

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:

John Sargeant

Stephen Crowe

Judy Saunders

Joan Henry

Daniel Holden

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

Date: 11 August 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

11 August 2016

- 1 Apologies for absence
- 2 Declarations of of pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 4 Town Planning Applications - Covering Report 9 - 12
Officer Recommendation:
The recommendations for each individual application are detailed in the relevant section of the reports.
- 5 153-161 The Broadway, Wimbledon, SW19 1NE 13 - 56
Application No: 16/P1149 Ward: Abbey

Recommendation: Grant Planning Permission subject to conditions and S106 agreement relating to contribution towards CPZ review
- 6 2 Cavendish Rd, Colliers Wood, SW19 2EU 57 - 68
Application No: 16/P1845 Ward: Colliers Wood

Recommendation: Grant permission subject to a S106 legal Agreement and conditions.
- 7 110 Copse Hill, West Wimbledon, SW20 0NL 69 - 80
Application No: 16/P1901 Ward: Wimbledon Village

Recommendation: Grant permission subject to conditions.
- 8 55a Hill Place House, High Street, SW19 5BA 81 - 90
Application No: 16/P1726 Ward: Village

Recommendation: Grant permission subject to conditions.
- 9 Nelson Hospital, 220 Kingston Rd, SW20 8DB 91 - 98
Application No: 13/P2192 Ward: Merton Park

Recommendation: Approve discharge of condition 24, Parking Management strategy for Phase 2 attached to planning permission ref 12/P0418.
- 10 Land Rear of Aston Court, 18 Lansdowne Road, SW20 8AW 99 - 112
Application No: 15/P3039 Ward: Raynes Park

Recommendation: Grant Planning Permission subject to completion of a S.106 Agreement and conditions

- | | | |
|----|--|-----------|
| 11 | 5 Morton Rd, Morden, SM4 6EF
Application No: 16/P1857 Ward: Ravensbury

Recommendation: Grant permission subject to conditions. | 113 - 124 |
| 12 | 3 Redclose Ave, Morden, SM4 5RD
Application No: 16/P2084 Ward: St Helier

Recommendation: Grant permission subject to conditions. | 125 - 132 |
| 13 | 40 Quicks Rd, Wimbledon, SW19 1EY
Application No: 16/P0328 Ward: Abbey

Recommendation: Grant permission subject to conditions. | 133 - 140 |
| 14 | 40 Station Rd, Colliers Wood, SW19 2LP
Application No: 15/P1156 Ward: Abbey

Recommendation: Grant permission subject to s106 agreement for improvements to the pathway surface and lighting to the public right of way to the side of the site and conditions. | 141 - 156 |
| 15 | Harris Academy, Wide Way, CR4 1BP
Application No: 16/P1487 Ward: Pollards Hill

Recommendation: Grant permission subject to conditions. | 157 - 168 |
| 16 | TPO 697 - 201 Kingston Rd, SW19 3NG
Ward: Dundonald

Recommendation: That the Merton (No.697) Tree Preservation Order 2016 be confirmed, without modification. | 169 - 176 |
| 17 | Planning Enforcement - Summary of Current Cases
Officer Recommendation:
That Members note the contents of the report. | 177 - 182 |

Declarations of Pecuniary Interests

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

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

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

NOTES

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

Procedure at meetings of the Planning Applications Committee

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

1 Public speaking at the Planning Applications Committee

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

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

2 Submission of additional written evidence at meetings

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

Agenda Item 3

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

14 JULY 2016

(7.20 pm - 11.40 pm)

PRESENT Councillors Councillor Linda Kirby (in the 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

ALSO PRESENT Councillor Suzanne Grocott
Councillor Michael Bull
Councillor John Dehaney
Councillor Mike Brunt
Neil Milligan
Sue Wright
Jonathan Lewis
Mitra Dubet
Lisa Jewell

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 made.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered one of the applications on the agenda (Item 07) but he did not take part in the debate or vote on the proposal.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

The minutes of the Planning Applications Committee held on 16 June 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 5,7,8, and 10 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: 8,7,5,6,9,10,11 and 12
- 5 BROOK HOUSE, 1A CRICKET GREEN, MITCHAM, CR4 4LA (Agenda Item 5)

Proposal: Extension to roof to provide 6 residential units (2 x 1-bedroom and 4 x 2-bedroom) and alterations to the external elevations.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, a verbal representation on behalf of an objector to the application, and a verbal representation by the agent

The Committee expressed concerns regarding the cumulative effect of the prior approvals on the application site. Members were concerned that by submitting separate applications the proposal had not been brought to Committee, until now, and that contributions to affordable housing had not been sought on this site.

Members were also concerned that the application had not been seen by the Design Review Panel; (DRP) and asked why this was. Officers explained that as the application does not change the type of roof, and only increases the bulk but not the height, it was not significant enough to be presented to DRP.

The Committee noted that the Council's Conservation Officer objected to the original application, but had not commented on the revised scheme.

Members expressed views that the application fails to make a positive contribution to the Conservation Area, that it is overbearing and not in keeping with the Conservation Area, that it does not respect the character of the Conservation area and that the massing and bulk of the development is not appropriate in its setting.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The Development is overbearing and not in keeping with the Conservation Area.
 - The Development does not respect the Character of the Conservation Area
 - The Bulk and massing of the development is not appropriate in this setting
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

Note: Councillor David Dean left the Chamber for the start of this item, returned during the item, but did not vote.

6 32 DAYBROOK ROAD, MERTON PARK, SW19 3DH (Agenda Item 6)

Proposal: The proposal is for the erection of an outbuilding in the rear garden to be used as a garage/store room.

The Committee noted the Officers Report, and verbal presentation, a verbal representation by an objector to the application, and by the applicant.

The Committee noted that a shower room originally proposed as part of the building had been removed from the application. Members asked Officers about the difference between incidental use and ancillary use of out buildings. The Planning Officer explained that this proposal was designated as 'incidental' to the main dwelling house, and as such could only be used for activities such as a garage, hobby room or home gym. If it were to be used as a 'granny annexe' this would be an 'ancillary use' and further planning permission for this use would be required. Members then asked what the applicant would be able to build under permitted development and noted that the proposed development was higher, at 3.4m, than the maximum of 2.5m allowed under permitted development. Members asked about the reason for the proposed cavity wall but noted that this was not a planning consideration.

RESOLVED

The Committee GRANTED Planning Permission subject to Conditions.

7 12 HARTFIELD ROAD, WIMBLEDON, SW19 3TA (Agenda Item 7)

Proposal: Demolition of existing building and erection of a replacement seven storey building comprising a 140 bed hotel (Use Class C1) with ancillary restaurant use on the ground floor (Use Class A3).

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, a verbal representation on behalf of an objector to the application, a verbal representation by the applicant, and by Ward Councillor Suzanne Grocott.

It was confirmed that Crossrail 2 had been consulted and did not object to the proposal as the application site is located outside of the Crossrail 2 safeguarding direction.

The Committee noted that the development did not provide any Disabled Parking and as it was a car free development in a highly accessible location this was considered acceptable. The Hotel operators were recommended to publicise the nearest

disabled parking bays and other possibilities on their website The Committee noted that Blue Badge Holders could park in any CPZ (controlled Parking Zone) in Merton. The Committee discussed general parking issues and Officers explained that there were a number of car parks in the area, and subject to consultation the operating hours of the CPZ on local streets could be extended if problems occurred.

RESOLVED

- A. Planning Permission is granted subject to Conditions and s106 Agreement.
- B. An additional condition to be added requiring that no waste to be left on the pavement.

8 SOUTHEY BOWLING CLUB, 559 KINGSTON ROAD, SW20 8SF (Agenda Item 8)

Demolition of existing buildings and redevelopment of site with erection of 9 x houses (3 x 2-bed dwellings & 6 x 4-bed dwellings) with new shared pedestrian and vehicular access from Kingston Road, erection of a new bowls club building and associated facilities, including a new changing room building and relocation of groundman's store using existing access to Lower Downs Road.

The Committee noted the Officers Report and additional information in the Supplementary Agenda, the Officers verbal presentation, verbal representations from 3 objectors to the application, a verbal representation by the applicant, and by Ward Councillor Michael Bull.

Members noted that the recent reporting of bats on this site was going to be investigated and the recommendation had been updated accordingly

Members discussed access to the development and the footpath and noted

- That there is a condition requiring the applicant to investigate ownership of the pathway
- The footpath is not on the Council's database of registered rights of way, but the applicant does maintain it as such.
- The applicant intends that full access for pedestrians will be maintained, despite gates being installed as these serve the proposed cul-de-sac of housing only and not the through route
- Lighting of the pathway needs to be improved as part of this scheme
- Waste is currently collected from outside the clubhouse
- The proposed gates on the residential development do not conflict with urban design and Council policy

Members asked about the timing of the Shading report and noted that the optimum time for collecting this data is at the spring or autumn equinox, and the report for this application was carried out very close to the spring Equinox.

The Transport Officer said that any reported problems with traffic and parking would be monitored.

A motion to Refuse was proposed and seconded on the grounds of bulk, massing and lack of safe access. This motion failed and Members then voted on the Officers Recommendation to Grant Planning Permission, with the addition of a Condition to improve the lighting of the pedestrian access. This motion was agreed.

RESOLVED

The Committee Agreed to GRANT Planning Permission subject to:

- A. Completion of a Section 106 obligation covering the following heads of terms:
1. No. 557 Kingston Road and the nine new dwellings at 559 Kingston Road are to be permit free residential units
 2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations
 3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.
- B. Conditions in the Officers Report and Conditions and amendments in the Supplementary agenda and the following amendments to Conditions:
- Amendment to condition regarding lighting of pathway
 - Amendment to condition regarding quantifying noise levels
- C. Receipt of a further report from the applicant's bat consultant confirming that no bat roost exists at the site,
- D. The Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the above changes

9 17 RIDGE ROAD, MITCHAM, CR4 2ET (Agenda Item 9)

Proposal: Erection of new mid terrace, two bedroom dwelling, between existing houses at 17 and 18 Ridge Road, involving demolition of existing garage.

The Chair declared that as Ward Councillor she knew the residents at 18 Ridge Road, who were objecting to the application. Accordingly she left the dais for the duration of this item, and sat away from the Committee, spoke before the Committee

debate and did not participate in the vote. The Vice Chair, Councillor Bowcott, moved to the dais to Chair this item.

The Committee noted the Officers Report and verbal presentation, a verbal representation by two objectors to the application, and by the applicant.

The Planning Officer asked the Committee to consider the application before them that is identical to a previous application that had been allowed in 2011. The application was for a property to be built between numbers 17 and 18 with no gap, and as such could not be built, even with planning permission, without the agreement of all parties. If a gap was to be maintained this would require a new planning application.

Members noted that the frontage of the new property would be capable of aligning with the adjacent properties, and that the rear of the proposed house met planning requirements.

Policy changes made since 2011 did not give any new reasons to not allow the proposal.

Residents were concerned about car parking in the garden of the existing number 17, in an area that would become the garden of the new house. Officers replied that unless a large non-permeable hardstanding was proposed then planning permission was not required for such parking and so this was not a planning consideration.

A resolution to refuse the permission was proposed and seconded, the reason given was that that developers should respect the space between buildings (Policy DMD3). This resolution was put to the vote but failed.

Members then voted on the officers proposal to grant planning permission and this was agreed.

RESOLVED

The Committee agreed to GRANT Planning Permission subject to Conditions

10 UNIT 18, MITCHAM INDUSTRIAL ESTATE, STREATHAM ROAD, CR4 2AV
(Agenda Item 10)

Proposal: Change of Use from Warehouse (Use Class B8) to Indoor Go-Karting Facility (Sui Generis use)

The Committee noted the Officers Report and additional information in the Supplementary Agenda – Modifications, and the Officers verbal presentation, a verbal representation by an objector to the application, by the applicant, and by Ward Councillors; Mike Brunt and John Dehaney.

The Committee noted residents and Ward Councillors concerns regarding noise from the site, and noted that there were two areas of concern. The first was the operation of the Go-Karts and plant associated with the building and the second was customers arriving, parking and leaving the site.

The Committee agreed to ask Officers to negotiate with the applicant regarding the extractor fans and their positioning away from the residential areas. Members noted Condition 12, that noise levels for the building and operation within the building should not exceed LA90-10dB at the boundary with the closest residential property. The Committee discussed the issue of noise generated by people and vehicles arriving and exiting from the site and noted Condition 11 which sought to impose a time after which there would be no parking in the car park closest to the residential area (the southern car park)

Members asked for two changes to conditions to be made, firstly that the Hours of use be reduced to 9:00 – 22.30 on any day. And secondly that Condition 11 be changed such that there is no parking allowed in the southern parking area after 20.30 on any day

RESOLVED

A. The Committee agreed to Grant Planning Permission subject to Conditions

B. The Committee asked for Condition 4 to be amended to the following:

The use hereby permitted shall operate only between the hours of 9:00 and 22:30 on any day.

C. The Committee asked for Condition 11 to be amended to the following:

No parking is permitted after 8.30pm on any day in the southern parking area of the site (rest of condition and reason unchanged)

D. The Committee asked Officers to negotiate with the applicants regarding the positioning of the extractor fans, so that they are facing away from residential areas.

11 PLANNING APPEAL DECISIONS (Agenda Item 11)

The Committee noted the report on Appeal Decisions

12 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 12)

The Committee noted the Report on Planning Enforcement and noted that the minutes of 16 June 2016 should have included a request for Planning Enforcement Officers to investigate 20 Church Lane 15/P1266.

13 VIABILITY BRIEF (Agenda Item 13)

The Committee noted the Contents of the Viability briefing report.

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 11th August 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

11th August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1149	22/04/2016
Address/Site	153 – 161 The Broadway, Wimbledon, SW19 1NE	
Ward	Abbey	
Proposal:	Demolition of the existing buildings and erection of a 9 storey 176 bedroom hotel (Use Class C1) and ground floor restaurant (use Class A3) facility and car parking and associated landscaping and access (2 residential dwellings shown at rear for indicative purposes only and are subject of separate application)	
Drawing Nos	3642/P100, P104 F (proposed site plan); P105 G, P106 D, P107 D(proposed floor plans); P108 G,(proposed elevations), P109 D (contextual street elevations), P110 C (proposed sections), P111 B (Proposed roof plan)& P113 B (proposed Broadway elevation)	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to conditions and S106 agreement relating to contribution towards CPZ review

CHECKLIST INFORMATION.

Heads of agreement: - N/A

Is a screening opinion required: No

Is an Environmental Statement required: No

Has an Environmental Impact Assessment been submitted – No

Press notice – Yes

Site notice – Yes

Design Review Panel consulted – Yes

Number of neighbours consulted – 608

External consultations – No.

PTAL score – 6a
CPZ – 4F

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee in light of the number of objections received and at the request of Councillor Neep.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a four storey building dating from the 1960's situated on the south side of The Broadway. The ground floor of the building has been vacant since June 2014 (Henry J Beans Bar and Grill) and three office floors above have been vacant since 2008 (job centre). There is a car parking and servicing area at the rear of the site, accessed from Griffiths Road.
- 2.2 There is a mixture of architectural styles in the vicinity of the application site and the surrounding area is mixed commercial in character. Immediately adjacent to the application site is the distinctive curved glazed frontage of the 6 storey CIPD office building. To the east is Highlands House, a 1960's multi-level commercial building with Majestic wine warehouse at ground floor and 6 floors of office space above. Opposite the application site is a recent seven storey mixed used development with residential on the upper floors.
- 2.3 The application site is located within the designated Wimbledon Town Centre in the adopted Merton Sites and Policies Plan (July 2014). It is not within a conservation area. Controlled Parking Zones operate in the Broadway and surrounding streets . The site has excellent public transport links and has a Public Transport Accessibility Level (PTAL) of 6b.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the demolition of the existing buildings and erection of a 9 storey 176 bedroom hotel (Use Class C1) and ground floor restaurant (Use Class A3) facility and car parking and associated landscaping and access (2 residential dwellings shown at rear for indicative purposes only and are subject of separate application).
- 3.2 The proposed building would adopt a modern design approach with a palette of materials that includes buff brick, stone, coloured metal cladding and glazing. At ground floor level, the building would accommodate the hotel lobby, reception, bar, restaurant, service access leading from the

front to the rear, 2 guest bedrooms and back of house facilities. At first, second and third floor levels would be 24 guest bedrooms, at fourth floor 23 bedrooms, fifth 22 bedrooms, sixth & seventh 20 bedrooms and eight 17 bedrooms.

- 3.3 There would be four disabled car parking bays, 13 cycle spaces and an operational vehicle bay provided for at the rear of the site which would be accessed via the existing Griffiths Road access. The servicing for the hotel for linen, food and drink deliveries and refuse would be on street outside the hotel, subject to existing loading restrictions which exclude loading in peak hours.

3.4 Amended Plans

Since the original submission the plans have been amended to incorporate the following changes –

Ground floor alterations

Minor amendments have been made to the ground floor plant room area at the rear of the proposed hotel. A new sub-station is located within the hotel plant room, with emergency access retained as existing from Griffiths Road. The substation access gate is re-positioned to aid vehicular tracking.

The overall plant space has been rationalised and this has enabled the proposal at ground floor to be moved an additional 2.6m away from the boundary with the dwellings on Griffith Road. The proposed ground floor is now within the footprint of the original permitted scheme at the southern boundary. The former substation housing will be retained and used as general storage.

Car Parking

The disabled parking has been increased from 2 to 4 bays within the rear yard accessed from Griffiths Road and a contractor's service vehicle parking bay has been added.

Materials Palette

The cladding to the rear elevation has been substantially reduced, with the elements closest to Griffiths Road replaced with buff brick. The surround and returns of the Broadway facade have been amended to brick with stone at ground floor level and additional details about materials have been provided.

- 3.5 An application for outline planning permission, LBM ref 16/P2330, has been submitted concurrently for erection of two dwellings at the rear of site. Details have been indicatively shown on the plans for the proposed

hotel. The outline application is recommended for approval under delegated powers subject to a parking permit free legal agreement.

4. **PLANNING HISTORY**

4.1 16/P2330 - Outline application (access only) for erection of two x dwellings at the rear of site – Pending decision

4.2 **11/P3437** - Change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st, 2nd and 3rd floors of the existing building and the erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar use – **REFUSED** by Planning Applications Committee on 30th April 2013 for the following reasons:

- 1) The proposed development would be of insufficient design quality for this prominent town centre location and would by reason of its design, height and siting have an unsatisfactory relationship with the adjoining building at 143-151 The Broadway (known as CIPD House) and would be contrary to retained UDP Policies BE.16 (Urban Design) and BE.22 (Design of New Development) and Adopted Core Strategy Policy CS14 (Design).
- 2) The bulk, massing and site coverage would result in an unneighbourly form of development that would be visually intrusive to occupiers of neighbouring properties contrary to retained UDP Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise).

4.2.1 This application was subsequently **ALLOWED on appeal (Ref: APP/T5720/A/13/2201609)** on the 27th February 2014. The planning permission is still extant until 27th February 2017. The Inspector considered the two main issues to be the effect on the character and appearance of the adjoining buildings in the Broadway and on the street scene and the impact on the living conditions of occupiers of the properties to the south in terms of visual impact, daylight and sunlight. The Inspector's conclusions on the 2 issues were as follows:

- 1) The scheme would respect and blend in appropriately with adjacent buildings and would make a positive contribution to the street scene and the townscape in general
- 2) The proposal would not have a materially adverse impact on the living conditions of the occupiers of the adjoining and nearby properties due to its visual impact or loss of daylight and sunlight.

The Inspector's decision notice is attached as an Appendix to the report.

- 4.3 11/P1167 - Change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st 2nd and 3rd floors of the existing building and the erection of a new seven storey hotel with 155 rooms, external fire escape and reduction of parking provision from 22 spaces to 18 – Refused under delegated powers on 03/08/2011 for the following reasons:
- 1) The proposed development would be of insufficient design quality for this prominent town centre location and would by reason of its design, height and siting have an unsatisfactory relationship to the adjoining building at 143-151 The Broadway (known as CIPD House) and would be contrary to retained UDP policies BE.16 (Urban Design) and BE.22 (Design of New Development) and Adopted Core Strategy policy CS14 (Design).
 - 2) The bulk, massing and site coverage of the proposed rear extension would result in an unneighbourly form of development that would be visually intrusive to occupiers of neighbouring residential properties in Griffith's Road contrary to retained UDP policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise).
 - 3) The proposed hotel fails to take a suitably comprehensive approach to the development of this important town centre site and compromises the future redevelopment of the adjacent designated development site 4WTC on the adopted UDP Proposals Map and is contrary to Policies CS6(e) - Wimbledon Town Centre, CS7- Centres and CS14(iii) of the adopted Core Strategy (July 2011) and the principles of good planning.
- 4.4 06/P2912 - In April 2007 planning permission was granted by the Planning Application Committee for the re-cladding of the existing building and the erection of an additional four floors of office accommodation. The application was subject to a S.106 Agreement that was not completed.
- 4.5 00/P1800 - In September 2001 planning permission was granted for the change of use of the ground floor of the property from A1 (retail use) to A3 (café/bar use). The permission was subject to a S.106 Agreement
- 4.6 96/P0219 - In May 1998 planning permission was granted (subject to S.106 Agreement) by the Planning Applications Committee for the erection of an additional two floors office accommodation above the existing building and the erection of a part single part, two, three and four storey rear extension to provide a total of 2768m² of B1 (office) floorspace and 782m² of A3 (café/bar) floorspace. This permission was not implemented.

5. CONSULTATION

- 5.1 The application has been advertised by major site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to the consultation (original plans), 92 letters of objection were received (including ones from the Wimbledon E Hillside Residents Association, South Wimbledon Community Association, Cllr Neep, Cllr Chirico & Love Wimbledon). 3 letters of support were also received.
- 5.3 The main issues raised in objection were as follows:

Height/Design/Materials

- Height of building would be out of proportion to the existing buildings in that area, higher rise buildings don't enhance the street scene, lack of cohesive planning for town as a whole – needs to be a proper planning strategy for Wimbledon that maintains its attractiveness
- Appearance will detract from the Broadway, will further de-value Wimbledon brand, not in keeping of the surrounding area. Materials are cheap and ugly, virtually all metal cladding. Lazy, corporate design that does not acknowledge or complement surrounding streetscape and building styles. Metal cladding will not age well, a design using bricks would integrate better into the surrounding area. Set poor precedent. Visually intrusive form of development
- Overdevelopment of the site (previous approval of a 149 hotel was too much), unacceptably high density
- Whatever height is permitted no mobile phone masts, air conditioning equipment or their plant and machinery should be permitted on the roof so as to protect the skyline of Wimbledon

Parking/Servicing

- The proposed single vehicle layby at the front of the building is ridiculously inadequate. Inappropriate to have delivery and waste disposal vehicles using the same place as hotel guests being dropped off by taxi. Easy to imagine queues of vehicles blocking The Broadway waiting to get into the layby.
- The development would adversely affect highway safety or inconvenience road users, including buses, especially with guests pulling in to load/unload and lorries and vans arriving with deliveries, which are to be by the front entrance of the building. This stretch of the Broadway is often backed up, with heavy traffic and many buses, especially in the morning. It is the main route through the centre of the town. With the prospect of an super-enlarged YMCA building almost opposite, and imminent plans to redevelop for Crossrail 2, highway safety has to be a consideration.

- Increased traffic and increase risk of road injuries
- Inadequate parking. Additional parking should be included. Instead of two residential units at rear this should be car parking. If approved, surrounding residential streets should become resident only with no parking for non-residents. 2 disabled parking bays do not provide suitable parking. Whitbread estimate that 20% of guests are likely to travel by car, which would generate between 28 and 35 additional cars per night. Surrounding streets and car parks cannot cope with additional pressure when other developments and future closure of car parks proposed.
- Possible solution to parking problem by stating that hotel is car free, whereby visitors are informed before booking – that there is no nearby space for private vehicles. This would be secured via a S106 agreement. Also helpful if the hotel operated a shuttle van to/from Wimbledon station (hybrid or electric engine)
- Basement could have been provided for deliveries and car parking
- Parking bay should be restricted to delivery vehicles and coaches, not guests using their cars. Bay should not be used during construction phase
- Layby will take up part of pedestrian pavement
- There should be restrictions on parking permits for the hotel

Residential Amenity

- Noise and disruption from hotel activity (including antisocial behaviour). Ground floor restaurant – area already has diverse eateries – concerns with extra rubbish and collection and noise disturbance. Former bar/restaurant use operated late hours with police in attendance regularly -late night restriction should be placed on restaurant (11pm) to avoid repetition of problems in this residential area. The site is situated in a cumulative impact zone and should be a condition of planning that the licence ends at 11.00pm each day to avoid noise, crime and anti-social behaviour
- Loss of value to surrounding properties
- Overlooking and loss of privacy
- Loss of light and overshadowing of properties in Griffiths Road
- Very invasive for the houses on Griffiths Road which it backs onto (i.e. too tall, too wide and too near the boundary)
- Increased air pollution

Hotel Use

- The number of hotel rooms exceeds previous planning permission, another hotel has been granted permission on Hartfield Road – why is this hotel necessary?

Other

- Public consultation carried out during holiday period

- Should be reviewed in light of Crossrail 2
- Can the development of the 2 houses planned at the back on Griffiths Road be linked as a condition of the hotel?
- Proposed houses and impact upon light to adjoining properties. What assurance is that the houses would be built, could be changed to block of flats.

5.4 Love Wimbledon

- Supportive of a new business and a hotel in the town centre. Keen to encourage development on this site as it has lain empty for many years and does present an eyesore. It also attracts a level of antisocial activity around it, as it is evident it is not being maintained.
- Not supportive of the current proposal in relation to the design - quality of materials should be improved, preference is for brick taking into account its relationship to its surroundings, and to avoid current proposed clash with the CIPD building, Wimbledon needs high quality, intelligent architecture to take it through to the next century and therefore cannot support an application for a building with green metal cladding on the façade.
- Would like to see the signage approved as part of the planning application as this can also detract

5.5 Councillor Neep

- Residents are concerned with late night activity in The Broadway
- The materials are not in keeping. DRP note that the building should be in line with the CIPD building next door which uses brick to the side and rear which is what the majority of people from the Broadway and Griffiths Road see. The Premier Inn uses metal cladding which is not in keeping with the area. Request for conditions relating to materials.
- Welcome commitment to prevent loading or access from Griffiths Road. Losing 22 spaces will place pressure on car parking in surrounding streets. Premier Inn note that approx. 33-35 cars will be expected a night, Griffiths Road and surrounding areas already face issues for space in terms of parking after CPZ hours.
- A layby for loading and dropping off from The Broadway is welcomed but this needs to be separate to the bus lane which would cause chaos on The Broadway, we would like planning committee to make this a condition of development.
- The height of the building whilst already considered as part of the appeal for the previous application is something residents are concerned with. Not in keeping with CIPD and sets a precedent. There are also big questions about the impact on light on what is

already a shady side of the street.

- We welcome the proposal for two houses on the entrance on Griffiths Road but would like to see this as part of a condition of development.

5.6 Councillor Chirico (on half of Trinity ward residents and Trinity Councillors)

- Additional parking pressure on Trinity ward due to lack of parking for the hotel and potential underestimation of users bringing their own vehicles to the area
- Substandard finished look of the hotel and the use of metal clad in Wimbledon. Materials will look tired and ugly and are not in keeping with the current look of the surrounding area. Residents require alternatives such as appropriate London brick work.
- The 9 storeys, if granted, would set a dangerous precedent for other buildings in the area to expand vertically. Residents feel that the height is obtrusive.
- The hotel density is too great.
- Deliveries at the front of the hotel would cause further congestion on an already busy Wimbledon Broadway. Residents who use the buses do not want service access vehicles stopping in a bus lane in busy commuter traffic, which the Council currently favours. An alternative should be considered.
- Trinity councillors do not object to the development of this site but any application should consider the concerns raised above.

5.7 The letters of support raise the following points

- The current building is old and dilapidated
- The proposed building with restaurant would reinvigorate the block and the whole area surrounding
- Increase value of the existing viscount point property and should be a positive development for all owners
- Will provide direct employment and support businesses along the Broadway
- Given that the buildings on both sides are 6 storeys, 9 storeys is not excessive
- Wimbledon is in need of a mid-range hotel
- The design and materials are in keeping with the other buildings and will fit in with the surrounding area.

5.8 **July 2016 Re-Consultation on Amended Plans**

A re-consultation was carried out following revised plans which

- Moved the ground floor further away from Griffiths Road at the rear and incorporated 2 additional disabled spaces,
- Changed the materials palette to introduce more brickwork to the front and rear elevations
- Changed the servicing arrangements to remain as on-street from the Broadway, subject to existing loading restrictions

In response, 18 additional representations were received, mainly reiterating previous objections, and as summarised below:

- 9 storeys too high, impact on neighbours and incompatible with adjoining buildings and CIPD, will create cold, windy microclimate
- Use of cladding cheap and unsightly, alien to Wimbledon, building will be damaging to Wimbledon and set a poor precedent, should be more imaginative and in character with town centre, pleased that some brickwork proposed but should be more/all brickwork, easier to maintain and more visually pleasing, all brickwork been used on other Premier Inns, developer has advised that brick no more expensive than cladding
- Changes to building too minor to be significant, don't affect previous objections
- Shame no green roofs, solar panels, are there proposals to attenuate surface water run off?
- Servicing arrangements using drop off rather than inset lay by seem ill thought and will interfere with bus lane, detrimental to highway safety,
- Still insufficient parking, Increased parking pressure on surrounding streets
- Basement car park could provide parking and servicing solution
- Increase in number of bedrooms from 149 to 176 unacceptable in terms of additional parking, traffic, noise and disturbance
- No change to daylight/sunlight report despite new readings taken in June and errors in initial report, impact on light and outlook to Griffiths Road, there are breaches of certain of the BRE guidelines in respect of 73 and 79 Griffiths Road and rights of light injury to 67, 69, 71, 73 and 79 Griffiths Road. Although rights of light not a material planning consideration, want decision deferred until satisfied that complies with BRE guidelines and legal rights of light criteria.
- Question need for hotel

5.9 Councillor Neep

Has made the following additional comments in respect of the changes –

- concerned not enough time for report to be published in advance of Aug

PAC and that many residents with an interest will be on holiday, would support application being heard at Sept PAC

- introduction of more brick and stone does not go far enough. Inclusion of metal cladding not in keeping with Broadway or Griffiths Road and does not complement the design of the CIPD building next door. Metal cladding presents concerns in terms of durability and aesthetics. Premier Inn at Colliers Wood has not aged well. Whitbread have successfully designed and built brick hotels within Kings Cross without lack of balance between lightness and gravitas. Welcomes removal of some of the cladding but wants this to go further and ensure building is reflective of the character of the Broadway and Griffiths Road.

- height is still a concern for residents and for future development along the Broadway, which in many places retains its historical character and value, 9 storeys is higher than CIPD building next door- questions about light and rights of light for residents at the rear and pedestrians on already dark and windy Broadway.

- Servicing needs to be addressed. Broadway is a busy thoroughfare, already heavily congested. Suggestion that a 176 room hotel and restaurant will not need servicing stop off more than 14 days a week is at best an estimate. Inset loading bay should be looked at again – will help to ease the pressure on the Broadway and without it will be increased pressure on the road and inconvenience for users. Should be a condition of planning and bus lane should be protected.

-Parking remains an issue. With proximity of theatre and recent approval of a hotel with no parking around the corner the surrounding streets will take the strain. This needs further consideration and a clearer articulation of how this will be prevented.

- Whilst development and its benefits is welcomed in Wimbledon it can and should deliver for residents. The amendments have addressed residents' comments to a degree but fall short of delivering something that enhances what is currently in situ on the Broadway and surrounding roads. Metal cladding could be removed from the design and other successful Premier Inn developments across London do not include it. The above considerations should be taken into to create a development that works for all and stands the test of time.

5.10 Energy Officer – No objection

5.11 Transport Planning Officer- Core Planning Strategy:

- CS18 – Active Transport – *Working to ensure the pedestrian environment is safe, enjoyable and attractive.*
- CS20 – Parking, Servicing and Delivery – *Requiring developers to demonstrate that their development will not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or the*

quality of bus movements and/or facilities ; on-street parking and traffic management.

Site and Policies Local Plan:

- DM T1 – *Support for sustainable transport and active travel*

5.11.1 Parking

The parking situation in CPZ W4 (Palmerston Road area) is no longer an issue as controlled hours are from 8am to 11pm Monday to Saturday & 10am-2pm on Sundays.

CPZ 4F (Griffiths Rd area) has shorter hours of 8am – 6pm. The Council would review the hours of CPZ operations if we received a petition from residents requesting a review, which might be expected as a result of the development. The associated costs of conducting a review of the 4F CPZ are: Consultation, reporting and decision making £10,000. Implementation (signs, lines, notices and works) £20,000.

5.11.2 Deliveries/Loading

Based upon the number of deliveries to the hotel estimated to be a maximum of 14 a week (equates to 2 a day) Future Merton does not feel that an inset footway loading bay is necessary. Servicing and unloading from the carriageway already occurs along the whole length of The Broadway and the introduction of an inset loading bay here might set the precedent for additional inset loading bays which would negatively impact on pedestrian movement and the quality of the public realm.

5.11.3 TfL Buses had concerns that on street loading would detrimentally impact the operation of the bus lane however the existing westbound bus lane is only operational in the peak morning period (7-10am Monday to Saturday) and loading is already allowed in the bus lane outside the site between the hours of 1000-1600. Future Merton considers that deliveries and servicing for the hotel can be accommodated in the existing carriageway/kerbside without negatively impacting upon bus journey time reliability and traffic congestion assuming there is adequate parking enforcement to deter loading outside of the 1000-1600 period.

5.11.4 The kerbside footway outside the site is currently cluttered by an advertising display, posts and a poorly maintained telephone box which will affect the ability for the hotel to unload and load deliveries and for refuse lorries to empty bins. It is therefore recommended that these footway obstructions should be relocated or preferably removed as part of the reconstruction of the footway (which will be necessary because of damage to the footway during the construction process) to provide clear footway space for safe loading/unloading activities. This should be secured through a S278 agreement and or planning condition.

5.11.5 The Council will require a robust amended Delivery and Servicing Plan (DSP) that includes mechanisms that restricts deliveries and

servicing activities taking place during peak hours and/or hours of bus lane operations. The DSP should also include procedures for managing taxi drop off and pick up to ensure this activity does not negatively impact on The Broadway. The full DSP will need to be approved prior to start of construction and secured through a condition.

Other transport related conditions will include:

- H4 - Provision of Vehicle Parking area plans
- C6 - Cycle Parking - Details to be Submitted
- C7 - Cycle Parking to be implemented
- H8 – Travel Plan
- H9 – Construction Vehicles Traffic Management Plan
- H10 – Construction vehicles – washdown
- H11 – Parking Management Strategy
- H12 - Delivery and Servicing Plan
- H13 – Construction Logistics Plan

5.12 Urban Design Officer

Overview

5.12.1 This is a proposal that supports the continued improvement of Wimbledon as the borough's commercial centre and the increase in employment planned through a number of office developments. It supports policies on intensification and efficient use of land and making the best use of existing good quality transport assets. It also supports the improvement of vitality and activity at the eastern end of The Broadway, complementing the existing and planned office and other uses in the immediate vicinity.

Urban design principles

5.12.2 Wider scale urban design principles of permeability, legibility etc. are not directly relevant to this single site proposal.

Siting, density, scale, height

5.12.3 The building is appropriately sited towards the pavement and public realm, stepping back to the rear and the adjacent residential area. Changes made from the previously approved hotel scheme have seen the building set back further from these properties and this is welcomed. The siting of the building is such that it does not compromise re-development of the building to the east.

5.12.4 The density is considered appropriate for the area, being similar to other

existing and planned developments. The density is not causing any design issues in terms of height, plot coverage or overlooking that would suggest it is overdevelopment and thus too dense.

5.12.5 The Council has a tall buildings policy for Wimbledon. This states that the town centre is appropriate for intensification for a variety of appropriate uses. Because this is not possible to expand outwards, it is considered appropriate to expand upwards within certain limits. The policy seeks a general uniformity of building heights where most buildings sit within a certain height range. This range is to be informed by the taller of the commercial buildings in the town centre or immediate vicinity. Whether new buildings should be slightly higher or lower than existing ones is a matter of assessment of the immediate context and justification in terms of urban design, visual impact and other planning matters such as privacy and daylight. For this site, the obvious comparison building is the adjacent CIPD office building. This is 6 storey with generous floorplates. The proposed hotel is 9 storey, with an appearance in elevation, of being approx. 1.5 storey higher. This is a slight reduction in height from the approved scheme. Street views submitted by the applicant show that this height does not have an adverse impact on the street scene, nor does it unduly detract from views of the CIPD and its signature cantilevered glass frontage. It is therefore considered that the height of the building is appropriate and fulfils the wording and spirit of the tall building policy for Wimbledon town centre.

Massing, rhythm, proportions, materials

5.12.6 The massing of the building is to the street frontage, stepping down to the rear. The rear section is sited in the middle of the plot and this maximised the ability of adjacent sites to intensify in the future and deals well with any existing or future privacy issues. Thus the siting is considered appropriate.

5.12.7 The proportions of the building are set out with a projecting ground floor with canopy, a first floor, a central section of 6 storey and a set-back top floor. These elements are identified in different materials, which, generally, work well together. The central section projects forward from a brick surround, and is divided up into four elements, picked out by a subtle change in the metal panels of the façade. All these elements appear to create a cohesive and understandable form to the frontage that relates well to the human scale. There are both vertical and horizontal features that give rhythm to the elevation. At ground and first the horizontal is more dominant, and above in the main façade, vertical is more dominant. However, neither are overpowering. This is a similar approach achieved with the CIPD building, but done in its own complementary manner. This is considered an appropriate and well considered response for a building

next to one of Wimbledon's iconic modern buildings.

5.12.8 Prior to the latest changes, the frontage of the building was exclusively metal panelling above ground floor. This was done differently for the different components of the building façade. It gave the building a distinctive appearance, the success of which was highly dependent on the quality of panelling chosen. This still remains an issue that needs careful scrutiny when discharging conditions. However, the surround to the main elevation has now been changed to brick. This has a number of positive effects. It picks up on a similar approach taken by the CIPD, and so better relates to the local context. It makes the building feel more grounded and solid. It draws attention to the other elements of the building, enabling them to be read more clearly – the ground floor (now in high quality stone) and the first floor.

5.12.9 The main elevation will also now appear more distinctive and not be lost in a sea of panelling, becoming more of a positive feature rather than a bland cover-all. The balance of this now seems far better and, allowing for the windows in the frontage, the actual amount of panelling has been vastly reduced, as it was the surrounds to the building that constituted most of the panelling. To take this change further, by adding more brick, would run the risk of losing the effect of each material. It could also make the building look too heavy. To make the elevation work successfully using predominantly brick would probably require a complete redesign of the whole frontage. The balance of lightness and gravitas looks to be about right as currently proposed.

5.12.10 The rear of the building is also now incorporating more brick and this is to be welcomed for similar reasons.

The local urban context and historic context

5.12.11 To comment more particularly on materials in terms of the local context, a modern building has to strike the right balance between being clearly modern and fitting harmoniously into its surroundings. It also has to have at least a nod to some local distinctiveness.

5.12.13 With a frontage predominantly of metal panels, the building was struggling to do this. The addition of a brick surround to the main frontage is a nod to the predominant building material in Wimbledon, although the offices are of varying materials and varying brick types. The brick surround does however, pick up on the form and material of the CIPD building which is not only adjacent, but seen as a positive modern building in Wimbledon.

5.12.14 The ground floor is to be in stone and this is a local material to be seen in

the old town hall and railway station amongst others. The use of metal panelling is not considered inappropriate in the context proposed. New buildings are expected to relate to and pick up on positive elements of local context to add local distinctiveness. It is inappropriate for them simply to ape existing buildings. New buildings should be of their time and it is appropriate in most cases for them to employ modern materials.

5.12.15 Therefore in this case, it is considered that the use of metal panelling is not inappropriate. To dictate building materials to an applicant without very strong justification would be inappropriate and contrary to relevant policies on architecture.

Architecture

5.12.16 Given the comments above on local distinctiveness and materials, it is considered that the architectural approach is appropriate. Care will need to be taken with the approval of materials at the discharge of conditions stage. Details of the cladding system submitted in the revised DAS would appear to suggest a reasonably robust system of construction.

Landscape

5.12.17 In this highly urban location there is little scope for landscaping. However, the proposed tree line at the rear is welcomed. Further tree planting at the front should also be considered in conjunction with the Council's highways team.

The public realm

5.12.18 The removal of the suggested off-street servicing lay-by is very welcome. Reasons why this would be inappropriate and poor for the public realm and contrary to a number of policies have been detailed in previous e-mail correspondence. It is recommended that the paved area in front of the building should be at the same level as the public footway and appear as a contiguous space irrespective of ownership.

Summary

5.12.19 The recent changes to the building to include more brick and natural stone are considered to be a subtle but significant improvement to the design, and are very welcome.

5.13 Environmental Health – No objection subject to conditions

5.14 Design Review Panel
Extant Planning Permission

Design Review Panel were consulted on the previous extant planning permission allowed on appeal and gave it a GREEN verdict but considered that the exact colour of the cladding panels should be carefully considered and be controlled by condition.

5.15 Pre-Application Advice

Design Review Panel considered the pre-application scheme in July 2015. The notes of that meeting advised that

‘The Panel were generally happy with the scale, form and massing of the proposed building established by the appeal decision. They also welcomed the improvements to the rear elevation resulting from the loss of the ground floor bar use. The Panel had concerns in 2 key areas. Firstly, the effect on the public realm resulting from the proposed front servicing bay and secondly the composition of the front facade of the new building and how it related to the new internal layout.

The Panel questioned why the potentially sensible solution of rear servicing in the previously permitted scheme had been abandoned for a recessed on-street delivery bay. It was felt that this could have adverse effects on the quality of the pavement in front of the new hotel. It was suggested that the parking bay was taking space out of the public realm as it would not operate as part of it. The Panel did however acknowledge the practical difficulties of servicing from Griffiths Road due to its narrowness. Some members were opposed to on street servicing, others were not. Concerns raised related to the ability to move advertising panels and phone boxes, the dog leg nature of the footway and the route pedestrians would need to take to avoid the bay, and its narrowness, being about 2m wide at its narrowest point. The Panel felt the footway needed to be as wide as possible and that the public realm in front of the building should be generous and contribute to the attractiveness and appeal of the new building. The proposed solution would prevent the ability for the restaurant use to spill out onto the pavement. It would affect the quality and appearance and setting of the building if vehicles were parking in the bay for much of the day. The Panel were concerned about the Council’s ability to control how intensively the bay was used and that this would result in the building frontage and footway being obscured for much of the day, reduce quality of the environment for both pedestrians and hotel guests.

Regarding the building frontage, the Panel noted there was now a more efficient internal layout, but this was not reflected in the form and composition of the elements of the main elevation. Of particular note was the strong vertical element adjacent to the CIPD building. In the consented scheme, this reflected the hotel entrance and the stair core, however this was not the case in the proposed scheme. The Panel felt that whilst this was not inappropriate to follow the design of the consented scheme in principal, the architecture nevertheless needed to have the freedom to

reflect the internal arrangement and amended accordingly. Thus, whilst the design should be guided by the appeal decision, it should not be entirely governed by it.

The Panel felt that the justification for the design and composition needed to be stronger and based on clear local policy guidance. Whilst the solid ground level concrete frontage was considered a good solution, it needed to be better integrated with the rest of the frontage. It was suggested that the alteration to reflect the re-positioned entrance and stair core resulted in an opportunity to reassess the number of bays in the whole elevation at ground floor. The sedum roof was felt to be a bit impractical and a box hedge on the canopy or other planting boxes would be an alternative.

Finally, the Panel expected to see more detail on materials as referenced in the appeal for the proposal with planning permission but acknowledged that some substantive changes to the design needed to be addressed first. Overall, the Panel were supportive of the proposal, notably the improved internal arrangement and building massing.

Verdict: AMBER

5.16 DRP E-mail Review September 2015

Following July 2015 DRP, a number of design revisions were made to the facade to better relate to the new internal layout. The ground floor restaurant was pulled forward to add interest at pavement level, the main body of the hotel was squared off and materials used to define the corner returns and top floor. A review by DRP Members via individual e-mails was carried out. Generally, the front elevation was considered to be much improved and the applicant was commended for addressing the DRP comments. On balance the preference for an on street servicing rather than an inset loading bay remained in the interests of the public realm.

6. POLICY CONTEXT

6.1 Adopted Sites and Policies Plan (July 2014)

DM R1 Location and scale of development in Merton's town centres and neighbourhood parades

DM R5 Food and drink/leisure and entertainment uses

DM R6 Culture, arts and tourism development

DM E1 Employment areas in Merton

DM E4 Local employment opportunities

DM O2 Nature conservation, trees, hedges and landscape features

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM EP2 Reducing and mitigating noise

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development
DM T3 Car parking and servicing standards

6.2 Adopted Core Planning Strategy (July 2011)

CS 7 - Centres
CS 12 - Economic Development
CS14 - Design
CS15 – Climate Change
CS18 – Active Transport
CS19 – Public Transport
CS20 - Parking, Servicing and Delivery

LDF Tall Buildings Background Paper (2010) is also pertinent to the application.

6.3 London Plan (July 2011):

2.15 (Town Centres)
4.1 (Developing London' s Economy)
5.1 (Climate Change Mitigation),
5.3 (Sustainable Design and Construction).
7.3 (Designing Out Crime)
7.4 (Local Character)
7.5 (Public Realm)
7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

7.1 **Background to the Application and Principle of a Hotel Use**

There is an extant planning permission in place, 11/P3437, allowed on appeal for a 149 bedroom hotel. This is still capable of implementation and is therefore a strong material planning consideration. The principle of the redevelopment of the site for hotel purposes is therefore considered to be established.

7.2 The ground floor and upper floors have been vacant since the departure of Henry J Beans Bar and Grill in 2014 and the Job Centre in 2008. The appearance and condition of the existing building creates a negative influence on the visual amenities and character of the town centre. Given the condition and necessary investment to bring the existing building up to modern standards it is unlikely to attract interest. Although it results in a loss of office space, the proposed use would be compatible with London Plan and adopted Merton planning policies for the town centre and would generate approximately 50 jobs. The town centre location with excellent links to public transport and a use that would help support the vitality and

viability of the town centre considered to be in line with national and local planning policies.

7.3 **Key Differences between the Current Proposal and the Previous Appeal decision**

Following the allowed appeal for 11/P3437 (the 'fallback' scheme), the site was acquired by Whitbread, the parent company for Premier Inn with a view to implementing the hotel scheme. The design was developed to meet their requirements and the key differences between the 'fallback' scheme and the current proposal are as follows:

- Permission 11/P3437 is for 149 hotel rooms, demolishing the floors above the retained A3 bar/restaurant use, and rebuilding above it whereas the application seeks permission for complete demolition and comprehensive redevelopment that incorporates 176 bedrooms with a ground floor restaurant.
- The permitted hotel was 8 storey (existing ground floor plus 7 floors) plus a rooftop plant enclosure. Although the current proposal is 9 storey plus a rooftop plant enclosure, it sits within the envelope of the permitted scheme. On the Broadway elevation, the fallback scheme was 45.425 m AOD to the parapet whereas the parapet of the proposed scheme is 43.625 AOD. The proposed scheme is therefore 1.8m lower to the parapet than the 'fallback' scheme and also 1.8m lower to the top of roof plant.
- The permitted hotel is a 'T' shape in plan, stepping back at a number of levels away from Griffiths Road. The proposal is also a stepped 'T' design. However, it does not have a rear staircase enclosure like the fallback scheme and as a consequence, it is up to 6.6m less deep than the envelope of the permitted scheme in relation to Griffiths Road.
- The 'fallback' scheme incorporated 22 car parking spaces (including 2 disabled spaces) within a rear parking area sited between the side garden boundaries and flank walls of residential properties at 73 and 79 Griffiths Road and accessed from Griffiths Road. Servicing and delivery was proposed to take place in a service yard accessed through the car park from Griffiths Road. The current proposal incorporates 4 disabled car parking spaces at the rear, servicing is to be from the Broadway and not Griffiths Road. Most of the previous car parking area is excluded from the hotel application and a separate application (Ref: 16/P2330) for 2 family houses adjoining the boundaries with 73 and 79 Griffiths Road, has been submitted.
- The 'fallback' scheme materials consisted of metal cladding and glazing to the front and rear facades. At the rear, the current scheme proposes buff brick to the elevations forming the rear projecting part of the T shaped footprint closest to Griffiths Road, with cladding to the 2 faces either side, and a mixture of buff brick surround, stone ground

floor and metal cladding and glazing within the brick 'frame' on the Broadway elevation.

7.4 **Key Planning Considerations**

- 7.5 The key planning issues are considered to be
- the acceptability of the design, height, massing, materials and impact on the streetscene
 - parking and servicing arrangements
 - impact on nearby residents, particularly Griffiths Road

- 7.6 These issues need to be considered in the context of the previous planning history and the conclusions of the Planning inspector in relation to the 'fallback' scheme, which are a strong material planning consideration.

7.7 **Height, Design, Massing and Appearance within the Street Scene**

- 7.8 The design rationale in terms of height, massing and facade treatment has evolved from the previous appeal decision on the site. Changes have been made to the design and palette of materials both pre and post-application submission in response to the public consultation, the Design Review Panel, the Council's Urban Design officer. The Urban design officer's full detailed comments are set out at paras 5.12.1 to 5.12.9 report.

7.9 Height and Massing

Although the proposal differs from the fallback scheme as outlined above in a number of respects, the following comments from the appeal inspector are considered to be of relevance :

The proposed resultant building on the Appeal site would be approximately five metres taller than the adjoining building to the west and so would contribute to the varied building heights along this section of The Broadway, without being uncharacteristically tall... It would similarly be consistent with paragraph 16.14 of the Core Strategy which states that new taller buildings should contribute to the clusters of tall buildings found within Wimbledon town centre, to create a consistent scale of development based on a range of similar but not uniform building heights.

The proposed hotel fits within the building envelope of the previously approved scheme. Its parapet and plant screening is actually 1.8m lower in height on the Broadway frontage than the fallback position.

- 7.10 The height and massing of the proposed building is considered to respond to the height and massing of surrounding buildings within this town centre

location. The Council has a tall buildings policy for Wimbledon. This states that the town centre is appropriate for intensification for a variety of appropriate uses. Because it is not possible to expand outwards, it is considered appropriate to expand upwards within certain limits. The policy seeks a general uniformity of building heights where most buildings sit within a certain height range. This range is to be informed by the taller of the commercial buildings in the town centre or immediate vicinity. Whether new buildings should be slightly higher or lower than existing ones is a matter of assessment of the immediate context and justification in terms of urban design, visual impact and other planning matters such as privacy and daylight. For this site, the obvious comparison building is the adjacent CIPD office building. This is 6 storey with generous floorplates. The proposed hotel is 9 storey, with an appearance in elevation, of being approx. 1.5 storey higher. Street views submitted by the applicant show that this height does not have an adverse impact on the street scene, nor does it unduly detract from views of the CIPD and its signature cantilevered glass frontage. It is therefore considered that the height of the building is appropriate and fulfils the wording and spirit of the tall building policy for Wimbledon town centre.

7.11 Materials and Appearance

The proportions of the building are set out with a projecting ground floor with canopy, a first floor, a central section of 6 storey and a set-back top floor. These elements are identified in different materials, which, generally, work well together. The central section projects forward from a brick surround, and is divided up into four elements, picked out by a subtle change in the metal panels of the façade. All these elements appear to create a cohesive and understandable form to the frontage that relates well to the human scale. There are both vertical and horizontal features that give rhythm to the elevation. At ground and first the horizontal is more dominant, and above in the main façade, vertical is more dominant. However, neither are overpowering. This is a similar approach achieved with the CIPD building, but done in its own complementary manner. This is considered an appropriate and well considered response for a building next to one of Wimbledon's iconic modern buildings.

- 7.12 In response to consultation responses, the surround to the main elevation has been changed to brick. This is considered to have a number of positive effects. It picks up on a similar approach taken by the CIPD, and so better relates to the local context. It makes the building feel more grounded and solid. It draws attention to the other elements of the building, enabling them to be read more clearly – the ground floor (now in high quality stone) and the first floor. However, Future Merton officers consider that adding more brick, would run the risk of losing the effect of each material and could also make the building look too heavy.

7.13 In response to concerns about the quality of the appearance of the cladding and its relationship to its specifically Wimbledon location, officers' view is that it reflects the neighbouring CIPD, providing a brick frame around a projecting green box element and that the colour choice, being largely subtle greens, would echo the copper dome of the theatre, the green roof of Centre court rotunda and the copper circular mansard window of the old town hall. The ground floor is to be in stone and this is a local material to be seen in the old town hall and railway station amongst others. The use of metal panelling is not considered inappropriate in the context proposed.

7.14 Concerns from residents about the quality of the appearance of cladding and its appearance over time can be addressed by careful attention to the specification and detailing of the cladding. and its appearance, which is indicated as being frameless and which will give a flush joint - this is considered to be a crucial detail. This can be controlled by condition and examined in detail prior to commencement of development in a similar manner to the details for the metal and glazed frontage of the new front extension to the office building at Mansel Court in Mansel Road, which demonstrates that cladding can have a high quality and subtle appearance. It should be noted that the Colliers Wood Premier Inn referred to by some residents as an example of poor weathering is not built to Whitbread's own specification but was a 'turnkey' development provided by an independent developer.

7.15 The appeal inspector in relation to the fallback scheme, which had a front elevation which was predominantly metal cladding and glazing stated the following:

The design of the resultant building would respect the strong horizontal and vertical lines of the CIPD building and the front elevation would comprise a series of uniform metal rainscreen cladding, buff brickwork and extensive areas of aluminium framed glazing. The general colour scheme used on the external surfaces, including bronze, buff and turquoise would complement both the CIPD building and the building to the east.

Overall, subject to the use of high quality materials and careful attention to the precise colours/tones used in the glazing and cladding, the proposed resultant building would contribute positively to the street scene and would complement the adjacent buildings.

7.16 It should be noted that the current proposal reduces the amount of cladding in the front elevation relative to the previous scheme, with the benefits outlined above. In addition, in response to concerns from

residents, a large proportion of the rear elevation is buff brickwork, in contrast to the allowed scheme, which comprised cladding and glazing to the rear. Only the elevations furthest away from Griffiths Road are now cladding. Officers consider that this helps to break up the mass of the building although the applicant has indicated that these cladding elements can be removed from the rear elevation if Members prefer.

7.17 The introduction of brickwork to parts of the front, side and rear elevations of the building and stone detailing on the ground floor frontage pick up on building themes within the town centre. The palette of materials is now considered to help the building appear more 'Wimbledon' and appropriate to the urban character of Wimbledon Town Centre. Concerns of neighbours relating to the use of metal panels has been noted, however the planning inspector and the Councils Urban Design Officer considered this approach acceptable subject to detailing. The Council can control the quality of the materials via a suitable planning condition to ensure that the materials are high quality.

7.17 Overall, the proposed design is considered meet planning policy as the proposed building would relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings.

7.18 Neighbour Amenity

7.19 In relation to the extant planning permission scheme , allowed on appeal, the Inspector made the following comments;

- *The proposed resultant building is T shaped and at the rear would be stepped away from the boundaries of the site. The scale and depth of the rear part of the resultant building would be smaller than that of the CIPD building and the upper floors would be less than 15 metres in width. The building would be of a scale that is proportionate to and in keeping with the adjacent buildings to the west and east and would sit comfortably between them*
- *Above ground floor level the proposed windows in the rear wing either face west and east or would be obscure glazed. As a result the scheme would not result in a material loss of privacy for residents*
- *For these reasons, although the proposed building will be prominent in views from the rear windows and gardens of the adjacent dwellings between the Appeal site and the gardens to those properties, it would not be visually overbearing or look inappropriate in any way, within this town centre environment. The scheme would not result in a material loss of sunlight for any local residents, would facilitate views of the sky around the building and would not result in a material loss of privacy.*

- *I conclude on this issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of the adjoining and nearby properties due to its visual impact or loss of daylight and sunlight.*
- 7.20 The proposal has been designed to work broadly within the envelope of the previous planning approval which the Inspector concluded would not materially affect neighbouring amenity. The current proposal is in fact lower in height and would be generally set further away from properties in Griffiths Road.
- 7.21 Griffiths Road
- 7.22 The building has been designed to step down in height as it approaches the rear boundary and would be 1.8m lower in height compared to extant planning approval 14/P3437. In comparison to the extant planning permission, with the exception of a slight increase in height of the fourth floor at the rear of the building, the upper floors of the proposed has been pushed further away from these neighbouring properties and rear gardens (between 1m and 6.6m further away). The proposed building would be distanced 6.3m (ground floor), 8.2 (1st – 4th), 11.5m (5th), 14.7m (6th – 7th) and 18.4m (8th) from the rear garden boundary of properties in Griffiths Road which directly back onto the application site. In comparison to the extant planning permission, the current proposal is considered to have a better relationship with the neighbouring properties in Griffiths Road.
- 7.23 In addition, to the reduced height and bulk of the building, the proposed hotel now seeks to service the proposed Hotel directly on The Broadway rather than via Griffiths Road and the rear car parking area. The new servicing arrangements would ensure that larger vehicles would no longer have to manoeuvre through Griffiths Road and via the car parking area adjacent to the rear gardens of 67 - 73 Griffiths Road. The amended servicing requirements are therefore considered to be an improvement in terms of neighbouring amenity compared to the appeal decision.
- 7.24 There would be a landscaped strip along the rear boundary with gardens of residential properties in Griffiths Road which will provide a green buffer zone and thus reduce noise and visual impact on the proposed buildings when in adjacent gardens/properties. Further details of the landscaping and retention of the approved details can be imposed as a planning condition.
- 7.25 The applicant provided an independent sunlight and daylight report which concludes that there are some limited effects to secondary windows to 73 Griffiths Road to rooms which are in any event lit by other main windows. In relation to 79 Griffiths Road, a more detailed test of Average

Daylight Factor test was carried out which demonstrates that despite VSC reductions to individual windows, the room remains well lit. In summary, very few effects are noted and where they are, there are mitigating factors and the development therefore accord with the BRE guide. The proposed hotel generally has a reduced building envelope compared to the permitted scheme at the rear.

7.26 Highways and Parking Issues

7.27 Development Management Policy DM T1 (Support for Sustainable Transport and Active Travel) states to support and promote to promote the use of sustainable transport modes including public transport, walking and cycling, to alleviate congestion, promote social mobility, contribute towards climate change, air quality targets and improve health and wellbeing through increased levels of physical activity. In addition, Local policy DM T3 (Car Parking and Servicing Standards) requires the provision of parking and servicing suitable for its location and that is managed to minimise its impact on local amenity and the road network.

7.28 Servicing

7.29 The hotel proposal allowed on appeal, 11/P3437, proposed servicing of the proposed hotel from the existing car parking area at the rear of the site, via Griffiths Road. Whilst the Inspector considered this to be acceptable, officers did not consider it to be ideal to be directing vehicles, some of which would be large vehicles, via Griffiths Road which is a narrow residential street.

7.30 This left 2 options – (i) an inset at grade loading bay forming part of the footway when not in use by service vehicles or (ii) deliveries undertaken on-street from the existing single yellow lines at the start of the bus lane on The Broadway. Delivery and servicing activity would take place within the existing loading restrictions.

7.31 The application was originally submitted showing the loading bay option and the applicants have advised that they would strongly prefer this arrangement. The number of deliveries to the hotel are estimated to be a maximum of 14 a week (as set out in the Transport Statement – this allows for linen, food, beer/wine and refuse deliveries). On this basis, Future Merton Urban Design and Transport officers did not feel that an inset footway loading bay was necessary. The Transport Officer has advised as follows;

Servicing and unloading from the carriageway already occurs along the whole length of The Broadway and the introduction of an inset loading bay here might set the precedent for additional inset

loading bays which would negatively impact on pedestrian movement and the quality of the public realm.

TfL Buses had concerns that on street loading would detrimentally impact the operation of the bus lane however the existing westbound bus lane is only operational in the peak morning period (7-10am Monday to Saturday) and loading is already allowed in the bus lane outside the site between the hours of 1000-1600. Future Merton considers that deliveries and servicing for the hotel can be accommodated in the existing carriageway/kerbside without negatively impacting upon bus journey time reliability and traffic congestion assuming there is adequate parking enforcement to deter loading outside of the 1000-1600 period.

7.32 As the existing footway clutter belongs to 3rd parties and its re-location is not required by virtue of an inset loading bay, officers do not consider that a s278 requiring its removal could be insisted upon in relation to the planning application. The Council will require a robust amended Delivery and Servicing Plan (DSP) that includes mechanisms that restricts deliveries and servicing activities taking place during peak hours and/or hours of bus lane operations and will be required to include arrangements for managing taxi drop off and pick up to ensure this activity does not negatively impact on The Broadway. The full DSP will need to be approved prior to start of construction and secured through a condition.

7.33 Car Parking

Given the high PTAL of the site, it is considered appropriate in policy terms that on-site provision should be limited to operational needs and parking for disabled people. This accords with the London Plan and NPPF approach in this type of location. The reduction in traffic and benefit to the streetscape of two new family houses on Griffiths Road is also considered to be significant.

7.34 The site is located in an area with excellent accessibility (PTAL level 6b) and for this reason it is assumed that the majority of visitors will arrive to the site by the means of public transport. Guests would be informed of the modes of transport available on the hotel website and the lack of off street parking availability other than for disabled guests. The site will provide a 4 disabled parking spaces at the rear. A Travel Plan will be required to maximize staff and guest usage of sustainable forms of transport and ensure that the hotel markets the hotel appropriately.

7.35 Although capacity in public car parks should accommodate demand, concerns have been expressed about overspill parking onto surrounding residential streets. The parking situation in CPZ W4 (Palmerston Road area) has controlled hours from 8am to 11pm Monday to Saturday &

10am-2pm on Sundays, however CPZ 4F (Griffiths Rd area) has shorter hours of 8am – 6pm. There is potential for overspill so a £30k financial contribution will be sought to allow the Council to review the hours of CPZ operations if a petition is received from residents requesting this and implement any necessary changes.

- 7.36 Core Strategy policy CS18 (Active Transport) and London Plan policy 6.9 (Cycling) encourage the provision of adequate secure cycle spaces. The hotel element will provide 4 cycle spaces in two double stands for guests at the front of the building and an additional provision of a 9 bicycle enclosure accessed at the rear of the Site. The level of cycle parking would be in line with local standards and the London Plan.

8.0 Local Financial Considerations

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

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

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

10. **CONCLUSION**

- 10.1 The design and massing of the hotel is considered to improve upon the approved fall back scheme and to be appropriate to its setting. It is lower in maximum height, reduced in bulk at the rear and the materials are considered to relate better to its surroundings. It has an acceptable relationship with neighbouring buildings, including the CIPD building and replaces a tired, empty and unattractive building with a new 176 bedroom hotel with restaurant at ground floor. It is within a sustainable town centre location and that would help support the vitality and viability of the town centre without causing unacceptable impact on neighbour amenity or highway conditions. The proposal is in accordance with Adopted Site and Polices Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval.

RECOMMENDATION

GRANT PLANNING PERMISSION

subject to completion of a legal agreement covering the following heads of terms;

1. The developer making a financial contribution towards review of local CPZ hours of operation if requested by residents and implementation of any measures arising from that review
2. The developer paying the Council's legal costs in drafting and completing the agreement and the cost of monitoring the agreement

and subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B4 Details of surface treatment
5. B5 Details of walls/fences
6. H4 Provision of Vehicle Parking area plans
7. C6 Cycle Parking - Details to be Submitted
8. C7 Cycle Parking to be implemented
9. The restaurant/bar use hereby permitted shall not be open to customers except between the hours of 07.00 and 23.00 (Monday to Thursday) and 07.00 and 24.00 (Friday to Sunday) and no staff shall be present at the premises one hour after the closing time.
10. D09 No external lighting
11. D11 Construction times
12. H8 Travel Plan
13. H9 Construction Vehicles Traffic Management Plan
14. H10 Construction vehicles – washdown
15. H11 Parking Management Strategy

16. H12 Delivery and Servicing Plan
17. H13 Construction Logistics Plan
18. Plant/machinery - Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property.
19. Demolition & Construction Statement - No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative -displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties

- 15 Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan C02 reduction targets.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply 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 No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).'

Reason: To demonstrate that the site heat network has been designed to link all building uses on site (domestic and non-domestic) and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan (2015) policies 5.5 and 5.6.

- 17 Tree Protection: The details and measures for the protection of the existing retained trees as contained in the approved document 'Whitbread Group PLC 153 – 161 The Broadway, Wimbledon Arboricultural Method Statement' dated March 2016 shall be fully complied with. The approved methods for the protection of the existing retained trees shall follow the sequence of events as detailed in the document and as shown on the drawing titled 'Tree Protection Plan' numbered 'PJC/3797/16/c Rev.02' and shall be retained and maintained until the completion of all site operations.

Reason: To protect and safeguard the existing 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 policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

18. F8 Site Supervision (Trees)
19. F1 Landscaping/planting scheme
20. F2 Landscaping (Implementation)
21. F05 Tree Protection (Street trees)
22. C08 No use of flat roof

23 The use hereby permitted shall not commence until detailed plans and specifications of the kitchen ventilation system, including details of sound attenuation for a kitchen extraction system and odour control measures have been submitted to and approved in writing by the local planning authority. The kitchen ventilation extraction system shall be installed in accordance with the approved plans and specifications before the use hereby permitted commences and thereafter the system shall be permanently retained and maintained in full working order in accordance with the manufacturers details and recommendations.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties

24. No goods, equipment, or other materials shall be stacked or stored within the open areas of the site without the prior written approval of the local planning authority.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties

25. Obscure glazing (staircase)

To view plans, drawings and documents related to this application please follow [this link](#).

Please note that this link and related documents may be slow to load.



Appeal Decision

Site visit made on 28 January 2014

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 27 February 2014

**Appeal Ref: APP/T5720/A/13/2201609
153 – 161 The Broadway, London, SW19 1NE.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mustak Ibrahim against the decision of the Council of the London Borough of Merton.
 - The application Ref 11/P3437 dated 5 December 2011, was refused by notice dated 18 April 2013.
 - The development proposed is change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st, 2nd and 3rd floors of the existing building and the erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar use.
-

Costs

1. An application for costs was made by Mr B Mohamed against the Council of the London Borough of Merton. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for change of use (from Class B1) office to (Class C1) hotel involving the demolition of the 1st, 2nd and 3rd floors of the existing building and the erection of eight new floors to form a 149 bedroom hotel above existing ground floor bar use at 153 – 161 The Broadway, London, SW19 1NE in accordance with the terms of the application, Ref 11/P3437 dated 5 December 2011, subject to the conditions set out in the schedule attached to this decision.

Main Issues

3. The first main issue is the effect of the scheme on the character and appearance of the adjoining buildings at 143–151 The Broadway and on the street scene. The second main issue is the effect of the scheme on the living conditions of the occupiers of the properties located to the south of the Appeal site, with particular regard to visual impact, daylight and sunlight.
-

Reasons

Character and appearance

4. The Appeal site is located within a mixed commercial area within Wimbledon town centre. Within this area policy CS6 of the London Borough of Merton Core Strategy (Core Strategy) promotes retail, office and leisure developments which will maintain and enhance the retail core of the centre and attract visitors to the area. This policy accords with Strategic Objective 4 of the Core Strategy which is to make Merton more prosperous and strong with diverse long term economic growth. Consistent with this, policy T.1 of the London Borough of Merton Unitary Development Plan (UDP) states that the development of large hotels will be directed to town centres.
5. The proposal would involve the demolition of the existing office space and its replacement with a eight storey high hotel above the existing bar/restaurant. Whilst this would involve the loss of the existing office space, it would result in a new 149 room hotel. The hotel would be located towards the eastern end of The Broadway, where policy CS6 of the Core Strategy states that the provision of leisure facilities will be supported. The scheme would also be consistent with policy CS12 of the Core Strategy which supports the development of a diverse local economic base by increasing the provision of the overall number and range of jobs, including those related to leisure, business and culture.
6. The existing building on the Appeal site was constructed in the 1960's and comprises a bar/restaurant use on the ground floor, with three floors of vacant offices above. The building itself is of no particular architectural merit and is unattractive. Due to its form and design it relates poorly to the adjacent buildings fronting The Broadway. To the west is a modern six storey commercial building (CIPD) with a curved and projecting glazed curtain wall and to the east is a multi level commercial building. Opposite the Appeal site is a modern seven storey mixed use building. To the rear of the site the character of the surroundings is quite different to The Broadway and comprises two storey Victorian dwellings.
7. It is noted that in 2007 the Council resolved to grant planning permission for a four storey extension to the existing building, which whilst slightly lower than the Appeal scheme, projected further forward into The Broadway.
8. The proposed resultant building on the Appeal site would be approximately five metres taller than the adjoining building to the west and so would contribute to the varied building heights along this section of The Broadway, without being uncharacteristically tall. At the same time, above ground floor level the front elevation of the building would be set back from the street and recessed behind the front elevation of the adjoining building to the west.
9. The design of the resultant building would respect the strong horizontal and vertical lines of the CIPD building and the front elevation would comprise a series of uniform metal rainscreen cladding, buff brickwork and extensive areas of aluminium framed glazing. The general colour scheme used on the external surfaces, including bronze, buff and turquoise would complement both the CIPD building and the building to the east.

10. The proposed balcony and glazed canopies above the front entrance and ground floor windows on the front elevation would add to the diversity and vitality of the street scene and the separate bar/restaurant and hotel uses would be clearly identifiable.
11. Overall, subject to the use of high quality materials and careful attention to the precise colours/tones used in the glazing and cladding, the proposed resultant building would contribute positively to the street scene and would complement the adjacent buildings.
12. To the rear the resultant building would be stepped in from the boundaries of the site, which would reduce its actual and perceived scale when viewed from Griffiths Road and the rear garden environment of the adjacent dwellings. It would sit comfortably between the CIPD building and the building to the east. Through its broken building lines and varied palette of materials the proposed building would enhance the currently rather drab rear elevations along this stretch of The Broadway.
13. For these reasons the scheme would comply with policy CS14 of the Core Strategy, which requires new development to enhance local character and distinctiveness. It also allows for tall buildings within Wimbledon town centre where they do not cause harm to the townscape and would bring benefits towards regeneration and the public realm. It would similarly be consistent with paragraph 16.14 of the Core Strategy which states that new taller buildings should contribute to the clusters of tall buildings found within Wimbledon town centre, to create a consistent scale of development based on a range of similar but not uniform building heights.
14. The scheme would also comply with policies T.1, TC.3, BE.16 and BE.22 of the UDP. Together and amongst other things these policies seek to ensure that new development responds to and reinforces local distinctive patterns of development, respects the siting, rhythm, scale, density, proportions, height, massing and materials of surrounding buildings and complements the character and distinctiveness of the adjoining townscape.
15. I conclude on this main issue that the scheme would respect and blend in appropriately with the adjacent buildings and would make a positive contribution to the street scene and the townscape in general. The scheme would therefore comply with policies T.1, TC.3, BE.16 and BE.22 of the UDP and policies CS6, CS12 and CS14 of the Core Strategy.

Living conditions

16. The proposed resultant building is T shaped and at the rear would be stepped away from the boundaries of the site. The scale and depth of the rear part of the resultant building would be smaller than that of the CIPD building and the upper floors would be less than 15 metres in width. The building would be of a scale that is proportionate to and in keeping with the adjacent buildings to the west and east and would sit comfortably between them.
17. The ground and first floor elements of the rear section of the building would be sited over 23 metres from and to the north of the rear elevations of the adjacent dwellings in Griffiths Road. In addition, a landscaping strip is shown adjacent to the rear boundary of the site within part of the existing rear service

- yard to the bar/restaurant. Above ground floor level the proposed windows in the rear wing either face west and east or would be obscure glazed. As a result the scheme would not result in a material loss of privacy for residents.
18. For these reasons, although the proposed building will be prominent in views from the rear windows and gardens of the adjacent dwellings between the Appeal site and the gardens to those properties, it would not be visually overbearing or look inappropriate in any way, within this town centre environment. The scheme would not result in a material loss of sunlight for any local residents, would facilitate views of the sky around the building and would not result in a material loss of privacy.
 19. If the existing service road behind Highlands House was opened up it would reduce the need for service vehicles to access the Appeal site via Griffiths Road. However such a proposal is not before me and the proposed rear service area is already used for servicing and deliveries in connection with the existing building. In addition, with the proposed service yard area the scope for parking will be reduced and the bin storage area has been moved to the existing car park. This will largely obviate the need for refuse collection vehicles to access the service yard. As a result the proposed service yard area and access to it would be highly unlikely to have a materially adverse impact on the living conditions of local residents.
 20. The existing car park at the rear of the site would be retained, although it would be changed to include disabled parking spaces and cycle parking. It would also include an enclosed bin store. As a private car park with fewer parking spaces, the rear car park is likely to generate fewer vehicle trips than at present.
 21. It is acknowledged that the use of the hotel could attract staff and guests with cars. However, staff will be aware of the constraints of the car park and the surrounding highway network and guests generally enquire about the availability of parking spaces when booking rooms. More importantly the site is located in an accessible town centre with good transport links and the scheme makes provision for the parking of cycles.
 22. The hotel has been designed so that both restaurants would be located at the front of the building, with the bedrooms, which require a quiet environment at the rear. In addition, the main hotel entrance would be at the front of the building and would relate well to local public transport routes, thus minimising the need for guests and staff to use the rear entrance.
 23. Finally, any noise or fumes generated by plant and extraction systems can be controlled through the imposition of appropriate conditions to ensure that they do not cause undue noise or disturbance for residents.
 24. For these reasons, I conclude on this issue that the proposal would not have a materially adverse impact on the living conditions of the occupiers of the adjoining and nearby properties due to its visual impact or loss of daylight and sunlight. The scheme would therefore comply with policy BE.15 of the UDP which seeks to protect the living conditions of existing residents.

Other matters

25. The Appellant has submitted a signed Unilateral Undertaking, which makes a contribution to the provision of sustainable transport in accordance with the contribution sought by the Council.
26. In accordance with paragraph 204 of the National Planning Policy Framework (NPPF) the Council has submitted evidence to demonstrate that the contributions being sought are directly related to the proposed development; necessary to make the development acceptable in planning terms; and are fairly and reasonably related in scale and kind to the proposed development.
27. In particular, the contribution sought would be used to encourage the use of sustainable forms of transport, with the objective of mitigating the impact of new development on the highway network and the public realm. Bearing in mind the proposal is for a 149 bedroom hotel with limited on-site parking, the development has the potential to place pressure on the existing highway network. By improving the public realm and providing enhanced facilities for cyclists in the immediate area it will encourage cycling and walking to the proposed hotel from local transport hubs and in particular the station. Similarly, amendments to on-street parking controls in the immediate area could help discourage trips to the hotel by car.
28. The level of contribution sought is based upon the number of visitor bedrooms and specific improvements to The Broadway are identified in the London Borough of Merton Mini-Hollands in Outer London Submission document. Whilst this document has no statutory basis and is a separate initiative, it nonetheless identifies specific transport and public realm works that would relate directly to the proposed scheme. From the evidence submitted it will be important to improve cycle and pedestrian links with the station and the immediate area. At the same time, in view of the nature of the proposed use it would be necessary to review and adapt existing on-street parking controls to protect the living conditions of local residents and in the interests of highway safety.
29. Having regard to the level and nature of the evidence submitted by the Council it has been demonstrated that the infrastructure contribution sought satisfies the tests set out in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010. It is also consistent with policy CS20 of the Core Strategy, which seeks to ensure that appropriate and necessary arrangements are provided to meet the infrastructure needs arising from new developments.
30. Although the proposal would result in a loss of office space, the existing offices are vacant and the proposed hotel use would add to the number and range of jobs within the town centre. The hotel would also likely attract visitors into the area, which would aid the vitality and viability of the town centre as a whole. Accordingly the economic benefits that would result from the scheme would outweigh the loss of the existing office space.

Conditions

31. The Council has suggested the imposition of conditions relating to external materials; hard surfacing details; refuse and recycling facilities; kitchen

- ventilation and extraction equipment; external storage areas; external lighting; the soundproofing of plant and machinery; on-site parking; cycle parking; travel plan; delivery and serving plan; parking management strategy; obscure glazing to the rear staircase windows; hard and soft landscaping; hours of use of the rear service yard; demolition method statement; energy efficiency; and full details of all changes to the ground floor elevations of the building.
32. These conditions are all necessary to protect the living conditions of local residents; to ensure the scheme blends in appropriately with its surroundings; to ensure that satisfactory refuse, recycling, cycle parking and vehicle parking facilities are provided; to achieve a high standard of sustainability in the development; and to promote sustainable travel measures. I have however amended the wording of some of the conditions in the interests of precision and enforceability.
33. Conditions have also been suggested which restrict construction times and which ensure on-site loading/unloading and parking facilities are provided during the construction of the development. These conditions are necessary to protect the living conditions of local residents and in the interests of highway safety. In addition, a condition is necessary which requires the development to be carried out in accordance with the submitted drawings, for the avoidance of doubt and in the interests of proper planning.

Conclusion

34. Having regard to the conclusions on both main issues and having regard to all other matters raised the Appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Schedule of Conditions

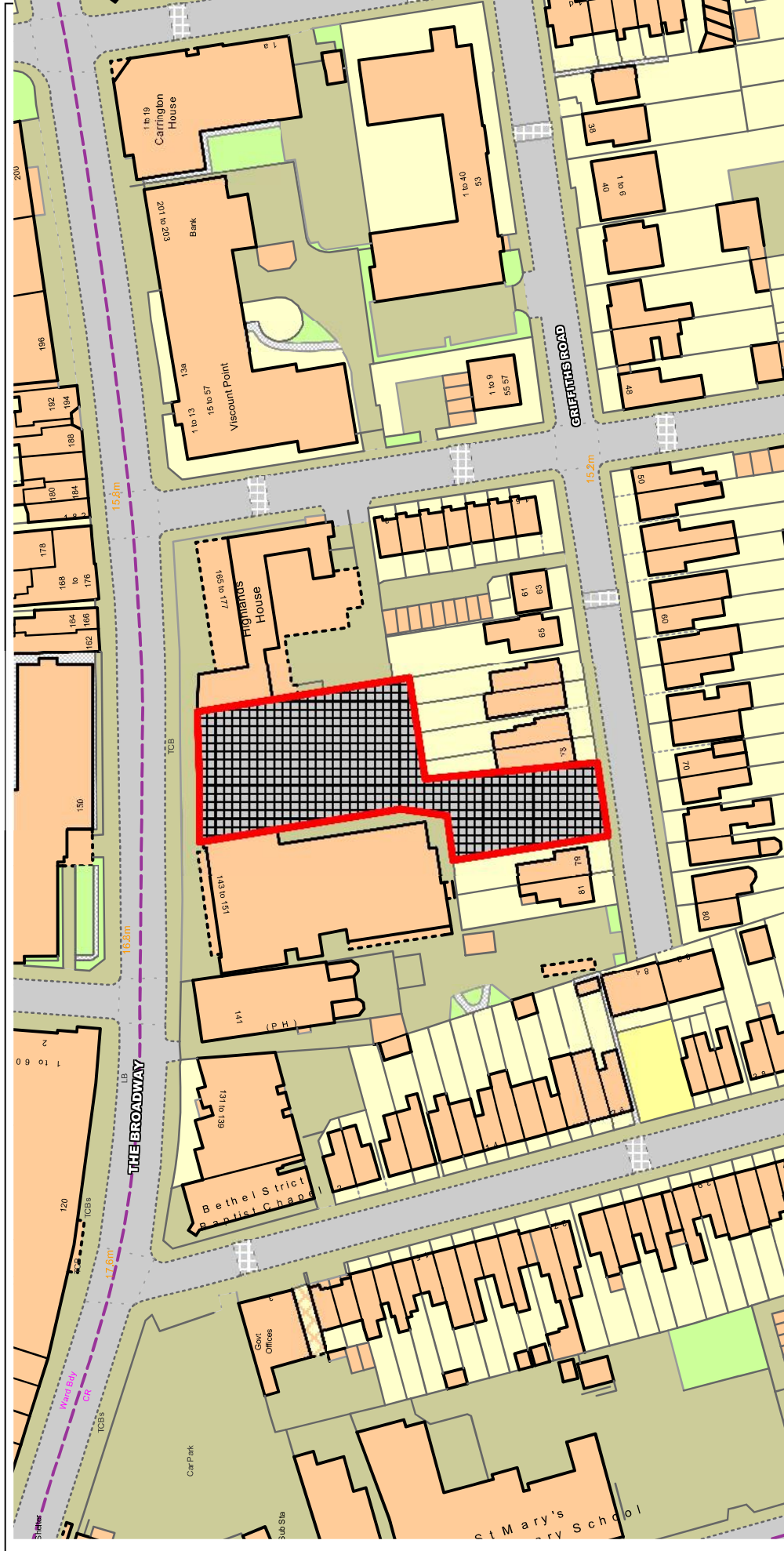
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the design and access statement, Environmental Noise Assessment and Planning Statement and the following approved plans: PL-AL(99)001 Rev:E, PL-AL(99)002 Rev:F, AL(99)003 Rev:F, PL-AL(99)004 Rev:E, PL-AL(99)005 Rev:E, PL-AL(99)006 Rev:E, PL-AL(99)007 Rev:E, PL-AL(99)008 Rev:E, PL-AL(99)009 Rev:E, PL-AL(99)010 Rev:E, PL-AL(99)011 Rev:E, PL-AL(99)012 Rev:E, AL(99)014 Rev:D, AL(99)015 Rev:E, AL(99)016 Rev:E, AL(99)017 Rev:E, AL(99)018 Rev:C, AL(99)019 Rev:B, AL(99)020 Rev:B, AL(99)021 Rev:A, AL(99)023 Rev:A, AL(99)024 Rev:A, AL(99)025 Rev:A, AL(99)030 Rev:A, AL(99)031 Rev:A, AL(99)032 Rev:A, AL(99)033 Rev:A, AL(99)034 Rev:A, AL(99)035 Rev:A, AL(99)036 Rev:A, AL(99)037 Rev:A, AL(99)038 Rev:A and PL-SL001.
- 3) Notwithstanding the materials specified in the application form and on the approved drawings, particulars and samples of the materials to be used in all external surfaces of the development hereby permitted, including walls, roof, window frames, doors and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including parking and service areas, roads, footpaths and hard landscaping have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the first occupation/use of the hotel hereby permitted.
- 5) No development shall take place until full details of the storage area for refuse and recycling has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the hotel hereby permitted shall not be first occupied/used until the refuse and recycling storage facilities have been provided. The facilities shall thereafter be retained for use at all times from the date of first occupation/use of the hotel.
- 6) No development shall commence until full details of any plant and machinery to be installed, together with details of all sound insulation/attenuation measures to ensure that noise from new plant/machinery does not increase in any one-third party octave band between 50Hertz and 160Hertz have been submitted to and approved in writing by the local planning authority. The plant and machinery shall be installed in accordance with the approved details prior to the first occupation/use of the hotel hereby approved and shall be permanently retained thereafter in full working order unless otherwise agreed in writing by the local planning authority.
- 7) The use hereby permitted shall not commence until detailed plans and specifications of the kitchen ventilation system, including details of sound

- attenuation for a kitchen extraction system and odour control measures have been submitted to and approved in writing by the local planning authority. The kitchen ventilation extraction system shall be installed in accordance with the approved plans and specifications before the use hereby permitted commences and thereafter the system shall be permanently retained and maintained in full working order in accordance with the manufacturers details and recommendations.
- 8) No goods, equipment, or other materials shall be stacked or stored within the open areas of the site without the prior written approval of the local planning authority.
 - 9) No external lighting shall be installed without the prior written approval of the local planning authority.
 - 10) The vehicle parking area shown on the approved drawings shall be provided before the development is first occupied and shall thereafter be retained solely for parking purposes by the occupiers and users of the development hereby permitted and for no other purpose.
 - 11) No development shall commence until details of secure cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted. Thereafter the cycle parking facilities shall be permanently retained solely for use for cycle parking unless otherwise agreed in writing by the local planning authority.
 - 12) Within three months of the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall follow any "Travel Plan Development Control Guidance" current and applicable at that time and shall include:
 - i) Targets for sustainable travel arrangements;
 - ii) Effective measures for the ongoing monitoring of the Plan;
 - iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.Thereafter the development shall be occupied in accordance with the approved Travel Plan.
 - 13) Full details of the obscure glazing to the rear staircase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter the glazing shall be retained.
 - 14) Full details of a soft landscaping scheme for the planted strip adjacent to the rear boundary of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development.

- 15) Full details of the hours of use of the rear service yard shall be submitted to and approved in writing by the local planning authority. Thereafter no servicing shall take place within the service yard outside the agreed times.
- 16) Prior to the commencement of the development hereby permitted a demolition method statement shall be submitted to and approved in writing by the local planning authority. The demolition shall be undertaken in accordance with the approved details.
- 17) No development shall take place until a copy of a letter from a person that is licensed with the British Research Establishment (BRE) or other equivalent assessors as a BREEAM – Pre Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a “standard” BREEAM or a “bespoke” BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than “Very Good” has been submitted to and approved in writing by the local planning authority. The submission shall also include evidence to show how the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM (excellent)).
- 18) Unless otherwise agreed in writing by the local planning authority, no part of the development hereby permitted shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than “Very Good” has been submitted to and approved in writing by the local planning authority. The submission shall also include confirmation that the development will meet the London Plan CO2 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM (excellent)).
- 19) Prior to the commencement of the development hereby permitted full details of the proposed changes to the ground floor front elevation of the building shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 20) No demolition or construction work or ancillary activities such as deliveries shall take place before 08.00 hours or after 18.00 hours Monday to Friday inclusive, or before 08.00 hours and after 13.00 hours on Saturdays, or at any time on Sundays or Bank Holidays.
- 21) The development shall not commence until details of the provision to accommodate all site workers’, visitors’ and construction vehicles and loading/unloading arrangements during the construction process have been submitted to and approved in writing by the local planning authority. The approved details must be implemented and complied with for the duration of the construction process.

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NORTHGATE SE GIS Print Template



Text Details 153-161 The Broadway, Wimbledon, SW19 1NE

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PLANNING APPLICATIONS COMMITTEE 11 August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1845	29/04/2016
Address/Site:	2 Cavendish Road Colliers Wood London SW19 2EU	
Ward:	Colliers Wood	
Proposal:	Demolition of existing storage and erection of a two storey 1 bed dwelling with cycle parking.	
Drawing No.'s:	MA 165 001 rev P1 (site location plan), MA 165 051 Rev P1 (prop site plan), MA 165 060 Rev P2 (ex and prop ground floor), MA 165 061 Rev P1 (ex and prop 1 st floor), MA 165 062 Rev P1 (ex and prop roof), MA 165 081 Rev P2 (elevation 01), MA 165 081 Rev P2 (elevation 2), MA 165 082 Rev P1 (elevation 03 & 04), MA 165 090 Rev P1 (site section).	
Contact Officer:	Shaun Hamilton (020 8545 3300)	

RECOMMENDATION

Grant planning permission subject s106 legal agreement and conditions.

CHECKLIST INFORMATION

- S106: Yes – permit free.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- External consultations: 1
- Controlled Parking Zone: Yes
- Flood zone: No
- Conservation Area: No
- Listed building: No
- Protected Trees: 0
- Public Transport Access Level: 6a (excellent)

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to a Councillor request and the number and nature of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located at the rear of number 2 Cavendish Road, SW19 which is located on the southern side of the road. The site is occupied by a 4 storey block of flats, and to the rear of the site is a garage/storage shed which is accessed via the right of way located to the side of the property. This application relates specifically to this garage/storage shed.
- 2.2 Directly to the rear and west of the application site is the Cavendish House development which is currently under construction. Directly to the east of the application site is the aforementioned right of way (vehicular) access beyond which are the flats of number 4 Cavendish Road which has been converted into 5 no flats.
- 2.3 The garage building is single level with a flat roof and has a large vehicular-sized roller door and additional pedestrian roller door, both of which open out onto the right of way.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the redevelopment of this garage /store to provide a 1 bedroom, split level residential unit. The proposed unit would be sunken by approx. half a floor (1.2m), meaning the lower level would be lower than the existing access point off the right of way. The upper level, would have a flat roof and be approx. half a storey higher than the existing roof of the store shed.
- 3.2 A sunken terrace area would be accessed from the lower level and double height ceilings and glazing would be incorporated over a portion of the lower level. The lower would accommodate the kitchen, living, dining and bathroom area of the proposed development. The upper level would constitute a double sized bedroom with south facing windows.
- 3.3 Cycle storage and refuse storage provision would be provided and accessed via roller doors opening directly out onto the right of way.
- 3.4 Noted amended proposal: the doors opening out onto the right of way were amended so as to be roller doors as opposed to swinging doors.

4. PLANNING HISTORY

05/P0498 - Demolition of existing dwelling house and erection of a three storey building accommodating four flats (2 x 1 and 2 x 2 bedrooms) - Withdrawn Decision 17-11-2008

06/P2570 - Demolition of existing dwelling house and erection of a four storey building to provide 6 self-contained flats (4 X 1 AND 2 X 2 BEDROOMS) - Refuse Outline Planning Permission 12-04-2007

07/P1778 - Demolition of existing dwelling house and erection of a three storey building to provide 6 self-contained flats (outline application for siting and access only at this stage) - Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 01-10-2008

08/P2725 - Demolition of existing house and erection of new three storey building to provide 6 one bedroom self-contained flats, with storage for refuse and cycle/mobility parking facilities to the rear. [application for approval of reserved matters in respect of appearance) following approval of outline permission ref. 07/P1778]. Approve Reserved Matters 26-01-2009

14/P2945-Application for a lawful development certificate for the retention of 2 flats at third floor level behind the parapet wall - Issue Certificate of Lawfulness 24-09-2014

5. CONSULTATION

5.1 Public

Letters were sent to neighbouring properties and a site notice was put up outside the application property. Four representations were received, 3 in objection and 1 which outlined no-objections. Those points raised in the 3 objections are summarised as follows:

- Windows will be overlooking Cavendish House.
- Applicants have previously built on the site, and the build was not to what was approved.
- The applicant started illegally building at the site again in 2015.
- How can neighbours be assured that they will follow the plans put forward in this application?
- Concerns that neighbouring number 4 Cavendish Road will be overlooked, resulting in no privacy – currently not overlooked by anyone.
- Demolition may cause case movement to ground /foundations of neighbouring properties.
- Serious disruption during construction.
- Disruption to access to garages at rear of no 4 Cavendish Road.

Officer response:

- Please refer to the planning considerations section of this report.

5.2 Objection from Councillor – summarised as follows:

- Proposed unit is very small. Can't find kitchen facilities on the plans. Would be surprised if it met London Plan standards.
- Not much in the way of development, those that are look straight out to the development at Cavendish House.
- Unfortunate history at the site
 - Main building was not built according to approved plans, and had very substandard top floor added illegally (only found out after 4 years had past following construction).
 - The garage site itself had illegal building work stopped last year by the enforcement team and was only dismantled after an appeal to the mayor failed.
- Would want to see local residents protected from any further abuse of planning regulation.
- Before the site is development I would like to see an open assessment of the history of the site from its developer and an assurance that, this time, the law will be adhered to.

Officer response:

- Noted. Please refer to the planning considerations section of this report. On Councillor request this application was called in for consideration at planning committee.

5.3 Internal:

Transport Planning - comments summarised as follows:

- Site is within a CPZ and has a PTAL of 6a it meeting Council's criteria for a permit free residential development.
- Would require a s106 agreement to be put in place which would require the development to be permit free meaning occupants cannot apply for an on

street parking permit.

- The cycle parking provision shown on the plans is not workable as the cycle parking space on the building side of the Sheffield stand would not be accessible and therefore unusable. Would therefore request that condition H6 – final cycle parking details be included requiring final cycle parking details to be submitted prior to construction.

Officer response:

- Noted – the scheme will be subject to a s106 legal agreement restricting future occupants from obtaining parking permits.
- Amended plans have been received in regards to cycle parking. It is also noted that being one-bedroom London Plan requirements are only that cycle parking for one bike is supplied.

5.4 External

Transport for London – comments summarised as follows:

- Site is in close proximity to the A24 High Street Colliers Wood.
- Development is car free which is welcomed by TfL.
- TfL recommends that future occupants be excluded eligibility for local authority car parking permits by the developer entering into a section 106 agreement with the local authority.
- Cycle parking will be provided in accordance with the London plan.
- TfL does not believe the proposal would have an unacceptable impact on the Transport for London Road Network (TLRN).

Officer response:

- Noted. The proposal would be subjected a such a s106 legal agreement.

6. **POLICY CONTEXT**

6.1 NPPF - National Planning Policy Framework (2012):

- 6. Delivering a wide choice of quality homes.
- 7. Requiring good design.

6.2 London Plan (2015)

Relevant policies include:

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing developments
- 3.11 Affordable Housing Targets
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.17 Waste Capacity
- 6.9 Cycling
- 7.1 Lifetime Neighbourhoods
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 8.2 Planning Obligations

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 8 Housing choice
- CS 9 Housing provision
- CS 11 Infrastructure
- CS 13 Open space and leisure

CS 14 Design
CS 15 Climate change
CS 17 Waste management
CS 18 Transport
CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

DM H2 Housing mix
DM H3 Support for affordable housing
DM D1 Urban Design
DM D2 Design considerations
DM D3 Alterations and extensions to existing buildings
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

6.5 Supplementary planning considerations

London Housing SPG – 2012
Merton Design SPG – 2004

7. PLANNING CONSIDERATIONS

7.1 Key planning considerations:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport and parking
- Refuse storage and collection
- Cycle storage

Principle of development

7.2 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

7.3 Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

7.4 The National Planning Policy Framework (2012) and London Plan (2015) policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings in locations with good public transport accessibility. The site has a PTAL rating of 6a which is considered to be excellent and is located in an area surrounded by residential uses and is in close proximity to key transportation hubs. It is considered that the principle of development for more intensive residential development of the site to be acceptable, subject to compliance with the relevant policies in the London Plan (2015), Merton's LDF Core Strategy (2011), Merton's Sites and Policies Plan (2014) and supplementary planning guidance documents.

Design and impact upon the character and appearance of the area

7.5 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 the original building and their surroundings.

- 7.6 The site comprises an existing building located to the rear of number 2 Cavendish Road. Being located to the rear of the site it is not considered that the proposed development would have a detrimental impact on the streetscene.
- 7.7 The proposed demolition of this garage/store would be replaced with a two storey building of the same footprint. The lower level would be sunken approx. half a storey in comparison to the existing ground level to in line with the ground floor level of the main block of flats at number 2 Cavendish Road. As such, the proposed building would be approx. half a storey (1.2m) higher than the existing garage / storage shed.
- 7.8 In conclusion, the design, scale, layout and appearance of the proposed development is acceptable considering the local context.
- Impact upon neighbouring amenity
- 7.9 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.
- 7.10 Number 4 Cavendish Road is a property which has been converted into 5 flats. It is located to the east of the application site, with the rear gardens located on the opposite site of the adjacent vehicular accessway (which provides access to the application property and to the rear car parking areas and garages of this neighbouring property). Due to this driveway the proposed development is set back approx. 3m from the fence of the rear outdoor amenity spaces of these neighbouring properties. Considering this set back it is not considered that there would be any unacceptable amenity impact on this neighbouring property in terms of loss of light, overshadowing or outlook. The proposed residential unit would not have any windows facing out to this neighbouring property and therefore it is also considered that there would be no loss of privacy through overlooking potential.
- 7.11 Cavendish House is located to the south and west of the application site. This property is currently undergoing redevelopment. Directly to the south of the application site, a block of flats that will be 3 stories high is under construction. The ground level within this neighbouring construction area has been lowered substantially in comparison to the application site. The proposed development includes two windows at the upper level which would face towards this neighbouring property, however, they would be set back from the boundary with this neighbouring property by between 2.5m and 3m and only 0.3m above the wall of the proposed terrace. As such, and in combination with the orientation of the windows also being directly to the rear (as opposed to directly facing windows of the block to be constructed), it is not considered that the proposed development would result in any unacceptable loss of privacy to the residential units being constructed at Cavendish House. It is also noted that the developer of Cavendish House have outlined that they have no objection to the proposal.
- 7.12 The existing units of number 2 Cavendish Road are the closest existing residential units to the proposed development. The applicant has included a Daylight/Sunlight Assessment which has investigated the impact on the rear units of this existing block. Flat 2 is the rear unit at ground floor level with Flat 4 being located at the rear at first floor level. Whilst the assessment outlines that the view of the sky (VOS) will be lowered for the living room of Flat 2, this is already not achieving the minimum as a result of the existing garage / store. The upper level is set back from the elevation adjacent to these flats and therefore minimises impacts on outlook and daylighting impacts. Whilst the proposed development will have some impact on outlook from the

first floor rear flat (Flat 4) through the overall raising of the roof, it is not considered that this would be of a level which would warrant a refusal in this regard.

- 7.13 Overall it is not considered that the proposed development would result in an unacceptable impact on outlook for neighbouring properties in terms of loss of light, overshadowing, outlook or loss of privacy.

Standard of accommodation

- 7.14 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas - GIA) as set out in Table 3.3 of the London Plan (Table 3.3). Table 3.3 (as amended in the Housing Standards Minor Alterations to the London Plan – March 2016) provides a comprehensive detail of minimum space standards for new development with.

Table 1: Section of table in Table 3.3 of the London Plan

Number of bedrooms	Number of bed spaces	Minimum GIA (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		

- 7.15 The proposed residential unit is a 1 bedroom, 2 person unit that would be split over two levels – required 58sqm GIA. The GIA of the proposed unit is 63sqm and therefore satisfies this requirement.
- 7.16 The lower level forms the kitchen, living and dining areas of the proposed unit. This level has windows facing out to the proposed sunken terrace at a mixture of single storey height (the portion below the upper level bedroom) and double storey height glazing. A substantial portion above the kitchen area of the proposed unit would also have double storey floor to ceiling heights. This is considered to vastly improve the spaciousness of the proposed unit in what is generally considered a confined site. An additional rooflight is proposed above the kitchen area of the unit. With the above in mind it is considered that the lower level will benefit from adequate levels of natural light.
- 7.17 The upper level would be a generous double sized bedroom. This habitable room would be serviced by two south facing windows, and with this in mind is considered to benefit from acceptable daylight and sunlight levels.
- 7.18 In accordance with London Plan Housing SPG standards, all floor to ceiling heights are a minimum of 2.3m for at least 75% of the internal floor area.
- 7.19 In accordance with the London Housing SPG, the Council's Sites and Policies Plan states that there should be 5sq.m of external space provided for 1 and 2 bedroom flats with an extra square metre provided for each additional bed space. Although not technically a flat, given the size being 1 bedroom (i.e. a non-family sized unit) and the excellent PTAL value of the site, it is considered acceptable in this instance for outdoor amenity space requirements to be assessed on the basis of a flatted development. The proposed sunken terrace area would have an area of approx.

10.4sqm. As such, for the requirements of a 1 bedroom flat the provision of private outdoor amenity space is considered acceptable.

- 7.20 It is considered that the proposed unit would offer an acceptable standard of living for any future occupants.

Transport and parking

- 7.21 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

- 7.22 The proposed unit is intended to be car-free. Given the high PTAL rating of 6A and being located within a CPZ, it is considered that this approach is appropriate. The applicant has agreed to the restricting of future occupiers from obtaining parking permits within the CPZ which will be secured via s106 legal agreement. The application was reviewed by both Merton's Transport Planning Advisor and Transport for London, both of which were supportive of the car-free nature of the proposed development.

Refuse storage and collection

- 7.23 Appropriate refuse storage has been proposed close to the front door and opening out onto the accessway which is considered to be in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy. Amendments were sought to alter the doors to this area so as to be roller as opposed to swinging out onto the vehicular accessway of which several residents have access. A condition requiring implementation has been imposed on the development for completeness.

Cycle storage

- 7.24 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Cycle storage should be secure, sheltered and adequately lit; for a development of the nature proposed, 9 cycle storage spaces would be required.
- 7.25 Cycle storage space has been provided directly off of the accessway, adjacent to the above mentioned refuse storage area. The level of provision is considered acceptable given the size of the proposed residential unit. A condition requiring implementation has been imposed on the development for completeness.

Sustainability

- 7.26 On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 7.27 Until amendments to the Building Regulations come into effect the Government expects local planning authorities to not to set conditions with requirements above Code level 4 equivalent compliance. Where there is an existing plan policy which references the Code for sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 7.28 In light of the Government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full

compliance with Code Level 4 but are attached so as to ensure that the dwelling is designed and constructed to achieve CO2 reduction standards and water consumption standards equivalent to Code for Sustainable Homes Level 4.

- 7.29 A condition requiring compliance has been included.

Developer contributions

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

8. CONCLUSION

- 8.1 It is considered that the proposal is of a suitable layout, height, scale and design which would not harm the amenities of neighbouring residents or the character and appearance of the area. The development would provide an acceptable quality of living accommodation for future occupants. The proposal would not have a detrimental impact on highway safety or parking pressure – being further secured via the restricting of future occupiers from obtaining parking permits as per the s106 legal agreement. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

The application is therefore recommended for approval subject to s106 legal agreement and appropriate conditions.

RECOMMENDATION

Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:

1. Future occupiers of both of the proposed residential units are restricted from obtaining residents parking permits for the CPZ.
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations.
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations.

And subject to conditions.

Grant planning permission subject to s106 legal agreement and appropriate conditions:

1. A1: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.
2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: MA 165 001 rev P1 (site location plan), MA 165 051 Rev P1 (prop site plan), MA 165 060 Rev P2 (ex and prop ground floor), MA 165 061 Rev P1 (ex and prop 1st floor), MA 165 062 Rev P1 (ex and prop roof), MA 165 081 Rev P2 (elevation 01), MA 165 081 Rev P2 (elevation 2), MA 165 082 Rev P1 (elevation 03 & 04), MA 165 090 Rev P1 (site section).
3. B2: The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.

4. C07: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
5. C08: Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
6. H07: The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.
7. D11: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.
8. Non-Standard Condition: No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

Evidence requirements are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2013). Evidence to demonstrate a 19% reduction compared to 2013 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 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

Informatives:

Note To Applicant - Scheme Amended During Application Lifecycle

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

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**PLANNING APPLICATIONS COMMITTEE
11 AUGUST 2016**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1901	06/05/2015
Address/Site	110 Copse Hill, West Wimbledon SW20 0NL	
(Ward)	Wimbledon Village	
Proposal:	Demolition of existing dwelling and the erection of a 2 storey dwellinghouse with basement level and rooms in roofspace.	
Drawing Nos	172-01, 172-02, 172-03 rev A, 172-07, 172-08, 172-09 rev A, 172-10 rev A, 172-11 rev A, 172-12 rev A, 172-13 rev B, 172-14 rev B, 172-16 rev A, 172-15 rev A, 172-17	
Contact Officer:	Arome Agamah (8545 3116)	

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: no
- 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 – 13
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

The application site is a two-storey detached 5 bedroom dwelling, situated on a large plot on the northern side of Copse Hill. The property is one of a group of four detached houses of a similar scale and footprint granted permission in the late 1970s. The surrounding area is residential, comprised of large, predominantly detached properties with varying architectural styles. It is not in a conservation area. There is no unified or distinctive architectural style, although there are clusters of properties that have similar characteristics.

3. **CURRENT PROPOSAL**

- 3.1 The application is for the demolition of the existing detached dwelling and the erection of a 5 bedroom dwelling with basement accommodation. The building would be two storey, with accommodation over 4 levels including basement and roofspace. The proposals include the formation of a first floor terrace to the rear elevation.
- 3.2 The application follows the withdrawal of a previous application when it was indicated that the outcome was likely to be a refusal. Pre-application advice was sought prior to the current submission and amendments were made to address the previous concerns.
- 3.3 Further amendments have been made to this latest proposal after its submission following feedback from planning officers and in response to concerns raised by the residents of neighbouring properties.
- 3.4 In design terms, the proposed scheme takes a cue from the form and architectural style of the newly constructed detached properties on the opposite side of Copse Hill. On the front elevation there would be an integrated garage and a two storey centrally located gable, with a portico over the main entrance. Other design features on the front elevation include 4 French windows with glass balustrades at first floor level, 2 roof dormers at loft level and 2 cast stone pilasters at the building corners.
- 3.5 The new building would have a width of 16.5 metres, a depth of 11 metres, maximum/ridge height of 8.15 metres and eaves height of 5.7 metres. The new house would have an additional depth of 3.4 metres in comparison to the original house. Although it is taller, the ground levels have been lowered such that ridge line is no higher than the original house.
- 3.6 To the rear of the building there would be a further 4.5 metres deep single storey element (with basement below), with a semi-circular plan and centred approximately in the midpoint of the buildings width. The eaves height of the addition would be 2.4 metres, and the overall height would be 2.7 metres.
- 3.7 Above the rear addition would be an external terrace accessed from the first floor by 3 sets of French doors. The usable floor area for the terrace would be set back by 1.25 metres from the sides, and obscured glazed screening would be erected on the two flank sides to a height of 1.7 metres to prevent overlooking to the neighbouring properties on either side. The width of the

screen would be 3 metres, and a glass balustrade would border the edge facing the rear elevation. At first floor level, the rear corner to the building nearest the property boundary to number 108 would be recessed away from the boundary by a depth of 3.36 metres and width of 1.56 metres. On the rear elevation there would be 2 small gable roofed dormers and a larger centrally positioned flat roofed dormer serving a sun room.

- 3.8 The new building will broadly keep to the current front building line as established by the original group of buildings i.e. 104, 106, 108 and 110. The roof ridge lines of the group of buildings generally tend to follow a progressive pattern of stepping down in height from east to west (number 108 stepping down to number 112). The ground floor level for the proposed house has been lowered in order to retain the pattern as closely as possible.

4. **PLANNING HISTORY**

- 4.1 15/P2960 – Demolition of existing detached dwelling and erection of 1 x 5 bedroom dwelling with basement accommodation. Withdrawn by applicant 14/10/2015.
- 4.2 MER244/81 – Removal of existing garage and erection of two storey extension. Granted 28/05/1981.
- 4.3 MER408/77 – Erection of 4 detached houses. Granted 11/11/1977.

The planning history also contains various applications for tree works.

5. **CONSULTATION**

- 5.1 The proposal has been publicised by means of standard site notice procedure and individual letters of notification to adjoining properties.

Six objections to the proposals have been received on the following grounds:

- Development is inappropriate and out of keeping with local character of area
 - Development is unduly large and out of scale with respect to the modestly sized plot
 - Impact of basement works on soil conditions and structural integrity of site and adjoining properties
 - Disruption and inconvenience created by works
 - Unduly dominant to neighbouring properties with respect to bulk, scale and height
 - Overlooking from the roof terrace to neighbouring gardens and to school behind the site
 - Development will produce structure with form and massing that is out of keeping with existing street pattern
- 5.2 Council's Tree and Landscape officer - no objections in respect of arboricultural matters.

6. **POLICY CONTEXT**

- 6.1 The relevant policies contained within the adopted Merton Sites and Policies Plan (July 2014) are DM D2 (Design Considerations in all developments) and DM H4 (Demolition and redevelopment of a single dwelling house).

The relevant policies within the Merton Adopted Core Planning Strategy (July 2011) are CS 14 (Design) and CS 15 (Climate Change).

- 6.2 Adopted Merton Core Strategy (July 2011)
CS14 (Design), and CS15 (Climate Change)

- 6.3 Sites and Policies Plan (July 2014)
DM D2 (Design Considerations in all developments) and DM H4 (Demolition and redevelopment of a single dwelling house).

7. **PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations related to this application are design, the impact on the current streetscape, and the impact on neighbouring amenity.

- 7.2 Design and Impact on Streetscape

- 7.3 Other than the fact that the area is predominantly residential and characterised by large detached properties, there is no prevailing architectural style or formal consistency that typifies this section of Copse Hill as a whole. The existing building forms part of an original group of 4 dwellings that were erected during the late 1970s and early 1980s. They are not of particular historical interest or architectural merit. The dwelling at number 104 Copse Hill has already been modified extensively although it has not been rebuilt. The principle of redevelopment involving a new design is considered to be acceptable subject to the new dwelling sitting comfortably within the streetscene.

- 7.4 The applicant has responded to feedback from officers following the previously withdrawn application, pre-application advice and during the course of the current application and has made amendments to reduce the bulk, massing and overall visual impact created by the new building. With previous submissions the impact was most pronounced at roof level, and the current proposal makes use of mansard profiles with 70 degree slopes to the front, side and rear elevations, which is considered to satisfactorily reduce the bulk of the roof form.

- 7.5 In terms of style, the house is influenced by the design of numbers 41, 43 and 47 Copse Hill, located directly opposite the application site (forming part of the Atkinson Morley redevelopment, originally housing The Firs nurses

accommodation). It proposes the use of similar materials, i.e. red brick, cast stone and slate tiling, and similar detailing. On the front elevation, the number of roof dormers has been kept to a minimum and the scale and materiality of the individual design features have been chosen to minimise the visual impact and weight of the façade. The proportions and scale of the constituent features of the façade are considered to be a coherent composition.

- 7.6 The front elevation of the proposed house and gaps to the boundaries would be of similar dimensions to the existing building, and generally retains the same building line as currently established by numbers 104, 106, 108 and 110 with the exception of the centrally placed front gable and porch. As such the front setback from Copse Hill would also be retained.
- 7.7 The ridge lines of the group of buildings generally tend to follow a progressive pattern of stepping down in height from east to west (number 108 stepping down to number 112). Although the new house is taller than the original, the ground level has been lowered in order to nearly match the current ridge line of the original and therefore retains this pattern.
- 7.8 The main increase in massing is through the addition of a basement level , increased rearward projection and changed roof form. The additional rearward projection is relatively modest in relation to the existing scale. Although the design is different to the original house, it is considered that the proposal would be acceptable within the varied character of the surrounding area. Given its relationship to existing ridge heights, eaves levels, building lines and gaps between buildings, the impact on the streetscape of the new building is considered to be acceptable.
- 7.9 At the increased footprint, the building would still sit comfortably within its plot and would not appear cramped. It is therefore considered that the proposal would not constitute overdevelopment of the plot.
- 7.10 Impact on Neighbour Amenity

Following amendments lowering the ground floor level of the new building, the overall height relative to the neighbours will closely match the current situation. The use of mansard roofs has reduced the overall bulk of the building, particularly at the roof and upper floor levels. Although the footprint of the new house will be larger, the reductions to the overall height and design changes are considered to have reduced the impact on neighbours to an acceptable level.

- 7.11 The rear first floor terrace has also been reduced in scale when compared to previous versions of the design, as a result of a setback of the usable floor area from the flanks by 1.25 metres from either side. Also on the flanks, obscured glass screens have been erected to a height of 1.7 metres and are expected to preclude the possibility of overlooking from the terrace to the rear gardens of neighbouring properties on either side.

- 7.12 The application is bordered to the east by number 108 Copse Hill. The section of number 108 nearest the property boundary is a single storey garage and as such the bulk of the main house is set back from the property boundary. At the first floor level of the proposed building, the building has been amended to recess away from the boundary at first floor and roof level by 2.620m. The amendment was requested in order to reduce the massing and bulk at the section and to mitigate the impact on outlook from within the garden of 108. A single storey section will therefore sit closest to this boundary where the building projects beyond the rear of 108 with the upper levels recessed further away.
- 7.13 The layout of number 112 with respect to the application site is such that massing of the house is oriented away from the property boundary with the application site. It is also well set back from the building line as established by numbers 104, 106, 108 and 110. As such the proposed increased depth of the proposed house towards the rear is not expected to create significant adverse impacts to the occupiers of 112 as the increased depth will be opposite the flank wall of 112.
- 7.14 The proposed scheme does not involve an increase in the depth towards the front of the application site, and with the current overall relative height being retained it is not expected that there would be significant additional adverse impacts with respect to outlook. With the use of mansards to minimise the bulk at the upper floors, it is not expected that there would be a significant additional adverse impact by reason of being overbearing or unduly dominant.
- 7.15 On the two flank elevations of the proposed house, there are a number of windows to bathrooms on the first floor, and low level glazing to the basement floor. To preclude the possibility of overlooking or intrusion on the privacy of neighbours, it will be required that the windows are glazed with obscured glass and retained as such permanently thereafter. A condition to that effect will be attached to the permission.
- 7.16 Tree Protection Issues
There is one tree located within the front curtilage of the application site that is subject to a Tree Protection Order. No arboricultural objection has been raised to the proposed development provided the existing trees are protected during the course of site works and in accordance with the details contained in the submitted Arboricultural report. A condition will be attached to the current permission with respect to safeguarding the protection of the tree.

7.17 Basement Impact

A basement impact assessment and flood risk assessment has been submitted, based on findings following site investigations involving the installation of boreholes and the excavation of trial pits against the side of the existing property.

The Council's Structural Engineer has advised that the submitted Construction Method Statement (CMS) is acceptable provided that they also

give details of a method statement for demolition too and that further details are provided of the design parameters to be used in the design of the temporary and permanent retaining walls. E.g.: Soil Parameters, Surcharge from codes and any additional surcharge from adjacent building foundations, ground water level etc. This information would be required by condition and be subject to written approval before works commence on site.

The Council's Flood Engineer has commented as follows: The site is shown on the Borough's BGS 'susceptibility to groundwater flooding map' contained within our Local Risk Management Strategy as having 'limited potential for groundwater flooding to occur'. However, it should be recognised that there have been historic incidents of groundwater flooding in and around Copse Hill, these have been noted on the Borough's flood incident database.

The submitted report/s show that Groundwater was encountered as high as 4.00m depth in boreholes and also in the standpipes during return monitoring visits. The depth of the groundwater found within the standpipes was relatively consistent. The groundwater is considered to be superficial 'perched' groundwater table lying above the underlying more impermeable silty clay. It is noted that seasonal groundwater (which may be higher than the levels recorded at the time of the report writing) may be encountered during basement excavations and a contingency should be made for by the contractor to deal with this groundwater during the construction period.

Once the basement construction has been completed there is also a possibility that this will act as a local 'sump' for surface groundwater and run-off. We would advise that the proposal considers the use of passive drainage measures around the structure to reduce the potential for groundwater levels to back up as a result of the proposed basement structure. This could be included as a condition, should you wish for this to be included as a further mitigation measure.

The basement structure will be designed to resist the buoyant uplift pressures and lateral pressure due to water up to 1m from the top of the wall. We would advise that the design considers full hydrostatic pressure to the ground level and tanking to ground level.

Suitable conditions are proposed in line with the comments above and on that basis the basement impact is considered to be acceptable.

8.0 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT_ REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission. The proposal will be required to meet energy and water consumption targets equivalent to Code 4 of the Code for Sustainable Homes.

10. **CONCLUSION**

- 10.1 The concerns of the neighbours have been noted and following amendments the proposal is considered to be acceptable in terms of neighbour amenity, subject to appropriate planning conditions concerning the preservation of neighbour privacy. The design of the proposed house is considered to be acceptable following the stated amendments, and would not create an overall negative impact on the appearance of the surrounding area. 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 Plans
3. B.3 (External Materials as Specified)
4. B.5 (Boundary Treatment)
5. C.2 (No Permitted Development Doors/Windows)
6. C.3 (Obscure Glazing – Fixed Windows facing numbers 108 and 112)
7. C.4 (Obscure Glazing – Opening windows facing numbers 108 and 112)
8. F5. (Tree Protection)
9. H.4 (Provision of vehicle parking – including approved garage)
10. H.09 (Construction Vehicles)
11. H.12 (Delivery and Servicing Plan)
12. H.17 (Sustainable Urban Drainage –surface water and groundwater)
11. L.8 (Sustainability – Demolition and Redevelopment of a single dwelling house)
13. Detailed Construction Method Statement
14. Construction hours
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.

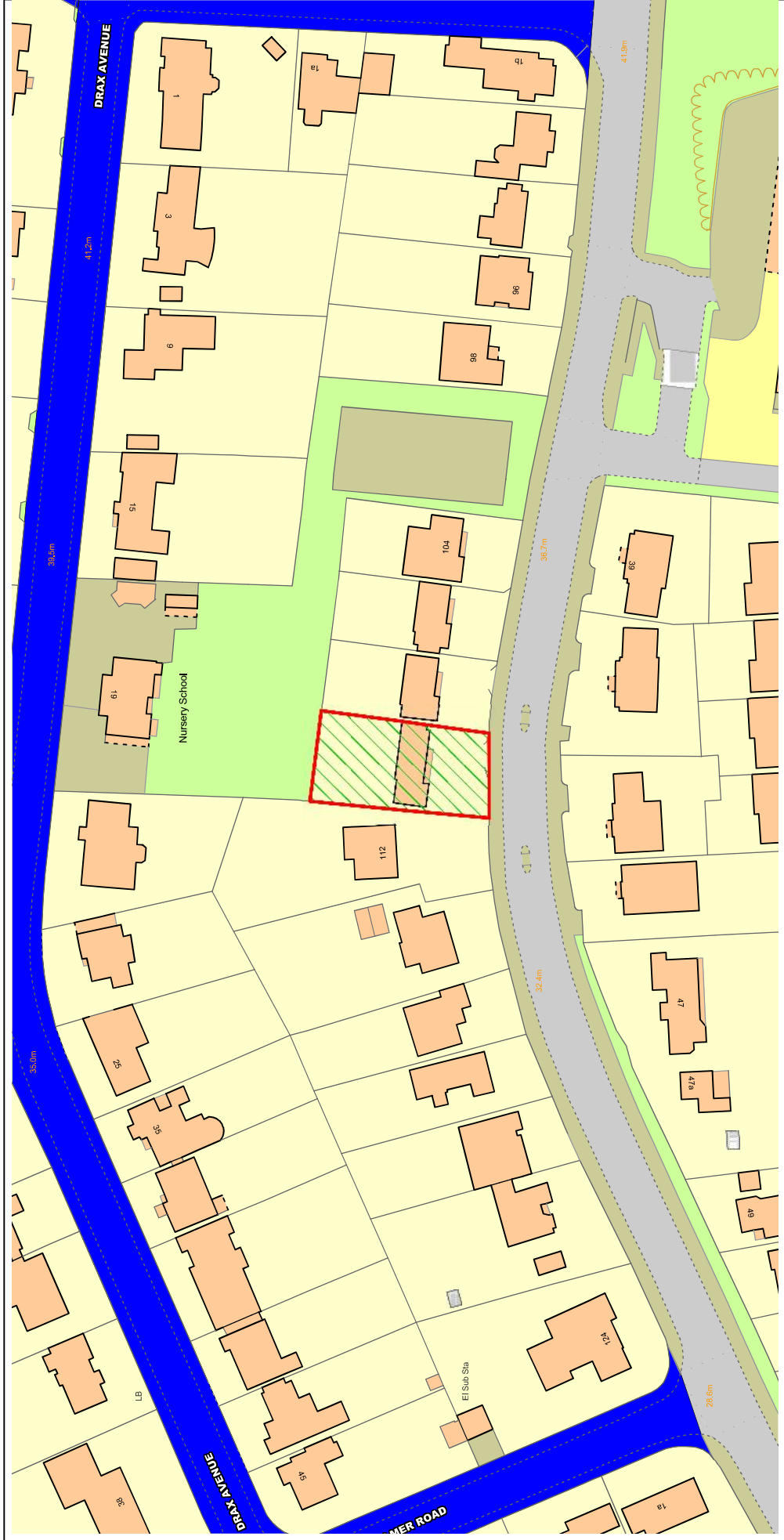
To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

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

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PLANNING APPLICATIONS COMMITTEE

11th August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1726	01/06/2016
Address/Site:	55A Hill Place House, Wimbledon, SW19 5BA	
(Ward)	Village	
Proposal:	CHANGE OF USE OF BRAIN BOX DIGITAL LTD OFFICES FROM USE CLASS B1(office) TO USE CLASS A1(shops), A2 (financial and professional services) or D1 (non-residential institutions), EXCLUDING USE AS A SCHOOL, NURSERY, CRECHE OR PLACE OF WORSHIP WITHIN THE D1 USE CLASS.	
Drawing Nos:	1601007-100 (amended to show allocated parking spaces), ; 1601007-302A	
Contact Officer:	Jonathan Gregg (3297)	

RECOMMENDATION

GRANT PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION

- Heads of agreement: n/a
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 16
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 This application relates to part of Hill Place House which fronts onto the High Street, with the main entrance to Hill Place House being from Marryat Road. The site is located at the northern end of Wimbledon Village, and forms a

small octagonal building which pre-dates Hill Place House and was attached during or following the development of Hill Place House. This element is located between the Rose & Crown Public House and Hamptons Estate Agents.

- 2.2 The site is within the Wimbledon Village Conservation Area, Wimbledon Village Town Centre, is within a designated as a secondary shopping frontage, and is within a controlled parking zone which operates Monday-Saturday 8:30-18:30.

3. CURRENT PROPOSAL

- 3.1 This application proposes the change of use of the existing B1(a) office space (163sqm) which is currently occupied by Brain Box Digital, to a flexible A1/A2/D1 use.
- 3.2 Within the Town and Country Planning Use Classes Order 1987 (as amended) A1 uses generally comprise the retail sale of goods, A2 comprises professional and financial services (such as banks and estate agents) and D1 is non-residential institutions (including doctors, dentists and any other medical or health services, schools, nurseries, creches, places of worship, libraries etc).
- 3.3 At the request of officers, it has been agreed that the proposed range of D1 uses being sought would be restricted to exclude schools, nurseries, creches and places of worship, given that their potential effects are considered to require much more careful scrutiny and are therefore unsuitable for inclusion as part of a general blanket expansion of the lawful planning uses for the application premises.

4. PLANNING HISTORY

The following planning history is considered relevant:

- 4.1 MER1042/82 - Redevelopment of site by the erection of a part four storey, part five storey building, containing 1417 square metres of office floor space and 8 flats, together with the provision of 40 car parking spaces and 5 lock-up garages. – Grant Permission (subject to conditions) 22/06/1983

5. POLICY CONTEXT

- 5.1 London Plan 2015;
6.3 (Assessing effects of development on transport capacity), 6.13 (Parking)
- 5.2 Merton Sites and Policies Plan July 2014 policies;
DMR4 (Protection of shopping facilities within designated shopping frontages), DMT1 (Support for sustainable transport and active travel). DMT2 (DM T2 Transport impacts of development), DMT3 (Car parking and servicing standards)

- 5.3 Merton Core Strategy 2011 policy:
CS7 (Centres), CS18 (Active transport), CS19 (Public transport), CS20 (Parking, servicing and delivery)

6. CONSULTATION

- 6.1 Public consultation was undertaken by letters sent to neighbouring properties, a site notice and press advert were also published.
- 6.2 Seventeen objections were received, summarised as;
- Range of uses could result in an increase in traffic and footfall, increasing pollution and congestion in the area;
 - Increased noise from use outside of normal office hours;
 - Potential for negative impact on residential amenities of neighbouring residents;
 - Would result in problems with traffic during the evenings and weekends if the use took place during these times;
 - Range of uses is too large and generic;
 - Would result in few people employed at the site, contrary to the Council' policies;
 - Increased use of the car park outside of office hours.
 - Potential changes to the frontage may be out of character with the building.
- 6.3 Additional public consultation was undertaken following the submission of drawings which clarified the area of the building which would be subject to the change of use and clarifying the range of uses proposed.
- 6.4 Further to public consultation, the application has been amended to restrict the range of D1 uses being sought and to restrict weekend opening hours.

7. PLANNING CONSIDERATIONS

- 7.01 The main considerations for this application are the principle of the change of use, the impact on traffic and parking and the impact on neighbour amenity.
- 7.02 A number of representations have commented on the submitted drawings. The red edged plan covers the whole building and site which by necessity includes the car park and access to this from the highway as there are three parking spaces associated with this space which form part of the application. The subsequent floor plans indicate the area within the building itself which is subject to this application.

7.1 Principle of the Change of Use

- 7.11 SPP Policy DMR4 seeks to maintain the vitality and viability of the borough's town centres whilst providing a wide range of retail, services and social activities. DMR4(c) notes that in Secondary Shopping Frontages, A2, A5 and B1a uses will also be permitted, although 50% of these units should remain in commercial (A1-A5) use. This is in addition to those uses that would be

permitted in Core Shopping Frontages which cover A1, A3, A4, D1 and D2 uses.

- 7.12 The application has been supported by a Marketing Report by Andrew Scott Robertson dated June 2016. It highlights that office availability is low at roughly 7% of total stock in Wimbledon, and prime office rents have risen 35% over the last two years. It also notes that demand for office accommodation at the northern end of Wimbledon Village, where this property is sited, is currently weak.
- 7.13 The building has been marketed since May 2016, with particulars sent to 66 parties who were actively looking in the area, and these particulars were further distributed to 409 commercial agents via the Estate Agents Clearing House. Adverts were also placed on the ASR, Property Link, Rightmove, EACH, EGI and CPD websites.
- 7.14 Following this, six parties have shown an interest and viewed the property, dates and details of the proposed uses are indicated in the table below (from p.12 of the marketing report).

Party	Date Viewed	Comment
A	26/05/2016	A2 Use. Being considered but no initial interest.
B	27/05/2016	D1 Nursery use. Offer made.
C	27/05/2016	D1 Medical use. Currently being considered.
D	27/05/2016	D2 Children indoor play centre. Not suitable.
E	10/06/2016	D1 Dentist use. Offer made. Currently being negotiated.
F	17/06/2016	D1 Dentist use. Cancelled at last minute and to be re-arranged

- 7.15 The report concludes that the office demand has diminished, in particular due to the distance from the underground/rail and tram stations in Wimbledon. The evidence from the relatively short marketing campaign is that there are a number of users willing to take on the property however this is highly unlikely to be an office use.
- 7.16 Utilising Permitted Development rights granted by the GPDO, the current offices could convert to a B8 use (Storage or Distribution). It could also, subject to a prior approval application convert to a C3 (dwellinghouses) or a state funded school/nursery (which fall in Class D1), although the latter would require an assessment of transport impacts, noise impacts and any contamination risks on site.
- 7.17 Additionally it could convert to a range of temporary uses, including a state funded school for 1 academic year or a flexible A1/A2/A3/B1 use (up to 150sqm) for 2 years without the need for any planning permission or prior approval.
- 7.16 In view of the above and given that this part of the building is older than the main office building behind and can easily be self contained without impacting

negatively on the office block behind the principle of a change of use is considered acceptable, subject to other material considerations.

7.2 Traffic and Parking

- 7.21 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.22 A Transport Statement was submitted during the course of the application which was prepared by Ardent Consulting Engineers. This notes that the site currently has 34 off street parking spaces, with three allocated to the current occupiers of the part of the building subject to this application. The site also has a PTAL rating of 2. The proposal would include nine cycle parking spaces, in accordance with London Plan standards.
- 7.23 The TS includes a trip generation, which given the broad range of uses possible this has been done based on the following uses, retail (A1), school (D1), doctors surgery (D1), dentists surgery (D1), nursery (D1), each of these was then compared against the existing office use. Given the agreement of the agent to exclude nursery, school uses and places of worship from the range of uses being sought, it is considered reasonable to remove these from the assessment.
- 7.24 There would be varying impacts on traffic during the morning and evening peaks depending on the use, with all of the potential uses identified above resulting in increases to two way vehicle trips during the weekday 12 hour period (07:00-19:00). The retail use would have the smallest increase in additional vehicle trips during the 12 hour period, of 47. The Doctors and Dentist surgeries would have similar increase in two way vehicle trips of 72 and 68 respectively.
- 7.25 During the morning peak, the retail and dentist uses would result in less vehicle trips than the existing office use whilst the evening peaks would increase only minimally across all potential uses.
- 7.26 The Council's Transport Planner has assessed the application and raises no objection to the proposal. It is however noted that one of the parking bays will need to be dedicated for any disabled employee that is based at the site – this may require the bays to be reduced to 2 instead of 3 to enable the necessary buffer zone. Furthermore if the site becomes a doctor's surgery (D1) then the 3 parking bays should be converted to 2 disabled wheelchair accessible bays on a permanent basis. These details can be secured by condition. A condition requiring the provision of cycle parking and the submission of a delivery and servicing plan are considered reasonable.

7.27 Residential Amenity

- 7.28 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.

- 7.29 The nearest residential properties to the site are no's 1-14 Parkside House and 46 High Street, both directly opposite on the southern side of High Street. To the north is Boleyn Lodge which contains six flats, and further north still is 6 Marryat Road, although these are both separated by the intervening four storey built form of Hill Place House. To the northwest is no.3 Marryat Road which is separated from the site by Marryat Road itself and by the Hamptons Estate Agent premises and parts of Hill Place House.
- 7.30 As a range of uses are being sought, it is considered that the impacts on residential amenity should be assessed on a worst case scenario. A1 and A2 uses would be likely have a similar impact to the existing office use and would not therefore have any unacceptable impact of the residential amenity of occupiers of neighbouring properties.
- 7.31 As noted above, the proposed traffic impacts are not considered to be significantly different to the existing office use with an increase of between 47 (retail) and 72 (doctors) vehicle trips in the 12 hour weekday period. Delivery and servicing of the building would also likely be similar to that of an office.
- 7.32 Following the exclusion of nursery, schools, crèche and as a place of worship from the potential range of uses, it is not considered that any of the uses would differ significantly in terms of there impacts on the residential amenities to the current office use.
- 7.33 In terms of noise, there is no external area associated with the property, other than the car park, and as the entrance and exit is onto the High Street, which is a busy road itself and adjacent to the Public House it is not considered that there would be any additional undue noise over and above that found within the locality at present.
- 7.34 Moreover, the proposed uses are likely to operate during normal business hours Monday-Friday, similar to the current office use which is unrestricted. At weekends, the agent has agreed to a restriction on opening hours, this would be 09:00 – 18:00 on Saturdays and 10:00 – 16:00 on Sundays and Bank Holidays. This is considered to be acceptable and would be in line with the rest of the shops in Wimbledon Village.
- 7.35 Furthermore the application form states that no external plant would be installed and were it to be necessary in the future it would require planning permission in its own right which would then be subsequently assessed on its own merits.
- 7.36 On this basis the proposed uses are not considered to result in any undue harm to the residential amenities of the occupiers of nearby residential properties or to the amenities of the locality.

7.4 Other Matters

- 7.41 The current use of the building and the allocated spaces within the car park has no hours of use limitation.
- 7.42 Any external changes that would be required for future occupiers of the building would require a separate planning permission which would be assessed on their own merits.
- 7.43 Any new signage would be likely to require advertisement consent unless it is very modest and falls within the deemed consent category, and would need to be appropriately designed to avoid any detrimental impact on the character of the building and the Conservation Area.

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

Following the concerns raised by local residents and at the request of officers, those uses with the potential to have the greatest impact and requiring separate individual assessment have been removed from the expanded range of uses being sought by the applicant, notably schools, nurseries, creches and places of worship. In addition, unlike the existing office use, hours of usage at the weekend would be limited to 9am until 6pm on Saturday and 10am until 4pm on Sunday or Bank Holidays. The principle of development is considered acceptable and none of the proposed uses are considered to have an unacceptably adverse impact on the highway network. Additionally given the siting and surroundings, the proposed uses are not considered to have any undue impact on the residential amenities of neighbouring occupiers. The proposal is therefore considered to accord with Policies DMR4, DMT1, DMT2, DMT3, DMD2 of the Sites and Policies Plan, CS7, CS18, CS19 and CS20 of the Core Strategy and relevant policies in the London Plan and NPPF.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:

1. A1 Commencement of Development (Full Application)
2. A7 Approved Plans
3. H11 Parking Management Strategy
4. H12 Delivery and Servicing Plan
5. D01 Hours of Use

The uses hereby permitted shall operate only between the hours of 09:00 and 18:00 on Saturdays and 10:00 and 16:00 on Sundays and Bank Holidays.

6. E05 Restriction – Use of Premises

The premises shall only be used for a use which falls within Classes B1(office), A1(retail), A2 (financial and professional) or D1(non-residential institutions) of the Town and Country Planning (Use Classes Order) 1987 [as amended], excluding use as a school, nursery, crèche or place of worship, and for no other purpose within the Act or in any statutory instrument revoking and re-enacting that Order with or without modification.

7. Provision of disabled parking

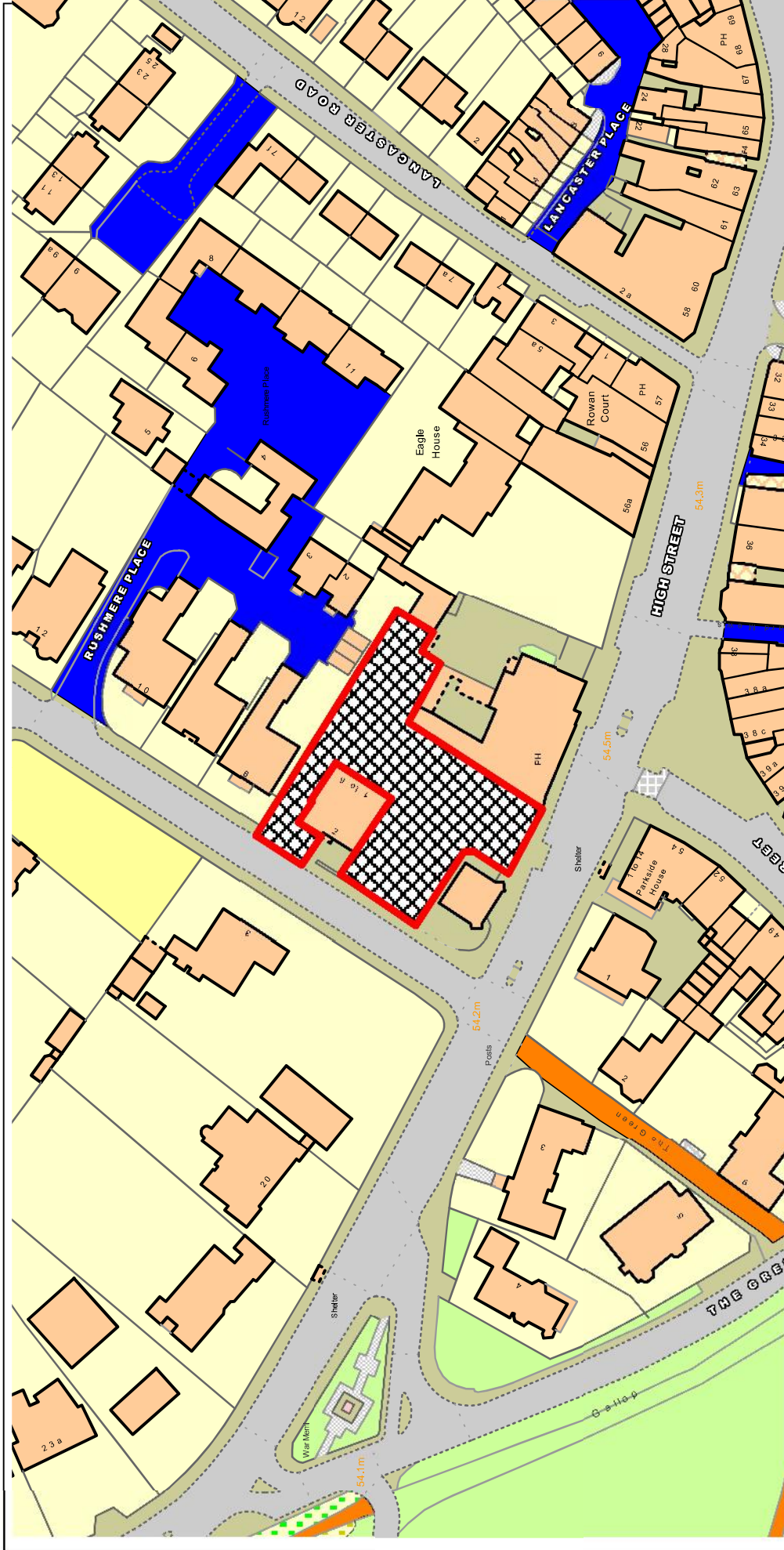
Informatives:

1. [Note to Applicant – Approved Schemes](#)

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

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PLANNING APPLICATIONS COMMITTEE

11th August 2016

APPLICATION NO.

13/P2192

DATE VALID

10/07/13

Address: Land formerly occupied by the Nelson Hospital, 220 Kingston Road, Wimbledon Chase, SW20 8DB (Phase 2, McCarthy & Stone site)

Ward: Merton Park

Proposal: Discharge of Condition 24, Parking Management Strategy attached to Planning permission ref 12/P0418

Documents: 'BREEAM Travel Plan Revision C' dated 2nd December 2015 and 'Parking Management Strategy Revision B', dated 20 June 2016 compiled by Encon Associates Ltd

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION:

Approve discharge of condition 24, Parking Management strategy for Phase 2 attached to planning permission ref 12/P0418.

1. INTRODUCTION

- 1.1 This application for a proposed Parking Management Strategy for Phase 2, the McCarthy & Stone Assisted Living Extra Care development at the Nelson Hospital site is brought back before the Planning Application's Committee because at the December 10th 2015 meeting members deferred the matter to a future meeting in order that officers can seek to secure better provision of visitor parking spaces on site, with a target of 8 spaces if possible (as the extrapolation of existing data shows that visitor space demand is likely to be for 8 spaces). The PMS for the NHS Living Care Centre was approved by members in February 2015.
- 1.2 At the meeting of the Council's Planning Applications Committee in September 2012 members resolved to grant planning permission for the re development of the old Nelson Hospital site subject to the completion of a S106 agreement to ensure the delivery of public realm improvements in The Rush and Blakesly Walk and a financial contribution towards a controlled parking zone as well as various conditions, LBM Ref 12/P0418.
- 1.3 Condition 24 required a Parking Management Strategy be submitted and approved for each phase of the development and members resolved that this condition be discharged by the Planning Applications Committee.

2. SITE AND SURROUNDINGS

- 2.1 The Nelson Hospital site, covering a total area of 1.3 hectares and fronting Kingston Road, comprises two adjoining areas of land, separated by Blakesley Walk. To the east of the footpath are the former hospital buildings, dating from 1911 which have been redeveloped with some façade retention and the construction of the new medical facilities on the majority of the site which opened in April 2015. This part of the application site is located within the Merton Hall Conservation Area and is bordered to south and east by the John Innes Merton Park Conservation Area.
- 2.2 The part of the site where the McCarthy & Stone assisted living-extra care development has been recently completed is located to the west of Blakesley Walk. The land is outside the conservation areas and no buildings on either part of the site are statutorily or locally listed.
- 2.3 The surrounding area is predominantly residential, with small scale commercial frontages on the opposite side of Kingston Road and in the adjacent Merton Park Parade that fronts The Rush.

3. CURRENT PROPOSAL

- 3.1 Given the different nature of the use of each phase of the overall redevelopment separate Parking Management Strategies (PMS) have been submitted for both phases.
- 3.2 For Phase 2, the PMS covers issues relating to parking & access for residents and visitors and the general management of the car park.
 - Parking and access; The main car access provided will be located opposite Richmond Avenue with dropped kerbs and tactile paving to allow pedestrian movement across the junction. The revised PMS states that 16 parking spaces will now be provided for residents. This is managed by selling a parking permit with an apartment rather than having a first come first served system for all apartments and therefore the number of resident permits will not exceed 16.
 - Visitor parking; When the matter was brought before members previously the applicant envisaged that all 19 resident permits may not be required in which case the 3 visitor spaces could be extended accordingly. As members sought more visitor parking the proposal is now to allocate 3 of those resident bays to visitor bays, thereby increasing capacity to 6 visitor spaces. Although it is acknowledged that this represents a shortfall of 2 spaces it is proposed to utilise a Travel plan which will discourage the use of private vehicles for accessing the site and to strike balance between parking provision and restraint to encourage visitors to travel to the site via alternative methods of transport. Additionally the applicant's consultants undertook further parking surveys in order to compile the revised PMS and the results were shown to demonstrate that there were on average 19 spaces available on surrounding roads between 15.30 and 17.30 and that when Manor Gardens, Watery Lane and Sheridan Road were included an average of 14 further spaces were found to be available. The deficit of 2 on-site visitor bays is mitigated by more than 80 pay and display parking spaces available within walking distance of the site. Whilst some bays have a 1 or 2 hour maximum stay limit the applicants own data shows that this is

more than adequate for most visits to their residents and that 'relatives of the residents will learn the best approach for visiting the site and will be guided by the Travel plan'. The applicants for Phase 1 have made a section 106 contribution of £30,000 towards a CPZ consultation and implementation if required. Whereas previously the possibility of a CPZ was not thought to be likely it is now expected that one may be implemented by the end of the year.

- Staff parking; None is provided on site.
- Cycle parking; Four secure covered Sheffield cycle stands to provide 8 bike parking spaces will be provided.

4. PLANNING HISTORY RELEVANT TO THIS APPLICATION.

4.1 12/P0418. Planning permission granted by members in respect of the proposed redevelopment of the Nelson Hospital site, including the former nurses home and associated car parking area. The development comprising the following:

1) Construction of a new two/ three storey (5600 sq m) Local Care Centre (LCC), (incorporating retention of three pavilion buildings) and new access route, with 68 car parking spaces to the rear.

2) Construction of a new part two/ part three storey Assisted Living Extra Care Development (51 units) with associated communal facilities, dedicated vehicle access and 21 car parking spaces, involving demolition of all existing buildings on this part of the site.

3) Alterations, including new landscaping to The Rush, Blakesley Walk and Kingston Road.

4.2 Members determined that the discharge of condition 24 attached to this consent be brought before the committee for discharge.

4.3 12/P0483. Conservation Area Consent granted in connection with the demolition of buildings on Site 1.

4.4 13/P2192 Application for discharge of conditions 4 (materials), 5 (site surfacing), 6 (boundary walls), 7 (floor levels), 8 (refuse storage), 9 (kitchen ventilation), 13 (planting scheme), 15 (arboricultural method statement), 18 (vehicle access), 22 (cycle parking), 23 (construction method statement), 24 (parking management strategy), 26 (archaeology), 30 (contamination), 34 (noise report), 42 (emissions - sub station), 44 (sustainable drainage) and 50 (Blakesley Walk footway works) attached to LBM planning application 12/P0418 dated 18/12/2012 relating to the proposed redevelopment of the Nelson Hospital site. This is the only condition still requiring discharge.

5. CONSULTATION

5.1 The revised parking management strategy has been considered by the Council's Transport Planning officer who considered the details acceptable.

6. POLICY CONTEXT.

The London Plan [March 2015].

- 6.1 The relevant policies in the London Plan [March 2015] are 6.13 [Parking].

Merton LDF Core Planning Strategy [July 2011]

- 6.2 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.18 [Active Transport] and CS. 20 [Parking servicing and delivery].

Merton Sites and Policies Plan [adopted July 2014]

- 6.3 The relevant policies within the Sites and Policies Plan are as follows: DM T1 [Support for sustainable transport and active travel], DM T2 [Transport impacts of development] and DM T3 [Car parking and servicing standards].

National Planning Policy Framework [March 2012]

- 6.4 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms 'to make the planning system less complex and more accessible, and to promote sustainable growth'.

- 6.5 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.

7. PLANNING CONSIDERATIONS

- 7.1 The planning considerations relate to an assessment of the acceptability of the parking management strategy in terms of its ability to minimise the impact of parking from this development on the safe and efficient operation of the local road network and the convenience of local residents and business operators in the local area.

- 7.2 Core Strategy Policy CS 20 and Sites and Policies Plan policies DM T2 and DM T3 seek to ensure that the level of residential and non-residential parking and servicing provided is suitable for its location and managed to minimise its impact on local amenity and the road network. The Parking Management Strategy will provide 16 residents bays on site. Whilst this does not equate to one for each of the 51 apartments the average age of residents is nearly 82 which is a demographic that typically has lower levels of car ownership and reflects a proportion of car owners that is representative of typical car ownership figures at similar residential developments operated by the applicant.

- 7.3 In terms of visitor parking the amount of on site visitor provision has been increased to 6 bays. In the event that visitor numbers exceed this figure then there would be a need to park on the street. In order to assess the capacity of the local streets to accommodate this the applicant's consultants undertook

further parking surveys in order to compile the revised PMS and the results were shown to demonstrate that there were 80 pay and display parking spaces available within walking distance of the site. A Parking beat survey showed that on average 19 pay and display spaces were available on surrounding roads during the day and that when Manor Gardens, Watery Lane and Sheridan Road were included an average of 14 further spaces were found to be available. The deficit of 2 on-site visitor bays is therefore considered to be mitigated by this available parking in the locality. Whilst some bays have a 1 or 2 hour maximum stay limit the applicants own data shows that this is more than adequate for most visits to their residents and that 'relatives of the residents will learn the best approach for visiting the site and will be guided by the Travel plan'.

- 7.4 The applicants for Phase 1 have made a section 106 contribution of £30,000 towards a CPZ consultation and implementation if required. This consultation process will begin later this year and if implemented this will significantly limit uncontrolled parking in the area.
- 7.5 It is considered by officers that the proposed PMS will adequately address these policy requirements by providing what is considered a satisfactory number of designated resident and visitor parking spaces within the site (an increase from 3 to 6) with adequate on-street visitor parking available locally for anticipated peak visiting hours.
- 7.6 London Plan policy 6.13, Core Strategy policy CS 18 and Sites and Policies Plan policy DM T1 all promote the use of sustainable transport modes. Phase 2 will provide 8 cycle spaces which is considered sufficient for a development of this type.

8. CONCLUSION

- 8.1 The proposed details set out in the Parking Management Strategy represent a reworking of the proposals and information previously put before members. The scheme now provides 6 on site visitor spaces and whilst this is still 2 less than the extrapolated requirement for 8, further work has been undertaken to identify a higher number of available pay and display bays than was previously the case. The details in the PMS have been assessed by the Council's Transport Planning officer and are considered to satisfactorily address the policy demands that were behind the need for a strategy to be approved so that the Council and members can be assured as fully as possible that the parking arrangements both in terms of the physical provision and the management of that provision will result in minimal disruption to the road network and the convenience and amenity to local residents and businesses.

9. RECOMMENDATION

Approve the Parking Management Strategies in order to discharge Condition 24 so as to ensure the development is completed and operated in accordance with details set out in the submitted Parking Management Strategy.

To view Plans, drawings and documents relating to this application please follow

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PLANNING APPLICATIONS COMMITTEE

11 August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P3039	04/08/2015
Address/Site	Rear of Aston Court, 18 Lansdowne Road, West Wimbledon SW20 8AW	
(Ward)	Raynes Park	
Proposal:	Demolition of existing garages at rear of Aston Court and erection of a single storey, two bedroom dwelling house.	
Drawing Nos	LRW THA PR AL 010 P10, 100 P10, 110 P10, 200 P7, 210 P6, 300 P12, 310 P10, 320 P7, 330 P7 and Design and Access Statement, Daylight and Sunlight Report, Tree Survey, Arboricultural Method Statement and Tree Protection Plan	
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to completion of a S.106 Agreement and 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:
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

1. INTRODUCTION

- 1.1 The current application has been submitted following the refusal of planning permission for the demolition of garages and the erection of a single storey

detached dwelling house in December 2013 and subsequent dismissed appeal in Aug 2014. The current application is brought to the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises part of a garage court to the rear of Aston Court, 18 Lansdowne Road. Aston Court comprises 11 flats in two blocks situated on the west side of Lansdowne Road. There are 8 garages accessed via an access way between the two blocks of flats. The application site contains 6 of the 8 garages.
- 2.2 To the north and south of the site in Lansdowne Road are large detached houses. To the rear of the site are residential properties in Arterberry Road. There are a number of mature trees abutting the site boundaries. The application site is not within a conservation area. It adjoins the boundary with the Merton (Wimbledon West) Conservation Area. Lansdowne Road is within a Controlled Parking Zone (CPZ).

3. CURRENT PROPOSAL

- 3.1 The current proposal involves demolition of six of the eight existing garages and the erection of a single storey, two bedroom dwelling house. The proposed house would be 23 m in length and be between 5.2 and 5.5 metres in width and would have a flat roof with a height of 2.9 metres. The proposed house would be located in a similar position as the 6 garages to be removed. The front elevation of the proposed house would be between 5.2m and 4.2m from the rear of the 2 blocks comprising the Aston Court flats. The front elevation of the proposed house would be constructed on the building line of the existing garages.
- 3.2 Internally, the proposed house would comprise a pair of double bedrooms and two bathrooms and a combined living/kitchen/dining room arranged around a central courtyard amenity space with a further private amenity area to the north of the building.
- 3.3 The proposed house would be faced in reclaimed London stock brickwork, with a patinated zinc roof. The original submission showed zinc facing to the upper part of the elevations above the stock brick wall. However, this has been amended to timber louvres. It is intended that climbing plants would also be provided to soften the wall facing Aston Court. It is also proposed to surface the area in front of the building with a resin bonded gravel path and grassed area.
- 3.4 No off street car parking is proposed for the development, however three secure cycle parking space would be provided along with refuse and recycling facilities.

4. RELEVANT PLANNING HISTORY

4.1 **07/P1149**

In June 2007 planning permission was REFUSED for the erection of a single storey detached dwelling (LBM Ref.07/P1149). Planning permission was refused on the grounds of impact on the amenity of occupiers of adjoining properties, overdevelopment, impact on trees, and loss of parking.

4.2 **12/P2434**

In January 2013 planning permission was refused for the demolition of existing garages and erection of a single storey two bedroom dwelling house. Planning permission was refused on the grounds that:-

'The proposed dwelling would, by reason of its height and siting have an unsatisfactory relationship with the existing flats at 4 – 11 Aston Court and would constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton UDP (October 2003).'

The applicant appealed against the Council's refusal of planning permission (Appeal Ref,APP/T5720/A/13/2201852). The Planning Inspector subsequently **DISMISSED** the appeal on 13 December 2013, **but only on the grounds of the lack of an affordable housing contribution.** The Inspector concluded that the proposed dwelling would be a similar distance to the windows and light wells in Aston Court as the existing fencing and garages on the appeal site and did not consider that the proximity of the proposed development would have a negative impact upon with regards to the outlook currently enjoyed by the occupants of 4-11 Aston Court. The Inspector noted that the gaps between garages no longer exists as fencing had been erected between the garages on the site and from the condition of the fencing, this had been in place for some time. They considered the current outlook from the rear of Aston Court to be poor and that the proposed development would be an enhancement, particularly if sensitive use was made of materials and landscaping. They noted that the main roof would only be marginally higher than the apex of the roof of the existing garages and that whilst the central roof light would be higher it would be set back from the eastern elevation by 1.5 metres. Consequently, the Inspector did not consider that the development would have a negative impact on the residents of Aston Court.

4.5 **13/P1118**

An application for the demolition of the existing garages at the rear of Aston Court and the erection of a single, one bedroom dwelling house (LBM Ref.13/P1118) was REFUSED in Nov 2013 on the grounds that:-

'The proposed dwelling would by reason of its height and siting have an unsatisfactory relationship with the existing flats at 1 – 3 Aston Court and would be a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15

(New Buildings and Extensions; daylight, Sunlight, Privacy, visual Intrusion and Noise) of the Merton UDP (October 2003)'.

- 4.6 The subsequent appeal to the Planning Inspectorate (Appeal Ref. APP/T/5720/A/14/2218288) was **DISMISSED** on 8 August 2014. **This was purely on the grounds of the potential for unacceptable light pollution from the clerestory windows.** The Inspector's comments were as follows:

'The proposal would comprise the demolition of the 6 garages and the erection of a single storey, one bedroom dwelling with a courtyard and small garden. The footprint of the dwelling would be smaller than that of the 6 garages and it would be primarily situated to the rear of the southern part of Aston Court (flats 1 to 3) with mostly garden space to the rear of the northern block.

'Although the proposal would be taller than the garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties. Due to its siting and modest height, and having regard to my colleague's conclusions in respect of the 2013 appeal (Ref.APP/T5720/A/13/2201852), I am also satisfied that the proposal would ensure the maintenance of adequate outlook from neighbouring properties'.

'The proposed dwelling would include fixed clerestory glazing on the two long elevations with larger areas of glazing facing the courtyard and garden. This arrangement would ensure that adequate privacy for neighbouring property occupiers is maintained and future residents of the proposal would benefit from reasonable levels of privacy.

However, two elements of the clerestory glazing on the front elevation would be very close to windows serving bedrooms in Aston Court. In particular, one part would be almost directly behind and above the close-boarded fence at the rear of the garden of flat 1. In my judgement, the use of artificial light within the appeal property would lead to unacceptable light pollution within flat 1 and, to a lesser degree, within the flats in the northern block. Whilst I note that the appellant indicated that blackout blinds could be installed, I do not consider that a planning condition requiring this could be adequately enforced and therefore such an approach would be contrary to the 'tests' set out in paragraph 206 of the National Planning Policy Framework (2013).

For this reason I conclude that the design and layout of the proposed house would have an unacceptable effect upon the living conditions of occupiers of neighbouring properties.'

5. **CONSULTATION**

- 5.1 Site notice procedure and letters of notification to occupiers of neighbouring properties. In response 23 representations have been received from

occupiers of neighbouring properties and the South Ridgway Residents Association. The grounds of objection are set out below:-

- The proposal would result in loss of light, result in visual intrusion and an elevated noise level.
- The proposal would result in loss of outlook and loss of space between buildings.
- The proposal would result in loss of garages that provide useful storage.
- The revised proposals have not mitigated issues previously raised.
- If approved an application would be made to remove the remaining garages for parking.
- The building would not be attractive to occupiers of Aston Court.
- Windows in flat 2 would overlook the courtyard of the house.
- The existing garages provide a sensible separation between buildings in Lansdowne Road and Arterberry Road.
- The proposal would adversely affect the private garden of 17 Lansdowne Road as the proposed house would be 2.9m high, considerably higher than the low height garages.-The proposed structure would be beneath existing tree canopies.
- Construction would entail incursion into the garden of 17 Lansdowne Road.
- The proposed house would generate noise.
- Number 17 which adjoins the site is within a conservation area and number 12 to 16 form a group of locally listed buildings.
- The proposal is back land development that conflicts with Council policy.
- The proposal should provide a contribution towards affordable housing.
- The proposal would increase on-street parking.

5.2 South Ridgway Residents Association

Although the site is not visible from the road, it would be totally inappropriate for a conservation area and would be contrary to policy ST13, wherein the borough is committed to preserve and where possible enhance conservation areas. The proposal would also detract from light enjoyed by several residents of Aston Court and would in fact intrude visually on their privacy. The proposal would almost certainly lead to damage to several mature trees, contrary to tree protection policies.

5.3 Wimbledon Society

There was an application for this address in 2013 which was rejected. This application seems to be incredibly similar, the only difference being the addition of a second bedroom and the reduction in amenity space. In policy DM D2 a v of the Council's sties and Polices Document it states that all developments should *Ensure provision of appropriate levels of sunlight and daylight, quality living conditions, amenity space and privacy, to both proposed and adjoining properties and buildings and gardens.* The Wimbledon Society feels that this development does not fulfil the above. The

living space and master bedroom receive their daylight from single aspect windows that look onto an enclosed courtyard, so not only do the rooms receive very little light, the outlook for residents will be a high timber fence. The house will have very little amenity space, just two small courtyards. The Society is also concerned about the closeness of this residential development to the inhabitants of Aston Court, with people living in the ground floor and basement flats being totally overlooked. For these reasons the Society opposes the application.

5.4 Tree Officer

The tree officer has been consulted and has no objections to the proposal subject to appropriate tree protection conditions being imposed on any grant of planning permission

5.5 Parking

The new unit is in a controlled parking zone (CPZ) with good access to buses from Wimbledon. The development should therefore be designated 'car free' secured through a S.106 Agreement.

5.6 Reconsultation

In response to concerns raised by objectors concerning the potential impact of the proposal upon daylight/sunlight to light wells of existing flats in Aston Court, the applicant commissioned a daylight/sunlight report. A reconsultation was undertaken and a further letter of objection has been received from a planning consultant acting for the occupiers of flat 8 Aston Court. The grounds of objection are set out below:-

- The recently submitted 'Updated Daylight/Sunlight Report is considered to be deficient, and does not properly address the situation found at the property. Notwithstanding this the Report noted that the existing amenity of the basement rooms is sub-standard and fails the 25 degree rule and the Report accepted that the development will further compromise the deficient amenity.
- The Report explicitly refers to the Tate Harmer drawings as the only reference document for dimensions/setting out etc. These were the plans submitted with the application and no new plans are appended to the Report. The submitted drawings, the Design and Access Statement and earlier Daylight/Sunlight Report have all been challenged on points of accuracy and detail. These points remain unaddressed in the application and the plans and documents have not been amended.

6. **POLICY CONTEXT**

6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design) and CS20 (Parking).

6.2 The relevant policies within Merton's Sites and Policies Plan (July 2014) are, DM H2 (Housing Mix), DM H3 (Support for Affordable Housing), DM O2

(Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments) and DM T3 (Car Parking and Servicing Standards).

- 6.3 The relevant policies contained within the London Plan (March 2015) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 7.4 (Local Character) and 7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations are the principle of redevelopment for a residential unit, impact on neighbour amenity, the design and impact upon the adjacent conservation area, the standard of accommodation and tree and parking issues. The planning history and in particular, the two previous appeal decisions relating to demolition of the garages and redevelopment for a single residential unit are strong material planning considerations.

7.2 Relationship of Current Proposal to Previous Appeal Decisions

As detailed in the planning history section earlier in this report, the first dismissed planning appeal following the Council's refusal of application LBM Ref.12/P2434 was only refused on the basis of the lack of an affordable housing contribution. It was for a single storey two bedroom house with the same general height and footprint as the current planning application but also had a higher recessed roof element, which does not form part of the current application. The second dismissed appeal (13/P1118) related to a one bedroom single storey dwelling with a smaller footprint which was only dismissed on grounds relating to concerns about light pollution from the clerestory windows. The impact on neighbouring properties in terms of daylight and outlook was considered to be acceptable in both cases.

- 7.3 The current proposal reverts to the same footprint and layout as 12/P2434 but omits the higher part of the roof. To overcome the second Inspector's concerns about light pollution from the clerestory windows, both the western and eastern clerestory windows have been omitted. In place of the clerestory windows, a zinc upstand above the 2m stock brick wall was proposed. In response to officer concerns about its harsh appearance, this has been replaced with timber louvers. Fixed roof lights are now proposed to provide additional lighting to the residential unit using Smart Glass technology that prevents transmission of artificial light but allows daylight through.

- 7.4 The proposal is therefore considered to address both previous grounds for refusal in that an affordable housing contribution is no longer being sought following a Court of Appeal decision as set out later in the report and the clerestory windows facing Aston court have now been omitted.

7.4 Loss of Existing Garages/Suitability of the site for Residential Use

The existing garages are accessed via a narrow (2.7m width) access way between the two blocks of flats. The garages can only accommodate the smallest of modern cars due to the size of the garages and the narrow access way. The garages are currently out of use and the spaces between the garages secured by close boarded fencing. Given the size of the garages and the narrow access there are no planning objections to the demolition of the existing garages. A residential development on part of the site would be an acceptable alternative use subject to design and neighbour amenity issues being resolved.

7.5 Design/Impact upon Adjacent Conservation Area

The building would be 2.9 m in height (only 400mm higher than the apex of the roof of the existing garages). A contemporary design approach has been adopted for the proposed house and elevations would be faced in reclaimed stock brickwork and would have a flat zinc roof. The proposed building would be only marginally higher than the existing garages and the development would not intrude into the northern corner of the site. The proposed design is considered to be acceptable in terms of its scale and massing and would not affect the character or appearance of the adjacent conservation area. The previously proposed zinc upstand has been replaced with timber louvres. The proposal is therefore considered to be acceptable in terms policies CS14, DM D2 and DM D4.

7.6 Standard of Accommodation

The current proposal involves the redevelopment of the site by the erection of a single storey, two bedroom dwelling house. The proposed house would be arranged around a central courtyard, with the main bedroom, corridor and living/kitchen/dining room facing onto the internal courtyard. Windows would face onto the central courtyard and rear amenity space. Additional light would be provided by flush fitting roof lights. The proposed internal layout is considered to be acceptable and the house would have a Gross Internal floor Area of 83m², exceeding the 70 m² minimum requirement as set out in the London Plan and nationally prescribed space standard for a two bedroom, 4 person single storey two bedroom dwelling. The proposed house would provide a total of 43m² of amenity space split between the central courtyard and the rear garden. The amenity space provision is slightly below the 50m² normally required for a new dwelling house. However the small shortfall in amenity space is not considered to warrant refusal of the application. The proposal is therefore considered to be acceptable in terms of policies CS8, CS14 and DM D2.

7.7 Neighbour Amenity

The concerns raised by neighbours regarding the impact of the proposed development are noted. The application site is close to the rear elevations of the two blocks that comprise Aston Court and the front elevation of the proposed house would be quite close to the windows and light wells of the flats in Aston Court. Several representations have been received referring to potential loss of daylight and sunlight to both windows and light wells of residential flats in Aston Court. However, as the Inspector noted in his Appeal decision in respect of application 13/P1118 dated 8 August 2014, that

although the proposed house would be taller than the existing garages and fencing it would replace, due to the orientation of the site and existence of surrounding obstructions, it would not result in unacceptable reductions in levels of natural light reaching nearby properties. The Inspector, also having regard to the previous Inspectors conclusions in respect of the 2013 Appeal was satisfied that the proposal would ensure adequate outlook from neighbouring properties. Therefore the Planning Inspectors in both Appeals have concluded that the development of a single storey dwelling on the site of the garages would not affect natural light or privacy to residents of Aston Court.

7.8 The architect has also submitted a daylight/sunlight study of the impact of the existing garages and the proposed house upon the flats at Aston Court. The daylight/sunlight study also demonstrates that the proposal would have a minimal impact upon the light wells and windows of flats in Aston Court in terms of daylight and sunlight loss. In order to address the concerns of the Planning Inspector, the raised clerestory windows have been removed from the design of the new house and light maintained by flush fitting roof lights. The modified proposal is therefore considered to be acceptable in terms of policy DM D2.

7.9 Whilst several representations have also been made concerning the accuracy of the plans and the information contained within the Daylight/Sunlight Report. However, the proposal meets the BRE guidelines in terms of daylight/sunlight and that the plans submitted with the application are accurate.

7.10 Trees

Although there are no trees within the application site, there are several mature trees within the garden of 17 Lansdowne Road, 36 and 38 Arterberry Road. The Council's tree officer has examined the proposal and is satisfied that the proposed development of a single storey dwelling would not impact upon the trees subject to tree protection conditions being imposed on any grant of planning permission.

7.11 Parking

The proposed development would not provide any off-street parking. However, the application site is within a controlled parking zone (CPZ) with good access to buses to Wimbledon. The development should therefore be designated 'permit free' secured through a S.106 Agreement.

7.12 Affordable Housing

The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a

judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space.

7.13 Local Financial Considerations

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

SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

10. **CONCLUSION**

10.1 The current proposal for a single storey, two bedroom dwelling house is considered to address the concerns raised by the Planning Inspector on the previous proposal in terms of potential light overspill by deleting the clerestory windows and raised roof light from the proposal. The design and siting of the proposed house is considered to be acceptable. The concerns of neighbours are however noted and it is recommended that appropriate conditions be imposed on any grant of planning permission in respect of hours of demolition and construction and removal of permitted development rights in order to protect neighbour amenity. It is therefore recommended that planning permission be granted subject to a S.106 Agreement in respect of the development being designated 'permit free'.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to completion of a S.106 Agreement covering the following heads of terms:-

1. The development being designated 'permit free'.
3. The developer paying the Council's legal and professional costs in drafting and monitoring the legal agreement.

and 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. C.1 No Permitted Development (Extensions)
5. C.2 No Permitted Development (Windows and Doors)
6. C.6 Refuse and Recycling (Details to Be Submitted)
7. C.7 Refuse and Recycling (Implementation)
8. C.8 No Use of Flat Roof
9. D.10 External Lighting
10. D.11 Hours of Construction
11. F5P Tree Protection
12. F6P Design of Foundations
13. F.8 Site Supervision (Trees)
14. H.9 Construction Vehicles
15. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. 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 (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and 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.

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

16. Landscaping

INFORMATIVES:

INF1 (Party Wall Act)

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).

To view Plans, drawings and documents relating to this application please follow [the 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 RO Aston Court, Lansdowne Rd

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PLANNING APPLICATIONS COMMITTEE

11th August, 2016

Item No:

UPRN

APPLICATION NO.

DATE VALID

16/P1857

16/05/2016

Address/Site:

5 Morton Road, Morden SM4 6EF

Ward:

Ravensbury

Proposal:

Demolition of existing residential dwelling and garage and erection of a new residential building comprising 2 x 1-bed units and 3 x 2 bed units

Drawing No.'s:

'Location Plan 2016-750-01', 'Site Plan 2015-750-002 Rev A', 'Ground & First Floor Plans 2015-750-010 Rev A', 'Second Floor & Roof Plans 2015-750-011 Rev A', 'West & South Elevations 2015-750-012 Rev A', 'North & East Elevations 2015-750-013 Rev A', 'Sections 2015-750-014'

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: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 9
- External consultations: 0
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee due to the level of public interest in the proposal.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located at the corner of the intersection of Morton and Pollard Roads. The site has a gentle slope in a northerly direction along Morton Road towards Wandle Road.
- 2.2 A bungalow with side garage is currently located on the site and proposed to be demolished to facilitate the new build. The house is oriented to Morton Road and vehicle access is currently from Morton Road.
- 2.3 The application site is not in a conservation area or a controlled parking zone and has a PTAL Rating of 1b (poor).
- 2.4 There are a variety of styles of housing along Morton Road and Pollard Road, including 1930s two-storey and bungalow detached houses, some semi-detached houses, with some Edwardian detached houses in Pollard Road with more modern infill between the 1930s and Edwardian developments including multiple flat developments such as Castle Court, Pollard Court and Plaxtole Court. There are also examples of flats within Morton Road at 24 Morton Road and 53 Wandle Road (corner of Wandle and Morton Roads).

3. CURRENT PROPOSAL

- 3.1 The current proposal is to erect a new residential building comprising 2 x 1-bed units and 3 x 2 bed units. The building will be two storeys in height, with four flats located within the ground and first floors, and an additional flat accommodated within the loft space of the dwelling.
- 3.2 The flats have been designed as a two-storey, detached residential building. The roof form features a primary mansard roof with projecting hipped and gable roof elements. The building will have three dormer windows, including one dormer window to Pollard Road, one dormer window to Morton Road and one dormer window on the northern roofslope. The original submission proposed two-storey gable projections with attached balconies protruding towards the Pollards Road elevation. Amended plans were submitted removing the protruding balconies and incorporating the balconies within the gabled projections by recessing the living room wall of the flats 1.5m back.
- 3.3 The dwelling will be constructed from red bricks with white render to be applied to the first floor of the building, red plain tiles, white UPVC doors and windows and block paving on the vehicle entrance.
- 3.4 The ground floor would consist of two, two-bedroom flats. On the first floor will be one, two-bedroom flat fronting Morton Road and one, one-bedroom flat fronting Pollard Road. One additional one-bedroom flat would be contained within the loft space of the new building. All flats will be accessed by an entrance fronting Morton Road and internal stair core to be located on the northern elevation of the building.
- 3.5 Five car parking spaces are to be provided on the northern section of the site (including one disabled space), with a bicycle and refuse store to be located

adjacent to the car parking area. The bicycle store can accommodate 10 bicycles.

- 3.6 The ground level flats will have private amenity space in the form of private patios with a paved floor area of 3.2m². The first floor flats will be provided with balconies overlooking Pollard Road with an area of 4.5m² each. The remainder of the open space around the site has been designated as shared amenity space for use by the five flats.

4. PLANNING HISTORY

- 4.1 The site has no relevant planning history.

5. CONSULTATION

- 5.1 Nine (9) neighbouring properties were consulted by letters and a site notice was displayed.

- 5.2 One representation was received in support of this application, stating that new developments for flats are needed in the local area to meet the demand for housing.

- 5.3 Fourteen representations were received from local residents objecting to the proposal, raising concerns relating to:

- Design, height, mass and scale of proposal is overly large and is not in keeping with the low-density, suburban character of road which is located in historic Ravensbury ward. Most of houses in street are two-storey detached and semi-detached family dwellings set well back from the street;
- Three storey building being built closer to the boundary with no planting to shield it will have a significant and adverse effect on the streetscape;
- Street scene drawing submitted considered to be misleading and does not take into consideration the slope of the street. The slope of the street will amplify the visual impact of the building;
- Proposal is overdevelopment of the site;
- Two of the flats are less than the floor area required under the 'Nationally described space standard';
- Balconies do not meet minimum dimension of 1.5m as required under London Plan;
- Provision of private and shared amenity space is considered to be insufficient for a development of this scale and nature;
- Outlook from habitable rooms would be poor;
- Section 14 of the application form states the site is 'vacant'. This is misleading as the site currently has a single storey dwelling on it;
- The east elevation bedroom and stairwell windows will overlook patio, patio doors, side and back garden, and landing window of 44 Pollard Road;
- Height and scale of proposal will block the light to the side extension of 44 Pollard Road and other properties in Morton Road;
- Bin store will result in undue noise impacts on neighbours;

- Overlooking will increase as a result of additional windows;
- No information has been provided about external lighting which will cause unnecessary light pollution;
- Already adverse impacts on parking, noise and quality of life from BnB in street and this proposal would increase those issues;
- Flats will exacerbate parking pressures in the street and intensity of traffic in street causing safety concerns. Provision of 5 vehicle spaces is not enough for 5 new flats;
- Construction works would be impact on parking, noise and quality of life;
- Houses in street have had issues of subsidence and a building of this size may exacerbate these issues and impact on adjoining properties;
- Households located further along road not notified of the application by post;
- Notice was not erected on site until after the finalisation of the original comment period and date initially not provided on notice;
- Approval of this development would set a precedent for other developments

5.4 LBM Traffic & Highways: in response to initial comments from LBM Traffic and Highways, the layout of the car parking area was amended to provide for one disabled car parking space, provide additional bicycle parking to meet London Plan Standards, and alter the orientation of the carparks to provide for appropriate manoeuvrability. LBM Traffic & Highways have no objections to the amended layout and have recommended conditions be applied to secure approval for the type of electric vehicle charging point and cycle parking facility, and to require the submission of a Construction Traffic Management Plan.

6. **POLICY CONTEXT**

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

6.2 London Plan Consolidated (2015).

3.3 Increasing housing supply;

3.4 Optimising housing potential;

3.5 Quality and design of housing developments.

5.3 Sustainable design and construction.

6.9 Cycling

7.4 Local character

7.6 Architecture

London Housing Supplementary Planning Guidance 2016

6.3 Merton Sites and Policies Plan (July 2014).

DM D2 Design considerations in all developments

DM T3 Parking

6.4 Merton Core Strategy (2011).

CS 8 Housing choice;

CS 9 Housing provision;

CS 14 Design;
CS 15 Climate change
CS 18 Active transport
CS 20 Parking, servicing and delivery

- 6.5 Supplementary Planning Guidance:
Merton Council Supplementary Planning Guidance – Residential Extensions, Alterations and Conversions (2001)

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development, the need for additional housing and housing mix, design and appearance of the proposed building, the standard of the residential accommodation, the impact on residential amenity and impact on car parking and traffic generation.

Principle of Development

- 7.2 Core Planning Strategy Policy CS9 encourages the development of additional dwellings within residential areas in order to meet the London Plan target of 42,389 additional homes per year from 2015-2036 (Merton - 411 per year). The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings locations with good public transport accessibility. Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities.

- 7.3 The site is currently used for residential purposes, and it is noted that the surrounding streets feature a mixture of both dwelling houses and flats. The current proposal would help provide a mix of dwelling types within the local area and would make a modest contribution to housing targets. The principle of the redevelopment of the site for residential purposes is therefore considered acceptable.

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, materials, scale, bulk, proportions and character of the original building and their surroundings.

- 7.6 The site is designated within the St Helier Neighbourhood ('The Drive' Character Area) under the Draft Borough Character Study. The character study identifies that the St. Helier neighbourhood is mostly residential uses, which includes blocks of flats along Wandle Road, Green Lane and off Central Road in the new Willows development. There are also flats above shopping parades, namely in Green Lane, Central Road and the north end of St. Helier Avenue.

- 7.7 The study states that there is far more variety in the grain, building style and

materials in 'The Drive' Character Area than other sub-areas in the St Helier Neighbourhood. This suggests a more ad-hoc style in building development in this area. The general style is 1930s two-storey and bungalow detached houses, some semi-detached houses, with some Edwardian detached houses in Pollard Road with more modern infill between the 1930s and Edwardian developments, including flats. The Character Study identifies this area as one in which the existing character of the area needs to be reinforced.

- 7.8 The site is a corner plot and therefore has a more prominent position in the streetscene. In accordance with the guidance of the *Merton SPG: New Residential Development 1999*, the building has been designed to address both streets and is of a high quality design and appropriate scale to define the corner. The proposed residential building has the appearance of a prominent, single dwelling house with articulated elements. Given the predominant character of the area being dwellings rather than flats and the Character Assessment's identification that new development should reinforce the character of the neighbourhood, it is considered that this design approach is acceptable and results in the building relating positively to the height, scale, design, character and massing of the Morton and Pollard Road streetscenes.
- 7.9 It is noted that ridge and eave heights of dwellings in Pollard and Morton Roads are not uniform and feature buildings of varying heights and scales. The proposed height of the building is slightly higher than the immediately adjoining dwellings, however is not such that it results in a dwelling that is out of context with the height of dwellings in either streetscene or results in a dwelling that is visually overbearing. The proposal maintains the stepping of rooflines down the street in Morton Road towards Wandle Road in accordance with the mild grade of the street, and is of a height that is commensurate with the context of the site as a corner plot.
- 7.10 The scale, design and massing of the building overall is considered to complement the detached and semi-detached houses in the street, with the use of articulated elements such as the dormer windows, varying roof elements and projections to the building elevations (e.g. double gable balconies to Pollard Road) reducing the massing of the building. The materials and building design draws upon the mixed building character of the area and is considered to complement the character of both streetscenes.
- 7.11 In terms of front setbacks, the proposal will maintain the angled building line of dwellings along Morton Road. Along Pollard Road, only the projecting double gables will extend forward of the predominant building line of the street. With the main façade of the building setback in line with dwellings along Pollard Road, the building is considered to complement the setting of houses in the street such that the new building will not be visually overbearing on the streetscene. Any visual impact of the building will be further softened with landscaping.
- 7.12 Overall, the proposal is considered to be of an acceptable design, height, scale and massing that reinforces the character of the 'The Drive' character area in accordance with the intent of the Draft Borough Character Study, and

would not be harmful to the character and appearance of the area in accordance with the above policies.

Neighbouring Amenity

- 7.13 SPP policy DMD2 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 or noise.
- 7.14 Given the primary orientation of the windows to the street frontages, limited placement of windows on flank elevations (which will face flank elevations) and separation from adjoining properties and those on the opposite side of the street, the proposal is considered unlikely to significantly increase overlooking of adjoining properties. In relation to concerns raised from potential overlooking into 44 Pollard Road, it is noted that the single flank window proposed on the first floor will face onto a flank window that is to the stair landing in the adjoining property thereby not diminishing privacy into a habitable room. Whilst 44 Pollard Road has a side terrace, the dwelling also has a substantial rear garden and terrace area that will not be overlooked as any view to the rear terrace from the window would be obscured by the dwelling at 44 Pollard Road itself.
- 7.15 The building will be setback from the side wall of 44 Pollard Road by 7m and 1 Morton Road by a minimum of 8.5m. Given the separation between the flank walls of the building and adjoining dwellings, and the height, scale and proportions of the building which are commensurate with surrounding housing, the proposal is not considered to significantly impede outlook or be visually intrusive on these dwellings.
- 7.16 Taking into consideration the orientation of the site, reasonable height of the building and setback from both side boundaries, the proposal is also not considered to result in undue overshadowing on adjoining properties or lead to a loss of light into adjoining habitable rooms.
- 7.17 The refuse and cycle stores are single storey and not considered to impact on the amenities of the adjoining properties, particularly taking into consideration there is a garage/shed located currently located adjacent to the side boundaries.
- 7.18 The driveway is proposed in the same location as the existing, adjacent to the driveway/garage of the dwelling to the north. It is noted that the increase in vehicle movements on site could have a modest increase in noise impacts on neighbours, however is not considered to have a substantial acoustic impact to warrant refusal of the application.

Standard of residential accommodation

- 7.19 Policy DM D2 and DM D3 of the Site and Polices Plan states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the

Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

7.20 Policy 3.5 of the London Plan 2015 states that housing developments should be of the highest quality internally and externally and should ensure that new development reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in Table 3.3 of the London Plan (Amended March 2016).

7.21 The proposed flats all meet the minimum gross internal floor area requirements of the London Plan, as shown in the following table. Both the single and double bedrooms comply with the London Plan room size requirements (7.5m² and 11.5m² respectively).

Flat No.	Bedroom/Spaces	GIA Proposed	GIA Required
Flat 1	2b, 3p	65	61
Flat 2	2b, 3p	61	61
Flat 3	2b, 3p	61	61
Flat 4	1b, 2p	55	50
Flat 5	1b, 2p	56	50

7.22 SPP policy DMD2 and London Plan Housing Standards requires that for all new flats, the Council will seek a minimum of 5 square metres of private outdoor space for 1-2 person flatted dwellings and an extra 1 square metre for each additional occupant. In the case of flats, communal amenity space may be provided subject to being well-designed to maximise usability and privacy.

7.24 A reasonably sized shared amenity area has been shown around the building which is considered to be of adequate size and layout to meet amenity needs of future residents. It is noted that in addition to this space, the ground floor units have been provided a patio and first floor units have been provided with balconies overlooking Pollard Road. It is considered that with effective landscape design (to be secured by condition) to delineate between private and shared communal areas and to provide sufficient privacy to amenity areas from the street and windows of the flats, the level and quality of amenity provision is appropriate to meet the needs of future occupiers.

7.25 It is therefore considered that the proposed flats would provide a sufficient standard of accommodation in accordance with the above policy requirements.

Transport and parking

7.26 Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.

7.27 Sites and Policies Policy DM T3 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.

- 7.28 The site has a PTAL 1b and is outside a parking control zone.
- 7.29 The provision of five off-street parking spaces (including one disabled space) is in accordance with the London Plan standards and is considered appropriate in this instance to ensure that no additional parking stress results from the proposed development given the PTAL rating of the site. LBM Traffic and Highways have advised that the level of parking provision is appropriate and recommended conditions be attached to secure electric vehicle charging points (provision of 1 active EV charging point and 1 passive EV charging point) and a Construction Traffic Management Plan due to the residential nature of the street.

Refuse storage and collection

- 7.30 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.31 The submitted plans show the provision of refuse stores adjacent to the on-site parking area. The location of the storage is conveniently accessible by residents and will facilitate easy movement of bins/bags to street frontage for collection in accordance with policy.

Cycle storage

- 7.32 Core Strategy Policy CS 18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage. A new 1 bedroom flat would be required to provide 1 bicycle space, and a new two bedroom flat would be expected to provide a store for at least 2 bicycles.
- 7.33 The proposed plans show that a secure cycle storage area is to be provided adjacent to the on-site parking area that can accommodate 10 bicycle spaces, which exceeds the requirements of the London Plan. LBM Traffic and Highways have advised that any approval should be subject to a condition requiring the submission of details of the bicycle parking facility.

8. CONCLUSION

- 8.1 The proposed new residential building to provide five new flats would see the redevelopment of an existing residential site that is considered to be commensurate with the residential character of the surrounding area. The building has been designed to complement the design, bulk, massing and scale of housing within Morton and Pollard Roads. The design of the flats meets minimum standards required for Gross Internal Area, and is considered to provide an acceptable standard of accommodation for future occupiers. The development is not considered to result in adverse amenity impacts on neighbours, and is therefore recommended for approval.

RECOMMENDATION

Grant permission subject to conditions

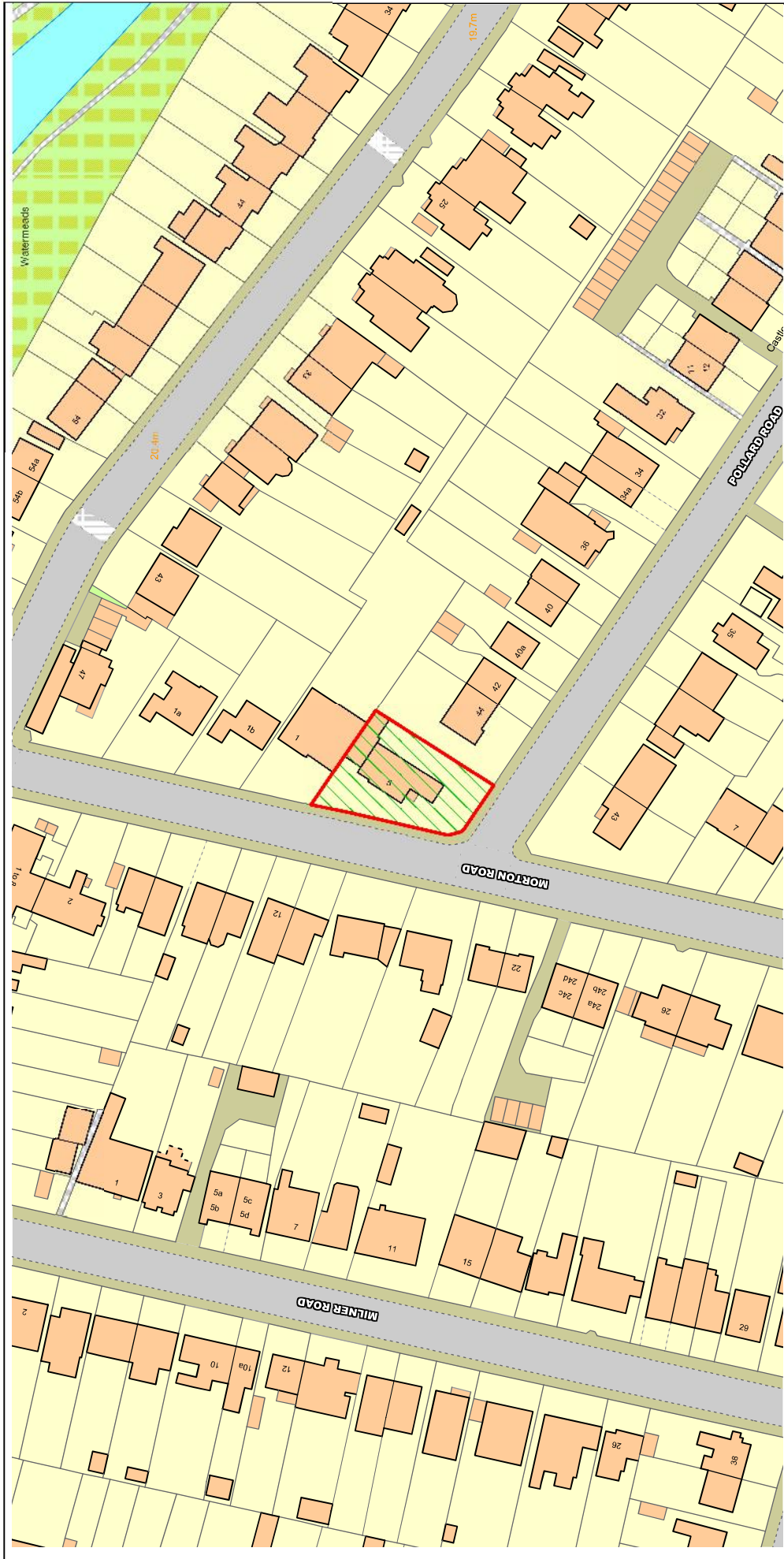
Conditions

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Location Plan 2016-750-01', 'Site Plan 2015-750-002 Rev A', 'Ground & First Floor Plans 2015-750-010 Rev A', 'Second Floor & Roof Plans 2015-750-011 Rev A', 'West & South Elevations 2015-750-012 Rev A', 'North & East Elevations 2015-750-013 Rev A', 'Sections 2015-750-014'
- 3) B3 External materials to be approved
- 4) B5 Details of Walls/Fences
- 5) C07 Refuse & Recycling (Implementation)
- 6) D10 External Lighting
- 7) F01 Landscaping/Planting Scheme
- 8) F09 Hardstandings
- 9) H04 Provision of Vehicle Parking
- 10)H06 Cycle Parking – Details to be submitted
- 11) H13 Construction Logistics Plan
- 12) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
- 13) NPPF Informative

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

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PLANNING APPLICATIONS COMMITTEE
11 AUGUST 2016

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UPRN	APPLICATION NO.	DATE VALID
	16/P2084	19/05/2016

Address/Site: 3 Reclose Avenue Morden SM4 5RD

Ward: St Helier

Proposal: Erection of a first floor rear extension

Drawing Nos: N/05, N/06, N/07, site and site location plan

Contact Officer: Joyce Ffrench (020 8545 3045)

RECOMMENDATION: Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Head of agreement: N/A
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- Press notice: No
- Site notice: Yes
- External consultations: No
- Density: N/A
- Number of jobs created: None

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to it being 'called in' by Councillor Pearce due to concerns regarding overdevelopment of the site and impact on neighbour amenity

2. SITE AND SURROUNDINGS

2.1 The property is a semi-detached dwellinghouse in a cul-de-sac formed of 4 properties. An outbuilding was erected under permitted development circa 2011. The plot is of an unusual shape due to the fact that it is at the end of a cul-de-sac. The main house is currently being extended with a two storey side extension and single storey rear extensions

2.2 The site is not in a conservation area.

2.3 At the time of the site visit construction was underway for the approved extensions. A 3-metre high fence had been erected between the rear extension and the outbuilding on the boundary of No. 4

3. CURRENT PROPOSAL

3.1 The erection of a first storey part width rear extension to a depth of 3m.

4. PLANNING HISTORY

14/P2257 – prior approval in relation to the erection of a single storey rear extension with the following dimensions: extends beyond the rear wall of the original dwellinghouse by 6 m.; the maximum height of the enlarged part of the dwellinghouse will be 3m.; the height of the eaves of the enlarged part of the dwellinghouse will be 2.8m. – prior approval granted

14/P1052 – erection of a part two-storey, single storey side and rear infill extension – approved

08/P2377 – erection of a part two storey, part single storey side and rear extension – refused

02/P0516 – change of use of ground floor to mixed use residential dwellinghouse and homework club - approved

5 CONSULTATION

5.1 The application was advertised by means of neighbour notification letters and a site notice.

5.2 2 letters of objection have been received. Below is a summary of the concerns raised.

- 'Boxed in' by 3m. high fence
- Outbuildings not illustrated on plans
- Loss of light
- Loss of privacy
- Built extension may not meet building regulations
- Enforcement notice has not been complied with (officer comment: there are no enforcement notices relevant to this property)
- Over development

6. POLICY CONTEXT

Sites and Policies Plan 2014

DM D2:- Design considerations in all developments

DM D3:- Alterations and extensions to existing buildings

Core Planning Strategy 2011

CS 14 Design

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

7 PLANNING CONSIDERATIONS

7.1 The main planning issues relate to design, potential overdevelopment of the site and neighbour amenity.

7.2. The extension has been designed with materials to match existing (annotated on plans) and has a hipped roof to blend in with the original roof form

7.3 **Design and appearance**

Policy DM D3 states that development should respect the proportions of the original building and complement the character and appearance of the wider setting.

The extension is at first floor level and to the rear and will not be visible from the street and does not impact on the amount of amenity space available for a family plot.

While it is accepted that the property has already been the subject of significant extensions, in recent years the Government has set in place additional rights for homeowners to extend their homes and the occupier has utilised these rights to build the rear extension

7.4 **Neighbour Amenity**

There are no windows to the flank (north) wall of the extension which faces No. 4 therefore it is not considered that this proposal would result in a loss of privacy to the occupier of No. 4

A light test to the nearest rear bedroom window at No. 4 did not record any loss of light to that window as a result of the proposed part width extension which is inset 3.5m. away from the boundary with No. 4.

The fence erected between the properties has no planning consent and does not form part of the proposals. The applicant has stated that this was erected to reduce the impact of noise and dust at the request of the occupiers of No. 4 and that it will be removed once building work is complete. An informative will be added to any approval in this regard.

7.5 To address the objections:-

Objections not related to the application proposal:

- 1) The applicant states that the 3m. high fence has been erected at the request of the occupiers of No. 4 to reduce the nuisance caused by construction noise and dust. A confirmation has been received from the applicant that this fence will be removed once construction is complete. (photographs demonstrate this has been done)
- 2) A plan incorporating all outbuildings has been submitted by the applicant although this is not necessary for the assessing of the proposal
- 3) Building Regulations – there is a Building Control notice reference IN16/05146 on LBM records indicating that the building works are being overseen by a private company not LBM; this is not relevant to the assessment of the planning application
- 4) Enforcement Notice not complied with – there is no Enforcement Notice issued relevant to this address

Objections related to the proposal:-

- 1) loss of light, loss of privacy and over development are dealt with above.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 A sustainability score would not be applicable due to the small-scale nature of this development.
- 8.2 In terms of an Environmental Impact Assessment the proposal does not constitute Schedule 1 or Schedule 2 development and as a result there are no requirements in terms of an EIA submission.

9. CONCLUSION

The site has had several significant extensions, all with planning approval. The plot is of an unusual shape being at the end of the cul-de-sac and it is concluded that the proposal does not have any significant impact on the occupiers of No. 4 therefore it would be unreasonable to refuse this application.

RECOMMENDATION

Grant planning permission subject to the following conditions:

- 1 A.1 Commencement of development.
- 2 A.7 Approved Plans
- 3 B.2 Matching materials
- 4 C.2 No permitted development (windows and doors)

Informative:- The 3m. high boundary fence which has been constructed between the application site and No. 4 should be removed once construction work is complete to avoid Enforcement action

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

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PLANNING APPLICATIONS COMMITTEE

11th August 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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	16/P0328	20/01/2016
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Address/Site: 40 Quicks Road, Wimbledon, SW19 1EY

(Ward) Abbey

Proposal: Retention of part ground/part first floor rear extension and rear dormer roof extension (with existing unauthorised rear first floor element reduced in depth to 2.2m)

Drawing Nos: 01(F), 02(F), 03(B), 04(F) , 05(F) & 06(F)

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: 3
- External consultations: None

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications Committee at the request of Councillor Katy Neep.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a mid-terrace Victorian house which has been extended at ground, first and second floor levels. The extensions, which have been completed are unauthorised.
- 2.2 The application site is located on the south side of Quicks Road and is not within a conservation area. The surrounding area is predominantly residential

in character although a small parade of commercial units are located on the opposite side of Quicks Road.

3. CURRENT PROPOSAL

- 3.1 A lawful development certificate for an L shaped roof extension and planning permission for a ground floor extension have previously been approved (LBM Refs: 14/P1877 & 14/P1848). The ground floor element has not been constructed in accordance with the planning permission and an unlawful first floor extension has also been constructed. In addition, the roof extension has not been built in accordance to the plans issued a Lawful Development Certificate. All 3 elements of the current application – the ground floor and first floor extension and L-shaped roof extension all form part of a single proposal which requires planning permission.
- 3.2 The intention is to regularize the ground floor element as constructed (which has a different appearance and roof form to the single storey extension granted planning permission), retain part of the first floor extension as constructed but reduce its depth and retain the roof extension.
- 3.2 The ground floor element has a maximum depth of 4.9m, extending 3.5m along the side boundary with No. 39. This element features a flat roof with a maximum height of 3m (3.2m to top of parapet wall). The current unauthorised first floor element extends 3.35m beyond the rear wall of No.39 at first floor level. It is proposed to reduce the depth of this element by 1.15m so that it projects 2.2m beyond the rear wall of No.39.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 14/P1877 - Application for a Lawful Development Certificate in respect of the proposed erection of a rear roof extension with juliette balcony and installation of 2 x rooflights to front roof slope. Issued - 14/07/2014
- 4.2 14/P1848 - Erection of a single storey single storey rear and side infill extension. Granted - 15/07/2014
- 4.3 15/P3639 - Application for a Certificate of Lawfulness in respect of the retention of existing part single part two storey rear extension. Refused - 12/11/2015

5. POLICY CONTEXT

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings)
- 5.2 Adopted Merton Core Strategy (July 2011) are:
CS.14 (Design)

5.3 The following Supplementary Planning Guidance (SPG) is also relevant:
Residential Extensions, Alterations and Conversions (November 2001)

6. CONSULTATION

6.1 The application was publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, three letters of objection have been received. The objections are on the following grounds:

- The description of the application is misleading
- Impact of first floor element on adjoining properties
- Object to first floor even as proposed to reduce in depth, first floor extension is higher than No.39
- Restricts light to bathroom, reduces light and outlook to the side bedroom bay window
- Ground floor element does not match plans previously submitted
- Excessive scale and size of ground floor element, height on boundary excessive
- Applicant cannot be relied on to implement amendments
- Has been constructed in materials that do not match the existing stock brick
- Work has progressed since originally reported to enforcement section in June 2015

7. PLANNING CONSIDERATIONS

7.1 Visual Amenity

7.1.1 Ground and First Floor Rear Extension

The current unauthorised ground and first floor rear extension has a disjointed appearance. Part of the extension is built as a party wall, straddling the boundary with No.39, but then steps in at ground and first floor level to sit wholly within the application site. This means the flank wall does not align at first floor level and gives the appearance of two separate extensions which have been shunted together to the detriment of the appearance of the house and the terrace in general. It is proposed to reduce the depth of the first floor element to remove the element that steps in so that the first floor element extends no further than the depth of the single storey rear element of no. 39. It is considered that the resulting first floor element would be acceptable in appearance. It would no longer have a staggered flank wall line and its bulk and massing would be reduced. The occupiers of No.39 have commented that the first floor extension is higher than the outrigger of their property. It should be noted that the roof itself is not any higher than the roof of No.39 and that the additional height of the flank wall when viewed from No.39 is a result of the continuation of the parapet wall, which straddles the boundary with No.39.

7.1.2 The brick currently appears much lighter than the original brickwork but will darken over time as it weathers. It is not considered to be so poor a match as to be unacceptable.

7.1.3 The wrap around ground floor extension has a flat roofed form with a parapet detail top the boundary with no.39. The flat roofed form is a common approach and is considered to be acceptable.

7.1.4 Rear Roof Extension

Officers would not normally consider a full width box dormer across the main roof and extending part way along the outrigger to be acceptable and would encourage the use of either smaller dormers or a mansard roof form. The exception is where the existing surrounding roofscape is considered to have been already compromised by neighbouring extensions. In this instance, the proposed L-shaped roof extension is not as deep as the L-shaped box dormer built under permitted development at the adjoining property, no.41 and only slightly deeper than the L-shaped roof extension at No.38 Quicks Road. Another material consideration is that at 44.8 cu m, the roof extensions are only slightly larger than could be erected under permitted development. It cannot be seen from the public realm and only extends part way down the outrigger. Taking these considerations into account, the proposed roof extensions are considered to be acceptable in this instance.

7.1.3 Overall, it is considered that the proposal complies with Policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) which requires development to respect and complement the design and detailing of the original building and complement the character and appearance of the wider setting.

7.2 Residential Amenity

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 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.

7.2.2 It is considered that the ground floor rear element and first floor rear element as proposed would not have an unacceptable impact on No.41 Quicks Road. The ground floor element does not project beyond the rear wall of the ground floor rear extension at No.41 whilst the first floor element is only 2.2m deep and located 1.8m from the side boundary with No.41, which means it is considered that it would not have an unacceptable impact on the bedroom window, which is splayed at this property.

7.2.3 With regards to No.39 it is considered that the ground and first floor rear extension would not be visually intrusive, overbearing or result in an unacceptable level of daylight/sunlight loss with the ground floor element projecting 3.5m from the ground floor rear wall of No.39. It should be noted that the ground floor element would be only 20cm deeper, but also 10cm lower on the side boundary with No.39 when compared to the previously approved ground floor extension (LBM Ref: 14/P1848). The first floor rear

element would be reduced in depth so that it projects only 2.2m from the first floor rear wall and not beyond the ground floor rear wall of No.39. It should also be noted that No.39 has only obscure glazed windows in the rear elevation of the outrigger at ground and first floor levels further limiting the impact of the extension.

7.2.4 It is considered that the size and position of the dormer within the roof in relation to adjoining properties and the fact that there is a minimum separation distance of 25m between the proposal and facing neighbouring windows, means the dormer would not have an unacceptable impact upon the levels of daylight/sunlight or privacy currently enjoyed by neighbouring properties.

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 It is considered that the ground and first floor rear extension as proposed to be amended and rear dormer roof extension is acceptable in terms of its design and appearance. It is also considered that the proposal would not result in an unacceptable level of daylight/sunlight loss or be visually intrusive or overbearing when viewed from Nos.39 and 41 Quicks Road. The proposal therefore accords with policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and is acceptable in terms of its impact on visual and residential amenity.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

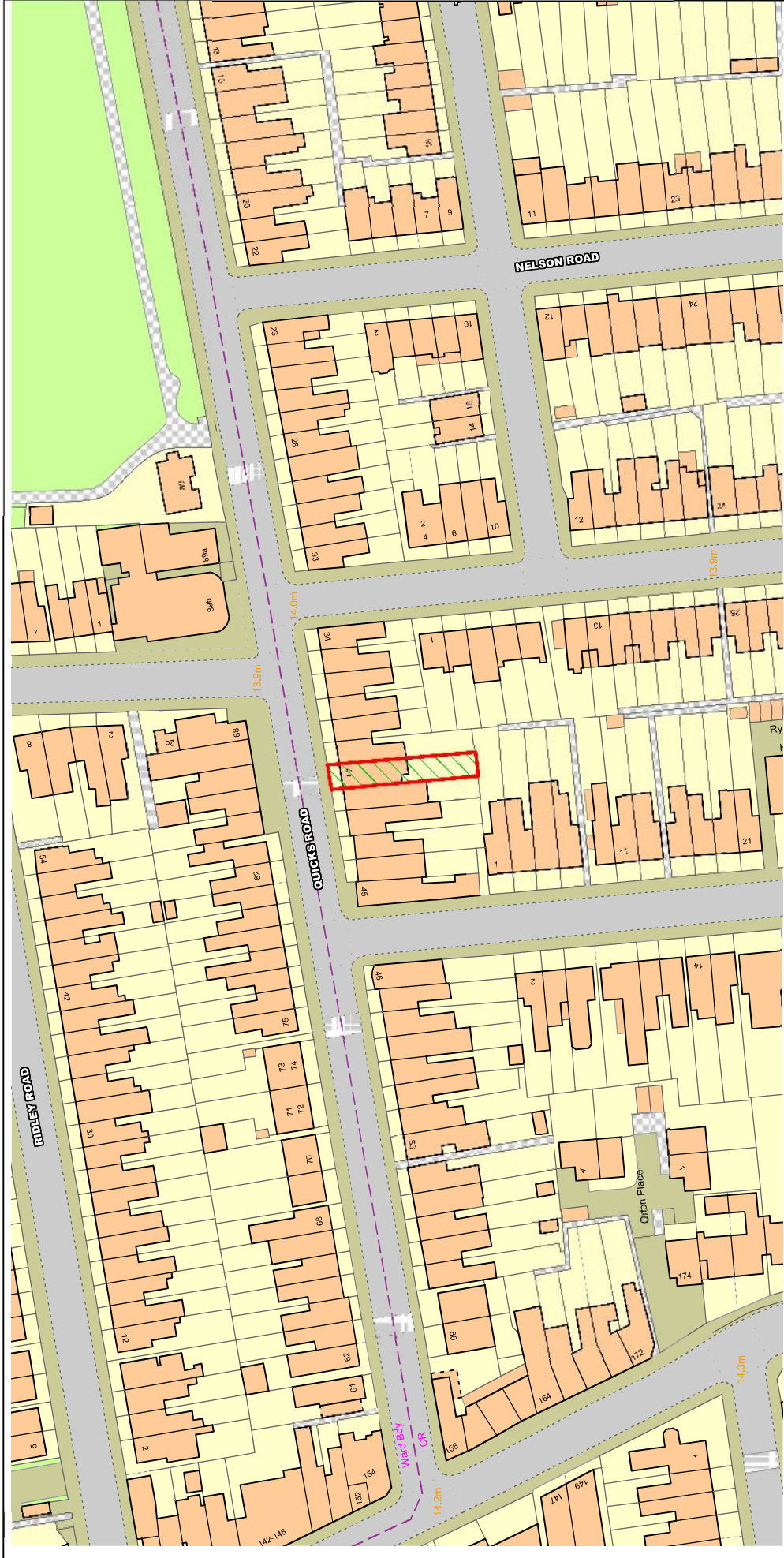
1. A.7 (Approved Plans)
2. B.2 (Matching Materials)
3. C.2 (No Permitted Development (Windows and Doors))
4. C.8 (No Use of Flat Roof)
5. Informative: Unless the first floor rear element is reduced in size so that it is in accordance with the approved plans within 2 months of the date of this approval, enforcement action will be instigated by the Local Planning Authority.

To view Plans, drawings and documents relating to this application please follow:

[the link](#)

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PLANNING APPLICATIONS COMMITTEE
11th August 2016

UPRN	APPLICATION NO. 15/P1156	DATE VALID 19.06.2015
Address/Site	40 Station Road, Colliers Wood, London, SW19 2LP	
(Ward)	Abbey	
Proposal:	Demolition of the existing retail warehouse [476 square metres - use class B8] and the construction of 9 residential units including 2 four bedroom houses fronting Station Road arranged over two floors and the roof space and a part two storey, part three storey block of flats overlooking the River Wandle providing 2 one bedroom, 3 two bedroom and 2 three bedroom flats with 4 off street car parking spaces accessed from Station Road and associated amenity space.	
Drawing No's:	Site location plan, drawings;001/PL/201 G, 001/PL/202 G, 001/PL/203 G, 001/PL/207, 001/PL/250 G & 001/PL/252 B	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

Grant permission subject to sect 106 agreement for improvements to the pathway surface and lighting to the public right of way to the side of the site 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 – 75
 - Press notice – No
 - Site notice – Yes
 - External consultations: Metropolitan Police, Thames Water, Greater London Archaeological Advice Service, Environment Agency
 - Number of jobs created – n/a
 - Density 100 units 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 improvements to the pathway surface and lighting to the public right of way to the side of the site.

2. SITE AND SURROUNDINGS

- 2.1 This is a 0.09 hectare roughly rectangular shaped site located on the north side of Station Road in Colliers Wood. The site is currently occupied by a discount furniture warehouse and is situated directly to the west of a public right of way adjacent to the River Wandle that links Station Road and Dane Road.
- 2.2 The site is not within a Conservation Area or Controlled Parking Zone but is located within an Archaeological Priority Zone.
- 2.3 The application site enjoys reasonable access to public transport, (PTAL level 3).

3. CURRENT PROPOSAL

- 3.1 Demolition of the existing retail warehouse [476 square metres - use Class B8] and the construction of 9 residential units including 2 four bedroom houses fronting Station Road arranged over two floors and the roof space and a part two storey, part three storey block of flats overlooking the River Wandle providing 2 one bedroom, 3 two bedroom and 2 three bedroom flats with 4 off street car parking spaces accessed from Station Road and associated amenity space.
- 3.2 On the ground floor the parking layout has been revised as per officer suggestion such that the four bays are now at a normal level to the roadway. Refuse storage would also be provided on the Station Road elevation. To the west of the site there would be two 4 bedroom houses with front gardens facing Station Road. The entrance to the flats separates the houses from the main block. A secure cycle store for the flats is located on the main entrance corridor. The ground floor of the block comprises three flats all with amenity space overlooking the footpath and river and set behind low maintenance shrubbery. The ground floor also provides a rear communal outdoor amenity space accessible from all the units.
- 3.3 The first floor of the block of flats provides a further three flats whilst the whole of the second floor of the block is given to a large three bedroom unit set under a tiled sloped roof, the design of which has been amended to address officer concerns regarding the appearance. The buildings will be finished in exposed brickwork. A living wall that was included in the original drawings has subsequently been removed from the proposals.

4. **PLANNING HISTORY**

- 4.1 13/P3733 Demolition of existing retail warehouse and erection of 2 x dwellinghouses and 7 x self-contained flats, with associated amenity space, parking and landscaping withdrawn by applicant.

5. **CONSULTATION**

- 5.1 The proposal was publicised by means of site notices and letters were sent to 75 neighbouring occupiers. In response 5 objection letters have been received from local residents raising the following issues:

- Omissions and inaccuracies in the Heritage Statement
- 'Wimbledon Riverside' is misleading name for this site
- Concerns that the living wall and alley to the rear of 40-60 Dane Road will make access for burglars easier, there should be no gate. (officer comment: now removed from the proposal)
- Three storeys will block out light to gardens in Dane Road and be an eyesore. They should be no higher than those in Dane Road, i.e. 2 storeys.
- Should consider surrounding building styles and be compatible with the area
- It should minimise overlooking
- Rear should not extend to the boundary
- No affordable housing provided
- Proposal will increase residential occupancy in Station Road by 50%
- Alters the character of the road which is now half residential; and half business.
- Increase noise, traffic and activity
- 4 Off street spaces not enough for 9 units

- 5.3 The **Metropolitan Police Safer by Design Officer** has been consulted throughout the design process and commented on the final drawings; "The amendments I have noted are the incorporation of private amenity areas to the ground floor flats adjacent to the river footpath, car parking bays within the front gardens of the two houses, and the bin store being moved to the front of the site. These changes are all preferable security considerations. The design of the bin store should not offer seating for loiterers".

- 5.4 **Thames Water** raised no objection but requested conditions relating to piling and informatives be added to any grant of planning permission.

- 5.5 **Flood risk management** raised no objections subject to conditions relating to floor levels and a scheme for dealing with surface water drainage

- 5.6 **Transport for London** raised no objection to the proposals subject to conditions relating to cycle provision and a Construction Logistics Plan

- 5.7 **Environmental Health** officers were consulted on the proposals and had no objections

- 5.8 **Greater London Archaeological Advisory Service** raised no objection but given the sites location near a Scheduled Ancient Monument (Merton Priory) they requested conditions relating to a written scheme of Investigation and an archaeological evaluation being undertaken post demolition and prior to any below ground work.
- 5.9 **Climate Change**; raised no objections to the proposals subject to the imposition of suitable conditions
- 5.10 **Arboricultural officer**; no objections but observed that trees should be protected during works and recommended relevant conditions to achieve this.

6. POLICY CONTEXT

- 6.1 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), 7.8 (Heritage assets) 7.21 (Trees and woodlands).
- 6.2 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).
- 6.3 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 D4 (Heritage assets), 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.

6.4 London Housing SPG 2016

6.5 DCLG Technical housing standards March 2015

7. PLANNING CONSIDERATIONS

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

- 7.2 Loss of the existing commercial use
SPP policy DM E3 is concerned with the protection of scattered employment 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 furniture store being and B8 furniture warehouse use would be covered by this policy. However, the applicant submitted sufficient marketing evidence to demonstrate that alternative uses for the site were not viable and therefore the proposal complies with the requirements in Policy DM E3.
- 7.3 The principle of residential development on the site
Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2015] state 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 commercial use on site but is adjacent to the residential developments of Station Road and Dane Road. Consequently, subject to suitable conditions, officers consider that the site would be acceptable for residential occupation as a continuation of the surrounding residential area. This proposal will provide 2 new houses and 7 new flats ranging in size from one bedroom units up to three bedroom units suitable for family accommodation and is therefore considered to accord with these policies.
- 7.4 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. The two houses and each flat either meet or exceed this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. With the exception of the three first floor flats, each unit meets or exceeds the minimum requirement for private amenity space. However all these units have a small balcony as well as access to the communal amenity space and have views to two elevations and consequently given the high standard of design officers do not consider that a small deficit in private amenity space in these circumstances would warrant a refusal of planning permission.

Floor and Amenity space provision

Unit	Floor Area m2	London Plan GIA standard m2	Amenity space m2 & communal	London Plan Standard m2
House A 4b5p	108	103	49.4 + 50 Front garden	50
House B 4b5p	108	103	27 + 40 Front garden	50
Apt 1 2b4p	77.5	70	12.5 + 4.2	8
Apt 2 1b2p	53.5	50	17.4	5
Apt 3 2b4p	77.3	70	31.7	7
Apt 4 3b6p	100	90	4	9
Apt 5 2b4p	76.3	70	4	7
Apt 6 1b2p	50.1	50	3	5
Apt 7 3b6p	138	90	22.2+4.9+4.5	9

NB: Flats also share 156m2 communal rear garden space.

- 7.5 Security and improvements to the public realm.
 Sites and Policies Plan policy DM D2 requires proposals to provide layouts that are safe and secure and take account of crime prevention. The Metropolitan Police Safer by Design Officer has been consulted on the developing plans and her comments have been incorporated into the design. The same policy requires the provision of well designed public areas and routes and facilitating the natural surveillance of the public realm from adjacent buildings. The palisade fencing that currently separates the site from the footpath would need to be removed and there would be on site low maintenance shrubbery to offer a buffer between the amenity areas and the footpath. However in order to ensure a safe public realm a section 106 agreement is recommended to allow for the provision of the resurfacing of the footpath between Station Road and Dane Road and the provision of two extra street lights to improve safety along the footpath.
- 7.6 Neighbours raised concerns relating to possible access to the rear of gardens in Dane Road. There will be no unrestricted access to this area and the living wall, which neighbours considered may provide climbing aids to burglars, has been removed from the scheme.
- 7.7 Design
 London Plan policy 7.4, Sites and Policies Plan policies DM D1and

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 Council's Urban Design officer has been involved in refining the scheme with involvement and suggestions from The Metropolitan Police Safer by Design Officer and planning officers. A number of alterations have been made to the exterior design, parking layout, amenity space, internal corridors, roof design and building alignment such that officers are supportive of the design and materials which are considered to reflect the heritage of this part of the Wandle valley.

7.8 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. The two houses will be the closest to neighbouring houses but as there is a physical separation and the two buildings follow similar alignments, the impact on the adjacent neighbours is considered minimal. The majority of the development is situated closer to the river and the rear of gardens in Dane Road. In terms of bulk and massing and relation to neighbours, the proposals are considered to have less impact than the existing building on site. The buildings design and layout is such that views from the proposed fenestration would not look directly into neighbouring rooms and views over the gardens will not create unsatisfactory levels of overlooking.

7.9 Traffic, Parking and Servicing

This issue was raised in 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 are unlikely to be greater than the current use of the site as a retail furniture warehouse and therefore the proposals will not have an adverse impact on the local highway network.

7.10 In terms of parking, current central 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 proposals will provide a dedicated off-street space for each house and for both of the three bedroom apartments which are those units most likely to have cars. 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 or increased demand for on-street parking to an extent that would warrant refusal of the scheme. Transport for London raised no objections to the proposals.

7.11 The proposed level of cycle parking for the flats meets the London Plan minimum standards 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. The houses would have sufficient space in the rear gardens to store cycles.

7.12 Flood risk. Both the Environment Agency and Thames Water were consulted on the proposals. Neither had objections to the proposals but given the sites proximity to the Wandle and the Thames Water sewer system they requested conditions be imposed ensuring that the foundation design be approved to protect the sewers and groundwater. An informative reminding the applicant that they would still require the written consent of the Environment Agency to undertake a development on this site (It is within 8m of the River Wandle) is also recommended. The council's flood risk engineer was also consulted and requested conditions be imposed with regards to floor levels and details of sustainable urban drainage systems being approved to ensure protection from flooding and appropriate surface water drainage.

7.13 Contaminated land

The site is classed by the Environment Agency as an industrial unit located within Source Protection Zone 1 and 2 which show the risk of contamination from any activities that might cause pollution to groundwater sources used for public drinking water supply. The Environment Agency have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination, remediation and verification so that if there are any pollutants on site they do not find their way into the groundwater or river.

7.14 Archaeology.

The site is located within an Archaeological Priority Zone and therefore GLAAS were involved in discussions at an early stage to ensure that the proposals would accord with London Plan policy 7.8 and SPP policy DM D4 and not harm any heritage assets. GLAAS were satisfied that this could be facilitated through the imposition of a condition that requires a two-stage process of archaeological investigation comprising: firstly, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

8.1 A Written Ministerial Statement dated March 2015 and Planning Practice Guidance set out the government's approach for the setting of housing standards for new housing. There is a new system of Building

Regulations (BR) with new additional optional BR on water efficiency and access and a new national space standard. The Code for Sustainable Homes and BREEAM standards cannot be applied under the new system and neither can Lifetime Homes Standards. Consequently conditions in this regard are no longer required.

- 8.2 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 for commercial uses the loss of the furniture warehouse and its replacement with housing in this location is not considered contrary to relevant policy. The existing building is of no architectural merit whilst the design of the proposed replacement development has evolved through continued discussions with officers to create a design that reflects the industrial heritage of the site whilst providing much needed attractive modern accommodation that meets both internal and external space standards. In order to ensure a safe a secure environment for both occupiers of the new development and users of the public footpath along the side of the development a s106 agreement to secure suitable funds is recommended

10. **RECOMMENDATION**, grant permission subject to section 106 agreement and conditions

Heads of terms

- i) That the developer makes a contribution of £70,000 towards Improvements to the footpath and associated public realm adjacent to the site.
- ii) 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;001/PL/201 G, 001/PL/202 G, 001/PL/203 G, 001/PL/207, 001/PL/250 G AND 001/PL/252 B
3. B 1 Materials to be approved
4. B.4 Surface treatment
5. B.5 Boundary treatment
- 6 C.6 Refuse and recycling
- 7 C 7 Refuse implementation
8. C8 No use of flat roof
9. D.9 No external lighting
10. D.11 Construction times.
11. F.1 Landscaping/ Planting Scheme.
12. F.2 Landscaping (Implementation)
13. F5 Tree protection
14. F8 Site supervision
15. H.3 Redundant crossovers.
16. H.4 Provision of Vehicle Parking

17. H.7 Cycle Parking to be implemented
18. H.10 Construction vehicles
19. H.11 Parking Management Strategy

20. Non standard condition. Prior to the commencement of construction works details of: the design of all access gates; defensible buffer zones; communal entrance security & refuse and cycle store locking systems 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

21. 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 new vehicle access to service the development 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.

22. 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 and the advice contained within the National SuDS Standards. Surface water from private land shall not discharge on to the public highway. 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 as close to greenfield runoff rates (8l/s/ha) as reasonably practicable 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 management and maintenance plan for the lifetime of the development. Which shall include the arrangements for the adoption and any other arrangements to secure the operation of the scheme throughout its lifetime

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.

- 23 Non Standard condition. Finished floor levels of the residential units (ground floor) are set no lower than the 1 in 100 year climate change flood level for this location, plus 300mm freeboard. Reason: To reduce the risk of flooding to the proposed residential units and to comply with the following Development Plan policies for Merton: policy DM F2 of Merton's Sites and Polices Plan 2014.
- 24 Non Standard condition. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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 soil/made ground which could ultimately cause pollution of ground water and to comply with the following Development Plan policies for Merton: policy DM EP4 of Merton's Sites and Polices Plan 2014.
- 25 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works) has been submitted and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason; The proposed works will be in close proximity to underground sewerage utility infrastructure and piling or any other foundation designs using penetrative methods of foundation design can potentially result in unacceptable risk to underlying groundwater in accordance with policy DM EP4 of the Adopted Merton Sites and Polices Plan 2014
- 26 Non Standard Condition. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF, policy 7.8 in the London Plan 2015 and policy DM D4 of the Merton Sites and Policies Plan 2014.

27 K3 Foundation design; No development shall take place until details of the final foundation design have been submitted by the applicant and approved in writing by the planning authority. The development shall only take place in accordance with the approved details. Reason The planning authority wishes to secure physical preservation of the site's archaeological interest in accordance with the NPPF, policy 7.8 in the London plan 2015 and policy DM D4 of the Merton Sites and Policies Plan 2014.

28 M 1 Contaminated Land – Site Investigation

29 M 2 Contaminated Land – Remedial Measures

30 M 3 Contaminated Land – Validation Report

INFORMATIVES:

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Permit enquiries should be directed to Thames Water's Risk Management team by telephoning 0203 577 9483. Thames Water Developer Services can be contacted on 0800 009 3921 to discuss the details of the piling method statement. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1bar) and a flow rate of 9/litres/minute at the point it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

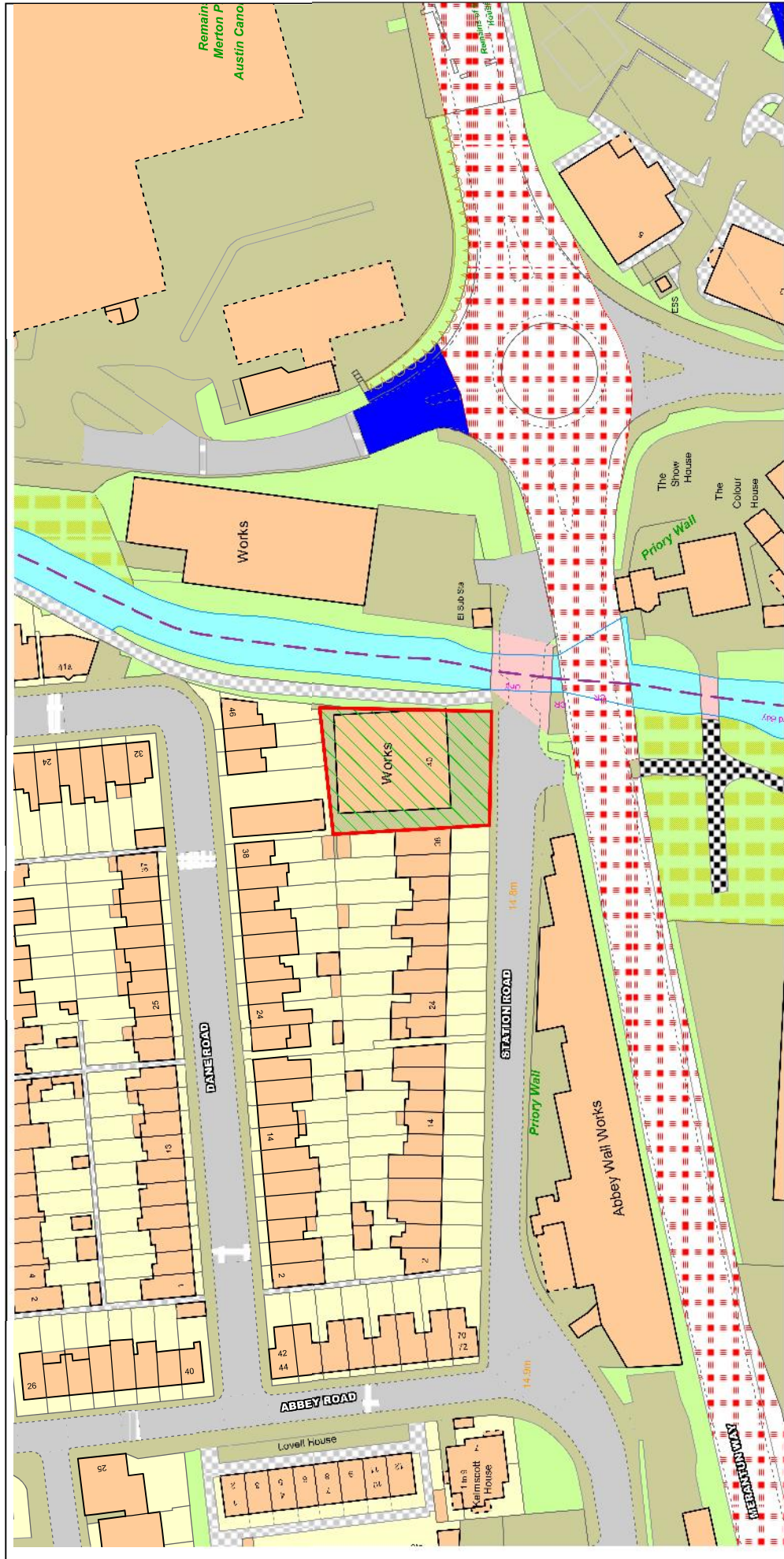
Under the terms of the water Resources Act 1991 and the Thames Region Land Drainage Byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Wandle river, designated a 'main river'.

To view Plans, drawings and documents relating to this application please follow [the 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



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PLANNING APPLICATIONS COMMITTEE

11th August, 2016

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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16/P1487

26/04/2016

Address/Site: Harris Academy Merton (Tamworth Manor High School),
Wide Way, Mitcham, Surrey CR4 1BP

Ward: Pollards Hill

Proposal: New two storey classroom block comprising 6 no. general
teaching classrooms, 2 no. ICT suites, staff room, offices
and other auxiliary spaces to existing secondary school

Drawing No.'s: 'Location and Block Plan 1824_0001 Rev P2', 'Proposed
Site Plan 1824_0008 Rev P2', 'External Works Plan
1824_0009 Rev P2', 'Ground Floor Plan 1824_0011 Rev
P4', 'First Floor Plan 1824_0012 Rev P3', 'Clerestory
Plan 1824_0013 Rev P3', 'Roof Plan 1824_0014 Rev P3',
'East and South Elevations 1824_0016 Rev P3', 'West
and North Elevations 1824_0017 Rev P3', 'Sections AA &
BB 1824_0019 Rev P3', 'Sections CC & DD 1824_0020
Rev P3' & 'Sections EE & FF 1824_0021 Rev P1'

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
- Number of neighbours consulted: 14
- External consultations: Sport England
- Number of jobs created: 10 Full-time
- Controlled Parking Zone: No

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee as it

involves development on a major site that has been submitted by the LBM Children, Schools and Families Department. Furthermore, as the proposal involves building on designated open space, the application is a departure from planning policy and therefore needs to be brought before the Planning Applications Committee.

2. SITE AND SURROUNDINGS

- 2.1 The application site of the Harris Academy is located on the north-eastern side of Wide Way. The site is owned by The Harris Federation. The school site is bound by William Morris Primary School to the south, Pollards Hill recreation ground to west and residential gardens to the remaining boundaries to the north. The adjacent buildings and surrounding houses are two storeys in scale.
- 2.2 The current school site comprises a total of 7 buildings. They are all 2 storeys except for the science block which is single storey, and generally feature face brick external walls. D&T and Science blocks are outdated and nearing the end of their useful life. It is considered they will need to be replaced in the near future in order to keep up with changing teaching requirements and demands. Externally, hard play spaces and soft play areas are quite generous and organized throughout the site.
- 2.3 There are two vehicular access points to the school, both off Wide Way. These access points provide access to various staff car parks throughout the site. The southern access point is the school's preferred service access.
- 2.4 The adjacent buildings and surrounding houses two storeys in scale.

3. CURRENT PROPOSAL

- 3.1 The current proposal is to erect a new two storey classroom block comprising 6 no. general teaching classrooms, 2 no. ICT suites, staff room, offices and other auxiliary spaces to existing secondary school. The expansion is part of a Borough wide programme and seeks to extend the school and increase pupil capacity from 1200 (900+300 6th form) to 1500 (1200+300 6th form) whilst avoiding the need for any temporary buildings.
- 3.2 The current proposal results from a feasibility study commissioned by London Borough of Merton Council to determine what general and specialist classrooms are required as per BB103 and the Harris Federation accommodation model in order to increase the school student places by 300.
- 3.3 The new two storey classroom block will be located south of the sports hall and communication block and west of the school's artificial football pitches, in the south of the school. The site is currently a grassed area with long jump track, and is separated from the buildings to the north by the internal access road.
- 3.4 The proposed block provides a total of 8 new teaching classrooms plus auxiliary spaces. The building is organized with a central corridor with 2 classrooms each side (x2 floors) and a staircase at each end, designed to enable the building to be extended in future when required. Three general

teaching classrooms and an ICT suite will be located in each floor. Plant rooms, a staff room and an office will be located at ground floor level, and a total of 4 offices are to be provided at first floor level. Externally, a new level access will be provided between the new block and the existing buildings. The new build block will have a total gross internal area of 840m².

- 3.5 The new classroom block elevations will be characterized by two storey facing brick piers and ground floor plinths to external windows to match the existing in other school buildings. With PPC aluminium double glazed window bays, louvres and rainscreen cladding provided to each classroom, office and staff room with a faced finish that will provide a light appearance to the two storey block. The rainscreen cladding colours will reflect the school branding colours. The new classroom block roofs will be low pitched steel roofs to match existing roofs in the school's most recent buildings. The roof fascia, roof soffit (with an integrated gutter) and downpipes are to be aluminium. The colour is to match the mid grey RAL colour of the windows, to provide a modern appearance to the new building.
- 3.6 The long jump track is to be relocated north, to be sited in between the school's artificial football pitches and tennis courts.
- 3.7 A new area of planting will be provided to the perimeter of the new building. Timber sleeper planting beds are located to the side of externally opening doors.

4. PLANNING HISTORY

- 4.1 The site has an extensive planning history relating to miscellaneous applications for new teaching blocks, parking, sporting facilities and caretaker facilities associated with the school. As the proposed building is to be located on an undeveloped section of the site, it is not considered relevant to detail the extensive planning history of the site in this instance.

5. CONSULTATION

- 5.1 Fourteen (14) neighbouring properties were consulted by letters, a site notice was displayed and two notices were published in the Wimbledon Mitcham Morden Guardian for the purpose of advertising the application as a Major Application and a Departure from Planning Policy.
- 5.2 No representations were received in response to the consultation.
- 5.3 Sport England: Sport England is satisfied the proposal meets the Sport England Policy exemption E3 and therefore has no objections to the application.
- 5.4 LBM Traffic & Highways: recommended a condition be imposed requiring the school to achieve bronze Stars accreditation standard before the new teaching facilities are occupied and refreshed yearly for a minimum period of 5 years.
- 5.5 LBM Environmental Health: Officers have reviewed the application and have

no comments or objections to the proposal.

5.6 LBM Climate Change: No objections to the proposal. Officers have recommended that the new build non-residential (BREEAM) standard pre-commencement and pre-occupation conditions are applied to the development.

5.7 LBM Urban Design: Officers had no comments or objections to the proposal.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):

Part 7 Requiring Good Design

Part 8 Promoting Healthy Communities

6.2 Paragraph 72 of the National Planning Policy Framework states that the Government attaches great importance to ensuring that there is a sufficient choice of school places to meet the needs of existing and new communities. Local Planning Authorities should take a proactive approach to meeting this requirement and should give great weight to the need to create, expand or alter schools.

6.3 Ministerial Policy Statement

Policy statement - planning for schools development, 15 August 2011

6.4 In August 2011 a letter to Chief Planning Officers from Central Government provided a Policy Statement on Planning for Schools Development. The policy statement advised that “We expect all parties to work together to proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for development of state-funded schools should be, wherever possible, ‘yes’.”

6.5 The policy statement advises “A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”

6.6 London Plan Consolidated (2015).

3.16 Protection and Enhancement of social infrastructure;

3.18 Education Facilities

5.1 Climate change mitigation

5.2 Minimising carbon dioxide emissions

5.3 Sustainable design and construction

5.7 Renewable Energy

6.3 Assessing effects of development on transport capacity

6.9 Cycling

6.13 Parking

7.4 Local character

- 7.6 Architecture
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency

- 6.3 Merton Sites and Policies Plan (July 2014).
 - DM C1 Community facilities
 - DM C2 Education for children and young people
 - DM D2 Design considerations in all developments
 - DM T3 Parking
 - DM O1 Open space

- 6.4 Merton Core Strategy (2011).
 - CS 11 Infrastructure;
 - CS 13 Open Space;
 - CS 14 Design;
 - CS 15 Climate change
 - CS 18 Active transport
 - CS 20 Parking, servicing and delivery

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the increased demand for school places, the loss of open space, the design of the building, neighbour amenity, car parking and highway safety, landscaping and sustainable construction.

Principle of Development/Need for additional school places

- 7.2 The spatial vision for the borough set out in the adopted Core Strategy and supported by the Community Plan [2009-2019] states that the Council will support community life. This support will be through facilitating development that meets local needs including education opportunities.
- 7.3 Core Planning Strategy Policy CS 11 and Policy DM C2 of the Sites and Policies Plan 2014 states that development proposals for new schools and/or improved education facilities for young people will be supported, particularly where new facilities are required to provide additional school places in an area to meet an identified shortfall in supply.
- 7.3 London Plan policy 3.18 states that development proposals that enhance education provision will be supported. The policy states that those proposals that address the projected shortage of secondary school places will be particularly encouraged.
- 7.4 The need for school places as set out in Part 1 of the submitted Planning, Design and Access Statement and in more detail in the 15 October 2014 '*School places strategy, in particular secondary school provision*' report to the Children and Young People Overview and Scrutiny Panel and the 18 January 2016 '*Secondary School expansion including new school*' report to Cabinet, demonstrate that the London Borough of Merton as a whole is experiencing an unprecedented demand for primary school places. This rise in demand

from primary school is flowing to secondary school age, with an immediate need for at least an additional 300 year 7 places (10 forms of entry) required by September 2018. Existing schools are being extended where possible to cope with this increased demand in addition to a new school in Wimbledon.

- 7.5 The current application relating to the expansion of the school would provide 8 new teaching classrooms plus auxiliary spaces that will support 300 new pupils commencing from September 2017 and reaching capacity in 2020. The proposed expansion of Harris Academy would clearly address an urgent need for secondary school places in the local area and accord with London Plan policy 3.18, the National Planning Policy Framework and policy DM C2 of the Sites and Policies Plan.

Building on designated open space

- 7.3 The new teaching building is to be erected on designated open space. Merton's adopted Sites and Policies Plan Policy DM O1 states that designated open space should not be built on unless the open space is surplus to the requirements of the Borough, the loss would be replaced by equivalent or better provision in terms of quantity or quality, or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 7.4 With the exception of a small parking area and spaces between the buildings, the Sites and Policies Plan designates all of the Harris Academy Merton site that has not already been developed as open space. This designation of undeveloped school land as open space is common to all schools within the London Borough of Merton and therefore it is recognised that expanding any school without encroaching into designated open space is difficult.

- 7.5 As set out in Part 4 of the submitted Planning, Design and Access Statement, four alternative options for the new teaching block were investigated. The assessment has concluded that the alternative locations are significantly less suitable for the new teaching block due to issues that would arise in relation to amenity impacts on adjoining dwellings, loss of staff carparking that would require replacement in alternative locations on site, safety issues during construction associated with proximity to the main school access, departmental fragmentation, loss of sunlight and daylight to existing classrooms, existing school buildings approaching end of their useful life and therefore extensions to these buildings being impractical and inefficient, loss of grassed areas, loss of hardstand areas used for informal school activities and pupil movement, and disruption to education provision during school term and exam periods.

- 7.6 It is noted that the proposed location for the teaching block is distant enough from any residential neighbours to avoid noise disruption, visual intrusion and overlooking issues, and will avoid departmental fragmentation by being located in proximity to the Communication Block. The proposed location will also have the advantage of minimizing any disruption to the school operations, with enough space for the contractor to set up its compound with a

close by service access that allows a complete separation from students, minimizing safety and security issues.

- 7.7 This proposal would see the development of a teaching block on an isolated and underutilised part of the school site, with the long jump track to be relocated to the main school fields to the satisfaction of Sport England. The site offers the potential for expansion of the building in future, creating one singular cohesive teaching block. It is highly likely that this will be needed in the future, and the educational needs would be best met by this single block, rather than expanding the site in piecemeal fashion.
- 7.8 Based on this, the proposed site is considered to be the most suitable location in terms of safety, impact on neighbour amenity, impact on existing school facilities and ancillary external spaces, impact on school operations and education provision both in the short and long term. In light of the need to provide additional school places to meet the significant demand for secondary school places in the Borough and the potential for the site to meet this need both in the short and long term, it is considered that the community benefits from the proposal would outweigh the loss of designated open space, and therefore a departure from planning policy is considered to be acceptable in this instance.

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, materials, scale, bulk, proportions and character of the original building and their surroundings.
- 7.6 Due to the siting of the dwelling within the middle of the site, it is noted that the building will not be observable from the street. The proposed two storey building is considered to be complementary of the scale, height, design and massing of the surrounding buildings within the school, which are predominantly two storeys and of a larger building footprint. Furthermore, the proposed height is respectful of the scale of buildings and dwellings surrounding the site which are two storeys.
- 7.7 The proposed materials and simple building design draws upon the design and appearance of the existing teaching blocks and is considered to complement the character of the school and surrounding area. The pitched roof form is respectful of the hipped roofs of surrounding buildings.
- 7.8 Overall, the proposal is considered to be of an acceptable design, height, scale and massing that would not be harmful to the character and appearance of the area in accordance with the above policies.

Neighbouring Amenity

- 7.13 SPP policy DMD2 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 or noise.

- 7.14 The building has been sited within the middle of the site and adjacent to the Pollards Hill Recreation Ground, approximately 140 metres from the nearest residential property, and is therefore not considered to be within proximity to these dwellings to result in adverse amenity impacts on occupiers in terms of loss of light, quality of living conditions, privacy, visual intrusion or noise. The building is also sufficiently separated from the buildings and play areas of the William Morris Primary School to not detract from the amenities of this school. It is therefore not considered that the proposal would detract from the amenities of neighbouring properties in accordance with the above policies.

Sustainable design and construction

- 7.30 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All non-domestic development over 500 square metres will be expected to achieve a BREEAM 'very good' standard and to meet CO2 reduction targets.
- 7.31 The submitted Planning, Design and Access Statement has stated that the development will be built to a minimum of BREEAM Very Good and meet CO2 reduction targets in line with current regulations. LBM Climate Change officers have recommended that new build non-residential (BREEAM) standard pre-commencement and pre-occupation conditions are applied to the development to ensure compliance with the above policies.

Traffic and car parking

- 7.26 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring the developers to demonstrate that their development will not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or on-street parking and traffic management.
- 7.12 Sites and Policies Policy DM T3 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. Furthermore, potential for increased traffic movement as a result of a new school building must be considered with any potential impact on local highway safety.
- 7.11 The Transport for London Planning Information Database shows the application site with a Public Transport Accessibility Level of 2. The main vehicular and pedestrian access to the school site is from Wide Way. The site currently has 86 parking bays including 6 disabled, and the proposal will not result in a loss of any of the existing spaces. It is noted that the London Plan does not specify a minimum car parking standard for schools.
- 7.12 The submitted Planning, Design and Access Statement states that the proposal does not expect to have a significant impact in the local traffic issues

as an overwhelming 70% of students come to school by bus. Only a small percentage are dropped off and picked up by car.

- 7.13 In order to reduce future travel impacts, LBM Transport and Highways have recommended a condition be imposed requiring the school to achieve bronze Stars accreditation standard before the new teaching facilities are occupied and refreshed yearly for a minimum period of 5 years.

Cycle storage

- 7.32 Core Strategy Policy CS 18 and London Plan policy 6.9 states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes, by supporting schemes and encouraging design that provides attractive, safe and covered cycle storage.
- 7.33 The site currently provides cycle stores for the existing students and staff. LBM Traffic & Highways have advised that sufficient cycle parking should be provided to accommodate the additional students/staff in accordance with London Plan standards (Long stay – 1 space per 8 staff + 1 space per 8 students; Short Stay – 1 space per 100 students). It is therefore recommended that a planning condition is attached requiring submission of details and ongoing maintenance of bicycle parking facilities.

8. CONCLUSION

- 8.1 The proposed new teaching building is considered to be of an appropriate design, siting and scale to minimise amenity impacts on neighbours, maintain the character and appearance of the area and meet the educational needs of the school. In light of the need to provide additional school places to meet the significant demand for secondary school places in the Borough and the potential for the site to meet this need both in the short and long term, it is considered that the community benefits from the proposal would outweigh the loss of designated open space, and therefore a departure from planning policy is considered to be acceptable in this instance, and is therefore recommended for approval.

RECOMMENDATION

Grant permission subject to conditions

Conditions

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Location and Block Plan 1824_0001 Rev P2', 'Proposed Site Plan 1824_0008 Rev P2', 'External Works Plan 1824_0009 Rev P2', 'Ground Floor Plan 1824_0011 Rev P4', 'First Floor Plan 1824_0012 Rev P3', 'Clerestory Plan 1824_0013 Rev P3', 'Roof Plan 1824_0014 Rev P3', 'East and South Elevations 1824_0016 Rev P3', 'West and North Elevations 1824_0017 Rev P3', 'Sections AA & BB 1824_0019 Rev P3', 'Sections CC & DD 1824_0020 Rev P3' & 'Sections EE & FF 1824_0021 Rev P1'

- 3) B3 External Materials as Specified
- 4) D10 External Lighting
- 5) F02 Landscaping (Implementation)
- 6) H06 Cycle Parking – Details to be submitted
- 7) H08 Travel Plan
- 8) H10 Construction Vehicles, Wash-down Facilities etc (major sites)
- 9) H13 Construction Logistics Plan
- 10) L6 BREEAM – Pre-Commencement (New building non-residential)
- 11) L7 BREEAM – Pre-Occupation (New building non-residential)

12) School Travel Plan

Before the new teaching building is occupied, an updated School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and Transport for London demonstrating that the school has achieved not less than a bronze star accreditation standard.

The School Travel Plan shall be updated and submitted to and approved in writing by the Local Planning Authority and Transport for London on a yearly basis for a minimum period of 5 years and the development shall be implemented only in accordance with the approved School Travel Plan.

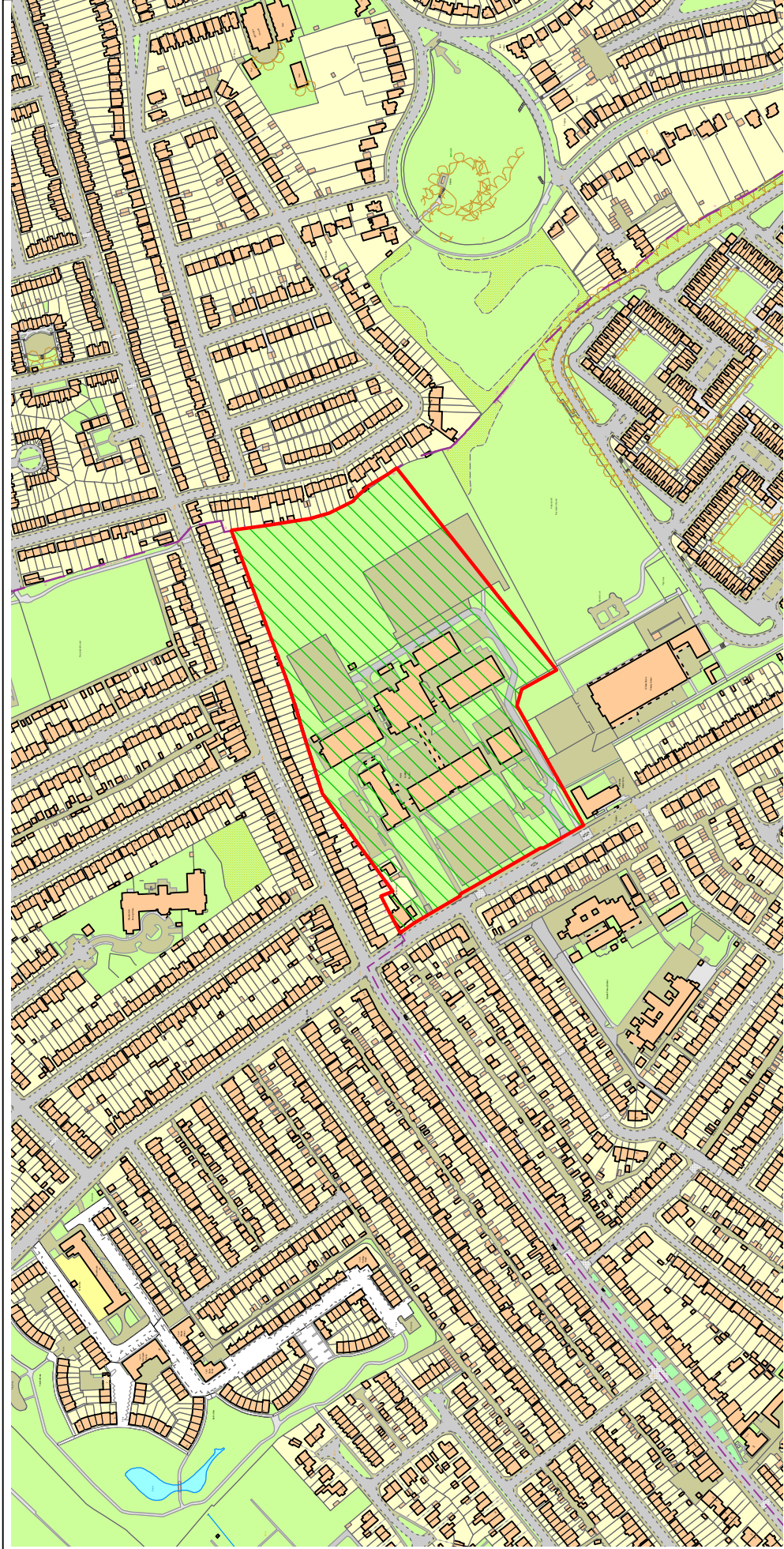
Reason for Condition: To promote sustainable travel measures and comply with policy CS18, CS19 and CS20

13) NPPF Informative

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

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

NORTHGATE SE GIS Print Template



Text Details **Harris Academy**

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Committee: Planning Applications Committee

Date: 11th August 2016

Wards: Dundonald Ward

Subject: Tree Preservation Order (No.697) at 201 Kingston Road,
Wimbledon SW19 3NG

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

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

Recommendation:

That the Merton (No.697) Tree Preservation Order 2016 be confirmed, without modification.

1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take the objection into account before deciding whether or not to confirm the Order, without modification.

2. Details

2.1 On the 15 April 2016, a s.211 notice was submitted to the council, proposing the removal of a large mature Yew tree located in the rear garden of 201 Kingston Road, Wimbledon, SW19 3NG. The applicant provided the following reasons for the submission:

- The Yew tree is too close to the house and too large;
- Causes excessive shading across the whole garden;
- Intention is to create a side extension for elderly father and, in time, supported living for a child with registered special needs;
- Tree is poisonous for children (the applicant has 3 children below 10 years of age)
- Intention is to plant a line of Yew hedging to the front boundary of the property.

2.2 The property is located in the John Innes (Wilton Crescent) Conservation Area.

2.3 The Tree Officer assessed the s.211 notice and determined that the Yew tree is a very prominent specimen in the street scene and that its loss would have a significant detrimental effect on the visual amenities presently enjoyed by the local residents. In order to protect the tree from removal a tree preservation order was made, and this is known as the Merton (No.697) Tree Preservation

Order 2016. The Order took effect on the 25 May 2016. A copy of the tree preservation order plan is appended to this report.

3. Relevant History

- 3.1 There have been 3 previous occasions (application refs: 99/T2399; 06/T2124; 14/T0397) where a s.211 notice has been submitted for the works to the Yew tree. The work has been limited to the pruning of the tree, and has on each occasion been found acceptable.
- 3.2 On the 5 May 2016, a planning application was submitted proposing the: 'Demolition of garage and erection of single storey side extension, and erection of a single storey rear and side wraparound extension'. Under question 15 (Trees and Hedges) the applicant confirmed that there is/are trees and hedges on the proposed development site (planning application no: 16/P1889). However, the details of the proposals contain no information concerning the Yew tree, or any other vegetation which may be affected by the proposed development. The applicant's agent was informed by email dated 1 July 2016 that further information in the form of an arboricultural impact assessment and tree survey was required in order to properly assess the submitted planning application.

4. Legislative Background

- 4.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 4.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the area; that the Yew tree has an intrinsic beauty; that is clearly visible to the public view; that the Yew tree makes a significant contribution to the local landscape; that it forms part of our collective heritage for present and future generations; that it is an integral part of the urban forest; that it contributes to the local bio-diversity; and that it protects against climate change.
- 4.3 This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201 ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

5. Objection to the Order

- 5.1 On the 29 June 2016, the Council received an objection to the Order from the property owner.
- 5.2 The objection to the Order is as follows:
 - That the property owner had checked the council's list of tree preservation orders and noted its absence from the list. That the Yew

tree had been brought to the council's attention in the past, and that a review of the trees in the area would have determined which trees should be given a tree preservation order;

- The objector questions the visibility of the tree and argues that it cannot be seen by the general public in Kingston Road or Kingswood Road except from very limited vantage points. Visibility of the tree is also obscured by the existing high boundary fence;
- That the council should have given consideration to placing a tree preservation order on the Yew tree as part of the assessment of the area and which was published in November 2005 as the Character Appraisal of the John Innes Conservation Area. Similarly, a Supplement to the Character Assessment dated September 2010 includes an undertaking to carry out a tree survey and implement tree preservation orders as appropriate;
- The Yew tree is disproportionately large for the garden;
- The objector has recently purchased the house and this was selected on the basis of submitting a planning application to extend the house to cater for 3 adopted children and an increasingly infirm father. The plans include wheelchair access and an opportunity to restore the house, including the provision of extending the existing Yew hedging around the perimeter of the property.
- The applicant's architect has also noted the proximity of the tree to the property and is concerned about the risk of damage to the property, as well as the potential for the roots of the tree to cause damage to any nearby drains.

6. Planning Considerations

6.1 The Tree Officer would respond to each respective point as follows:

- It is a matter of fact that the tree is not included in the list of confirmed tree preservation orders within the borough. It is not clear how or where the tree has been presented to the council in the past, other than the tree work applications referred to above. On those occasions, the work was found acceptable and was allowed to be carried out. The question of a 'review of the trees' is answered below;
- The Yew tree can be clearly seen from Kingswood Road. Whilst views of the tree may be marginally diminished from Kingston Road, it remains the case that the tree is a significant feature in Kingswood Road;
- The document referred to is the 'John Innes (Wilton Crescent) Conservation Area Management Plan, which sets out a number of objectives which accept that change is a fact of modern life and this publication assesses how to approach that change. One of the aspirations of the document is to prepare a Tree Management Strategy which would be aimed at street trees, trees in parks and open spaces, as well as privately owned trees. This could then lead to recommendations for tree preservation orders. This could be seen as an additional approach to identifying trees which are considered to have special merit in conservation area, but it does not replace the need to consider the

outcome of a s.211 notice and to decide whether the work should be prevented from taking place by making a tree preservation order;

- The Yew tree is a large specimen. However, there is no reason why the tree work that has been undertaken in the past cannot continue as the most appropriate method of arboricultural management for this tree;
- The Land Registry records show that this property was purchased on the 7 April 2016. Whilst the aspirations behind the planning application are noted, it is a matter for the council to determine whether the benefits of the development outweighs the tree's amenity value. The planning application has yet to be determined. However, if members agree with this officer's recommendations, then it is likely that the proposed development shall have to be amended/modified to ensure the tree is not harmed by the form of development. The provision of hedging would be an attractive addition to the property, but this would not be an adequate substitute for the Yew tree;
- The architects concerns are noted. However, it is also noted that there is no actual damage to the property or drains. Whilst the possibility of this arising in the future cannot be ruled out, this would have to be properly assessed once the evidence has been presented to the council for its consideration and determination.

7. Officer Recommendations

- 7.1 The Merton (No.697) Tree Preservation Order 2016 be confirmed, without modification.

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. Financial, resource and property implications

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

11. Legal and statutory implications

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

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

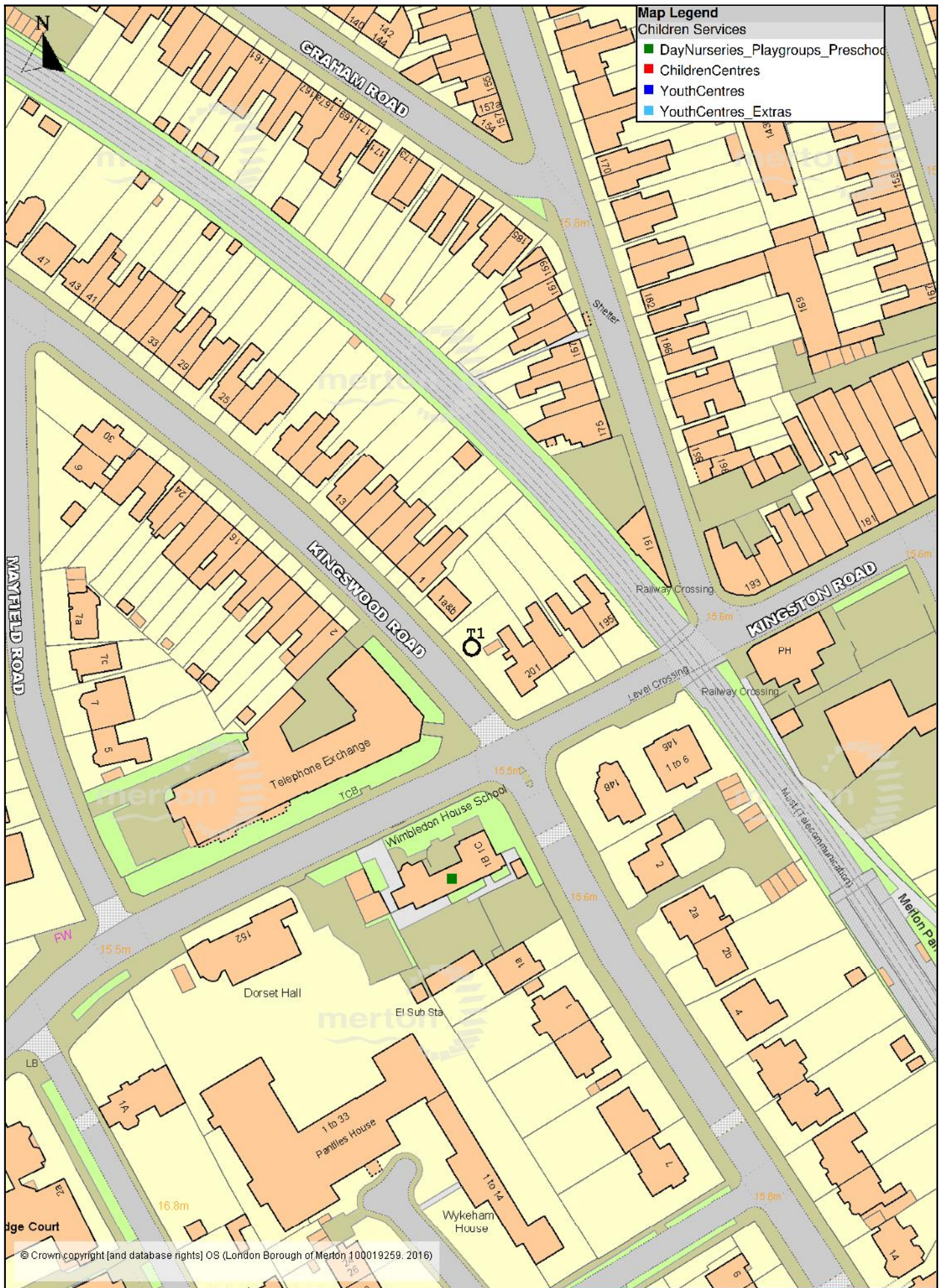
15. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.697) Tree Preservation Order 2016
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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Merton (No.697) Tree Preservation Order 2016 - 6 St Mary's Road

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Committee: Planning Applications Committee

Date: 11th August 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:	573 ¹ (576)	New Appeals:	0 (0)
New Complaints	30 (43)	Instructions to Legal	3
Cases Closed	33 (53)	Existing Appeals	4 (5)
No Breach:	20	<hr/>	
Breach Ceased:	13	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	42 (48)
Total	33 (53)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	1 (2)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	1	Tree/High Hedge Appeal	0
Others (PCN, TSN)	0		
Total	1 (0)		
Prosecutions: (instructed)	0 (0)		

Note (**figures are for the period (54th July- 1st August 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

- 2.01 Land, at 93 Rowan Crescent Streatham, SW16 5JA** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice comes into effect in 28 days unless there is an appeal to the Magistrate Court. The works should be completed within 28 days.

Some Recent Enforcement Actions

- 2.02 160 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 came into effect on 1/6/16 as there was no appeal prior to that date and the requirement would be to demolish the fence and remove the resulting debris all within 3 months.

- 2.03 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.
- 2.04 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 came into effect on 25th May 2016 as there was no 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.
- 2.05 117 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.
- 2.06 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.

The owner has advised Officers that the archaeological survey of the Tudor part of the building is to be carried out on Friday 5/8/16.

3.0 New Enforcement Appeals

None

3.1 Existing 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 which was registered with a start date 29/6/16 and is by written representation.
- **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. An appeal by written representation is proceeding on ground 'A' – that planning permission should be granted for the development. Council's statement has been submitted.
- **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. **Final statements have been submitted. We are now awaiting an inspector site visit date.**

3.2 Appeals determined –

- **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 enforcement appeal was dismissed on 19/7/16 and the enforcement notice was upheld with a requirement to demolish the detached bungalow. At the same time a planning appeal was allowed for the erection of a bungalow as a granny annexe with a slightly lowered roof. This is similar to what was originally granted planning permission for by the Council.

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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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