 2.6 Outer London: vision and strategy;
 - 2.7 Outer London Economy; 2.8 Outer London Transport;
 - 2.13 Opportunity and intensification areas;
 - 3.3 Increasing housing supply;
 - 3.4 Optimising housing potential;
 - 3.5 Quality and design of housing developments;
 - 3.6 Children and young peoples play;
 - 3.7 Large residential developments;
 - 3.8 Housing choice;
 - 3.9 Mixed and balanced communities;
 - 3.10 Definition of affordable housing;
 - 3.11 Affordable housing targets;
 - 3.12 Negotiation affordable housing on individual private residential and mixed use schemes;
 - 3.13 Affordable housing thresholds;

- 3.16 Protection and enhancement of social infrastructure;
 - 3.18 Education;
 - 4.2 Offices;
 - 5.2 Minimising carbon dioxide emissions;
 - 5.3 Sustainable design and construction;
 - 5.7 Renewable energy;
 - 5.13 Sustainable drainage;
 - 5.15 Water use and supplies;
 - 6.2 Providing public transport capacity and safeguarding land for transport;
 - 6.3 Assessing effects of development on transport capacity;
 - 6.9 Cycling;
 - 6.10 Walking; 6.13 Parking;
 - 7.2 An inclusive environment;
 - 7.4 Local character;
 - 7.5 Public realm;
 - 7.6 Architecture;
 - 7.7 Location and design of tall and large buildings;
 - 7.14 Improving air quality.
- 6.2 The relevant policies in the Merton LDF Core Planning Strategy (2011) are:
- CS.1 Colliers Wood;
 - CS.7 Centres;
 - CS.8 Housing choice;
 - CS.9 Housing provision;
 - CS.11 Infrastructure;
 - CS.12 Economic development;
 - CS.14 Design;
 - CS.15 Climate change;
 - CS.16 Flood risk management;
 - CS.18 Active transport;
 - CS.19 Public transport;
 - CS.20 Parking servicing and delivery;
- 6.3 The relevant policies in the Merton Site and Policies Plan (2014) are:
- DM H2 Housing mix
 - DM H3 Support for affordable housing
 - DM C1 Community facilities
 - DM E2 Offices in town centres
 - DM E4 Local employment opportunities
 - DM D1 Urban design and the public realm
 - DM D2 Design considerations in all developments
 - DM D3 Alterations and extensions to existing buildings
 - DM F1 Support for flood risk management
 - DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
 - DM T2 Transport impacts of development
 - DM T3 Car parking and servicing standards
 - DM T4 Transport infrastructure
 - DM T5 Access to the Road Network

- 6.4 Associated Council/GLA initiatives - Connecting Colliers Wood:
The Colliers Wood area secured £1.6m from the Mayor's Regeneration Fund in 2012, matched by £820,000 from Merton, to improve local roads and public spaces, connecting the area to the river Wandle and Wandle Park.

Since 2013 Merton Council has been working in partnership with TfL and the Mayor of London on a project called Connecting Colliers Wood, focusing on streetscape and highways improvements.

Transport for London have undertaken major streetscape improvement works outside the tube station and at the junction with Priory Road. The works form part of a wider project to create a new town square to complement the redevelopment of Brown and Root tower into residential units. Work continues in the area with reviews having taken place to extend local CPZ's and to enhance the environment of Baltic Close. Criterion Capital have also paid the S106 planning obligation under the provisions of the 2010 scheme to the Council which is part-funding the public realm upgrades currently underway through the Connecting Colliers Wood project. The final phase of the Connecting Colliers Wood project will be the completion of the tower piazza, by Criterion, in accordance with the detailed public realm designs now established by LBM and TfL.

7. PLANNING CONSIDERATIONS

- 7.1 The redevelopment of Brown and Root Tower continues to be a catalyst to the regeneration of Colliers Wood with work to extend and re-clad the building (Phase 1) now well advanced.

- 7.2 The proposals the subject of this report and comprising changes to the consented scheme are the subject of an application for a material minor amendment under Section 73 of the Planning Act.

Amending conditions.

- 7.3 Section 73 of the Town and Country Planning Act enables applications to be made to remove or vary conditions on a planning permission.

- 7.4 Government guidance on Section 73 applications states: "the development which the application under S.73 seeks to amend will by definition have been judged to be acceptable in principle at an earlier date". The Local Planning authority can consider national or local policies or other material considerations which may have changed significantly since the original grant of permission, as well as the changes sought.

- 7.5 Planning permission may be granted subject to conditions differing from those subject to which the previous permission was granted. Planning permission must not be granted to extend the time within which development must be started.

- 7.6 Officers have sought the views of Merton's Legal Services as to whether the changes shown on the submitted plans may reasonably be considered under

an application under S73. While officers acknowledge that 4 further flats have been formed on the second to fifth floors in the area shown on the plans to be amenity space it is considered that this does not prevent the Council from considering the submitted plans under the terms of the current S73 application. The status of these flats and planning mechanisms to address this departure from the submitted plans is addressed below.

Changes to quantum and type of accommodation.

- 7.7 The changes relate to both the residential and non-residential elements of the scheme.
- 7.8 A slight reduction from 218 to 213 flats overall is not considered to have an impact on the scheme that would still make a substantial contribution to the delivery of housing in the Borough.
- 7.9 Since consideration of the 2010 scheme the Council has adopted its Sites and Policies Plan. Policy DM.H2 seeks the following mix of dwellings from new developments to provide housing choice: One bedroom 33%, Two bedroom 32% Three + bedrooms 35%. This mix is informed by a number of factors, including Merton's Strategic Housing Market Assessment (SHMA 2010), deliverability, viability, affordability, land availability and data concerning waiting lists.
- 7.10 Assessment of historical provision in the borough indicates a disproportionately greater delivery of smaller homes compared to larger homes: 84% of dwellings completed in the borough between April 2000 and March 2011 consisted of 1 or 2 bedroom units.
- 7.11 The latest proposals provide 80 (37.5%) one and 97 (42%) two bedroom flats in phase 1 and 30 (14%) 3 bedroom units and 6 (2.8%) 4 bedroom units in Phase 2. Were Phase 2 to proceed then the current mix while not fulfilling the Council's preferred mix would provide a greater proportion of 3 and 4 bedroom units than the consented scheme where only 5.5% of the units were 3 bedroom the remainder being studio, 1 and 2 bedroom units.
- 7.12 The proposed increase to the amount of non-residential floorspace in phase 1, or the widening of uses to which the units could be used, does not raise any issues that might conflict with adopted planning policies. The changes provide a pragmatic level of flexibility to help with marketing the units, the uses of which would be appropriate within the centre.
- 7.13 Legal Services have advised that any attempt to add a new use to the uses in the original development would generally be unlikely to be capable of being dealt with under S73.
- 7.14 A change from designation of floorspace space in Phase 2 from a library to a more generic "community" use, both uses being within Class D1, is again considered to be a pragmatic response to the evolving situation in Colliers Wood where a recently consented scheme, which includes provision of a new library at nearby Cavendish House, is now well underway.

- 7.15 Research into the development of the policies in the Council's Local Development Framework highlighted a surplus of underused office floorspace across parts of the borough and signalled both scope to allow for a contraction of such floorspace while directing new and major office provision towards Wimbledon. The reduced level of office floorspace in Phase 2 would not conflict with adopted planning policies.
- 7.16 Advice from Merton's Legal Services indicates that anything which involves a material enlargement of the original development, for example an increase in floorspace would generally be unlikely to be capable of being dealt with under S73. Overall the amount of non-residential floorspace has decreased not increased.

Maximising residential outputs, standard of accommodation and residential amenity.

- 7.17 The London Plan (2012 and 2015 (As amended)) and the Housing SPG (2012 and 2016) both post-date the 2010 consented scheme. Their significance is in that they set minimum overall space standards and amenity space standards for flats (London Plan policy 3.5 states that housing developments should be of the highest quality internally and externally. The Mayor regards the relative size of all new homes in London to be a key element of this strategic issue and has therefore adopted the Nationally Described Space standard in the most recent amendments to the London Plan.
- 7.18 While not subject to these standards the consented scheme would have delivered flats as follows:
Phase 1 – 52 flats (34.7%) over London Plan standards and 98 flats (65.3%) under.
Phase 2 - 64 flats (94) over London Plan standards and 4 flats (6%) under.
- 7.19 Based on the applicant's original schedule of accommodation and floorspace/bedspace data the amended scheme would deliver flats as follows:
Phase 1 – 17 flats (8.6%) over London Plan standards and 160 flats (90.4%) under.
Phase 2 – 30 flats (83.3%) over London Plan standards and 6 (16.7%) under.
- 7.20 On the basis of the original schedule, whereby the two bedroom units are labelled as 4 person/4 bedspace units the proposed changes would deliver a greater percentage of flats below London Plan standards than the consented scheme.
- 7.21 Further to the request from members of the Planning Applications Committee at the meeting on 23rd May the applicant has provided further information quantifying the shortfalls in the floorspace of the flats against London Plan standards.
- 7.22 The applicant asserts that having regard to the National Housing standards the two bedroom units are only suitable for three persons and not four

persons as previously described, the second bedroom falling below the minimum size for a double bedroom. The amended floorspace table from the applicant provides information regarding the percentage by which units in Phase 1 exceed or fall below London Plan standards on the basis of assigning the 3 bedspace standard to the two bedroom units (61 sq.m) and not the 4 bedspace standard (70 sq.m).

- 7.23 Based on the applicant's amended table, of those units that meet or exceed the minimum standards they range from being 102% to 117% relative to the London Plan (National Housing Standard).
- 7.24 Of those units that fail to meet the standards they range from being 86% to 95% relative to the London Plan (National Housing Standard). 37 units are 86%-89% of London Plan standards, while 112 are 90-99% of the London Plan minimum standard.
- 7.25 On the basis that the two bedroom flats are treated as 3 and not 4 bedspace units as a matter of judgement members may consider the floorspace shortfalls are not so great when weighed against the other positive factors of the scheme to warrant refusal.
- 7.26 The amended plans include large areas within the building envelope annotated as amenity space that previously were previously to be flats. Were the development to be completed in accordance with these amendments then the proposals would deliver an improvement to the amenity space available for the flats compared to the consented scheme. Were Phase 2 not to proceed then the plans would appear to deliver an enclosed amenity area towards the rear (south) elevation of the Tower. This however is the subject of a separate discussion with the applicant as flats appear to have been formed in this area.
- 7.27 London Plan policy 2.13 indicates that development proposals within opportunity areas (Colliers Wood/South Wimbledon is identified as such an area) should, amongst other matters, seek to optimise residential and non-residential output and densities, where appropriate contain a mix of uses contribute towards meeting or where appropriate exceeding minimum guidelines for housing and support wider regeneration.
- 7.28 The proposals have kept broadly within the scope of the consented scheme by creating open spaces within the building envelope along with large units in Phase 2 to balance out the provision of a greater number of smaller flats in other parts of the development. It is a matter of judgement as to whether an amended design that creates such open spaces within the building envelope fulfils successfully the objective of maximising residential output if it impacts negatively on the standard of accommodation of flats in Phase 1.
- 7.29 The introduction of a Prior Approval regime of light touch applications for the change of use of offices to residential accommodation post-dates the decision on the 2010 scheme. The effect has in, numerous cases across the borough, removed local authorities' potential to negotiate schemes that meet London

Plan standards or affordable housing being focused on simply assessing impacts on traffic, flood risk and contamination. The applicant has not exercised the scope to make such a submission which they could have done had they simply converted the Tower.

- 7.30 Officers have sought the views of Merton's Legal Services on the matter of exercising new prior approval rights, in effect a light touch planning application, to convert the former office block into flats. It is considered that the applicant cannot rely on the provisions of the more flexible prior approval regime in this instance. The applicant has clearly implemented development at the site to not only convert but extend the Tower whereas the prior approval provisions relate solely to securing a decision prior to the event of conversion of an existing building.
- 7.31 Nevertheless, members may wish to factor in the light touch provisions under the latest General Permitted development Order when weighing up the latest application's benefits and shortcomings.

Affordable housing.

- 7.32 At the time of considering the 2003 application issues of viability lead to the scheme being approved with a proportion of affordable housing less than the then current Merton planning policy target of 30% on site. Having regard to then current planning advice (Circular 06/98) which advocated flexibility where viability was an issue, it was agreed that the consented scheme would deliver around 22% of the units as affordable. The agreement required 50 affordable housing units (30 registered provider rented units comprising 20 two bedroom flats and 10 registered provider one bedroom flats, 10 shared equity units and 10 low cost home ownership flats comprising one bedroom flats).
- 7.33 A review of viability and subsequent renegotiation of the S106 at the time of the 2010 application resulted in the Planning Applications Committee endorsing changes which removed all affordable housing from the scheme.
- 7.34 The latest changes change the outputs from each phase of the development in terms of the numbers of flats provided. Combined with more stable economic conditions than were the case following conclusion of the original S106 in 2008, officers consider that this warranted a review of the financial viability of the scheme.
- 7.35 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.
- 7.36 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions

for reappraising the viability of schemes prior to implementation and other scheme requirements.

- 7.37 The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.38 Discussions surrounding the viability of the site have led to an independent financial assessment being undertaken. The review indicated that a contribution towards affordable housing would leave the scheme viable. The applicant challenged the methodology, which was based on sale of the units, indicating the scheme was to be for private rent and not sale. Officers are therefore continuing their discussion with the applicant with the objective of agreeing a methodology for capturing an off-site contribution towards affordable housing on the basis of the implementation of a 2 phase private rented scheme.
- 7.39 Officers consider that agreement on a suitable methodology would, even were Phase 2 not to proceed in its present form, assist the Council in its negotiations regarding the delivery of affordable housing in the event that a new scheme comes forward for consideration.

Traffic and transport.

- 7.40 Despite the changes to the delivery of units in each phase the proposals would not generate new issues that warrant a more comprehensive review of traffic and highways matters and TfL have raised no objections to the changes to the proposals.
- 7.41 S106 heads relating to the scheme's residential units being "permit free" and dedication of land to transport improvements on Christchurch Road would require consolidation in any amendment/deed of variation to the existing S106 agreement. Parking management, including car club spaces, and travel plans may be dealt with as conditions and no objections are raised by Transport Planning officers in this respect.

8. SUSTAINABILITY/EIA.

- 8.1 A screening opinion under the provision of the Town and Country Planning (Environmental Impact Assessment) Regulations has been issued confirming that an Environmental Assessment is not required for the proposals.
- 8.2 When considering the 2010 application the Council did not seek to impose new conditions requiring compliance with a particular code level for new homes. The Code for Sustainable Homes was withdrawn in 2015 and officers do not propose that this matter is revisited in terms of sustainable design and construction and provide the following observations.

8.3 Since 2003, when the consented scheme was submitted, there have been significant changes to the requirements of the Building Regulations. The latest changes to Part L (Conservation of Fuel and Power) relevant to the works underway were adopted in 2013 while a further upgrade to requirements was adopted earlier this year. In order to comply with the Building Regulations refurbishment, alterations and extensions to the Tower would achieve substantial reductions in CO2 emissions and achieve a standard of sustainable design and construction over and above that which would have been achieved had the scheme been implemented when Committee first resolved to grant planning permission.

9. CONCLUSION

9.1 Redevelopment of the Brown and Root Tower continues to play a key role as a catalyst in the wider regeneration of Colliers Wood.

9.2 Re-development of the Tower will deliver new housing, for which there is a recognized need and the regeneration of a building that had become an eyesore in the Borough and had gained wider notoriety across London.

9.3 In terms of the key amendments to the consented scheme, having sought advice from Legal services, officers are satisfied that the changes may reasonably be dealt with under the scope of an application under S73.

9.4 The slight reduction in the numbers of dwellings, the changes to the quantum of non-residential floorspace and the greater degree of flexibility to which that floorspace could be put are neither issues that detract from the substantial benefits of providing new housing or would result in an inappropriate mix of non-residential uses in the evolving town centre.

9.5 While the works taking place on site, including the insertion of 4 additional flats in the void where amenity space is shown on the submitted plans, deviates from the current application, officers are satisfied that this is not a basis to delay determination. Notwithstanding the need to determine the current application, the applicant has been invited to consider regularising the situation by the submission of a further planning application. The position of the flats would create a uneasy relationship with Phase II, essentially facing into the interior of part of Phase II as currently consented. Were the application deemed acceptable officers would wish to consider carefully the manner in which occupation of the flats might be conditioned so as to avoid this situation arising.

9.6 The changes to the external design of Phase 1 are essentially within the envelope of the consented scheme and are considered acceptable.

9.7 Alongside the benefits in terms of delivering new housing must be weighed the matters of the standard of accommodation. Some units exceed London Plan standards while other fail to meet those standards. Whether the combination of the changes to the configuration of the flats within the building envelope and the creation of amenity spaces where previously flats had been

proposed fulfils planning policies to maximise residential outputs while at the same time providing a high standard of residential accommodation is a matter of judgement.

- 9.8 The latest application has provided an opportunity to revisit the issue of affordable housing and the potential for the scheme to make a financial contribution.
- 9.7 The changes raise no new issues in terms of traffic, parking and servicing.
- 9.9 On the matter of sustainable design and construction since consideration of the earlier applications changes to the Building Regulations continue to ensure a higher standard of performance for new building. The Government's change in focus in the last year has resulted in the Code for Sustainable Homes being abolished and the Building Regulations being the main driver in terms of setting performance standards for new buildings and dwellings.
- 9.8 In the event that Committee consider the proposed changes to be acceptable then permission may be granted in accordance with the recommendation below.

RECOMMENDATION.

Subject to any direction from the Mayor, planning permission including the variation of the relevant condition/conditions may be granted subject to the completion of a Section 106 Legal Agreement providing for:

1. The financial viability of the phased development to be appropriately reviewed to secure off site financial contributions towards affordable housing.
2. Dedication of land on Christchurch Road and Priory Road frontages to facilitate transport improvements.
3. All dwellings to be excluded from obtaining parking permits.
4. The developer meeting the Council's legal costs for drafting/scrutinising the agreement/undertaking and monitoring the obligations.

And conditions based on the following schedule allowing for adjustments and deletions to be made to account for earlier non-material amendments, those that have been discharged and those that have been partially discharged and any other conditions discharged before this permission is issued:

1. A.7 In accordance with approved plans (Drawing schedule to be inserted).
2. The development hereby approved shall be implemented in Phases as shown on the approved plans referred to in Condition 2.
Reason: To provide flexibility in the implementation of the development in the interest of the regeneration of Colliers Wood and the objectives of the Council's adopted Local Development Framework (2011).

3. B.1 Materials to be approved. Amended to read “for each phase including street level frontages to any non-residential parts of the proposals” and “interim arrangements for those parts of Phase 1 prior to implementation of Phase 2”.
4. For each phase of the development the surfacing of those parts of that phase not covered by buildings or soft or hard landscaping, including any parking, service areas or roads and footpaths shall be carried out before the relevant phase of the development is first brought into use in accordance with details to be submitted to and approved in writing by the local planning authority before such works commence.
5. C.6 Refuse and recycling. Amended to read “for each phase”.
6. D.11 Hours of construction.
7. Prior to the commencement of each phase of development, details of the proposed vehicle access to serve that phase of the development shall be submitted to and approved in writing by the Local Planning Authority and the works as approved shall be completed prior to first occupation of the relevant phase of the development. Details of the proposed vehicle access to serve that phase of the development shall be submitted to and approved in writing by the LPA within 6 months of commencement of the development of that phase and the works as approved shall be completed prior to first occupation of the relevant phase of the development.
8. Prior to the commencement of use/occupation of buildings in each phase, details of cycle/mobility parking facilities for that phase shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
Reason: To ensure satisfactory facilities for cycle and mobility parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
9. Notwithstanding the parking arrangements shown on the approved plans, prior to the commencement of use/occupation of buildings in each phase, details of parking facilities for that phase, shall be submitted to and approved in writing by the local planning authority. The facilities as are approved shall be provided before first occupation of that phase and retained for the users of the development thereafter.
Reason: To ensure satisfactory facilities for parking are provided and to comply with policy CS18 of the Adopted Merton Core Planning Strategy 2011.
10. D.5 Soundproofing plant and machinery. Amended to read “for each phase”.
11. D.6 Ventilation systems. Amended to read “for each phase”.
12. F.1 Landscaping scheme. Amended to read “for each phase with details to match those of the Connecting Colliers Wood public realm designs” and

“before occupation” (linked to the amendments endorsed in the non-materials amendment submission 13/P0467).

13. The use of the buildings in each phase hereby approved shall not take place until such time as details of facilities for persons with disabilities has been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be installed prior to the occupation of the building/commencement of the use of each phase and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason. To ensure satisfactory access to and use of the development the development by people with disabilities.
14. K.1 Archaeology. Amended to read “for each phase”.
15. No work on site for the for the relevant phase of the development shall begin until a detailed design and method statement for the foundation design and all new ground works for that phase has been submitted to and approved in writing by the LPA. The relevant phase of the development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.
16. Prior to the commencement of the relevant phase development as scheme to deal with any contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent and nature of any contamination and measures to be taken to avoid risk to the public/buildings/the environment when the site is developed. Development shall not take place until the measures approved in the scheme have been implemented.
17. H.10 Construction and environmental impacts. Amended to read “for each phase”.
18. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(England) Order 2015 (or any other Order revoking or re-enacting the Order), permitting change to residential use via a prior approval submission, no change of use of the approved A1/A2/A3 floorspace is permitted without first securing planning permission from the LPA. Reason: To ensure that the use of the ground floor of Phase 1 contributes to the vitality and attractiveness of Colliers Wood as a town centre.
19. Boundary treatment to the site including the erection of any security hoardings during construction of each phase of the development and any temporary arrangements prior to implementation of Phase 2, shall be submitted to and approved by the local planning authority. The scheme shall be implemented prior to commencement of development and permanently retained during construction. Reason: In the interests of pedestrian and road safety.

20. Prior to occupation of the relevant phase of the development of development the applicant shall enter into and complete an agreement under S278 of the Highways Act with the Local Highway Authority, to provide for a scheme of works to the highway, including any alterations to site access, resurfacing of Christchurch Road between Priory Road and High Street Colliers Wood and other alterations to the highway to provide for an elongated bus lay-by, tramline and taxi rank on Christchurch Road. Such works as form part of the agreement shall be completed before occupation of more than 50% of all dwellings in Phase 1 of the development.

Reason. To ensure that the proposals provide satisfactory servicing arrangements and to ensure that highways improvement commensurate with the scale of the development are provided and consistent with the objectives of LDF Core Planning Strategy policies CS.11 and CS.20.

21. H.8 Travel plans. Amended to read “for each phase”.

22. H.11. Amended to include “having regard to the phased nature of the development”

23. Car Club (non-standard). Prior to the first occupation of the development, a car club scheme, including the specification for operation of the car club and off street car parking arrangements, shall be submitted to and approved in writing by the council. The car club scheme shall be implemented prior to the first occupation of the development.

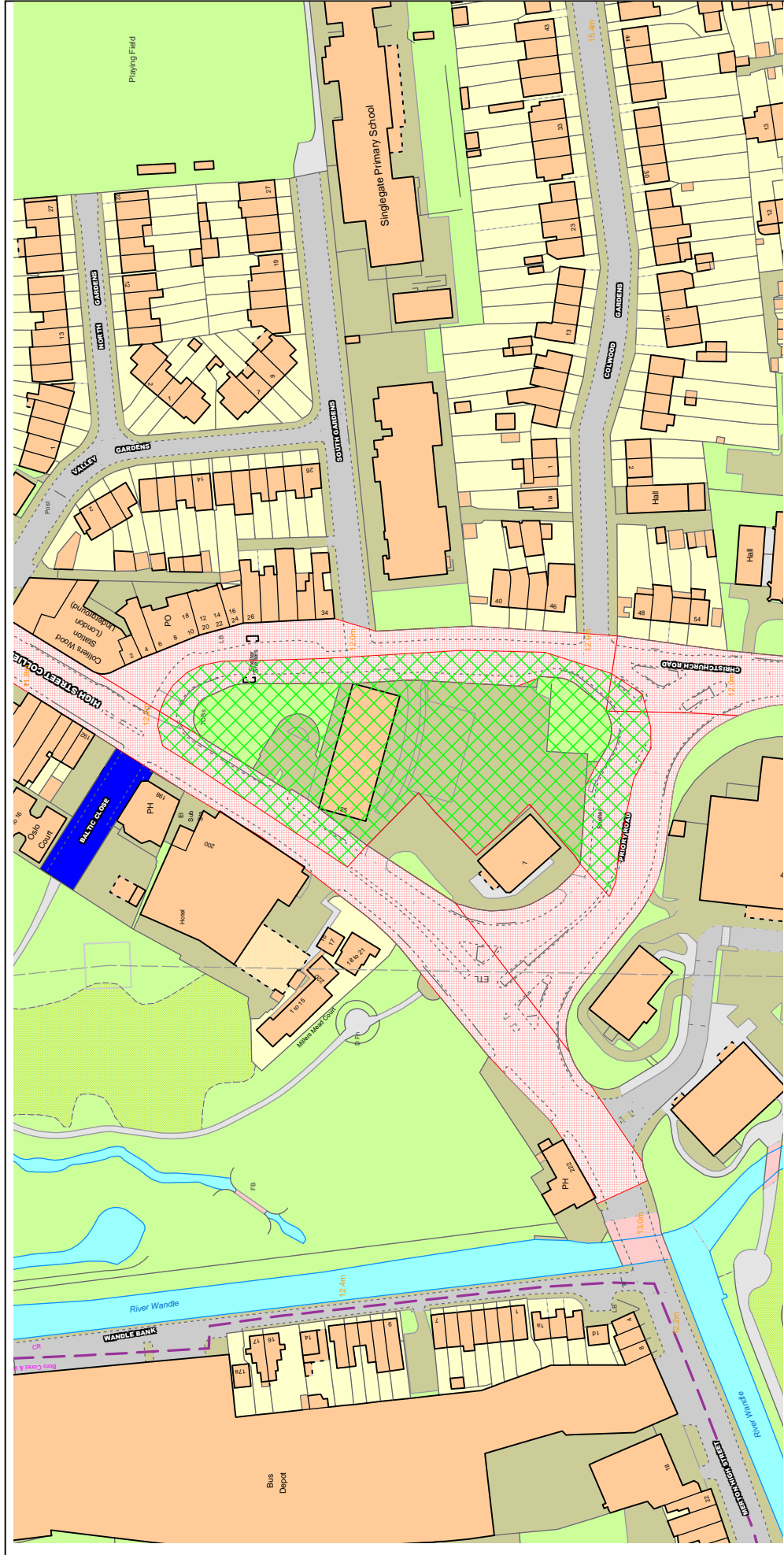
Reason: To facilitate more sustainable patterns of travel in accordance with adopted LDF Core Planning Strategy policies CS.20

To view Plans, drawings and documents relating to the application please follow this [link](#).

Please note that this link, and some of the related plans, may be slow to load

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NORTHGATE SE GIS Print Template



Text Details 125 High St, Colliers Wood

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Appendix 1.

PLANNING APPLICATIONS AND LICENSING COMMITTEE
11 March 2004

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
57/22	03/P0202	07/02/2003
Address/Site	Brown and Root House, 125 High Street Colliers Wood, SW19	
(Ward)	Colliers Wood	
Proposal:	Demolition of existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 226 residential units, 2 retail (A1) units (370 square metres), a new public library facility (629 square metres), Class B1 business/office adaptable space (876 square metres), a café / bar (A3) (102 square metres), creation of public open space together with car and cycle parking provision and landscaping.	
Drawing Nos	JS 0541/SITE 01D, PL 01D, PL 02D, PL 03D, PL 04D, PL 05D, PL 06D, PL 08D, EL 01D, EL 02D, EL 03D, EL 04D, SECT 01D & SECT 02D	
Contact Officer:	Olawale Duyile (020 8545 3113)	

RECOMMENDATION

Permission **GRANTED** subject to the completion of a Section 106 Agreement and conditions

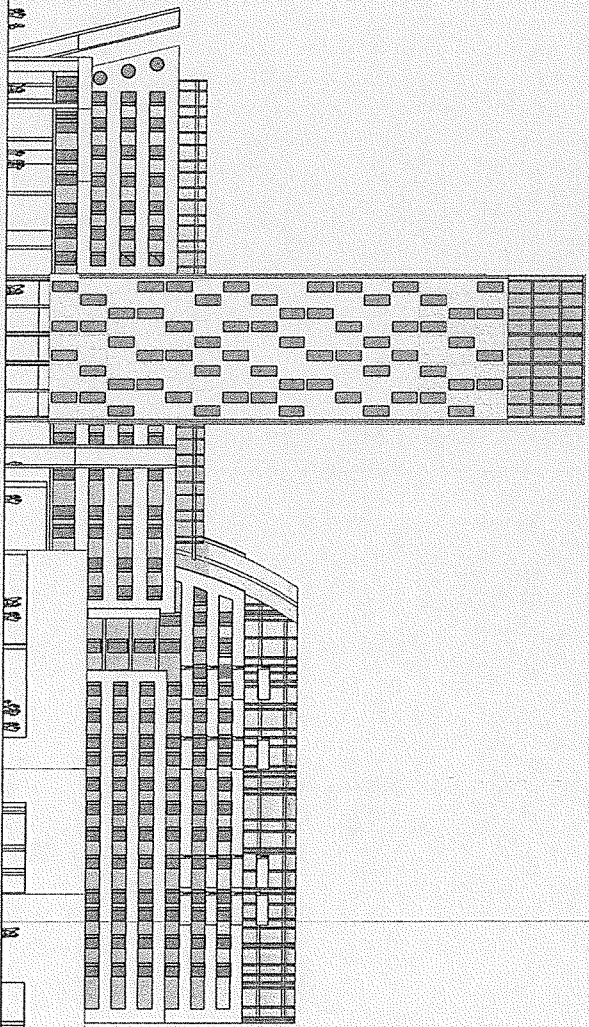
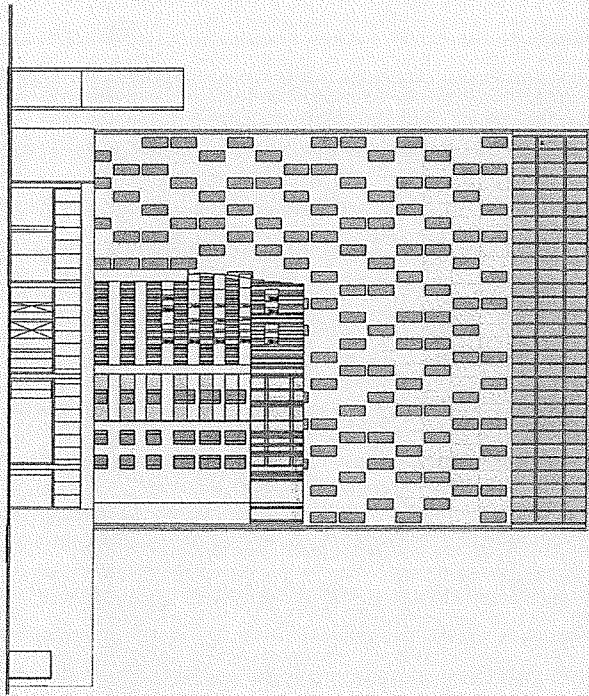
1. SITE AND SURROUNDINGS

- 1.1 The application site, herein referred to as site 1CW, forms an island, located at the centre of Colliers Wood between the intersections of Merton and Colliers Wood High Streets, Christchurch Road and Priory Road. It measures approximately 0.78 hectare and is triangular in shape, tapering towards the intersection of Christchurch Road and Colliers Wood High Street to the north. Colliers Wood High Street borders the site to the west, Christchurch Road on the north and eastern boundaries and Priory Road to the south.
- 1.2 Directly opposite the site on Christchurch Road is the Colliers Wood Underground Station and on the opposite side of Priory Road is Priory Retail Park, comprising, Currys, Burger King, Harveys etc. The Holiday Inn hotel is

space, 629 square metres of new library facility, a café/bar, leaving about 876 square metres of Class B1 business / office space.

- 2.2 **The tower and the two 6 storey extensions:** This aspect of the development comprises a 2 storey roof top extension to the tower (increasing its height by 5 metres to 59 metres) and two 6 storey extensions (each measuring 20 metres in height) to the north and south of the tower. The 2 storey roof top extension is intended to hide the existing unsightly plant room and upgrade the image of the tower. The 6 storey extensions are positioned obliquely to provide appropriate backdrop from the tower to the public open space being created on the northern side of the site. The northern extension is also intended to create a notional front entrance to the tower with distinctive sloping façade, which provides a scope for plasma translucent artistic images / public information or limited advertising screen. The northern building comprises the café/bar at ground and mezzanine level, whilst the ground and first floor of the tower is dedicated to retail use. The remainder of the space comprises residential flats. The southern extension provides a linkage between the tower and the new south block.
- 2.3 **The new 10 storey building otherwise known as the south block** replaces the unsightly spiral multi-storey car park and measures 29.5 metres in height. The building comprises a double storey public library at ground and mezzanine levels and office accommodation at first floor level. The upper floors comprise a total of 98 self contained flats. The building is designed with a sloping / parabolic façade facing the tower. The rationale behind this is to prevent overshadowing and loss of light to the lower part of the tower. The roof of the building would provide communal amenity space for the residential occupiers of the building.
- 2.4 The underlying concept of the design approach is to create a development with varied massing and more dynamic composition of the build form. The facing materials to be used vary from curtain wall glazed screens for the roof top extension to the tower and the uppermost storeys of the 6 storey extensions, insulating render system using bright colours on the facades of the existing tower and the other 3 buildings, powder coated aluminium framed windows throughout the development and rendered arcade columns with mosaic or aluminium cladding on the Christchurch Road elevation of the proposed library at lower levels.
- 2.5 The landscaping for the proposed public park will provide various hard and soft landscaping features with attractive street furniture set in striking paviers. The open area will be designed as lawn at pavement level with linear seats. This area will be attractive with the afternoon sun and will act as visual amenity at all times and may be illuminated at night. The public square street level is mainly kept as hard landscape relying on the umbrella of trees for contrast and softening and providing stronger links with Wandle Park.
- 2.6 Provision is made within the development for 76 car parking spaces on the ground and first floor levels of the proposed south block, together with storage facilities for bicycles. Vehicular access to the site would be from Christchurch

Appendix 2.
 Elevations
 10/02/184.



Scale: 1:100
 Scale: 1:50
 Scale: 1:20

Landon Borough of Merton
 -1 OCT 2018
 Planning Development Control

THE TOWER, 125 HIGH STREET
 COLLERS WOOD, SW19 2LR
 CAPITAL CRITERION
 PROPOSED ELEVATIONS
 WITH INDICATIVE MATERIALS

bm
 burgess meon architects
 195-1, Victoria Road
 121, Riverside
 London SW16 6AA
 1:020 8944 8030 1:020 8944 8506 e: bmo@burgessmeon.co.uk
 1:250 210805 P07

PLANNING APPLICATIONS COMMITTEE
16th June 2016

Item No:

UPRN

APPLICATION NO.

DATE VALID

15/P3760

30/09/2015

Address/Site:

Land Adj. to 5 Hillview, West Wimbledon, SW20 0TA

(Ward)

Village

Proposal:

Erection of a three-storey end of terrace building comprising two self-contained flats (1 x 1 bedroom (2 person) and 1 x 2 bedroom (3 person))

Drawing Nos:

P-01(A), P-02(A), P-03(A), P-04(A), P-05(A), P-06(A), P-07(A), P-08(A) & Construction Method Statement (Rev 1, dated January 2016, Ref: 12963)

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: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 21
- External consultations: None

1. INTRODUCTION

- 1.1 The applications have 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 parcel of land adjacent to 5 Hillview, West Wimbledon, which is an end of terrace house. The land currently comprises an area of lawn on the street corner, two flat felt roofed single garages set at right angles to the flank wall on no 5 and a large area of concrete driveway in front of the garages and the flank of no. 5. The site abuts an electricity sub-station on the southern boundary. The surrounding area is residential in nature with houses on Hillview built during the 1970s.
- 2.2 The site slopes downwards from north to south. The adjoining house at no 5 is 2-storey at the front and 3-storey at the rear as a consequence of the change in levels. The application site itself is separated from the substation site to the south by a small retaining wall at the boundary between the two driveways. On the other side of the substation are a further 3 linked flat roofed garages, also with a large concrete apron of hardstanding in front and then a further terrace of houses stepping down the hill.
- 2.3 The site is not within a conservation area or controlled parking zone (CPZ) and has a PTAL rating of 1b, which means it has poor access to public transport.

3. CURRENT PROPOSAL

- 3.1 The current application is for full planning permission to erect an end of terrace building comprising two self-contained residential units (1 x 1 bedroom (2 person) and 1 x 2 bedroom (3 person)). The building would be arranged over three floors with the 1 bedroom unit located at lower ground/ground floor level and the 2 bedroom unit located at upper ground/ground and first floor levels.
- 3.2 The proposed building would have a pitched main roof, partially recessed to incorporate an upper floor terrace. Its main materials would be brick with a tile roof, with a contemporary styling to its fenestration. The lower ground/ground floor flat would have access to 2 areas of amenity space, one on each frontage and the upper 2 bedroom unit has a roof terrace. One off-street parking space would be provided.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 MER141/73 - Conversion of garage to flat and erection of two garages. Granted - 11/04/1973.
- 4.2 15/P2987 - Erection of a two-storey end of terrace house on land adjacent to 5 Hillview. Registered.
- 4.3 Pre –application advice for the erection of an end of terrace house was sought in April 2015 (Ref: 15/P1436/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 F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure)
- 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 2015, as updated by the Minor Alterations (Housing Standards), March 2016 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 Merton Supplementary Planning Guidance (SPG) is also relevant: New Residential Development (September 1999) and the Mayor's Housing SPG (March 2016)

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, 10 letters of objection have been received including a letter of objection from the Residents Association of West Wimbledon (RAWW). The letters of objection are on the following grounds:
- Impact of lower ground floor on ground and surface water flows, risk of subsidence
 - Inappropriate form of development and use of materials, unsympathetic to the appearance of the wider setting, out of character, overdevelopment
 - Visually intrusive, overly dominant and unneighbourly form of development
 - Would lead to loss of openness/spaciousness and outlook, loss of view
 - Impact on parking and traffic
 - Would not comply with lifetime home requirements
 - Poor history of works carried out by applicant/concerns regarding unqualified labour, disruption from building works
 - Impact on existing power and water networks, sewers, health and safety concerns regarding close proximity of electrical sub-station to flats
 - Overlooking/loss of privacy
 - Application should be made invalid because two different proposals are shown on the website
- 6.2 Residents Association of West Wimbledon (RAWW)

RAWW raises concerns regarding the lack of an assessment of impacts of the proposed lower ground floor on drainage, flooding, and groundwater conditions. RAWW are also concerned with the poor standard of accommodation and lack of rear garden, which is not compatible with the character of the surrounding area. The proposal also fails to relate positively and appropriately to the siting, rhythm and density, of surrounding buildings and existing street patterns.

6.3 Future Merton

The Council's Flood and structural engineers have assessed the proposal and are satisfied with the details submitted so far subject to appropriate conditions being attached.

6.4 LBM Environmental Health

Application should be conditioned to require written evidence that electro-magnetic radiation emissions from the adjacent sub-station do not exceed ICNIRP guidance levels of 100 microteslas and 5 kilovolts per metre.

6.5 Condition for a noise survey to be undertaken in relation to the adjacent sub-station in particular by an acoustic consultant having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise and residential noise acceptability standards, including recommendations and appropriate remedial measures, including methods of ventilation and actions to minimise the impact of the surrounding locality on the development.

6.6 UK Power Networks

UK Power Networks have raised no objections but offer the following comments:

- From looking at the proposals it appears that the works will be "notifiable" under the Party Wall Act 1996. Please ensure that the Developer serves the appropriate notices on my company in good time and arranges for the award to be completed PRIOR to any building works commencing.
- Given that they are intending to build adjacent to the existing brick built Substation it should be prudent for the developer to review and adhere to the guidance which has been attached with this representation. The guidance addresses many of the main issues which a developer will need to consider when building next to a Substation.
- The developer will need to serve the appropriate demolition notices under the Building Act 1984
- Given the proposals to work within the vicinity of live electrical equipment the developer should take note of the HSG 47 Guidelines and comply with the "UKPN Dial Before you dig, DSR 29 COP2" and HSE HSG47 procedures (copies attached)

- Please ensure that the ventilation to the substation is maintained and not blocked when the build is finished. Additionally it will need to be protected from dust, debris, vibration and settlement throughout and after the works in conjunction with the attached document.
- The developer should not be opening any windows or encroaching on the air space above the substation as this would be a breach of our “Air Rights” as we own the Freehold title of the land.
- The developer should also consider “Acoustic Treatment” for windows and the property in general as the Substation is a live operational site feeding the local network.
- The developer will need to arrange the respective licences for over-sailing or scaffolding above the site in order to facilitate their works. They should contact UKPN directly to arrange this.

6.7 Following Environmental Health comments, UK Power Networks have confirmed that the typical ICNIRP levels for this type of substation are 1 microtesla at the perimeter fence, and will decay rapidly with distance. They have also confirmed that the substation is an LV Distribution Board, which means there is no transformer present and therefore no noise source. The site is purely for the interlinking of the network should a fault occur.

7.0 PLANNING CONSIDERATIONS

7.1 The main planning considerations in this instance concern the impact that the proposal would have on visual and residential amenity, the standard of accommodation to be provided and impact on parking/highways and surface/ground water flows.

7.2 Design and Impact on street scene

7.2.1 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.

7.2.2 The existing appearance of the corner, with a large concrete apron and flat roofed garages at a right angle to the adjoining terrace, detracts from the appearance of the street scene.

7.2.3 Houses on this part of Hillview were built during the 1970s and are typical of the modern architectural style of the era, featuring windows with a horizontal emphasis and shallow gable roofs. It is considered that the design of the proposed flats are well thought out with a contemporary modern style featuring a powerful angular roof and a large first floor window with a horizontal emphasis which wraps around the northwest corner.

7.2.4 The proposed building is also considered to be acceptable in terms of its size. Given the gradient of the road, the heights of houses step down from east to west and the proposed house would reflect this pattern with its eaves and ridge height positioned lower than No.5 Hillview. It is considered that this combined with the fact that the flank wall of the house would be located a minimum of 2.9m from the boundary means that the house would not appear overly dominant when viewed from the street. Provision is made for suitable landscaping around the site corner with a new tree and shrub planting as well as a suitable boundary wall, stepping down with the site contours. Overall, it is considered that the proposed house is a high quality design which would not have an unacceptable impact on the character or appearance of the street and wider setting.

7.3 Standard of Accommodation

7.3.1 The London Plan 2015, as updated by the Minor Alterations (Housing Standards), March 2016 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.

7.3.2 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.

7.3.3 The London Plan requires a minimum of 50sqm GIA for a 1 bedroom, 2 person flat and 70sqm for a 2 bedroom, two-storey (3 person) dwelling. The proposed 1 bedroom flat would be 53sqm and the 2 bedroom, two-storey dwelling would be 78sqm, exceeding the minimum required space standards. In terms of private amenity space, policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) requires for a flatted developments, a minimum of 5sqm of private amenity outdoor space for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. It is considered that the proposed dwellings would comply with policy DM D2 with the two bedroom (3 person) dwelling comprising a private amenity area of 8.5sqm and the one bedroom flat featuring two separate private amenity spaces to the north and west side of the building, each exceeding the minimum space requirement.

7.3.4 The proposed dwellings are also considered to be acceptable in terms of their layout, with good circulation and well proportioned rooms. The applicant has submitted an internal daylight assessment confirming that all of the habitable rooms, including the lower ground floor element of the 1-bed unit, would meet

the recommended Average Daylight Factor (ADF) targets set out in BRE's 'Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice' by PJ Littlefar (2011). The proposed house would therefore comply with policy 3.5 of the London Plan 2015 (as amended), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

- 7.3.5 In respect of the close proximity of the electricity sub-station, and following comments by the Council's Environmental Health department, UK Power Networks have confirmed that the typical ICNIRP levels this type of substation are only 1 microtesla at the perimeter fence, and will decay rapidly with distance. This could compare to a TV for example which produces a field of approx.50 microtesla close up. UK Power Networks have also confirmed that the substation is an LV Distribution Board, which means there is no transformer present and therefore no noise source. The site is purely for the interlinking of the network should a fault occur. In response to this additional information, Environmental Health have confirmed that conditions initially recommended relating to the sub-station are no longer necessary.

7.4 Residential Amenity

- 7.4.1 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.
- 7.4.2 It is considered that the proposed building would not have an unacceptable impact on neighbour amenity. The rear elevation of the building would be set back 2.3m behind the rear elevation of No.5 whilst the first floor terrace would also be located 3.4m from the side wall of No.5, which means it is considered that it would have an unacceptable impact in terms of privacy and noise on occupiers of this property.
- 7.4.3 The proposed building would involve the removal of three windows in the side wall of No.5. This is considered acceptable in this instance given two of the windows are to a bathroom and cupboard, whilst the third window is a secondary window to a bedroom. It should be noted that this house is currently being refurbished by the applicant and the windows are currently in the process of being removed.
- 7.4.4 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

- 7.5.1 The applicant has provided a Construction Method Statement and construction sequence of a typical underpin and this is considered to be acceptable. The applicant has also provided a ground investigation report which includes details of the results from a borehole which did not encounter any groundwater. The borehole was however undertaken in August and it winter readings from a monitoring standpipe would be likely to show a higher level. The Construction Method Statement states that the proposed amount of permeable area is increased from the existing 50.2sqm to 77.2sqm. It is considered that all permeable areas should therefore not be lined (through construction of the basement slab) to allow appropriate infiltration and to ensure that there is no increase in runoff from the application site. Due to the topography of the area, it is recommended that passive drainage measures are incorporated around the lower ground floor structure to reduce the risk of rising ground water.
- 7.52 The surface and foul water drainage in this location is via a shared pipe network running along Hillview ending at No.5 before entering the Thames sewer network. It is therefore the responsibility of the applicant to seek the necessary approvals from Thames Water and to ensure all surface and foul flows are maintained in perpetuity.
- 7.53 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 requiring a detailed scheme for the provision of surface water drainage and a detailed construction method statement to be 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

- 7.6.1 The site has poor public transport accessibility (PTAL 1b) and is outside of a controlled parking zone so a permit free condition would not be applied. The current maximum car parking standards are set out within the London Plan at table 6.2. In areas of poor transport accessibility on-site parking for 1-2 bedroom dwellings it is up to 1 space per dwelling in urban areas. Parking standards are to be applied as a maximum and given that the 2 bedroom dwelling would benefit from its own parking space, with only the 1 bedroom unit not benefitting from on site provision, no objection is raised to the proposed level of parking.

7.7 Landscaping

- 7.7.1 The proposed building would feature raised planting beds with a tree, which would soften its appearance when viewed from the street. A condition would be attached requiring details of landscaping including the species of the proposed tree. The condition would also require that the tree is permanently retained.

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. SECTION 106 LEGAL AGREEMENT

10.1 Affordable Housing

- 10.1.1 In terms of affordable housing, Policy CS.8 of the Core Strategy requires developments of 1 – 9 units to make an off-site financial contribution for provision of affordable housing in the borough. The affordable housing contribution is calculated based on a formula using the median open market valuation of the completed development based on three independent valuations.

- 10.1.2 In early May 2016, the Court of Appeal upheld the Government's change to Planning Policy Guidance to exempt small sites of 10 units or fewer and less than 1000 square metres floorspace from local authorities' affordable housing policies. The Council is currently seeking further legal advice on how this is considered to relate to officers' ability to seek affordable housing contributions for smaller sites in Merton in relation to Policy CS8.

- 10.1.3 in any event consideration of the affordable housing requirement for this site took place before the Court ruling. The applicant had submitted a viability report advising that a S106 for affordable housing would make the development unviable. An independent appraisal, at the developer's expense has therefore been carried out, which confirmed that the scheme as proposed would be unable to deliver both the affordable housing contribution and a reasonable target profit margin.

11. CONCLUSION

- 11.1 It is considered that the proposal would be acceptable in terms of its size and design and would not have an unacceptable impact on the Hillview street scene or wider setting. The proposal is also considered to have an acceptable impact on neighbouring properties, traffic/parking and ground and surface water flows. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

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.2 (No Permitted Development (Windows and Doors))
6. C.8 (No use of flat roof)
7. C.10 (Hours of Construction)
8. F.1 (Landscaping/Planting Scheme)
9. F.2 (Landscaping (Implementation))
10. F.9 (Hardstandings)
11. 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.

12. 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.

13. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. Before the 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 the drainage hierarchy contained in London Plan Policy 5.13, Merton's Policy DM F2 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 Polices Plan 2014.

14. 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 structural engineer who has designed the retaining walls and base. Construction working drawings including sequence of construction and temporary support drawings shall be submitted.

Reason: To ensure that structural stability of adjoining houses is safeguarded and neighbour amenity is not harmed and to comply with policy DM D2 of Merton's Sites and Polices Plan 2014.

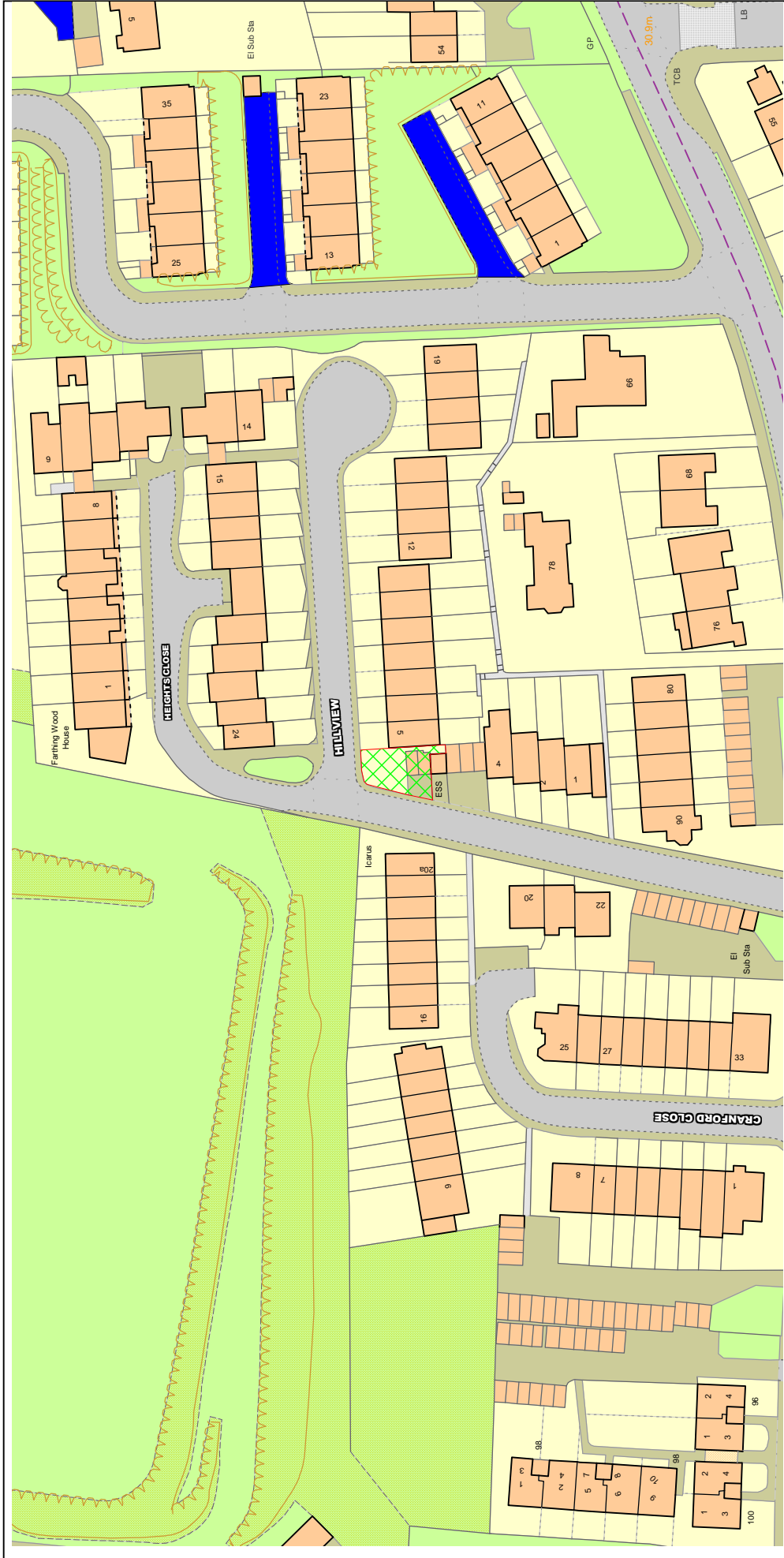
15. INFORMATIVE: The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/133214.pdf>

To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load

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NORTHGATE SE GIS Print Template



Text Details Land Adj to 5 Hill View

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PLANNING APPLICATIONS COMMITTEE

16th June 2016

UPRN	APPLICATION NO.	DATE VALID
	16/P0882	16.03.2016
Address/Site	Morden Park Pool, London Road, Morden	
(Ward)	Canon Hill/St Helier	
Proposal:	Erection of a new leisure centre with access, parking, landscaping and ancillary work together with change of use of a parcel of land from recreational land to car parking for disabled users, and the demolition of existing Morden Park pools, reinstatement of landscape and transfer to Metropolitan Open Land (MOL).	

Drawing No's A7 Build to plans; Site location plan and drawings; Site location plan and drawings; (20)001, (20)101, (21)001, (21)002, (22)001, (27)001, (90)001, (90)002,(90)003, (08)001, (08)101 (08)101, (08)900, GTA1230.GA.100, . GTA1230.GA 101 PL02, GTA1230.GA 102, GTA1230.GA 103, GTA1230.GA 104, GTA1230.GA 105, GTA1230.L.300, GTA1230.PP.400, GTA1230.PP.401, GTA1230.PP.402, DS24091401.01, DS24091401.02 , DS24091401.03 & DS24091401.04. Documents; Great Crested Newt Assessment and Reptile Survey 2015 to 2016 compiled by GPM Ecology, Crime Prevention Plan, Rev A compiled by GT Architects, Disabled Access Statement Compiled by GT Architects, Framework Travel Plan JH/11182 Compiled by DHA Transport dated Feb 2016, Framework Delivery and Servicing Management Plan Compiled by DHA Transport dated Feb 2016, Framework Construction Traffic Management Plan Compiled by DHA Transport dated Feb 2016, Phase 1 Ecological Survey report Compiled by Furesfen dated August 2014, Ecological Mitigation Plan compiled by Furesfen, Landscape Management Plan by Oobe Ltd dated Feb 2016.

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION:
GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted – Yes, twice
- Number of neighbours consulted – 371, twice
- Press notice – Yes (Major)
- Site notice – Yes

- External consultations: Seven; GLA, Sport England, Historic England, Transport for London, Metropolitan Police, Friends of Morden Park Playing Fields, Morden Park Playing fields Community Trust
 - Number of jobs created – n/a (staff to be transferred)
-

1. Introduction.

1.1 The matter is brought before Members as this is a Council application.

2. SITE DESCRIPTION.

2.1 The application effectively includes two sites, the existing Morden Park swimming pool and leisure centre and an area of open grassland located on the north side of the service road for the college, pool and Register Office, opposite South Thames College and adjacent to the existing car park.

2.2 The site is located within a number of designations being in the Upper Morden Conservation Area, within the Morden Hall and Park Archaeological Priority Zone and adjacent to the Stane Street APZ. The new site is within Metropolitan Open Land and adjacent to meadow which is managed and funded under Natural England's Higher Level Stewardship programme. The site is within a Green Corridor and is within the 500m foraging range of Greater Crested Newts, a protected species. Morden Park is Grade II listed and is in close proximity to the Grade II listed Morden Park House (Register office) and the Grade I listed Church of St Lawrence. The swimming pool building is considered to make a positive contribution to the Upper Morden Conservation Area.

2.3 The area is not at risk from flooding. The site is within a Controlled Parking Zone (M3) and it has Public Transport Accessibility level of 3 which is medium but is well served by bus links, Thameslink services out to Sutton and north into Merton and Morden Underground station is a five minute walk away.

3. PROPOSAL

3.1 The existing swimming pool complex is coming to the end of its operational lifespan and is currently beyond economic repair. The proposed new leisure centre will replace this facility and once opened the existing leisure centre will close and be demolished. When cleared the land will be replanted as open grassland with an orchard and will be designated as Metropolitan Open Land to counter the impact of losing the land for the new leisure centre, resulting in no net loss of MOL.

3.2 The existing leisure centre provides a 36 station Wellness Health and Fitness room, a 33m swimming pool, a teaching pool and a sauna.

- 3.3 The new leisure centre will provide a 25m 6 lane short course competition pool, a separate small pool (15mx13m) with a variable depth floor that can also be used as a diving pool including 5m board, a four court sports hall, a 100 station fitness suite, a 30sqm spinning studio and combined 200sqm studio/community room. As well as related changing facilities there will be café at ground floor level with a sitting out/plaza area. The building will be surrounded by some limited landscaping work to provide drainage systems. The maximum height of the building is 12.5m.
- 3.4 The existing car parking area will be revamped to provide 162 car parking spaces including 5 electric bays, active from the commencement of use with a total of 34 being made compatible for use later as demand dictates with an additional 10 new disabled bays adjacent to the leisure centre entrance.

4. CONSULTATION

- 4.1 As detailed in the accompanying Statement of Community Involvement the proposals have been the subject of lengthy pre-application consultations with local residents and community and faith groups through roadshows, newsletters and dedicated pages on the Merton website and in My Merton Magazine. There were also protracted pre application meetings between officers, councillors and with organisations such as the Greater London Authority and Sport England.
- 4.2 For the application a Conservation Area site notice was posted and 371 residents whose properties border or overlook the site were notified. In response to the resident consultation one objection was received raising concerns relating to building on MOL and suggesting that the existing car park be built on and an underground car park be provided.
- 4.3 Following confirmation of Great Crested Newts being on site a further consultation was undertaken. No responses were received to that consultation.
- 4.4 The **Greater London Authority** were consulted as the application was referable to the Mayor and they confirmed that the Council may proceed to determine the application without further reference to the GLA, they raised no objections to the proposals subject to the imposition of various conditions.
- 4.5 The **Greater London Archaeological Advice Service** at Historic England were consulted due to the location within an Archaeological Priority Zone. They approved the findings in the Written Scheme of Investigation compiled by MOLA and raised no objections to the proposals subject to appropriate conditions designed to protect any archaeology in the area.

- 4.6 **Sport England** raised no objection subject to the imposition of a condition requiring the new leisure centre to be operational before the existing one closed.
- 4.7 **Transport for London** raised no objections and found that the proposals were compliant with relevant policy and requested that the travel plan and Framework Construction Management Plan and Delivery and Servicing plans be secured by condition.
- 4.8 The **Metropolitan Police** Safer by Design Officer was involved in pre application discussions with the architects for the project and those discussions evolved into the Crime prevention strategy that was formulated to accompany the application.
- 4.9 The **Wimbledon Society's** planning committee wrote a letter commenting on the need for appropriate landscaping and requesting conditions be attached relating to the removal of the existing building.
- 4.10 **Transport Planning.** The proposals have been developed in cooperation with Council transport planners who are satisfied that the proposals will have no expected detrimental effect on highways operations whilst the Travel plan will help mitigate against any potential adverse impacts by promoting sustainable transport alternatives such that no objections are raised to the proposals subject to the imposition of suitable conditions.
- 4.11 **Trees Officer.** No objections subject to conditions.
- 4.12 **Future Merton - Open Space policy officer.** Commented; "My comments will only relate to the following planning policy matters: social infrastructure, open space and biodiversity.

Social Infrastructure

Subject to an assessment by others of the design, transport, amenity and open space criteria tests in the Development Plan policies, the proposed replacement leisure facility is in accordance with London Plan Policy 3.19, Merton Core Planning Strategy Policy CS13 and Sites and Policies Plan DM C1.

Metropolitan Open Land (MOL)

The need for a replacement facility is set out in chapter 5 of the Planning Statement and it should also be noted that it is listed in Table 27.2 'Infrastructure projects' in Merton's adopted Core Planning Strategy (2011) as Strategic Requirement 5H, which would meet Objective 5: 'To make Merton a healthier and better place for people to live and work in or visit'.

The methodology and conclusions regarding the development options, the site selection and the development options for the preferred site, that are set out in the Site Selection Assessment, are acceptable.

The Very Special Circumstances regarding need and site specific matters, as set out in paragraphs 5.4.1 to 5.4.21, are accepted. I would suggest that much *weight* should be awarded to the fact that the 6560sqm area of existing designated MOL, on which the building and its surrounding ancillary space is proposed, could be replaced on the undesignated land surrounding the existing building, with the next review of the Policies Map. A suitably worded planning condition should ensure appropriate landscaping in the location of the existing building.

The impact of the proposals on the openness of the MOL is essentially a design matter which others will comment on.

Designated Open Space

A suitably worded 'landscaping' condition, as referred to above, should ensure that the proposals meet the criteria test in paragraph 74 of the NPPF and Merton's adopted Sites and Policies Plan Policy DM O1 Open space Part b)ii. :

"the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;"

Others will comment on the design and transport criteria tests parts c) and e) of Policy DM O1.

Biodiversity

The site is within a Green Corridor, is within the 500m foraging range of Greater Crested Newts, a protected species, and it would affect a meadow which is managed and funded under Natural England's Higher Level Stewardship programme.

The methodology, findings and recommended mitigation measures that are set out in Furesfen's August 2014 Phase 1 Ecological Survey Report, Furesfen's Ecological Mitigation Plan and GPM Ecology's 11 May 2016 Great Crested Newt Assessment and Reptile Survey report, are accepted.

The most up-to-date landscape plan (GTA1230.GA 101 PL02) postdates the Furesfen reports and shows that there is now a 0.248ha shortfall in the quantum of space to mitigate against the loss grassland habitat. To ensure that the proposals achieve net gains in biodiversity, a planning condition should secure the restoration of Pond 2 in accordance with the mitigation measures proposed in the GPM Ecology report, where these works are described as desirable but not essential.

The proposals will not destroy or impair the integrity of the Green Corridor.

With suitably worded planning conditions that secure the delivery of the mitigation measures, the proposals would be in accordance London Plan Policy 7.19, Merton's Core Planning Strategy Policy CS.13 and Merton's Sites and Policies Plan Policy DM O2."

- 4.13 **Flood Risk engineer.** No objection to the scheme but commented ;
"While the above SuDS measures will offer several benefits and is acceptable in flood risk terms, the report does not fully consider how the design of the swales and pond could be used to maximise benefits for biodiversity, water quality and amenity, as per my previous comments. The planting mix for instance of the 'dry pond' will need further consideration at detailed design phase. At this stage, there has been no consideration as to whether some surface water flows could be diverted to pond 1 to help ensure higher water levels within the pond.

To ensure that the network is in appropriate condition and to establish whether surface water flows from the development feed into pond 1, a full CCTV of drainage network is required and this should cover the upstream pipe network feeding into the pond". The officer recommended the imposition of suitable conditions to achieve this.

- 4.14 The pre-application design was submitted to the January 26th 2016 **Design Review Panel** who commented;
"The Panel struggled with a number of issues relating to this proposal and felt that it needed considerably more thought before it became the high quality development everyone clearly wanted it to be. At the larger scale, the Panel noted the background that resulted in the site location and did not have a problem with this.

The Panel were very concerned that the building had been designed and the precise location decided, before any specialist heritage, ecological, landscape etc. assessments had taken place. It was the Panel's view that this work should have been done earlier in the process and have been used to inform the design and siting. The process was being done the wrong way round and the assessments ran the risk of being simply used to justify the pre-decided design.

This was particularly important, the Panel felt, as a balanced assessment of a range of specialist studies could help the applicant build a strong case for a particular design, location or arrangement that may have previously been considered difficult or inappropriate for a range of reasons.

The conservation assessment was important in this respect, as the proposal appeared to be trying to disassociate the building from the listed house, yet there appeared to be no explanation of how this approach was arrived at or why it was the right approach. A similar issue existed in relation to ecology. The habitat at the entrance to the

site had been considered as an inappropriate place to build, yet the ecological study had not been done.

The design needed to be informed by the ecological study and the conservation assessment. It was not clear whether the new building was visible from the listed house. For example, it may be considered preferable to harm an area of ecological value than to harm the setting of a high value heritage asset (Grade II*). These decisions and thought processes needed to be undertaken to inform and justify the building position, rather than hope they could be used to justify the currently proposed position.

The Panel struggled to see this clear thought process as to how the current proposal had emerged. It was also critical to get this right when making the argument about building in the MOL, rather than taking a simplistic approach about quantity of land taken and returned. The removal of the old pool building, and the returning of its site to open MOL needs to be an integral part of the proposals, and should allow an improved setting for the listed building.

This general issue of developing a rationale for the design, informed by specialist assessments was relevant to all aspects of the proposal, being equally true for the siting and the internal layout and organisation of the building. For example, the applicant stated a desire for the building to be highly visible from the main London Road, this being the reason for the bright green corner element, yet they also said that the existing vegetation would prevent views from this road.

The building was stated to be sited adjacent to the college buildings, yet the design did not show how the relationship between the buildings, and the space between them, was to be handled in a positive way, and there were no elevations provided to show this relationship. The Panel suggested that if this could not be made to work, or the building could not be sited close to London Road, then the applicant may like to consider siting the building more into the park as a true pavilion building.

The Panel had concerns about the orientation of the building - despite the reasons given by the applicant for it – the Panel were not convinced. In essence they felt it was wrong and not very legible to have to go past the building before being able to enter it. The pedestrian route was also considered poor, people being guided under the projecting roof alongside a blank wall.

The entrance was also considered confused in its legibility when it should be an obvious point of arrival. The emphasis created by the feature of a large expanse of bright green cladding suggests an arrival point whereas the entrance is to one side of this feature and the doors underneath are not the building entrance.

The Panel felt that the general design of the building did not work as well as it should. It felt like it was more an assembled kit of parts for a leisure centre, which could be anywhere, rather than something that was designed specific for the location. There were 7 -8 different materials shown, which was considered too many and this showed a lack of architectural language. It was felt to be an awkward and uncomfortable building with some basic errors of arrangement and planning. The café was tiny and separated from the rest of the building by the entrance draught lobby. It was unclear where parents would go while their children were swimming etc. It felt that, despite the large swimming hall there was little in the way of natural light penetration into the building and that would affect the quality of the internal space as well as increase energy demands for lighting.

It was felt that the roof form, as it met the ground did not need to be so chunky and there were too many columns. The whole assembly could be made to be far more elegant. On the park side, it would be better to land the columns directly into a planted area or green space to better link with the park.

The Panel felt that the applicant needed to thoroughly critique themselves to resolve these issues and work better with the context, where the design was a clear response to the site. The elements of the brief needed to be coherently integrated into an overall logic. The relationship to the college needed to be clear and to explore how the gaps between the buildings could become a threshold into the park.

There also needed to be a landscape architect input into the design from the offset – a clear omission when working in a park setting – which could identify possibilities to utilise the landform to good effect and deal with issues like the service yard. It was even questioned whether a large service yard was even needed.

The Panel urged the applicant not to simply design around a set of constraints, but to develop a strong case for a design that has evolved out of a thorough understanding of the context. If the design and public benefit is good enough, harm can be justified in terms of ecology, conservation or MOL”

VERDICT: RED

- 4.15 The design undertook some modifications in response to the comments and the application design was submitted to the March 15th 2016 Design Review Panel who commented;
“The Panel acknowledged the additional information that had been provided since the January review. However they felt that in its essentials the proposal had changed little. The Panel acknowledged that there had been further work on the landscaping. However they felt that a bespoke design for the leisure centre was needed that was driven by contextual anchors such as the wider landscape of the park,

the listed house and potential archaeology in the Roman road – it needed to be rooted in ‘what is already there’ and be better ‘anchored into the site’. Currently the proposal could be anywhere. This was not acceptable for a building that would be highly visible from within the park.

The Panel were clear that a design needed to emerge from the contextual analysis and that a landscape strategy or masterplan for the wider site – the new building, the listed house and the old leisure centre site - was key to this. It was also important that the car park was considered as part of the landscape strategy and not simply avoided or left as it is. There were germs of this appearing in the landscaped area of the old building but they had not yet become a whole landscape plan that knots together all the buildings and spaces. The Panel recommended that the applicant also identify all the relevant parameters and assign them relative weighting of importance, to aid them in the design process. There had to be a design process that allowed for originality and placemaking, which was currently missing.

The Panel felt that the applicant was relying heavily on advice from a range of expert fields to arrive at an acceptable solution. It seemed the applicant was being pushed and pulled in different directions and arriving at an unsatisfactory compromise, a bit like a ‘tick box’ exercise. The result of this was a functionally efficient building internally but a very unsatisfactory experience externally. The Panel felt that the building felt closed, heavy, unwelcoming, uninviting, a muddle to look at, not uplifting, placeless and simply did not ‘ooze’ quality.

An example of where this was being approached in an unimaginative way was with regard to the ecological area and the oak tree. The ecological area seemed to be ‘fenced off’ as sacrosanct rather than being extended, enhanced and integrated into the new context. This can also be said of the approach to the oak tree, where it’s presence is forcing the building further into the park. Was the value of one tree being given more weight than the added loss of open space needed by its retention? The rationale for this was not clearly expressed. A new tree could be replanted, but the green space could not be ‘unbuilt’ upon.

The impact of the building onto the park is always going to be strong, so it was important to have a quality building. It was stated that the building was at the top of a hill and couldn’t be hidden ‘let it celebrate’. Irrespective of the MOL land swap, it was stressed that the building still needed to be of the highest quality because it would be interpreted as being within the park and therefore the MOL. The building however, seemed to be trying to hide itself and not doing it well. It was suggested that a more linear form for the facilities could be explored so the building did not project out into the park so much. This was currently being prevented because the car park was not seen as part of the proposal or able to be changed. It was clear to the Panel that the

car park, the wider context of the house, and the old leisure centre site, were all part of the proposal.

It was considered that the layout and arrangement of the building, with the entrance facing the car park, would encourage people to drive, rather than use the bus, walk or cycle. It was considered legitimate that the design and layout of the building could and should encourage walking, cycling and public transport, and this was still clearly lacking in the layout. People will come from London Road and the entrance should be convenient and easy to find from this route. It was suggested that there was potential to share parking provision with the college, to reduce the number of spaces. If this application was from a private operator then the Council would be seeking transport improvements through a S106 that accorded with planning policies aimed at promoting sustainable travel and reducing car use. The Panel still felt that the entrance was unconvincing.

The Panel still struggled with the rationale for the roof form, even though it had been changed at the edges. They were not quite sure of the need for the curved roof over the sports hall or of the concept in general, as this was linked to the unresolved issue of whether the building proclaimed itself or tried to blend into the park. Different elements of the building did not necessarily need to have the same character or form. The Panel also suggested that the building should be designed so as it could successfully adapt and be added to in the future. This included the possibility for accommodating changing rooms for people using the outdoor sports pitches in the park.

Overall the Panel felt that little of substance had changed from the original proposal reviewed in January and it was essentially the same scheme. It was described as an achievement of efficient space planning and cost-effectiveness at the cost of good placemaking, where the two equally important aims are in discord, when they need to be in harmony, and the building needs to be in harmony with its context. This was currently not the case.

VERDICT: **RED**

4.16 Responses to these comments are found in section 7 of this report

5. PLANNING HISTORY.

5.1 Proposal site No relevant history

5.2 Within Morden Park

96/P0903 Planning permission granted for erection of two-storey pavilion comprising changing facilities, ancillary social facilities and caretakers flat, installation of all-weather pitch enclosed by 3 metre high weld mesh fence and 8 x 15 m high floodlighting columns,

formation of internal access route, surface parking for 128 cars and localised re-levelling and landscape works.

- 5.3 03/P2222 Planning permission refused for removal of all existing pavilions and hardstanding (except 4 tennis courts); provision of golf driving range involving the erection of new part single/part two storey pavilion building providing changing facilities, golf equipment shop, refreshment lounge, storage/office areas, caretakers flat and 55 driving range bays, installation of synthetic grass surface, erection of safety fencing and flood-lighting; provision of car park; enhancement of remaining open areas and landscaping.

6. RELEVANT POLICIES

6.1 London Plan (2015)

Relevant policies include:

- 3.19 Sports facilities
- 3.16 Protection of social infrastructure.
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.11 Green roofs and development site environs.
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.16 Green Belt
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations

6.2 Merton Local Development Framework Core Strategy (2011)

Relevant policies include:

- CS 11 Infrastructure
- CS 13 Open space and leisure

CS 14 Design
CS 15 Climate Change
CS 18 Transport
CS 19 Public transport
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan (2014)

Relevant policies include:

DM C1 Community facilities
DM D1 Urban Design and the public realm
DM D2 Design considerations
DM D4 Managing heritage assets
DM F2 Sustainable urban drainage systems
DM O1 Open space
DM O2 Trees, hedges and landscape features
DM T1 Support for sustainable travel and active travel
DM T2 Transport impacts from development
DM T3 Car parking and servicing standards
DM T5 Access to the road network.
DM R5 Food, drink, leisure and entertainment uses

6.5 NPPF 2012

Paras 87 & 89 Green belt
Paras 32, 36 & 39 Sustainable transport, travel plans & parking standards
Paras 58, 59, 61 & 75 Design
Paras 70 & 73 Community facilities
Para 74 Open Space
Para 132 Heritage assets
Para 14 & 15 sustainable development
Para 123 Noise
Para 125 External lighting

6.6 Merton Open Space Study 2010

6.7 Morden Park Vision 2009

6.8 Affordable Sports Centres 2013

7. **PLANNING CONSIDERATIONS.**

7.1 The key issues for consideration include the selection of the site, the impact of the proposal on Metropolitan Open Space, the Upper Morden Conservation Area and the Archaeological Priority Zone (APZ), the natural environment including protected species, the provision of sporting facilities, the design of the leisure centre, transport and parking.

7.2 **Site selection**

As detailed in the Site Selection Assessment document that accompanied the application the Council undertook an extensive study of potential sites for the new leisure centre in 2007 when a list of 14 potential sites was compiled. Each site was considered for the positive and negative impacts of location, planning, ecology, archaeology, timeliness, continuity of service, costs, land ownership, risks, ancillary features, regeneration opportunities, utilities and impact on other council services. The results were then shortlisted down to four sites.

- 7.3 From that shortlist, the application site, site 6, was chosen in 2014. The site benefits from being the one with the least impact on the APZ, is the only site not adjacent to a SINC although it will involve the temporary loss (although replaced) of MOL and will impact on some mature trees. The site is open for building, the existing pool can remain open during construction with no loss to service users, the existing car park can be used and disabled parking facilities improved whilst the site benefits from excellent transport links.

Metropolitan Open Space.

- 7.4 Policy 7.17 of the London Plan 2015, Policy DM O1 of the SPP 2014 and Policy CS 13 of the Core Strategy 2011 all set out a commitment to protect MOL and designated Open Spaces from inappropriate development. Policy allows for the development of land within MOL for sports and recreational provision where the loss would be replaced by equivalent or better provision in terms of quality and quantity in a suitable location which could be considered 'very special circumstances'. The need to increase sporting participation nationally is a government initiative to bring health, economic social and cultural benefits to communities. Whilst the proposal itself is considered to meet the very special circumstances criteria, this proposal has the added benefit that the building of the new leisure centre will be off-set by the creation of new open space where the existing leisure centre is located (currently outside the MOL) which will then be designated as MOL, thereby resulting in no net loss of MOL. The new leisure centre has also been positioned so that it will reduce its impact upon the openness of the MOL, a point praised by the GLA in its assessment of the scheme.
- 7.5 The GLA commented on the issue; "Whilst the proposal is considered to be 'inappropriate' development on MOL, the applicant has provided a robust special circumstance case for the proposals. In this instance, the proposed development on this site, is in accordance with London plan policies 7.16 and 7.17
- 7.6 **Impact on Open Space**
The site is also within designated Open space. Such land is 'protected' in policy terms by London plan policy 7.18 and SPP policy DMO1 which require an assessment to be made to show that the site is either surplus to requirements or the loss will be replaced by better or equivalent

provision or the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss. This proposal is considered to replace the lost space with sports facilities of a much greater quality and quantity in a suitable location within the park. The scheme has been designed to a high standard that will not harm the character, appearance or function of the Open Space or the visual amenities of the Open Space, whilst improving connectivity through the creation of new and more direct foot and cycle paths.

Conservation Area and Heritage assets

- 7.7 As well as being with a listed park and the Upper Morden Conservation Area the site is also in close proximity to Morden Park House, (the Register office) and the Church of St Lawrence which are both listed buildings as well as being situated within an Archaeological priority Zone due to proximity to the Roman Road, Stane Street. Consequently concerns relating to the impact of the proposals on heritage assets have been a very important consideration throughout the development of the scheme. London Plan policy 7.8, SPP policy DM D4 and Core Strategy policy CS 14 require high quality design to conserve and enhance the conservation area and to protect heritage assets and their setting.
- 7.8 The positioning and orientation of the leisure centre has been developed in order to mitigate any impact on the nearby listed buildings and for the development to sit attractively within the listed park. The Council commissioned Museum of London Archaeology (MOLA) to undertake a site assessment. In their document 'Built Heritage Statement' they noted that the existing swimming pool building is considered to make a positive contribution to the character of the Conservation Area and that whilst its demolition would involve the loss of an undesignated Heritage asset in its own right and therefore have a moderate adverse impact, the demolition of the site as a whole would have a minor positive impact on the setting of Morden Park, although the construction of a new leisure centre would be considered to have a moderate adverse impact on the character of the Upper Morden Conservation Area and the setting of listed Morden Park. MOLA considered however that the design was such that it would have a neutral impact on the CA. They recommended the imposition of suitable conditions to undertake a phase of archaeological standing building recording to Historic England Level 3 in advance of the commencement of works
- 7.9 MOLA also provided an Archaeology Assessment document setting out the archaeological context of the site and its potential history. The study found that although the site does not contain any designated heritage assets there is a marked difference between the north and south sides of the site with generally a far higher potential for archaeological finds in the north with very low potential in the south. Consequently their report recommended further archaeological investigation should be undertaken prior to any construction starting.

From the findings of the study a proposed Written Scheme of Investigation was drawn up in April 2016 and submitted to Historic England GLAAS who approved the wording and recommendations in that WSI.

Biodiversity and protected species.

- 7.10 Given the sensitive environmental considerations surrounding this site the Council has commissioned a number of environmental studies and surveys for the proposed site and its wider setting. As a result it has been established that Great Crested Newts have been found in the park, nesting around pond 1 and foraging up towards the site. Great Crested Newts GCN are a European Protected Species (EPS) and a priority Biodiversity Action Plan species. Whilst pond 1 has been found to have a population of around 7 GCN, pond 2 was not found to support them because of the poor quality of the environment at this pond. Because the proposals are considered to be a medium or High impact on the GCN population a mitigation scheme is required and a condition to that effect is recommended.
- 7.11 In addition to features such as the planting of the existing pool site as grassland and an orchard, an outline mitigation plan has been formulated by consultants and includes features such as a grassland maintenance regime, a Newt-exclusion fence around the site during construction plan, supervised hedgerow maintenance, a Pond Management Plan and monitoring period. The Pond Maintenance Plan includes replacing the fencing around pond 1, thinning of young trees, deepening the ponds and increasing water flow to them. The Council will be required under separate legislation to obtain an EPS licence prior to any works commencing.
- 7.12 An extended Phase 1 Habitat Survey was also undertaken to address the potential impact of the development on other fauna species including bats, birds, badgers and reptiles as well as species of flora. Trees of medium to high roost potential as well as parts of the existing leisure centre have the potential for roots but none were confirmed although there was evidence of potential foraging by bats in the area around the site. The survey recommended full bat emergence surveys be undertaken prior to demolition of the buildings and that works that may impact nesting birds be undertaken outside of the March to August nesting season.

Layout, scale and design

- 7.13 Policy 7.6 of the London Plan sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and

contribute to Merton's sense of place and identity. Policy DM D2 of the SPP requires the use of appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

- 7.14 The design and scale of the proposal has undergone a number of changes in response to comments from officers, the leisure operator GLL, the GLA and from the DRP at pre application stage before submitting the current proposal.
- 7.15 The building design has been influenced by a number of considerations, not the least of which is the requirement to accommodate the desired sporting facilities. In order to mitigate against the size of the building it has been designed to flow and curve into the landscape, dropping down along both the north and south elevations whilst providing an active frontage on the A24 and approach road elevations, keeping the entrance near the car park and retaining views out across the MOL from the interior.
- 7.16 In response to the RED received from the DRP in March 2016 the design team made a number of detailed comments set out below;
Site location; The planning proposals seek to demonstrate a mini-landscaping master plan to link the access road to the new Morden Leisure Centre, Morden Park car park, Morden Park House and the new landscaping for the area of the demolished Morden Park Pools. This plan seeks to knit and join together the buildings on the site of the college, leisure centre and Morden Park House using the access road as a link which flows and draws them to interlink most appropriately for public uses within a naturally formed landscape. The ability to plan more comprehensively to include more significant improvements to the car park and to the route in between would require an extension of the scope and the redline area. The area for mitigation required for the development on the MOL grassland has meant that the area was kept to a minimum.
- 7.17 Orientation of the building; A site visit took place with Sustainable Communities management team at the Council to review the layout and orientation of the building.
It was clear on that visit that a building would not be seen if it was closer to the London Road and that a building in this proximity to a main road could have operational issues for the users, especially the young. The building aligns with the rear of the main college building which sits comfortably within the two building masses either side of the access road and the distances between the buildings are conducive with ensuring an open, roomy and welcoming approach to Morden park and its facilities.
- 7.18 This alignment also serves best in the new leisure centre's relationship with the Grade 2* listed Morden Park House, in that the sight lines from

the house across the park towards the centre ensure that only the Plaza and the glazed frontage of the building are within view at the edges. The orientation to link the entrance of the leisure centre with the park would encourage families to use the park as well as the new leisure centre.

7.19 The entrance has also been positioned based on the sun path meaning that from mid-afternoon to evening, the plaza and entrance space will enjoy a good degree of sun, which helps to create a more welcoming aspect. If the entrance was positioned to the east, the plaza and entrance would be in shade for most of the day. The pools have been positioned to the north to ensure they have a degree of privacy from the plaza, enjoy views across Morden Park and also have little or no glare aspect on the pool water

7.20 There are 4 bus stops within walking distance on the main A24; Morden South, St Helier and Morden Tube Station all within walking distances and cycle and walking routes already exist within Morden Park. All of these are existing parameters according with Planning Policies and these will be supplemented in this development with cycle racks, designated disabled parking and the introduction of charging points within the car park. Early discussions have already been held regarding shared use of the college car park should this be required.

Whilst public transport, cycling and walking to the centre have been considered as part of the building and landscape design, we also recognise through the transport assessment, that the majority of users of the facility will still drive. From an operation perspective (a point which has to be considered when reviewing the success of the design), the entrance and car park must have a linkage and easy access from one to another. Locating the entrance to the east will create a disconnect between the two and discussions with the operator have been clear that the relationship (visually and physically) is very important to them.

7.21 Design in relation to specialist studies e.g. landscaping, ecology, heritage, etc.

The building has been designed as a bespoke solution to its setting and also around budget restraints. We have discussed and illustrated to the panel why the building has been located where it is and the necessary links to the car park.

We have been designing leisure centres for many years and it is important that the design progression is done inside out. The operational functionality of the internal spaces is key and the organisation and design of the space meets the design brief and operator requirements. This arrangement also includes the positioning of glazed openings and where transparency is important to the facility. Key spaces such as the pool hall, fitness suite, studio spaces and the

café should command transparency. This is where the glazing has been provided in each case to create lively, active frontages and welcoming routes around the building:

- Pool Hall – 50 % glazed on the north façade and gives open views to the park (and visa versa). We have at the same time been mindful that the operator wanted privacy to the teaching water and as such, the glazing area reduces to this zone.
- Fitness suite – Its location at first floor and targeting towards the entrance approach from London Road is perfect and we have introduced glazing to this aspect to ensure the connection is made.
- Studio – This has been arranged around the coloured “pod” which overhangs the main entrance and draws the eye towards it. The glazing will highlight the activity and people movement.
- Café – Is fully glazed enjoying aspects over the park, the pool hall and out onto the entrance plaza.

7.22 When designing these spaces the temptation is to add a great deal of glazing, however by doing this, it compromises the operation of the space and useable solid wall area. We have worked with the operator to this end and have arrived at a solution which provides this transparency where required, but maintains the space as an area which is both flexible and useable for the classes and events that they are meant for.

7.23 The buildings position has been arranged around a number of aspects, including the location of the internal components, entrance location and the connection to the car park, plaza and its approach. A series of design studies were drawn up which analysed the impact of sun path, prevailing wind, ecology and tree routes, massing effect on MOL land, connection to the car park and the approach from Morden Park House and the new landscape setting around the current Morden Park Pool. The building is set back slightly from the road which allows us to soften the edge between the park and the existing pavement and create a new threshold into the park. This threshold connects to the plaza behind why the building is positioned where it is. The effects of tree root zones and ecology have merely enforced our reasoning for the building position and its elements and by working with the various consultants, we have arrived at a solution which provides the operator and our team with a good solution to the design and layout, whilst at the same time, provides the ecologists, planning team, green spaces and local community groups with a solution that protects the existing habitat and vegetation. This isn't a solution which has fenced off ecological areas, rather it integrates with it and we are disappointed that the comments from DRP suggest this hasn't happened. Equally this has not been a tick box exercise. The solution and building position has been a co-ordinated approach.

- 7.24 With respect to the DRP comments on providing a weighting on parameters, etc. this is what we have been doing throughout the design process from the very start and is a key reason why the building has been positioned where it is and why various spaces are positioned on plan around their use and requirements.
- 7.25 There is as suggestion from the comments presented, that the sports hall could be re-positioned. This has been discussed previously with the operator and client team and various options were put forward early in the design process to look at aligning the hall next to the café (for example) to create a more linear building. Clearly this can be still done if the majority feel this is the right solution, but a key reason for not doing it was circulation and control of the space. All current public sport activities are arrived at through the entrance control barrier. It was felt that positioning the sports hall alongside the café, compromised this circulation and control.
- 7.26 The roof form over the pool hall curves for a number of reasons, which we had thought were illustrated:-
- The height of the pool hall has been driven by the diving facility and connecting the pool hall space to achieve visual connections from the fitness suite at first floor. This doesn't mean this volume needs to be accommodated across the full width. If this was the case and the "cathedral aspect" was adopted (which was suggested by the panel), the volume of the pool hall would be excessive for no reason and heating and energy costs would double.
 - Much of the pool use will be for teaching water at various stages of the day. This is not a competition pool. Our experience of designing these facilities has found that most children feel large "cathedral like" spaces very daunting. Most children between the ages of 0 – 10 are in a period of getting confident with water and swimming in general. By lowering the building height as we have done, through the curve, allows us to create a more domesticated space which allows us to maintain the height for diving, yet at the same time reduces the building height and creates a less intimidating space.
 - The building curve works with the flow of the landscape. This is not an attempt to hide itself in the park. Indeed we feel the form of the roof will create a striking aspect to this higher vantage point from approach on the north side towards the building. Indeed the colour of the roof could quite easily change to improve this striking aspect if it was felt that the copper colour blended in with its setting too much. This is an exercise which we have been looking at.
- 7.27 The roof curve over the sports hall has been created to create an illusion that the building is lower than it is. The building height has to be a minimum 7.5m internally and changing the form of the building, for example, to a 9m box externally will be quite oppressive. Through lowering the eaves as we have done, helps to reduce this impact.

- 7.28 Building in the MOL; The building is not trying to hide itself. See above comments on why the form of the building is such. It is more about the quality and use of the internal spaces which has informed the form and curved roof. At 10m high, the building is not going to be of a mass which will hide itself.
- 7.29 Regarding the position within the park, the comment seems at odds with the original suggestion of pushing the building further into the parkland. The building is situated within an accessible distance from the existing public realm and car park.
- 7.30 Despite the comments of the DRP the GLA were 'very supportive of the design, height, scale and massing of the building. Increasing the permeability of the park from the access road is strongly supported and will improve access to Morden Park from the South Thames College campus. The new leisure centre has been designed to minimise the impact on the openness of the MOL, and where possible improve the quality of the open space'. 'The proposal is supported in strategic urban design terms and is in accordance with London Plan policies 7.1, 7.3, 7.4, 7.5 & 7.6". Officers consider that the design team has set out a logical and reasoned response to the DRP concerns.
- 7.31 **Accessibility to facilities**
Making the facilities accessible to all members of the community has been a very important influence in the design of the leisure centre to ensure that disability does not prevent anyone from enjoying the full range of activities that will be offered. The application was accompanied by a Disabled Access Statement which sets out in detail all the various design features to be incorporated into the building and its surrounds in order to improve accessibility. The GLA supported the proposals and welcomed the level of detail provided. A condition requiring those features to be incorporated into the construction and maintenance of the site is recommended.
- 7.32 **Crime Prevention and public safety**
SPP policy DM D2 requires proposals to offer safe and secure layouts and whilst leisure centres are traditionally subject to low levels of crime incidents do occur and the proposals have been developed in association with helpful guidance from the Metropolitan Police Safer by Design Officer into a revised Crime Prevention Plan for the site. This has included measures for CCTV coverage, external lighting, access control systems as well as design details for the roof, all of which are intended to provide a well designed, safe and welcoming environment for visitors and staff. A condition requiring Safer by Design principles to be utilized is recommended.
- 7.33 **Provision of sporting facilities**

Policy 3.19 of The London Plan and SPP policy DM C1 encourage the provision of sporting and community facilities. This proposal will replace the existing leisure centre with a modern state of the art facility that has been designed to increase the level of use and type of facility currently available in a more accessible manner suitable for the whole community. The GLA and Sport England are supportive of this and the phasing of the proposal has been designed to provide a seamless transition between the existing and proposed facilities.

Neighbour Amenity.

- 7.34 The site is completely separated from residential neighbours by parkland and South Thames College. Consequently it is considered that there will be no negative impacts on neighbour amenity from loss of light or outlook, noise or disturbance and there have been no objections on grounds of amenity.

Parking, servicing and deliveries.

- 7.35 London Plan policies 6.3m& 6.12, Core Strategy Policy CS 20 and SPP policies DM T2 and T5 consider the impact of proposals on the road network and matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.
- 7.36 The application has been accompanied by an in depth Transport Analysis which has been considered by TfL as the access road joins the A24, a road for which they are responsible. Whilst it is anticipated that the new leisure centre will have an increased attendance and therefore increased vehicular traffic, the modelling has shown that the junction will be able to accommodate the increased traffic without a negative impact on the road network.
- 7.37 London Plan policy 6.13 and SPP policy DM T3 address issues of parking. The scheme will see a reduction in available parking spaces from 190 spaces to 162 plus 10 disabled bays. The transport analysis determined that the existing car park was rarely used anywhere near its full capacity, (the average weekday occupancy being 33% and less than 25% at weekends, even allowing for visitors to the Register Office who also use the car park) and that the new layout would still provide more than sufficient parking for the users of the new facility.
- 7.38 London Plan policies 6.9 & 6.10, SPP policy DM T1 and Core Strategy policies CS 18 & CS 19 are all concerned with encouraging active transport modes and the use of public transport. The proposal will provide Sheffield Stands cycle storage for 44 cycles and a Travel Plan has been formulated to encourage sustainable transport modes. The site will have a Travel Plan Co-ordinator who will take a leading role in overseeing the implementation of the plan supported by a transport steering group. The proposals are supported by TfL.

7.39 The Transport Steering Group will also have a key role during the construction and demolition phases ensuring that all works are undertaken in accordance with the guidance set out in the Construction Traffic Management Plan. A condition requiring the works to be undertaken in accordance with this document is recommended

7.40 Once constructed and operational the leisure centre will need to be serviced and receive deliveries. A method of ensuring this take places without a negative impact on any stakeholders has been formulated in a Delivery and Servicing Management Plan and supporting drawings within that document demonstrate through tracking diagrams that this can be physically achieved on the proposed layout. A condition requiring the site to be serviced in accordance with this document is recommended

Refuse and recycling

7.41 The refuse and recycling facilities will take the form of bin stores located adjacent to the service area.

Trees

7.42 Core strategy policy CS 13 expects development proposals to incorporate and maintain appropriate elements of open space and landscape features such as trees which make a positive contribution to the wider network of open spaces whilst SPP policy DM 02 seeks to protect trees that have a significant amenity value as perceived from the public realm. The application was accompanied by a Tree Survey report, Tree Survey Plan, Arboricultural Impact Assessment and Tree Constraints Plan which surveyed and classified 106 trees on site and whilst there will be some removal of trees along the access road, none of the highest quality category A trees will be removed or affected by the proposals and the reports demonstrate how they will be protected during construction. Three trees along with a section of hedging will need to be removed to facilitate the development but the trees are category C trees.

Sustainable design and construction.

7.43 The proposals have been developed to ensure high levels of sustainability and energy efficiency. When considering the application details the GLA were satisfied the proposals broadly followed the energy hierarchy with a range of passive design features and demand reduction measures proposed to reduce carbon emissions. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations and they welcomed the use of efficient lighting and high efficiency boilers. New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. Conditions to this effect are recommended.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of an Environmental Impact Assessment (EIA).

9. CONCLUSION

- 9.1 The existing leisure centre and swimming pool has come to the end of its operational life and requires replacement. The proposed site was chosen after lengthy consideration and consultation. Although situated on Metropolitan Open Land there will be no net loss of MOL because once the new leisure centre is opened the existing centre will be demolished and the land returned to grassland and orchard and designated as MOL. Through extensive mitigation measures the proposals will not have an adverse impact on biodiversity and the scheme has been designed to have no negative impact on, designated heritage assets, neighbour amenity or traffic and parking whilst the building design was supported by the GLA and with the exception of the Design Review Panel and one resident there have been no objections to the proposals. The proposed design is considered appropriate for this sensitive setting. For the reasons outlined in this report the proposals are considered to accord with relevant planning policies and are recommended for approval subject to conditions.

RECOMMENDATION

Grant planning permission subject to planning conditions

Conditions

1. A1 Commencement of works
2. A7 Build to plans; Site location plan and drawings; Site location plan and drawings; (20)001, (20)101, (21)001, (21)002, (22)001, (27)001, (90)001, (90)002, (90)003, (08)001, (08)101 (08)101, (08)900, GTA1230.GA.100, . GTA1230.GA 101 PL02, GTA1230.GA 102, GTA1230.GA 103, GTA1230.GA 104, GTA1230.GA 105, GTA1230.L.300, GTA1230.PP.400, GTA1230.PP.401, GTA1230.PP.402, DS24091401.01, DS24091401.02 , DS24091401.03 & DS24091401.04. Documents; Great Crested Newt Assessment and Reptile Survey 2015 to 2016 compiled by GPM Ecology, Crime Prevention Plan, Rev A compiled by GT Architects, Disabled Access Statement Compiled by GT Architects, Framework Travel Plan JH/11182 Compiled by DHA Transport dated Feb 2016, Framework Delivery and Servicing Management Plan Compiled by DHA Transport dated Feb 2016, Framework Construction Traffic Management Plan Compiled by DHA Transport dated Feb 2016, Phase 1 Ecological Survey report Compiled by Furesfen dated August 2014, Ecological Mitigation Plan compiled by Furesfen, Landscape Management Plan by Oobe Ltd dated Feb 2016.

3. Non standard condition; Prior to the demolition of the existing Morden Park Pools, the replacement new leisure centre shall be built, made fully operational and available for use. Reason to ensure satisfactory replacement sports facility provision is provided and to accord with London Plan policies 3.19 & 7.17 and Merton Sites and Policies Plan policy DM C1.
4. B3 Amended The materials for the leisure centre as well as site and surface treatments and boundary walls and fences shall be those as stipulated on the approved drawings unless otherwise agreed in writing by the Local Planning Authority. Reason To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.
5. D10 Amended Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary and shall comply with BS 5489:2013
6. Non standard condition 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, Merton's Policy DM F2 and the advice contained within the National SuDS Standards.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site to no more than 5l/s and provision of no less than 330m³ of storage and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation;
- iii. provide a drainage management and maintenance plan for the lifetime of the development.
- iv. a CCTV of the drainage network, including tracing and survey of the pipes feeding into the existing park ponds and all existing connections.

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 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

7. D11 Construction times.
8. F1 Amended No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, measures for their protection during the course of development, and shall clearly indicate the extent of the landscaping and planting that will be completed prior to the occupation of the new leisure centre building and the planting season when the rest would be completed. These works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority

Any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces, to ensure the provision of sufficient replaced MOL and Open Space in terms of quantity and quality in a suitable location, to protect and promote nature conservation and biodiversity, and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5, 7.17, 7.18, 7.19 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2, O1 and O2 of Merton's Sites and Polices Plan 2014.

9. H2 Vehicle access provision
10. H4 Provision of parking spaces.
11. H7 Cycle storage implementation
12. Non standard condition. The applicant shall, for the existing Morden Swimming Pool Building, undertake a phase of archaeological standing building recording to Historic England Level 3 in advance of the commencement of demolition.

Reason: To preserve the details of the historic significance of the building and its setting in accordance with London Plan policy 7.8 and policy DM D4 of the Merton sites and Policies Plan 2014.

14. H8 Travel Plan in accordance with Framework Travel Plan JH/11182 compiled by DHA Transport dated Feb 2016
15. The construction and demolition phases of the development hereby approved shall be undertaken in accordance with the details shown in the approved document 'Framework Construction Traffic Management Plan Compiled by DHA Transport dated Feb 2016' Reason
16. F13 Amended The landscaping shall be maintained in accordance with the details in the Landscape Management Plan by Oobe Ltd dated Feb 2016 unless otherwise agreed in writing by the Local Planning Authority.

To ensure the appearance of the development is maintained in the interest of the amenities of the area, to ensure the maintenance of sustainable drainage surfaces, to protect and promote nature conservation and biodiversity and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5, 7.19 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

17. No development shall take place until details of the enhancement works for Pond 1 and Pond 2, as set out in part 6.2 of GPM Ecology's 11 May 2016 report and the areas of compensation grassland, as set out in paragraphs 4.13 - 4.16 of Furesfen's 'Ecological Mitigation Plan', has been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme setting out when each aspect of the pond enhancement works will be carried out and the compensation grassland will be established, in relation to the construction and demolition programme for the approved works. The works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and promote nature conservation and biodiversity and to comply with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2015, policies DM D2 and DM O2 of the Merton Sites and Policies Plan 2014, and policy CS 13 of the Core strategy 2011.

18. No demolition works to the existing Morden pool buildings shall take place until a bat presence survey has been carried out by a suitably qualified person in accordance with paragraph 4.15 of Furesfen's 'Ecological Mitigation Plan'. A written report, which might include mitigation measures, shall be submitted to the Local Planning Authority and any demolition works shall be carried out in accordance with any

mitigation measures, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and promote nature conservation and biodiversity and to comply with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2015, policies DM D2 and DM O2 of the Merton Sites and Policies Plan 2014, and policy CS 13 of the Core strategy 2011.

19. L6 BREEAM – Pre-Commencement (New build non-residential)
20. L7 BREEAM - Pre-Occupation (New build non-residential)

21. Non standard condition Unless otherwise agreed in writing the new leisure centre shall operate in accordance with details set out in the approved document 'Framework Delivery and Servicing Management Plan Compiled by DHA Transport dated Feb 2016', REASON To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Polices Plan 2014.

22. The development hereby approved shall be undertaken having regard to the recommendations in the approved document, Crime Prevention Plan, Rev A compiled by GT Architects. Reason, To provide a safe and secure layout in accordance with policy DM D2 of the Merton Sites and Policies Plan 2014

- 23 The development hereby approved shall be undertaken having regard to the recommendations in the approved document, Disabled Access Statement Compiled by GT Architects. Reason to ensure the highest practical standards of access and inclusion and to be accessible to people with disabilities in accordance with policy DM D2 of the Merton Sites and Policies Plan 2014

24. F5 Tree protection amended. The development hereby approved shall be undertaken in accordance with the details shown in the approved Arboricultural Impact Assessment and drawing DS2409140.03 To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.

To view further Plans, drawings and documents relating to this application please follow this [link](#):

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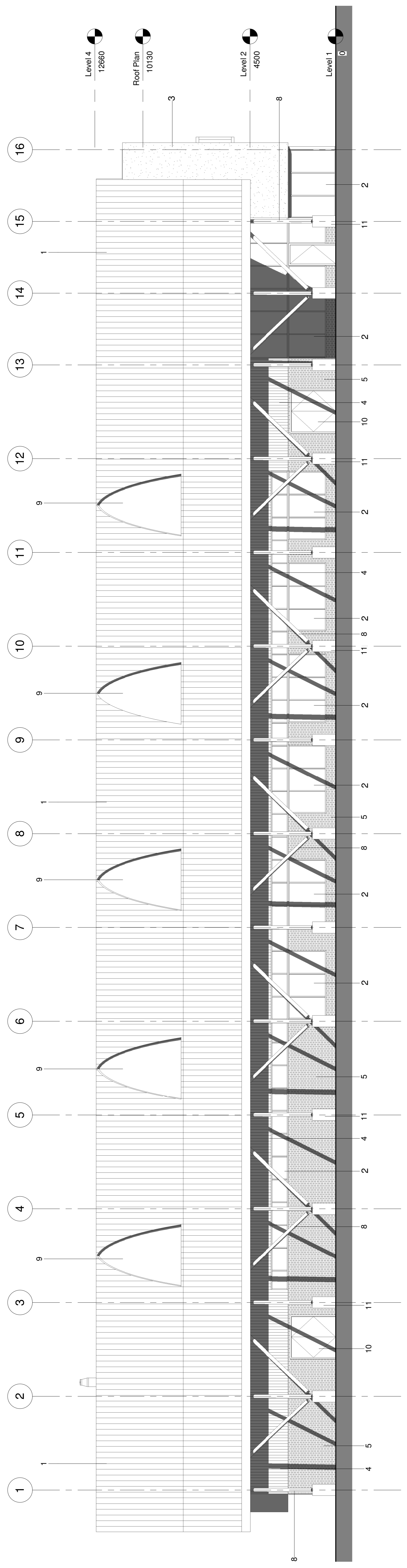
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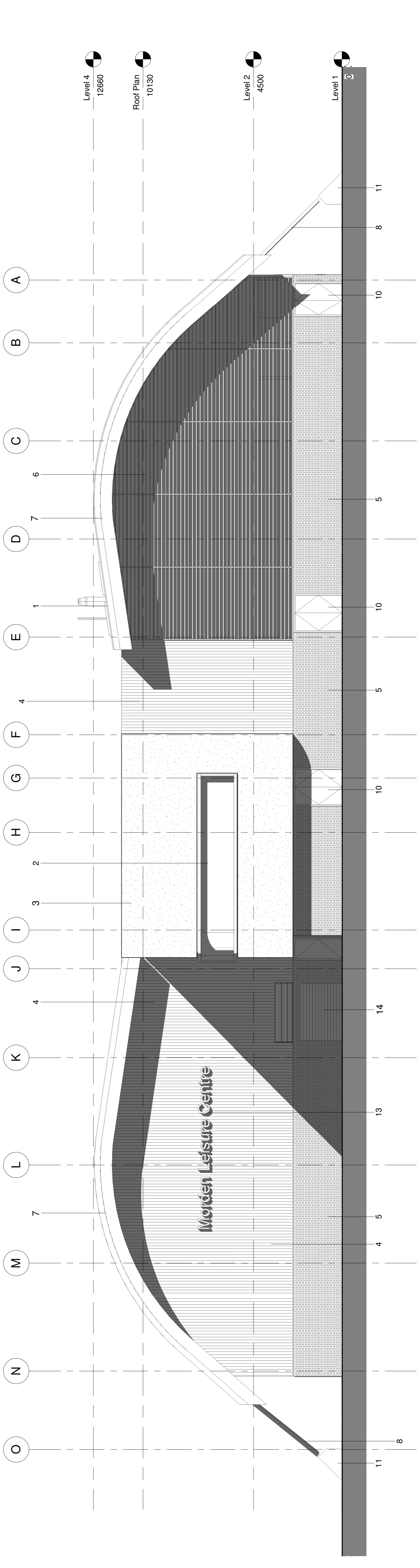
Text Details **Morden Park Pool**

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1 Elevation North
1 : 100



3 Elevation East
1 : 100

- Material Key**
1. Standing seam roof (coloured)
 2. Technal MX (or similar) glazing system
 3. Through coloured render (Sto or similar)
 4. Mixed width planks in Accoya timber with stain
 5. Roman Brickwork
 6. Timber Louvres (note Pnat to have removable louvres)
 7. Aerofoil profiled aluminium eaves profile
 8. Steel bracing (ral to be agreed but to be dark grey)
 9. Roof Lights
 10. Timber doorset to match Accoya
 11. Concrete feet
 12. PV Panels
 13. Single cut letters for signage
 14. Roller shutter door
 15. Aluminium profile gutter
 16. External CHS columns

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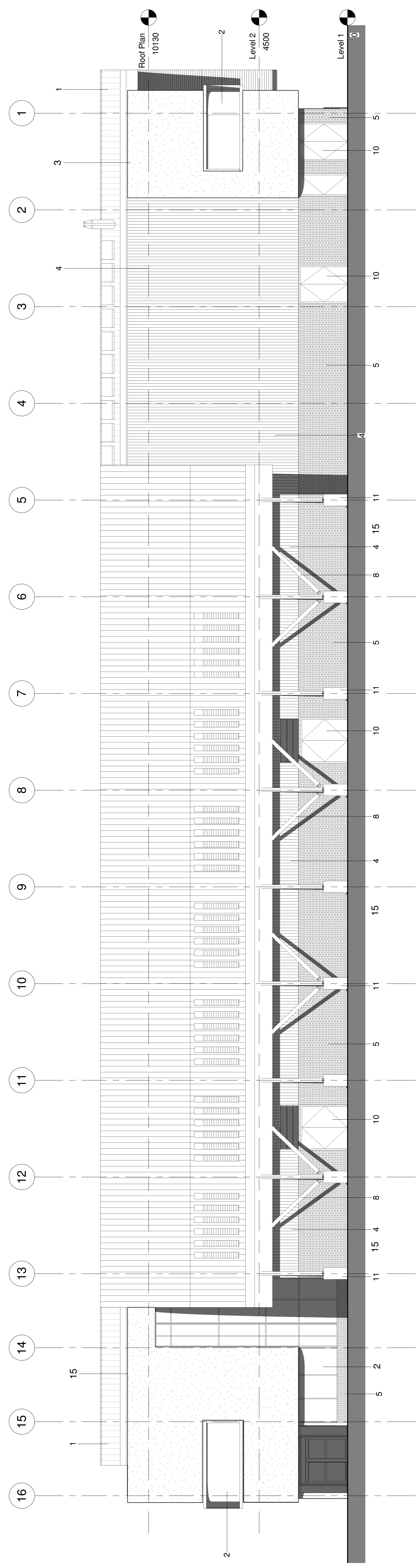


ARCHITECTURE, MASTER PLANNING, INTERIOR DESIGN,
MARKETING & BRANDING, FUNDING & SPORTS SPECIALISTS

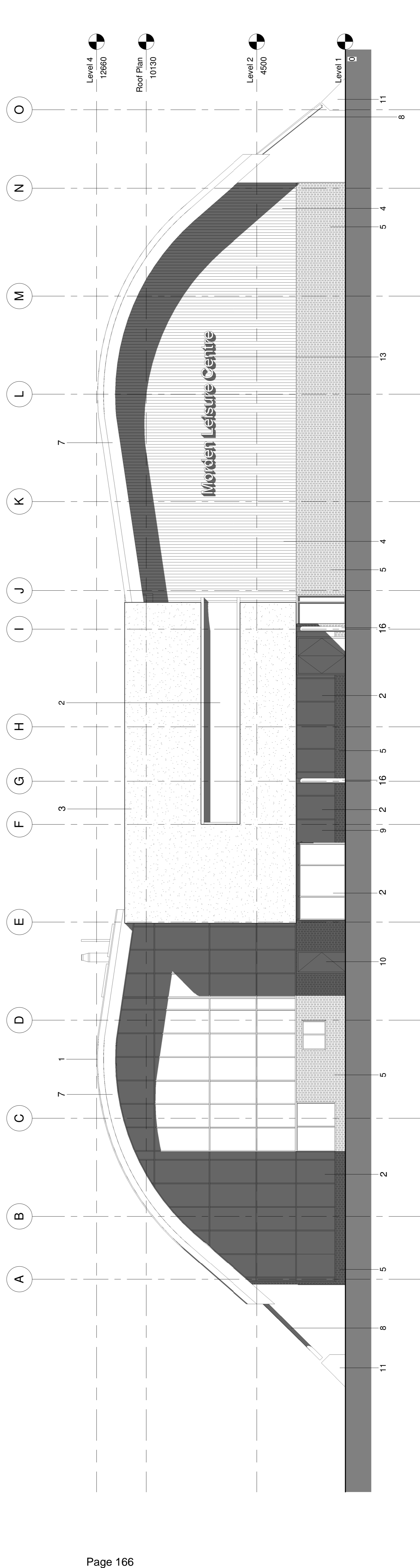
PROJECT: Morden Leisure Centre
DRAWING: North & East Elevations

SCALE: 1:100 SHEET SIZE: A1 DRAWN BY: ELF CHECKED BY: MG DATE: 26/02/2016
PROJECT NO: 15040 DRAWING NO: (21)001
REVISION:

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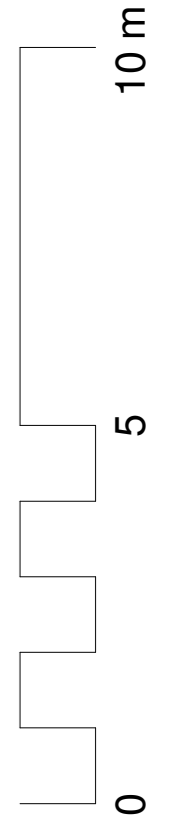


1 Elevation South
1 : 100



2 Elevation West
1 : 100

- Material Key**
1. Standing seam roof (coloured)
 2. Technal MX (or similar) glazing system
 3. Through coloured render (Sto or similar)
 4. Mixed width planks in Accoya timber with stain
 5. Roman Brickwork
 6. Timber Louvres (note Pnat to have removable louvres)
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 16. External CHS columns



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MARKETING & BRANDING, FUNDING & SPORTS SPECIALISTS

PROJECT: Morden Leisure Centre
DRAWING: South & West Elevations

SCALE 1:100 SHEET SIZE A1 DRAWN BY: ELF CHECKED BY: MG DATE: 26/02/2016
PROJECT NO: 15040 (21)002
REVISION:

GT Architects
Architects

PLANNING APPLICATIONS COMMITTEE
16th June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P3783	19/10/2015
Address/Site	10 St Mary's Road, SW19 7BW	
Ward	Village	
Proposal:	Application for s.73 variation of Condition 2 (Approved plans) in relation to LBM Planning Permission 13/P3848 for the construction of a replacement house. Revisions in respect of (i) siting of house 1.8m further into rear garden and away from the front boundary – retrospective and (ii) incorporation of changes previously approved under 14/P3534 for increased size master bedroom, 1.5 square metre increase in floorspace and alteration of roofslope to 55 degree pitch.	
Drawing Nos	601/P01, 601/P02, 10SMR-A	
Contact Officer:	Sue Wright (0208 545 3981)	

RECOMMENDATION

GRANT Variation of Condition

CHECKLIST INFORMATION.

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 –
External consultations – No.

1. SITE AND SURROUNDINGS

- 1.1 The application site sits on the north-east side of St Mary's Road and was previously occupied by a 1950's house which was recently demolished and replaced with a new detached house with basement and rooms in the roof space which is now occupied. The neighbouring houses at 12 and 8 are both mid- 20th century detached houses. The application site is not within a

conservation area but is close to the boundary with the Merton (Wimbledon North) Conservation Area.

2. **CURRENT PROPOSAL**

- 2.1 The recently constructed house was not built in accordance with the approved plans, but was sited 1.8m further back into the plot than the house granted permission under planning permission 13/P3848 (as varied by 14/P3534). The size of the footprint, the floor area, the design and massing are all identical to the approved plans, but it has been built in the wrong position, such that the front curtilage is deeper, the rear garden smaller, with the whole building sitting 1.8m further behind nos 8 and 12 than approved. The developer has advised that a mistake was made in the setting out of the building.
- 2.2 The current application seeks a variation of the approved plans in order to regularise the planning position in relation to the siting of the house as constructed as well as incorporating the design changes previously approved in the variation of plans 14/P3534.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 The original house dates from 1955.
- 3.2 13/P1014 - Planning permission was refused for a new replacement house in June 2013 on the following grounds:
1. The proposed replacement dwellinghouse, by virtue of its bulk, depth, front and rearward projection, and lack of meaningful visual separation between the resulting house and both adjoining properties would result in an overdevelopment of the plot and an excessively large and overbearing development, and which would fail to preserve or enhance the character and appearance of the adjoining conservation area. As such, the proposed development is contrary to policies BE.3, BE.16, and BE.22 of the Adopted Merton Unitary Development Plan, Policy CS 14 of the London Borough of Merton Core Strategy (July 2011), and the Council's New Residential Development - SPG.
 2. The proposed replacement dwellinghouse, by virtue of its bulk, depth, front and rearward projection, and lack of meaningful visual separation between the resulting house and both adjoining properties would result in result in a detrimental impact on the outlook and visual amenities of the occupiers of 8 and 12 St Marys Road in particular. As such, the proposed development is contrary to policies BE.15 and HS.1 of the Adopted Merton Unitary Development Plan, Policy CS 14 of the London Borough of Merton Core Strategy (July 2011), and the Council's New Residential Development - SPG.
- 3.3 13/P3848 – Planning permission was granted for demolition of the existing house and erection of a replacement house with basement and accommodation in the roofspace at PAC in March 2014.

- 3.4 14/P2702 - application for discharge of conditions 3 (materials), 4 (hard surfacing), 12 (landscaping), 15 (soil/hydrology report), 16 (construction method statement), 17 (working method statement), and 19 (code level 4) attached to lbm planning application 13/p3848 dated 13/03/2014 relating to the demolition of existing dwelling house and erection of a new detached dwelling house (with basement and accommodation in the roof) and associated parking and landscaping – granted
- 3.5 14/P3476 - application for discharge of conditions 5(boundary walls) and 6 (finished floor levels) attached to lbm planning permission 13/p3848 (dated 13/02/2014) relating to the demolition of existing dwelling house and erection of a new detached dwelling house (with basement and accommodation in the roof) and associated parking and landscaping – granted
- 3.6 15/P3783 – application for a s.73 variation of Condition 2 (approved plans) of 13/P3848 for the replacement house to incorporate minor changes to design, small increase in floor area and change to roof pitch granted in December 2014.
- 3.5 8 St Mary's Road
15/P3969 Planning permission was granted in Feb 2016 for demolition of the existing house and erection of a replacement house. 16/p0993 - Precommencement condition details were approved in March 2016.

4. **CONSULTATION**

- 4.1 Letters were received from 5 individual properties and from Belvedere Estate Residents' Association. BERA and 1 of the individual properties have confirmed that they do wish their representation to be treated as objections to the application, leaving 4 objections. Neither of the adjoining properties at 8 and 12 have made any representations. The comments and concerns are as follows:
- Approval should not convey the idea that conditions on approved plans can be flouted and wrong that there should be no penalty. Mistake should have been picked up earlier and corrective action should have been taken when breach identified instead of allowing construction to continue.
 - Mistake was raised with owners in Nov 2014, with developers and owners in March 2015 and with the Council in April 2015 – why was work allowed to continue?
 - Should not be a precedent in terms of building lines for adjoining properties
 - A decent sized replacement tree should replace the cherry tree removed from front garden
 - The report to Committee on the approved application 13/P3848 makes reference to the benefit of the decreased rear projection relative to the previously refused application. As built, will be more detrimental than the refused application. Breaks the rear building line- approved building line should be adhered to
 - Adverse impact on light and outlook . Appears more like a four storey building due to the change in levels and dominates outlook.

- House as constructed removes sunlight to the decking area in the rear garden of no.6. Their north-east facing back garden relies on afternoon sunlight from the west which has been blocked, which would not be the case if the building had been constructed 1.8m further forward. Almost half their grass has turned to moss because of loss of afternoon sun and their seating area which received late afternoon/early evening sun no longer gets any sun. Owners of no. 6 would like members of PAC to visit their garden before a decision is made.

4.6 Belvedere Estate Residents' Association – do not object to the application but if permission is granted by PAC, want it making clear that building lines front and rear will be as they would have been had the house been built in the permitted position.

5 **POLICY CONTEXT**

5.1 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

5.2 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), DM D4 (Managing Heritage Assets), DM F2 (Sustainable Urban Drainage Systems) and DM T4 (Car Parking and Servicing Standards).

5.3 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.6 (Architecture),

6. **PLANNING CONSIDERATIONS**

6.1 Given that the house as constructed is identical to that granted planning permission under 13/P3848 (as varied by 14/P3534) except for the siting 1.8m further back within the plot, the main planning considerations relate to the impact of that change in siting on the street scene and the character of the area as well as the impact on neighbouring properties.

6.2 Neighbour Amenity

Reference has been made by objectors to the refusal of planning application 13/P1014 on the basis of bulk, depth, front and rearward projection and the consequent references within the Committee report for the approved application 13/P3848 to the reduction in rearward depth along with various other changes relative to the refused application as a justification for its acceptability.

- 6.3 The officer's report on the refused application 13/P1014 makes it clear that the concern related to the overall bulk of the building resulting from expanding to both front and rear relative to the original house as a solid rectangular block with no relief from setbacks or design features combined with excessively large side and rear dormers. There was not considered to be a detrimental impact on daylight or sunlight to adjoining properties, the main issue was with outlook due to the overall bulk and massing of the proposed building. The approved application 13/P3848 was of the same overall flank depth (13.4m) as the refused application but was set further back relative to no.12 so that they lined up at the rear, and set further forward but not so deep at the rear relative to no.8, projecting 1.7m beyond for the main house and a further 4.7m beyond for the single storey element, which sat just beyond the single storey element of no.8. A whole combination of changes set out in the report resulted in a significantly reduced mass and a design more in character with the street by moving away from a lumpen rectangular form, mainly by providing greater articulation to the front and rear elevation by setting elements both further forward and further back as well as reducing the amount of accommodation at roof level and consequently significantly changing the massing of the roof.
- 6.4 The revised siting results in the main house sitting 2m to the rear of no 12. The single storey element projects beyond this by another 2.645m. The flank walls of 10 and 12 are separated by a gap of 1.9m. No. 12 also sits higher up the hill than no.10. The degree of projection to the rear in relation to no.12 was not an issue in relation to the refused application, and in fact the approved application projected further back but less far forward relative to this property. Given the separation, relatively small projection beyond the rear and also the level relationship between the two properties, the revised siting is considered to be acceptable in relation to this property. No objections have been received from this neighbour.
- 6.5 The main concern for officers, when the incorrect siting was initially investigated, related to the impact on no 8, which sits at a lower level, therefore the further projection beyond the rear of both the main house and the single storey element was a concern in terms of impact on outlook, as it had been on the refused application. Subsequently, an application for the demolition of the existing house at no. 8 and the erection of a replacement house was granted in February 2016 and the pre-commencement details have been discharged with construction imminent. Implementation of this permission changes the relationships in terms of outlook. No.10 would have a more similar relationship to no.8 compared to the approved application in that the main house would project 2.75m further to the rear of the main house at no 8 and the single storey element would be just over 2m deeper than the proposed single storey element of no.8, reducing the additional projection relative to the approved plans to 1m as well as having a greater eaves height and therefore masking more of the exposed flank elevation of 10. On balance, the impact on no.8 in terms of outlook, based on the implementation of the planning permission for the new house, is considered to be acceptable and more comparable to the previous permission.

6.6 In relation to other nearby properties, the separation distances are such that any impact on privacy, sunlight, daylight, outlook or overshadowing would be insufficient to warrant refusal of the application, with no breach of the Council's guidelines. Although the concerns of the occupiers of 6 St Mary's Road in relation to loss of late afternoon/evening sun to part of their rear garden area are noted, relative to the impact of the house as approved, the impact would not be sufficient grounds to warrant refusal of the application.

6.7 Design and Impact on the Street Scene

The house as constructed is set back 1.8m from the front boundary than previously approved. It is still considered to sit comfortably within the street scene. It sits slightly behind the approved house at no 8 and no 12. In terms of concerns being expressed about any precedent being set in relation to building lines, it should be noted that the overall bulk, size of footprint and massing of the building is no different to that previously approved, and that the Council would look at any applications for other properties in the vicinity in the context of the appropriateness of the overall depth of the flank elevations, roof form etc, and that excessive bulk would still be grounds for refusal if a proposal was considered to be out of character.

6.8 It is still intended to plant 3.5m high replacement cherry tree within the front curtilage as per the previously approved landscaping plan and an additional tree is also now proposed on the other side.

7. **CONCLUSION**

7.1 At the time that the current application was submitted, the setting out error that resulted in the building being constructed 1.8m further into the plot but identical to the approved scheme in all other respects was considered to be unacceptable because of the impact on the outlook from no.8, particularly in light of the difference in levels. However, the approval of a replacement house at no.8, the implementation of which is imminent, results in the relationship of the 2 properties at the rear being more similar to that previously approved, with a reduction in the difference in relative depths as well as massing changes. The impact on the street scene and on other neighbouring properties is considered to be acceptable in terms of daylight, sunlight, outlook and privacy given the orientation and separating distances involved.

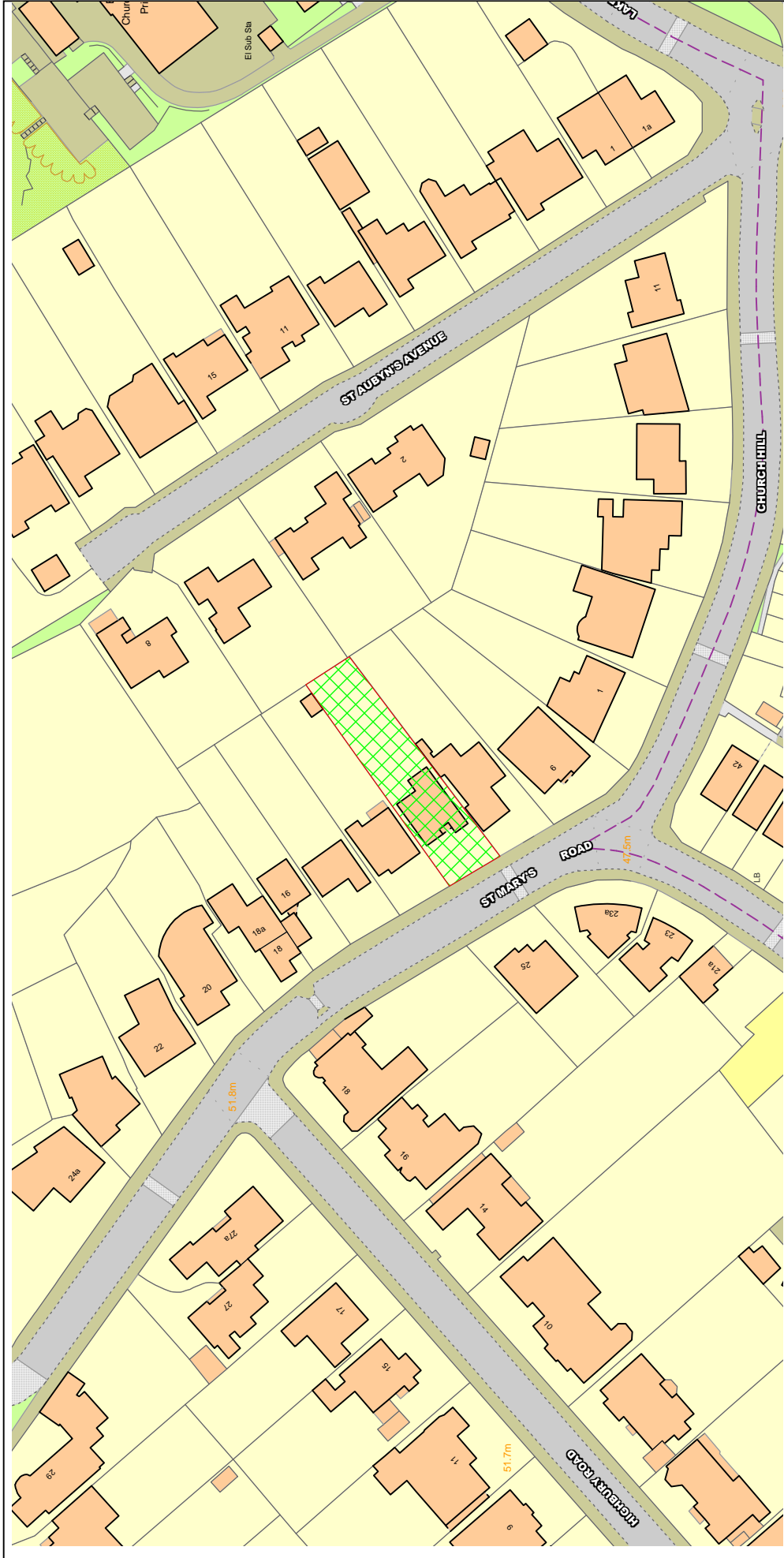
RECOMMENDATION

Grant approval for a variation of condition 2 (approved plans)

To view Plans, drawings and documents relating to the application please follow this [link](#)

Please note that this link, and some of the related plans, may be slow to load

NORTHGATE SE GIS Print Template



Text Details **10 St Marys Road**

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NOTES:

Site Area: 338m²

UNUSUAL RISKS IDENTIFIED IN CDM RISK ASSESSMENT:

Rev	Date	Revision	By

JOB:
10 St Mary's Road,
Wimbledon, London
SW19

DWG: Proposed Elevations

JOB NO.: 601

DWG NO.: 601/P01

REVISION:

SCALE: 1:100 @ A1

DATE: Sept 2015

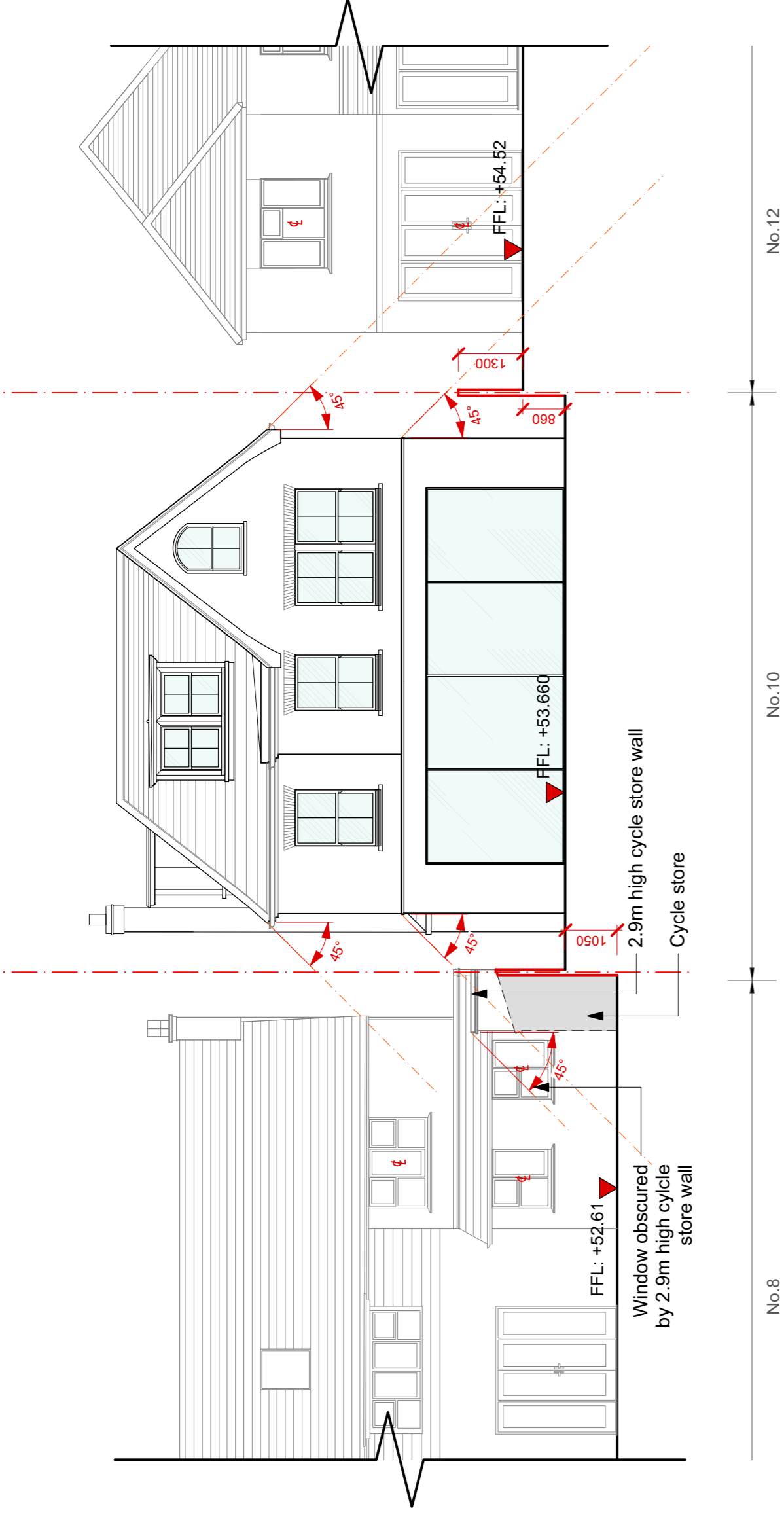
DRAWN BY: KR

CHECKED BY: HH

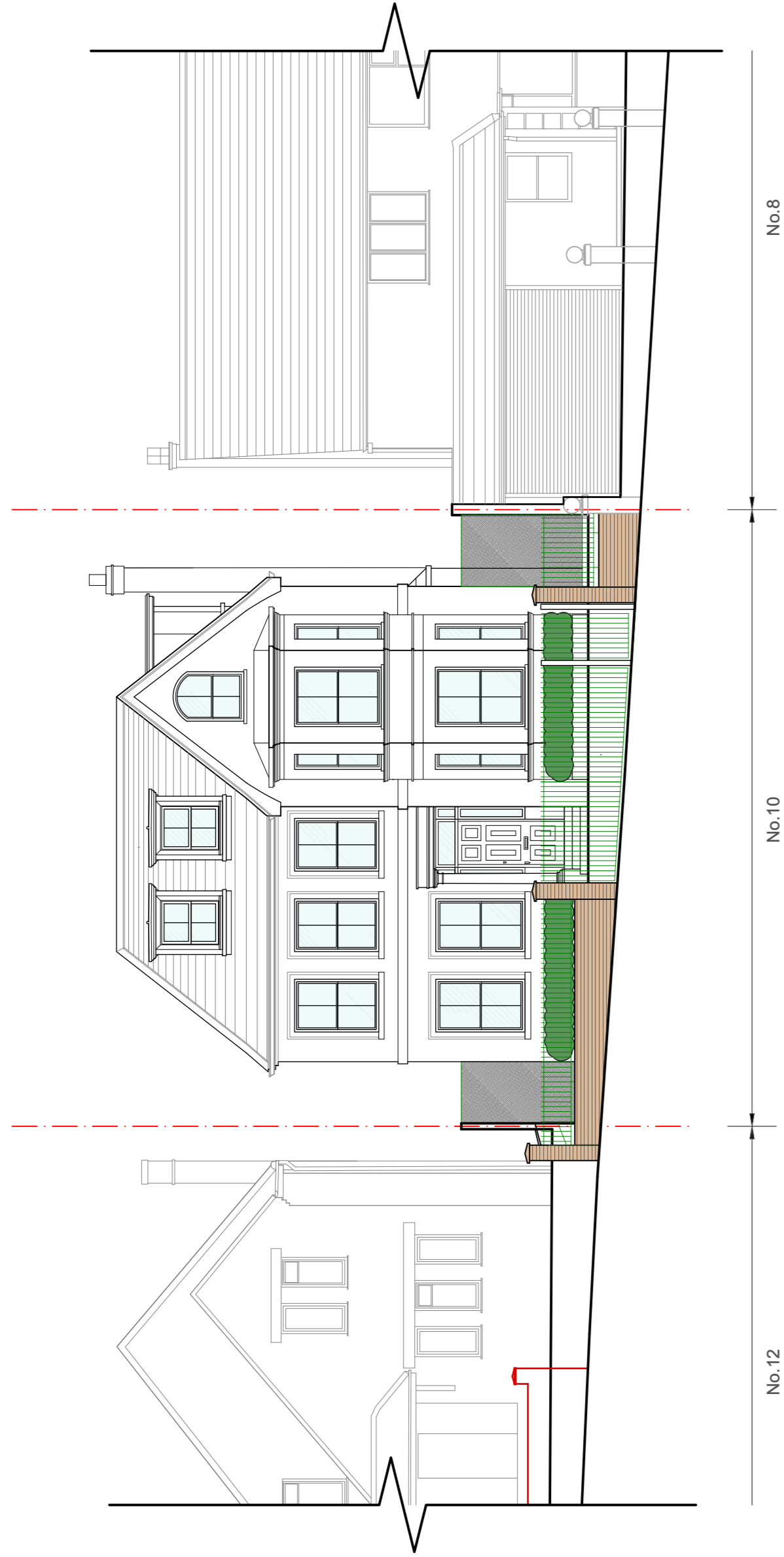
DWG STATUS: **PLANNING**

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All dimensions to be checked on site
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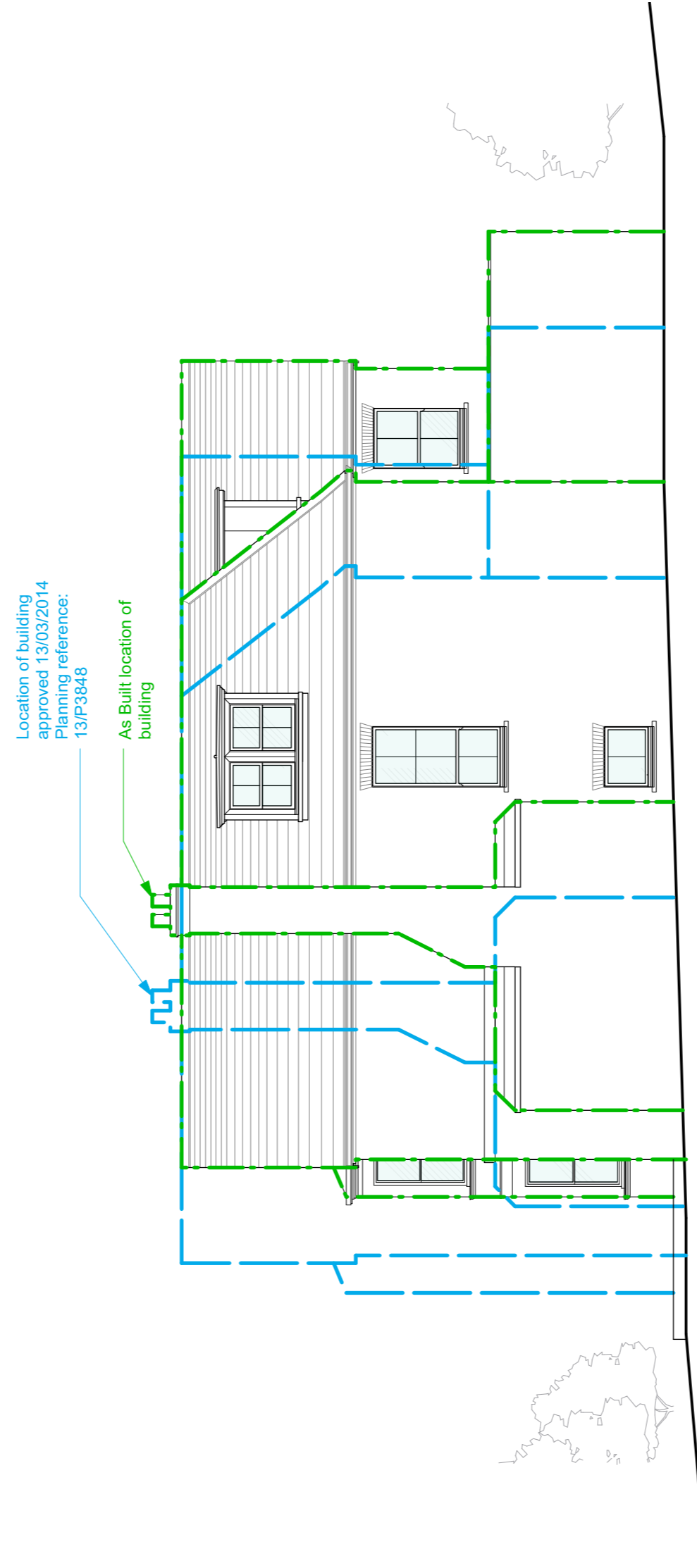
Holden Harper
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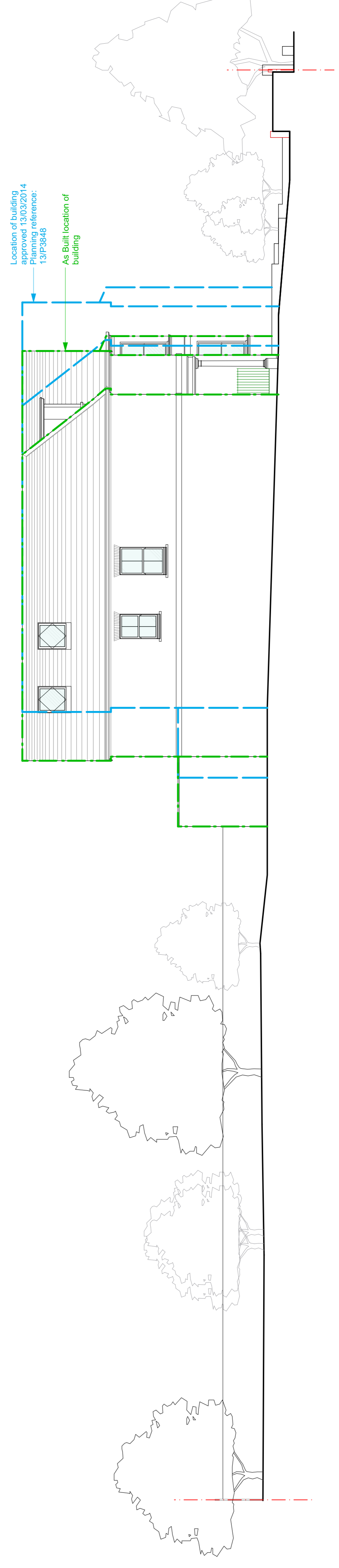
REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

PLANNING APPLICATIONS COMMITTEE 16 June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P0875	21/03/2016
Address/Site:	31 Salcombe Drive, SM4 4LD	
Ward:	Lower Morden	
Proposal:	Single Storey Rear Extension	
Drawing No.'s:	14115/07, 14115/08, 14115/09 & Site Location Plan	
Contact Officer:	Jock Farrow (020 8545 3114)	

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- 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
- Conservation area: No
- Number of neighbours consulted: 2
- External consultations: 0
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination given the nature of the objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two storey (with loft level) end terrace dwelling positioned on the western side of Salcombe Drive. The host dwelling has an existing 1.5m deep single storey rear extension in the form of a conservatory.
- 2.2 The adjoining dwelling to the north, No. 33 Salcombe Drive, has an existing, part width, single storey rear extension which is approximately 2.8m deep; the extension is set away from the boundary shared with the host dwelling by approximately 2m, leaving a section of wall housing a rear window.

- 2.3 The dwelling immediately to the south of the application site, No. 29 Salcombe Drive, has an existing 4m deep single storey rear extension, as does No. 27.
- 2.4 The area is characterised by terrace housing of a similar scale and design; single storey rear extensions up to a depth of 4m are prevalent in the area. The site is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for a full width, single storey rear extension.
- 3.2 The proposed extension would have a flat roof and would have the following dimensions: 4m long, 2.85m high and 5.5m wide.

4. PLANNING HISTORY

- 4.1 16/P0057: Prior approval refused for the erection of a single storey flat roof rear extension with the following dimensions: 5.0m long, 2.6m high with 2.6 m high eaves.

Reason: The proposed single storey rear extension, by reason of its height, depth massing and siting would be an overly dominant and un-neighbourly form of development leading to visual intrusion and loss of outlook to the detriment of the amenities of the neighbouring occupiers contrary to policies DM D2 and DMD3 of the Adopted Sites and Policies Plan 2014.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site notice and by letters sent to neighbouring properties – one representation was received. The summary of the objection is as follows: Loss of light

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2012):
Part 7. Requiring Good Design
- 6.2 London Plan Consolidated 2015:
7.4 Local character
7.6 Architecture
- 6.3 Merton Sites and Policies Plan July 2014 policies:
DM D2 Design considerations in all developments
DMD3 Alterations and extensions to existing buildings
- 6.4 Merton Core Strategy 2011 policy:
CS 14 Design
- 6.5 Supplementary Planning Guidance:
Merton Council Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions (2001).

7. PLANNING CONSIDERATIONS

- 7.1 The planning considerations for an extension to an existing building relate to the impact of the proposed extension on the character and appearance of the host building along with the surrounding area and the impact upon neighbouring amenity.

Character and Appearance

- 7.2 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

- 7.3 It is highlighted that there are numerous 4m long single storey rear extensions to the terrace rows on the western side of Salcombe Drive, including to the two closest dwellings to the south. The proposed extension would be typical development for the area, it would be commensurate in terms of scale and would align with the established building line. It is further noted that the proposed extension would use materials matching those of the existing dwelling.

- 7.4 It is considered that the proposed extension would be acceptable in terms of its impact upon the character and appearance of the area.

Neighbouring Amenity

- 7.5 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

- 7.6 Given the proposal is single storey, it is not considered to impact upon the privacy of neighbouring properties.

- 7.7 The Residential Extensions, Alterations & Conversions SPG includes a methodology to undertake a visual intrusion and sunlight assessment, this assessment provides a benchmark against which to assess the impact of extensions on light received by neighbouring dwellings. However, it is acknowledged that there are notable shortcomings in the assessment as it does not take into account factors such as shadows already cast by existing buildings or where windows would already receive no direct sunlight as they are facing north; furthermore, where a window is facing north, the assessment can determine extensions to be inappropriate even when they are below permitted development dimensions. Given the above, it is considered the assessment can be used as a guide however it is important to be mindful of the shortcomings and to utilise a pragmatic approach.

- 7.8 While the use of the Aspect Value Test suggests an unacceptable impact on the neighbouring dwelling, when compared to an extension undertaken within permitted development dimensions, being 3m deep, 4m maximum height and 3m high to eaves, the impact of the application proposal would be marginally lower.

- 7.9 As mentioned above, a pragmatic approach must be taken when using the visual intrusion and sunlight assessment and other factors must also be considered. Given the orientation of the dwellings and as the affected window would be facing roughly in a north-western direction, it is considered that the affected window would only receive sunlight at the end of the day during the summer months; as such, any loss of light would be minimal. It is considered that any loss of sunlight, daylight and outlook would be exacerbated by the existing extension at No. 33 Salcombe Drive (neighbouring properties own extension), given it is part width it would enclose the rear window from the opposing side; however, it would not be considered reasonable to restrict the development based on the neighbour's own extension. Furthermore, it is highlighted that under permitted development the property would be eligible for a 3m deep, 4m high rear extension with the eaves height reduced to 3m; it is considered that the effects of the proposal would be no greater than those that might otherwise arise were proposals for an extension to come forward under permitted development.
- 7.10 For the reasons explained above, it is not considered the impact upon neighbouring amenity would be to such a degree as to warrant refusal of this application.

8. CONCLUSION

- 8.1 The scale, form, design, positioning and materials of the proposed extensions are not considered to have an undue detrimental impact upon the character or appearance of the area, the host building or on neighbouring amenity. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS 14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2015.

RECOMMENDATION

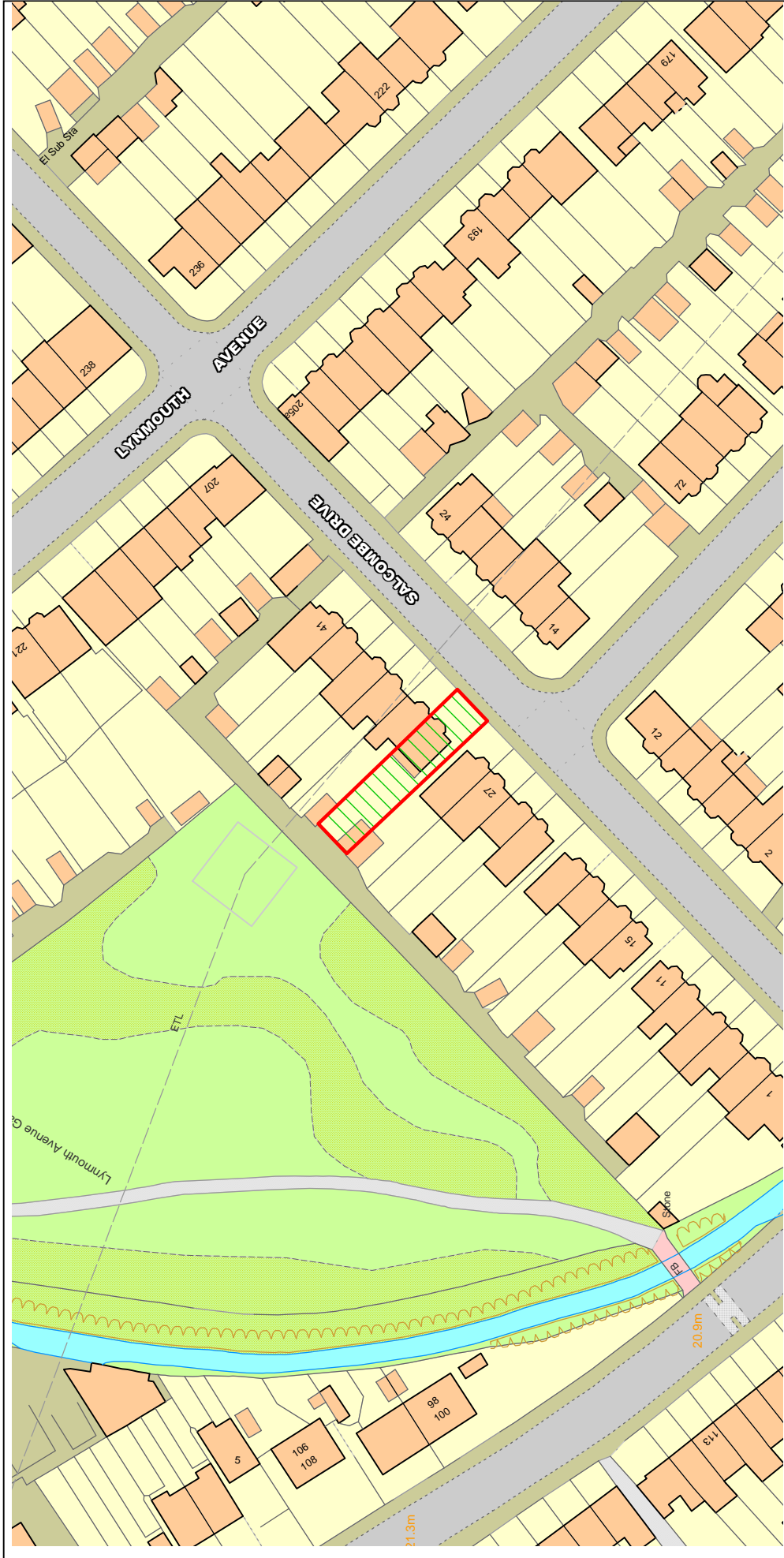
Grant planning permission subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B2 Matching Materials
4. C02 No Permitted Development (windows and doors)
5. C08 No Use of Flat Roof

To view Plans, drawings and documents relating to the application please follow this [link](#)

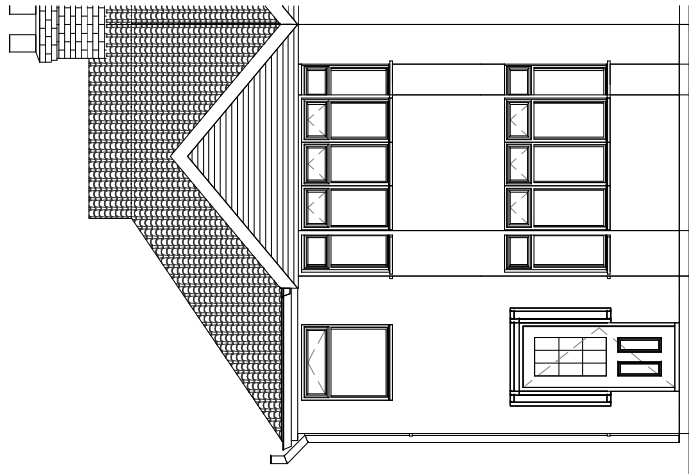
Please note that this link, and some of the related plans, may be slow to load

NORTHGATE SE GIS Print Template



Text Details **31 Salcombe Drive**

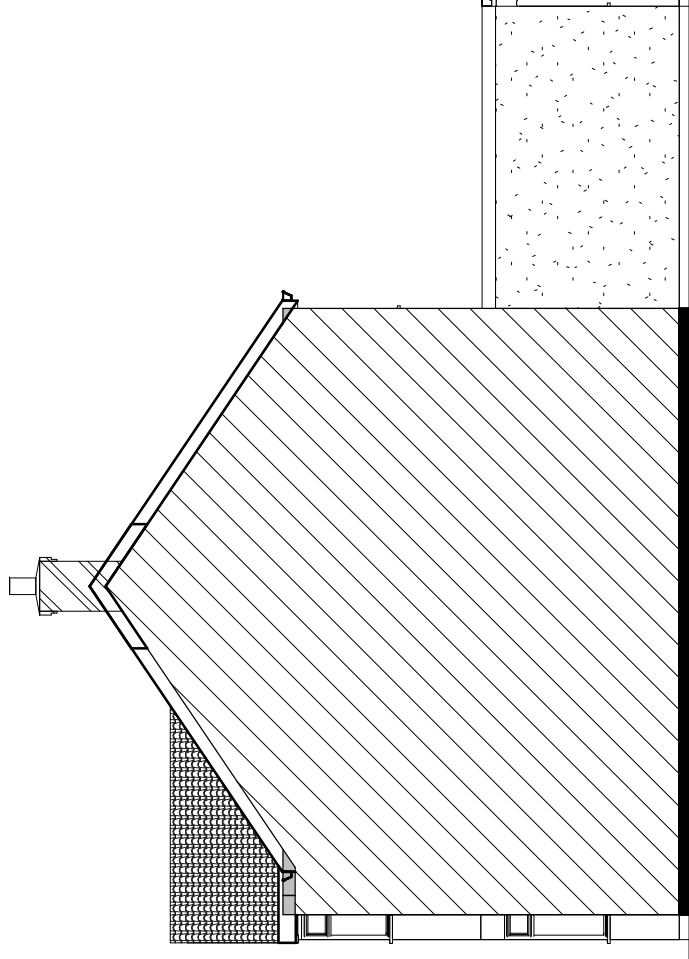
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1 .Existing Front Elevation

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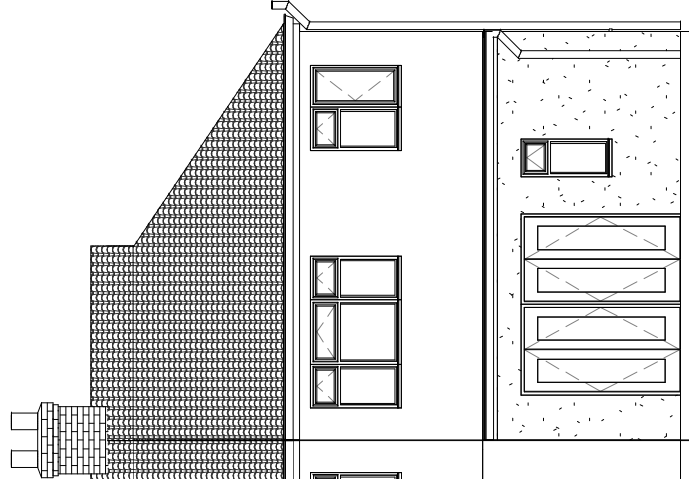
1



3 .Proposed Side Elevation

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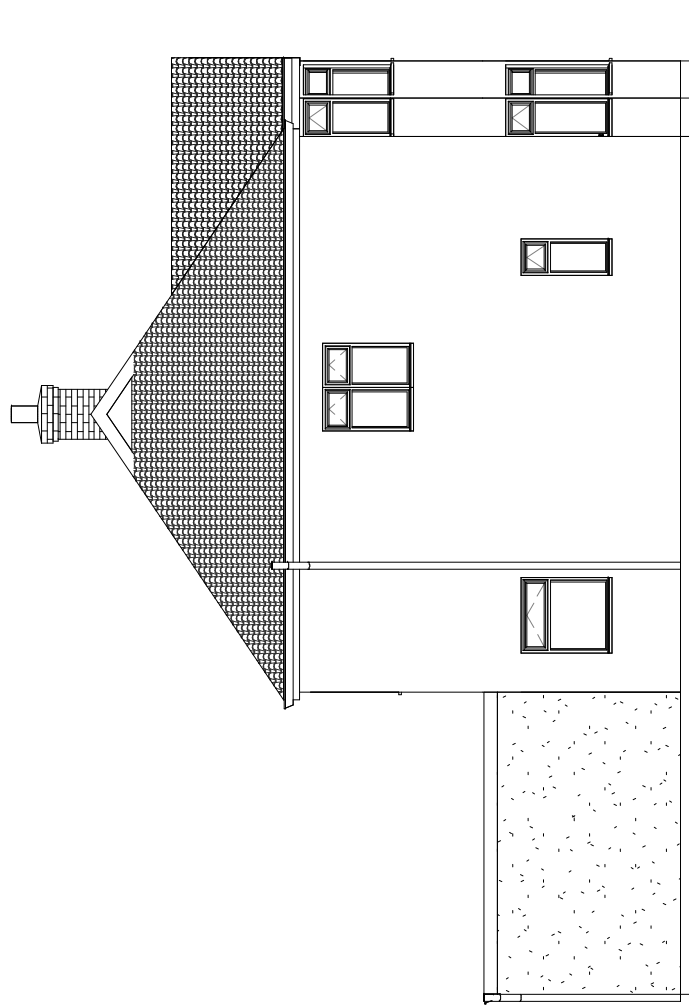
3



2 .Proposed Rear Elevation

1 : 100

2

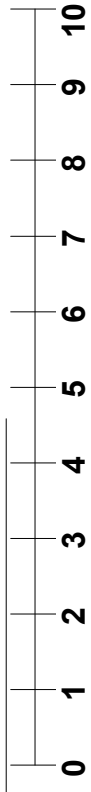


4 .Proposed Side Elevation II

1 : 100

4

SCALE: 1:100



CANOPY PLANNING

OFFICES:- Sutton TEL NO. 020 3632 2690 MOBILE NO: 07956311277
Email:-info@canopyplanning.co.uk

MR E Sivadasan

31 Salcombe Drive
Morden
SM4 4LD

PROPOSED ELEVATIONS

Project number

Project Number

Date

Dec. 2015

Drawn by

AN

Checked by

Checker

Scale

14115/08

1 : 100

PLANNING APPLICATIONS COMMITTEE
16th June 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P2852	20/07/2015
Address/Site:	16 Spencer Hill, Wimbledon, SW19 4NY	
(Ward)	Hillside	
Proposal:	Demolition of existing house and erection of a five bedroom detached house with basement accommodation.	
Drawing Nos:	1078(PD)01(C), 02(C), 03(C), 04(C), 05(C), 06(C), 07(B), 08(C), 09(B), 10(B), 11(C), 12(C), 1078(DS)01(B), 02(B), 03(B), 04(B), 1078(CD)01(B), 02(B), 1078(SP)04, 05(B), 1078(CD)01(A), 02(A),	
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: 40
- External consultations: None

1. INTRODUCTION

- 1.1 The applications have 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 was built circa. 1967. The house is located on the northeast side of Spencer Hill, Wimbledon.
- 2.2 The northeast side of Spencer Hill mainly comprises a mixture of detached, semi-detached and terrace houses. Blocks of flats which were erected in the 1960s and 1970s are also located along the road. The surrounding houses are primarily traditional in character although they are individually designed in terms of style, material, size and shape. The adjoining three-storey house is built in a modernist style. This part of Spencer Hill is located on a steep gradient with the road sloping down from northwest to southeast.
- 2.3 The application site is located in the Wimbledon West Conservation Area and has a PTAL rating of 6a, which means it has excellent access to public transport. The site is located in controlled parking zone (CPZ) W1.

3. CURRENT PROPOSAL

- 3.1 The current application is for full planning permission to demolish the existing house and erect a five 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 gable roof with dormers located on the front and rear roof slopes and sash style windows. Materials would comprise a mixture of facing brickwork, render and stone copings on the external walls, artificial slate for the roof and softwood for the windows.
- 3.3 There have been two revisions to the proposed house since the application was first submitted. The latest amendments show the following:
 - The footprint of the house has been moved 50cm away from 16A
 - The second floor rear terrace has been removed, with the second floor rear French doors replaced by a sash window
 - The fin wall projecting from the single storey rear element has been removed
 - The width of the proposed single storey rear element has been reduced, which means the flank wall of the single storey rear element is now located further away from the side boundary with No16A. The height of the single storey rear element has also been reduced by 60cm.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 No relevant planning history.

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 (March 2015) 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 Appraisal (Sub-Area 20 – Spencer Hill)

6. CONSULTATION

6.1 The application was initially publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, six letters of objection were received. The letters of objection were on the following grounds:

- Overlooking, unacceptable impact on visual amenity, and loss of daylight/sunlight
- Unacceptable impact on the character and appearance of the conservation area
- Concerns regarding impact on land stability and ground and surface water
- Loss/damage to trees in garden of application site and surrounding properties, loss of greenery
- Too many trees are proposed on rear boundary, which would reduce amount of sunlight and natural ventilation to rear gardens of properties along Ridgway Place
- The house is too large for its plot
- The style of house is not in keeping with the street

6.2 A further re-consultation was undertaken following initial amendments to the scheme. In response, a further letter of objection was received from the occupiers of No.16a Spencer Hill on the grounds of overlooking, loss of daylight/sunlight, impact on trees and conservation area, impact on ground stability and ground water flows, and excessive size of the proposed house.

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 Appraisal (Sub-Area 20 – Spencer Hill) as making a neutral contribution. The house features a hipped roof, integral garage, rendered facing material and was built circa. 1967. 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.

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 Spencer Hill is located on a steep gradient which slopes down from northwest to southeast, which means the proposed house will step down in relation to Nos.14 and 16A. The house will be located a minimum of 1m away from each side boundary, which combined with the large gap to the flank wall of No.14 means adequate gaps will be retained with views to greenery to the rear of the site.

7.33 The current house, which dates from 1967 is not considered to be of any architectural quality. It should also be noted that there are a number of other

buildings including two purpose built blocks of flats located along this side of Spencer Hill which either make a negative or neutral contribution to the conservation area. The proposed house is considered to be a high quality design that would enhance the character and appearance of the conservation area. Although there is no dominant style on Spencer Hill, 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 have a traditional appearance, featuring a gable roof, brick facing materials and sash style timber windows. The proposed dormers are not too bulky, as they are set well in from the flank walls and will be partially screened by high parapet walls.

7.3 Standard of Accommodation

- 7.31 The London Plan 2015, as updated by the Minor Alterations, March 2016 (Housing Standards) 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 200sqm 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. 14 and 16A Spencer Hill. With regards to No.14, the proposed house is set well back approx. 2.4m behind the rear wall of this house at first floor level and only project 1.65m beyond the rear wall of this house at ground floor level. There is also a gap of 1m to the side boundary.
- 7.43 Given the steep gradient of the road, the rear garden of No.16A is located on land approx. 1.42cm lower than the application site, which means there has to be careful consideration of the impact of the single storey rear element in particular, which would project 5.5m beyond the rear wall of No.16A as it would appear half a storey higher than a single storey extension where there are no level changes. At the request of the case officer, the scheme was therefore amended with the single storey rear ground floor element moved further away from the side boundary with this property, its height lowered, and the fin wall feature also removed. The single storey rear element would now be located between 1.9m and 2.1m from the side boundary and its height has been reduced by 60cm to 3.06m. Following these amendments to the scheme it is considered that the single storey rear element would be located a satisfactory distance from the side boundary, would not be excessive in terms of its height, and as such would not result in an unacceptable level of visual intrusion or overbearing impact. It should also be noted that the proposed house would not extend any further back at first floor level than the existing house. Given the siting, there would be no adverse impact on daylight and sunlight to adjoining windows, and any overshadowing would be limited and within acceptable parameters.
- 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 provided a Basement Impact Assessment (BIA) demonstrating how the stability of ground conditions will be maintained in relation to adjoining properties and details of a drainage strategy in relation to surface water and ground water flows. The BIA states that a borehole was undertaken in soft landscaped area to the existing house and water levels were taken in summer, when no groundwater was found. The Council's Flood Engineer has assessed the application and requests that a condition be attached requiring a further ground investigation is undertaken with a borehole driven to a minimum of 5m and a standpipe installed to monitor groundwater levels as well as a further condition requiring details of passive drainage measures which will be required to avoid a backwater effect (rise in levels upstream) even though the results are shown to be in clay with low permeability, as there have been records of underground springs in the wider area.

7.52 The council's structural engineer has also assessed the proposal and is satisfied with the details submitted subject to the imposition of suitable conditions on any planning approval. This shall include a detailed method statement and sequence of construction report and drawings, which shall be submitted to 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 Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 Table 6.2 of the London Plan (March 2015) allows for up to 1 space per unit with 4 bedrooms or more where there is a PTAL rating of 5-6.

7.62 The proposal will provide two off-street car parking spaces, which is one less than the current house, which has two off-street car parking spaces to the front plus an integral garage. It is considered that although this would not comply with London Plan Parking Standards, which states that developments should provide only one space in areas with a PTAL rating of 6a, it would not warrant a refusal of the application in this instance given the development would still result in a net decrease of one off-street parking space.

7.63 Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure, covered and conveniently sited positions with good access to the street. Policy 6.13 of the London Plan states that developments must meet with minimum cycle parking standards set out in Table 6.3 which in this instance requires 2 spaces per dwelling. A condition will therefore be attached requiring details of secure cycle storage are submitted prior to commencement of development.

7.7 Trees and Landscaping

7.7.1 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 in the gardens of both adjoining houses (Nos. 14 & 16a). The application proposes the removal of three trees in the rear garden (1 x Black locust circa. 13m high, and 2 x Himalayan Birch of circa 11m and 4m in height). This is considered acceptable in this instance as the trees will be replaced by three trees, which will also be located in the rear garden. A condition would be attached requiring details of landscaping including size and species of the proposed trees. The condition would also require that the trees are permanently retained.

7.7.2 A mature Ash tree is located further back in the rear garden and is unlikely to be impacted. In order to avoid any potential impact to a damson tree at No.16a close to the side boundary with the application site, a condition would be required for an arboricultural method statement and tree protection plan to be submitted and approved prior to commencement of works.

8. LOCAL FINANCIAL CONSIDERATIONS

8.1 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.

9.0 CONCLUSION

9.1 It is considered that the proposed house would be acceptable in terms of its size and design, replacing an unremarkable 1960's house that makes only a neutral contribution to the Conservation Area with one that is well detailed, using good quality materials that are sympathetic to the area, and would not have an unacceptable impact on the Spencer Hill 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.3 (Tree survey required)
13. F.5 (Tree Protection)
14. F.9 (Hardstandings)
15. 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.

16. 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.

17. No works shall be commenced including demolition until a site investigation into soil and hydrology conditions which shall include borehole survey of at least a depth of 5m below ground level has been carried out and the details have been submitted and approved by the Local Planning Authority.
18. No works shall be commenced including demolition 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 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policies, DM D2 and DM F2 of Merton's Sites and Policies Plan 2014.

19. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. 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.

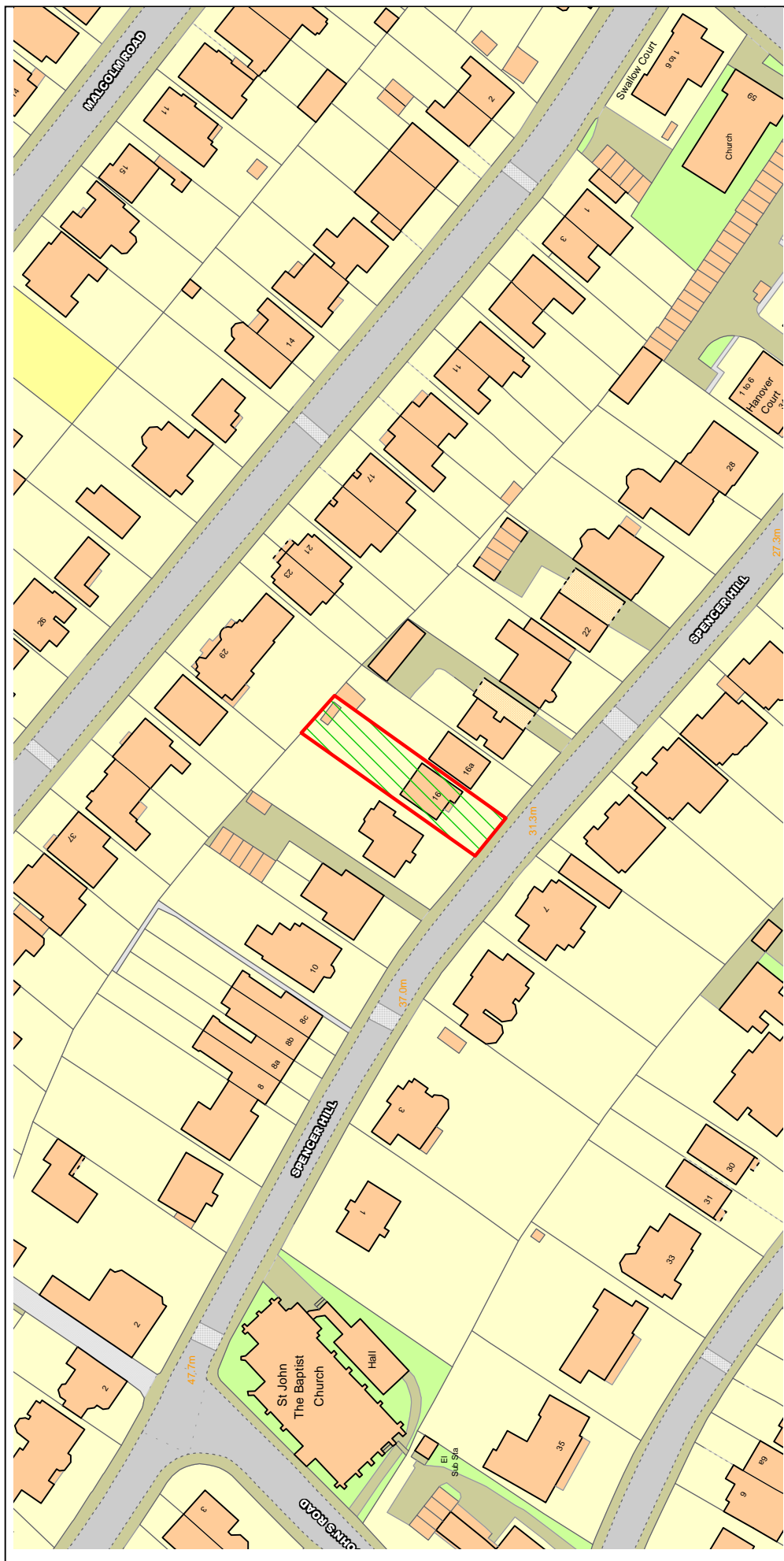
Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

20. No development approved by this permission shall be commenced until a detailed method statement (which includes sequence of construction drawings and report explaining the various stages and detailed calculations of retaining walls, basement slab, reinforced concrete walls and details of waterproofing) which has been reviewed/agreed by a chartered engineer has been submitted and approved in writing by the Local Planning Authority.

To view Plans, drawings and documents relating to the application please follow this [link](#)

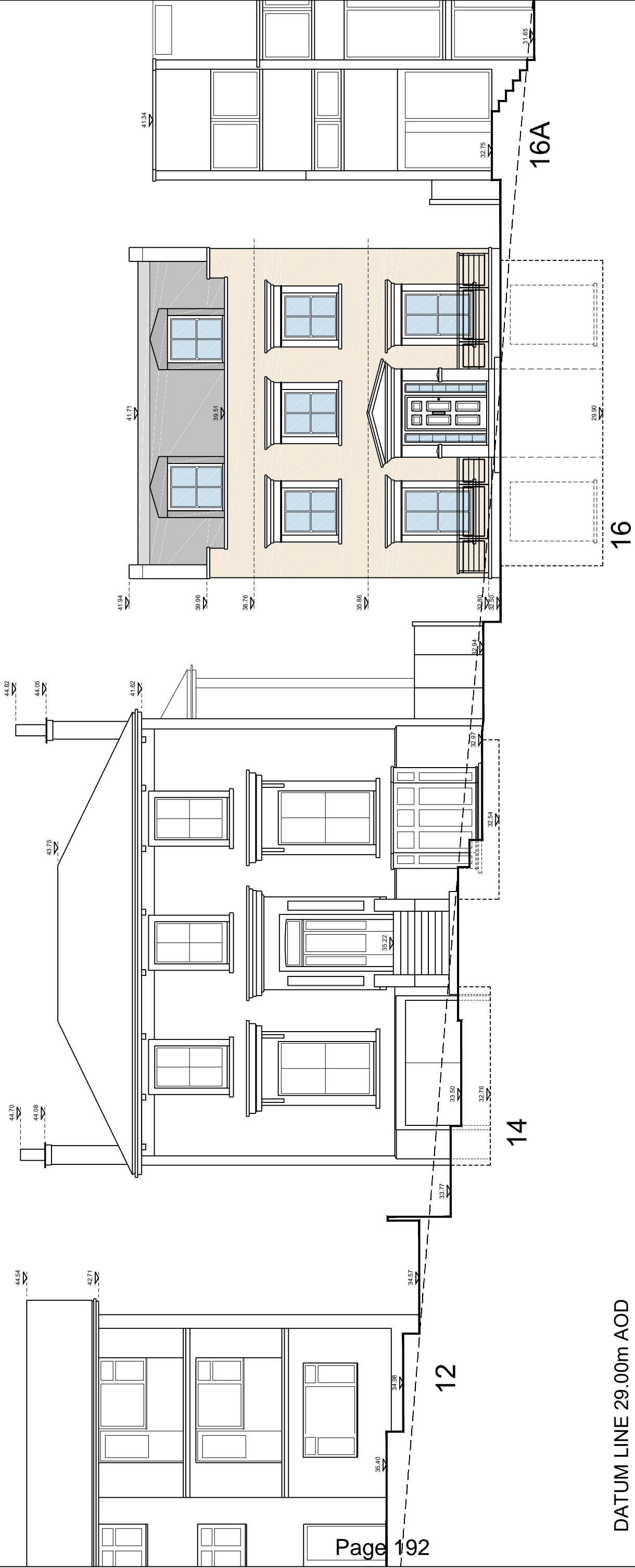
Please note that this link, and some of the related plans, may be slow to load

NORTHGATE SE GIS Print Template



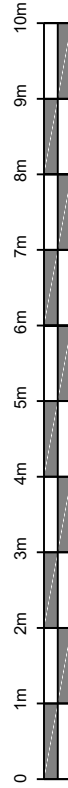
Text Details **16 Spencer Hill**

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DATUM LINE 29.00m AOD

SOUTH ELEVATION AT A-A (FACING SPENCER HILL)



SCALE BAR:

Architecture • Masterplanning • Town Planning • Project Management Construction Management • Engineering Design • 3D Visualisation	
13 Grosvenor Gardens, Victoria, London SW1W 0BD +44 (0)207-592-7294 (UK) e-mail: enquiry@designgroup3.co.uk	
Client:	MR & MRS THORPE
Project:	16 SPENCER HILL (WIMBLEDON)
Title:	PROPOSED ELEVATION SOUTH ELEVATION (FACING SPENCER HILL ROAD)
Scale:	1:50 @ A1 1:100 @ A3
Date:	01.07.2015
Drawn:	DG3-1078
Checked:	DC
Drawn by:	1078(PD)06
Revision:	C

Design Group 3

Committee: Planning Applications

Date: 16th June 2016

:

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 Numbers: **14/P1008**
Site: 141 The Broadway, Wimbledon SW19 1QJ
Development: Demolition of first & second floors and erection of a six storey building providing 16 flats
Recommendation: Refuse Permission (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 25th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000083000/1000083915/14P1008_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1268
Site: Spencer House 4 Peek Crescent, Wimbledon SW19 5ER
Development: Formation of vehicular crossover
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/100088000/100088547/15P1268_Appeal%20Decision%20Notice.pdf

Application Number: 15/P1863
Site: 152 Merton Hall Road, Wimbledon Chase SW19 3PZ
Development: Installation of new shop front, erection of rear extension and rear roof extension and change of use of retail area into residential flat
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 25th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/100089000/100089116/15P1863_Appeal%20Decision%20Notice.pdf

Application Number: 15/P2520
Site: Land side of 1 Marlowe Square, Mitcham CR4 1DT
Development: Erection of a 3 bed dwellinghouse
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 26th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/100089000/100089737/15P2520_Appeal%20Decision%20Notice.pdf

Application Number: 15/P3171
Site: 20 Dawlish Avenue SW18 4RW
Development: Prior approval for a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090355/15P3171_Appeal%20Decision%20Notice.pdf

Application Number: 15/P3231
Site: 58 Daybrook Road, Merton Park SW19 3DH
Development: Erection of a single storey annexe
Recommendation: Refused (Committee Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 19th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090414/15P3231_Appeal%20Decision%20Notice.pdf

Application Number: 15/P3296
Site: 327-329 Haydon's Road, South Wimbledon SW19 9LA
Development: Prior approval for change of use from A1 to C3, creating 2 x flats
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 26th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090476/15P3296_Appeal%20Decision%20Notice.pdf

Application Number: 15/P4299
Site: 22 Glendale Drive SW19 7BG
Development: Formation of vehicular crossover
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th May 2016

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091436/15P4299_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: 16th June 2016

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:	586 ¹ (629)	New Appeals:	1 (3)
New Complaints	27 (36)	Instructions to Legal	3
Cases Closed	70 (62)	Existing Appeals	4 (3)
No Breach:	15	<hr/>	
Breach Ceased:	55	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	29 (45)
Total	70 (62)	% Determined within time limits:	95%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (3)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	0 (5)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (10th May – 6th June 2016)*). 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

None

Some Recent Enforcement Actions

- 2.01 160 Bennetts Close Mitcham CR4 1NS.** An enforcement notice was issued on 20th April 2016 against the unauthorised erection of a fence exceeding 3 metres high. The notice comes into effect by 1/6/16 unless there is an appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.
- 2.02 Date Valley School, Mitcham Court, Cricket Green, Mitcham.** The Council issued an enforcement notice on 15th April 2016 against the unauthorised erection of a shelter in the playground of the school site. The notice came into effect on 25th May 2016 as there was no appeal. However following discussions with officers an acceptable design has been agreed and a fresh application would be submitted shortly for consideration.

2.03 31 Manship Road, Mitcham CR4 2AZ On 15th April 2016, the council issued an enforcement notice against the unauthorised erection of three wooden garden sheds in the rear garden, The notice would come into effect by 25th May 2016 unless there is an appeal prior to that date and the requirement would be to cease the use of the sheds for residential purposes and demolish/remove them from the garden within 3 months.

2.04 117 Haydons Road South Wimbledon SW19. The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement would be to cease using the building as eight self-contained flats within 6 months.

2.05 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.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof and rainwater goods, masonry, chimney and render repairs and woodwork, and glazing.

An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

Officers are waiting for an update regarding the archaeological survey of the Tudor part of the building to be carried out.

3.0 New Enforcement Appeals

Swinburn Court, 32 The Downs SW19 The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date of 30/4/16 but for the appeal. The council is still waiting for a start date letter from the Planning Inspectorate.

3.1 Existing enforcement appeals

- **39 Borough Road Mitcham CR4 3DX** The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The notice would come in to effect on 31st May 2016 unless there is an appeal prior to that date and the requirement would be for the owner to demolish the structures and

removal of the resulting debris within 3 months. The appeal is by written representation and is proceeding on ground 'A' – that planning permission should be granted for the development.

- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. **The Council's statement was sent on 20/5/16**
- **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.

The Council's statement was sent on 1/12/15. PINS have confirmed an extension to 5/1/16 at the request of the appellant as they want two other planning appeals for the same development to be co-joined and dealt with by one inspector. The next stage is for the planning inspectorate to set a date for an inspector site visit.

3.2 Appeals determined –

- **4 Sunnymead Avenue Mitcham CR4-** The Council served an enforcement notice against a front roof alteration and rear dormer on 26/10/15. The appeal was dismissed and the appellant has to demolish the unauthorised roof extension within one month.

Prosecution case.

None

3.4 Requested update from PAC

None

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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