

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

David Dean

Abigail Jones

Philip Jones

Andrew Judge

Najeeb Latif

Peter Southgate

Geraldine Stanford

Imran Uddin

#### Substitute Members:

Stephen Crowe

Joan Henry

Daniel Holden

John Sargeant

Laxmi Attawar

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

**Date: 9 February 2017**

**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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3357

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# Planning Applications Committee

## 9 February 2017

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 4
- 4 Town Planning Applications 5 - 8  
Officer Recommendation:  
The recommendations for each individual application are detailed in the relevant section of the reports.
- 5 26 Bakers End, West Wimbledon SW20 9ER 9 - 16  
Application Number:16/P4082 Ward: Merton Park  
Recommendation: Grant permission subject to conditions
- 6 96-98 The Broadway, Wimbledon SW19 1RH 17 - 26  
Application Number: 15/P1569 Ward: Trinity  
Recommendation: GRANT Planning Permission Subject to completion of a s106 Agreement and Conditions  
  
ITEM WITHDRAWN FOM THIS AGENDA
- 7 29 Carlingford Gardens, Mitcham CR4 2AT 27 - 40  
Application Number: 16/P4696 Ward: Graveney  
Recommendation: Grant planning permission subject to conditions.
- 8 44A Denmark Road, Wimbledon, SW19 4PQ 41 - 48  
Application Number: 16/P2011 Ward: Hillside  
Recommendation: GRANT Planning Permission subject to conditions
- 9 Land Adj to 5 Hillview, West Wimbledon, SW20 0TA 49 - 56  
Application Number: 16/P4355 Ward: Village  
Recommendation: GRANT Variation of Condition 2.
- 10 134 Merton Road, SW19 1EH 57 - 76  
Application Number: 16/P4810 Ward: Trinity  
Recommendation:  
Grant planning permission subject to planning conditions.
- 11 3 Pincott Road, South Wimbledon, SW19 2XF 77 - 86  
Application Number: 16/P4366 Ward: Abbey  
Recommendation: Grant planning permission subject to conditions
- 12 7 Ridgway Place, Wimbledon, SW19 4EW 87 - 96  
Application Number: 16/P4709 Ward: Hillside

	Recommendation: Grant Permission subject to Conditions	
13	223 Streatham Rd & 1 Ridge Rd, Mitcham CR4 2AJ Application Number: 16/P4324                      Ward: Graveney Recommendation: Grant planning permission subject to conditions and s106 agreement.	97 - 130
14	Tree Preservation Order (TPO 706) 5-6 Alt Grove, Wimbledon, SW19 4DZ Application Number: TPO 706                      Ward: Hillside Recommendation: That the Merton (No.706) Tree Preservation Order 2016 be confirmed, without modification.	131 - 138
15	Planning Appeal Decisions Officer Recommendation: That Members note the contents of the report.	139 - 142
16	Planning Enforcement - Summary of Current Cases Officer Recommendation: That Members note the contents of the report.	143 - 148

#### **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](mailto: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 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)

## **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](mailto: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](mailto: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>

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# 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](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

19 JANUARY 2017

(7.15 pm - 8.25 pm)

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

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Abigail Jones and David Dean

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of Pecuniary interest.

### 3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 8 December 2016 are agreed as an accurate 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, 6, 7 and 9 were published as a supplementary agenda.
- b. Item 5 was withdrawn from the Agenda prior to the meeting.
- c. Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.
- d. Order of the Agenda – The Chair amended to order of items to the following: 9,6,7 and 8.

### 5 96-98 THE BROADWAY, WIMBLEDON, SW19 1RH (Agenda Item 5)

This Item was withdrawn from this Agenda prior to the meeting

6 45A CRUSOE ROAD, MITCHAM, CR4 3LJ (Agenda Item 6)

Proposal: Demolition of warehouse and the erection of 4 x 3 bedroom and 2 x 4 bedroom houses with cycle and refuse storage and associated landscaping work

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda-Modifications.

Members noted that the one window considered affected by the analysis of light impact, is a bathroom window.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions.

7 27 LINDISFARNE ROAD, WEST WIMBLEDON, SW20 0NW (Agenda Item 7)

Proposal: Removal of condition 18 (relating to replacement fence on the west boundary of the application site) attached to LBM planning application 15/P0940 for the demolition of existing house and the erection of 2 x detached houses

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda-Modifications.

Members noted that there is now legal advice that the removal of Condition 18 should be allowed, as a refusal could not be supported on appeal. Planning Officers emphasised that the path does still exist but is on private land. Members commented that they would like to see the developers resurface the path

RESOLVED

The Committee voted unanimously to remove planning condition 18

8 3 THORNTON HILL, WIMBLEDON, SW19 4HU (Agenda Item 8)

Proposal: Conversion of 3 x flats into 2 x semi-detached houses, erection of two storey side extension, rear roof extension and excavation of basement with associated parking and landscaping.

The Committee noted the officer's report and presentation.

Members asked officers about the Basement Construction Method Statement requested by Condition 18, and the concerns in the report regarding potential flooding issues. Members noted that construction cannot begin until this method statement



has been submitted and approved by the Council's Flood Risk Officer and Structural Engineer.

## RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

### 9 356 WEST BARNES LANE, NEW MALDEN, KT3 6NB (Agenda Item 9)

Proposal: Addition of one storey extension to existing building involving removal of the mansard and re-cladding of the elevations to provide six new self-contained dwellings in addition to the 19 self-contained flats within ground, first and second floors permitted under prior approval LBM Ref: 16/P0233. Works include amendments and additions to fenestration of building

The Committee noted the officers report and presentation and additional information in the Supplementary Agenda - Modifications. The Committee received verbal presentations from two objectors and the agent to the application, and from ward councillors Gilli Lewis-Lavender and Brian Lewis-Lavender.

Objectors felt that this proposal was overly large and would be overbearing on their properties. They also felt that the design was out of keeping with its surroundings. They were concerned about overlooking and loss of privacy.

The Agent said that the existing building can be converted to residential use without planning permission, but the applicant was trying to find a design that satisfied their financial requirements but that was acceptable to residents.

Members noted Officers comments that:

- All the separation distances between the proposed development and existing houses, exceeded those required by policy and therefore issues of overlooking and loss of privacy did not justify refusal. The two windows closest to existing houses will both be obscure glazed
- All the evidence, provided in the report, showed that the development would satisfy parking requirements.
- The new application was regarded as more acceptable than the previous application and an improvement on the plans as first submitted for the current application
- There were other buildings of a similar height in the area, but their roofs were different in design to the roof of the proposed building.
- It is currently not known what impact Cross Rail 2 would have.

Members commented that although this proposal was better than the previous proposals with definite improvements for the scheme under consideration, they still felt the bulk, height and massing were too great for the area. They did not like the proposed cladding. The proposal was felt to be out of character with Motspur Park and intrusive on the streetscene.

## RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:

The Bulk and Massing of the proposal are too great, contrary to LBM policies. The proposal would have a negative impact on the streetscene

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

## 10 PLANNING APPEAL DECISIONS (Agenda Item 10)

The Development Control Manager asked Members to note the contents of the report, in particular that the Planning Inspector had

- Allowed: Waitrose application – 15/P2776
- Allowed: The Cricketers Public House – 15/P0890
- Dismissed: 160 London Road – thus supporting the Council's policy to refuse on the lack of 3 bedrooomed units.

The Development Control Manager reported that Merton is one of the better performing London councils on success at Appeal. He also reported that the new performance levels for appeals set by Government may not be as onerous as first thought.

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

Members noted the Report on recent Enforcement Case Work being dealt with by the Planning Enforcement Team.

Members asked for investigations of two sites:

7 Streatham Road – Distinctive Chimneys have been removed and other roof work appears to be starting.

18 Morden Road – Members asked about the progress of the enforcement report on this site.

## **PLANNING APPLICATIONS COMMITTEE**

**9 February 2017**

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.

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### **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).

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## **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 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.8 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 9 FEBRUARY 2017

<b>APPLICATION NO.</b> 16/P4082	<b>DATE VALID</b> 25.10.2016
<b>Address/Site</b>	26 Bakers End, Wimbledon Chase, London, SW20 9ER
<b>Ward</b>	Merton Park
<b>Proposal:</b>	Conversion of single family dwellinghouse into 2 x self-contained flats
<b>Drawing No's:</b>	Site location plan and drawings; B101 REV D, B102 REV B & B103 REV B
<b>Contact Officer:</b>	Leigh Harrington (020 8545 3836)

### RECOMMENDATION

Grant permission subject to conditions

### CHECKLIST INFORMATION.

- S106 Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted –No
- Design Review Panel consulted – No
- Number of neighbours consulted – 46
- Press notice – No
- Site notice – Yes
- External consultations: Nil
- Number of jobs created – n/a

### 1. INTRODUCTION

- 1.1 The application is brought before PAC due to the level of objection to the proposal.

### 2. SITE AND SURROUNDINGS

- 2.1 The application site is a semi-detached single family dwelling located on the east side of the Cul de Sac end of Bakers End in Wimbledon Chase. The property has an existing rear roof dormer extension and single storey rear extension. An access path runs to the rear of the site which is surrounded by similar residential properties.
- 2.2 The site is not within a Conservation Area, an area at risk from flooding or an Archaeological Priority Zone but is located within an area currently under consultation for designation as a Controlled Parking Zone (MP2).

2.3 The application site has a low level of access to public transport, (PTAL level 2).

### **3. CURRENT PROPOSAL**

3.1 The proposal involves the conversion of the existing house to two self contained flats. Flat A, a 2 bedroom 3 person ground floor unit would be accessed via a doorway in the side passage opening to a hallway at ground level which would serve a double bedroom to the front of the building, a shower room, a combined, dining/living/kitchen area and a single bedroom that would also occupy the sub divided existing single storey rear extension. The flat would have a 25 sq.m rear garden.

3.2 Flat B, a 3bedroom 4 person unit would be accessed via the existing front door opening into a hallway with storage cupboards leading to a stairway to the upper floors. On the first floor the stairs open to a hallway with a combined kitchen/living/dining room area to the front and a single bedroom and the bathroom to the rear. The staircase leads up to the converted loft space where a double bedroom would be located in the space under the front roof slope which also provides under eaves storage whilst a large single bedroom and bathroom would occupy the existing rear roof dormer. This flat would also be provided with a private amenity space with access provided through a new doorway to be inserted in the ground floor flank wall to allow access along the side passage leading to the rear garden area.

3.3 The front of the house is laid to a hardstanding which can provide a parking bay, refuse stores and cycle storage for each flat.

### **4. PLANNING HISTORY**

4.1 03/P1279 Certificate of Lawfulness for a hip to gable and rear roof dormer extension.

4.2 04/P2204 Planning Permission granted for a single storey rear extension.

4.3 10/P3183 Certificate of Lawfulness refused for a single storey rear extension.

4.4 11/P0396 Certificate of Lawfulness for a single storey rear extension.

4.5 14/P3398 Conversion of single family dwellinghouse into 2 x self-contained flats, comprising 1 x 3 bed and 1 x 1 bed units. Withdrawn by applicant.

4.6 15/P0316 Conversion of single family dwellinghouse into 2 x self-contained flats, comprising 1 x 3 bed and 1 x 1 bed units. Withdrawn by applicant.



## **5. CONSULTATION**

- 5.1 The planning application was publicised by means of site notices and letters were sent to 46 neighbouring occupiers. In response 2 letters and a petition signed by 13 neighbouring residents were received raising the following issues:
- The applicant operates the property as an HMO for which he does not have a license.
  - The application site is poorly maintained and Environmental Health and the Council's planning enforcement section have been involved in the site with regards to; the condition of the premises with litter and rubbish dumped in front of the building, the HMO issue, an unauthorized side entrance, a kitchen at first floor level and a fence along a shared access. The applicant has failed to properly display the site notice where it can be read. Concerns regarding the manner and conduct of the applicant who has never lived here.
  - Flats are not in keeping with a residential street of houses.
  - Having a living room or kitchen directly next to a bedroom would adversely impact neighbour amenity.
  - Parking pressure would increase with more cars.
- 5.2 Transport Planning. No objections, each flat has a parking space, details for cycle storage will need to be secured by condition.

## **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).
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), 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 EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), 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 2015

## **7. PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations in this case relate to the principle of additional residential accommodation on the site, the impact of the conversion on the appearance and character of the building and local area, the impact on neighbour and occupier amenity as well as the provision of housing to a suitable standard.
- 7.2 The provision of additional units of accommodation on the site  
Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state that the Council will work with housing providers to provide a minimum of 4107 additional homes [411 new dwellings annually] between 2015 and 2025. Policy CS 14 in the Core Strategy requires that when a family sized unit, i.e. one with three or more bedrooms, is proposed for conversion to flats, at least one family sized unit should be retained. That unit should also have direct access to amenity space. This proposal will provide a new flat and retain a family sized unit with direct access to the garden and is therefore considered to accord with these policies.
- 7.3 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 3 bedroom flat has a second bedroom with a GIA of 11.4 sq.m which places it below the 11.5 sqm minimum for a double bedroom and so this flat would be a 3 bedroom 4 person unit over three floors which meets the minimum 90 sqm of GIA. The family sized flat would be provided with 85 sq.m of private garden space. The ground floor flat, Flat A has a GIA of 61 sq.m which meets the minimum requirement of 61 sq.m and benefits from the provision of a generous rear amenity space of 25 sq.m. Each flat is dual aspect and benefits from good levels of natural sunlight.
- 7.4 Design  
London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. The proposals do not involve any extension works to the existing building and the only changes visible from outside the building would be the two doorways in the side elevation and the subdivision of the rear garden to which no objections are raised.
- 7.5 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. With no extension works proposed the scheme would have no impact in terms of loss of light or outlook. An objection

was received from the neighbouring occupier raising concerns relating to the impact of having a new living room area at first floor level adjoining the bedrooms of the neighbouring house. There is a brick wall between the two buildings which would be a standard means of separation and satisfactory sound insulation between houses that would be required under building regulations when the houses were built.

7.6 Traffic, Parking and Servicing

The issue of additional pressure on parking was raised in objections to the proposals however 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 site benefits from a large area of hardstanding in front of the house and so each flat will have a dedicated off street parking space and no additional pressure is anticipated.

- 7.7 The proposed level of cycle parking for the flats (2 per unit) meets the London Plan minimum standards and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and accessible and a condition is recommended for the design of this to be submitted for approval.

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

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

9. **CONCLUSION**

- 9.1 The proposed development will provide a new home for which there is an identified need in the Borough whilst still retaining a family sized unit of accommodation. The flats have been configured such that they meet the minimum internal space standards and readily exceed the outdoor amenity space standards and the family unit will be provided with direct access to this space. The proposals do not involve any external building works and therefore the proposals will have no impact on neighbours from loss of light or outlook. The site is sufficiently large to be able to provide off street parking, refuse and cycle store for each flat. In view of these considerations the proposal is considered to be acceptable and in compliance with relevant planning policy and is therefore recommended for approval subject to the imposition of appropriate conditions.

## **RECOMMENDATION, GRANT PERMISSION SUBJECT TO CONDITIONS**

1. A.1 Commencement of development for full application
2. A.7 Approved plans; Site location plan, drawings; B101 Rev D, B102 Rev B & B103 Rev B
3. B 1 Materials for the new doors to match existing
4. C.7 Refuse and recycling implementation
5. C8 No use of flat roof
6. D.11 Construction times.
7. H6 Cycle parking details
8. H7 Cycle parking implementation
9. L4 BREEAM Domestic refurbishment pre commencement
- 10.L5 BREEAM Domestic refurbishment pre occupation
11. The gardens to the two units shall be separated by a 2m high fence or other such means of enclosure as may be agreed in writing with the local planning authority before the development is occupied and shall be permanently retained thereafter. Reason. To ensure adequate gardens space is provided and retained for each flat to achieve a satisfactory standard of accommodation.

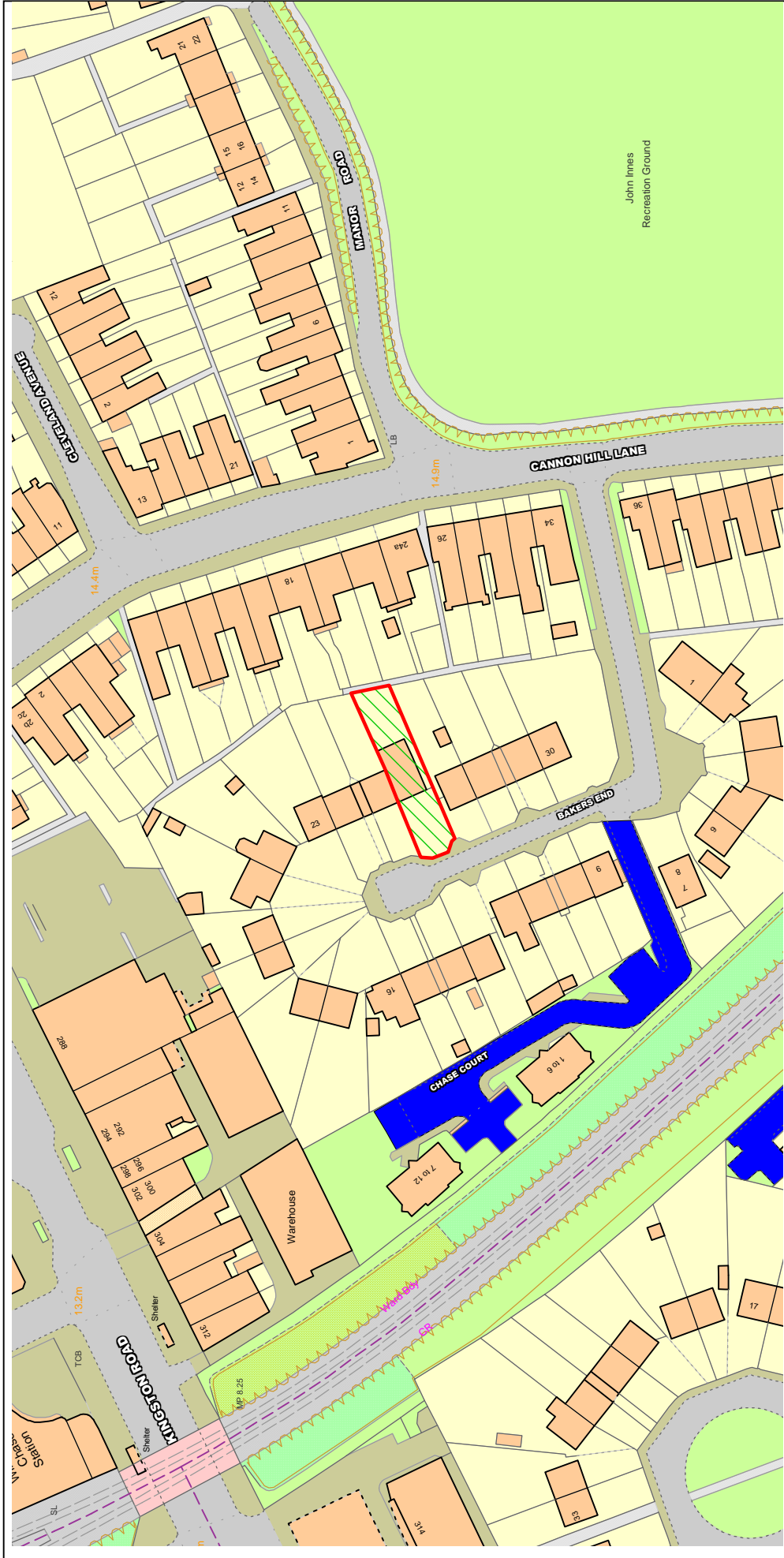
NPPF Informative.

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE

09 February 2017

**APPLICATION NO.**

15/P1569

**DATE VALID**

24/04/2015

**Address/Site** 96-98 The Broadway, Wimbledon SW19 1RH

**Ward** Trinity

**Proposal:** Alterations and extensions to existing building to create 8 x 1 bedroom and 1 x 2 bedroom flats to upper floors and extension to existing ground floor retail units.

**Drawing Nos** 6512-PL01 and 6512-PL02 (Received dated 15/12/2016) and Design and Access Statement, Site Location Plan and SO-474-01 and 02 Existing Plans and Elevations

**Contact Officer:** Richard Allen (8545 3621)

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### **RECOMMENDATION**

**GRANT Planning Permission subject to Completion of a S.106 Agreement and Conditions**

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### **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- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 20
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

### 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**

- 2.1 The application site comprises a pair of mid-terrace properties situated on the north side of The Broadway. The ground floor of each property is in commercial use, with residential accommodation on the upper floors, comprising 1 x two bedroom flat and 1 x four bedroom flat. There is access from the Broadway into the rear of the site from Cobden Mews, which is mixed commercial/residential in character. There is a variety of architectural styles in the immediate area of the application site. The application site is not within a conservation area, but is within a Controlled Parking Zone (CPZ W3).

## 3. **CURRENT PROPOSAL**

- 3.1 The current application involves the alterations and extensions to the existing building to create nine flats (8 x 1 bedroom and 1 x 2 bedroom units) and rear extension to existing retail units.
- 3.2 The proposed rear extension would be 10.8 metres in length and 12 metres in width. It would have an eaves height of 9.2 metres and a mansard roof with an overall height of 11.5 metres. Internally, at ground floor level, the existing shop units would be refurbished and extended rearwards. An entrance to the flats would be provided from Cobham Mews within the rear of the ground floor of the extension, as well as integral refuse and cycle storage. At first floor level, 2 x one bedroom/two person flats would be formed within the original building, with a 1 bedroom, two person flat and a 1 bedroom studio flat provided within the extension. At second floor level, 2x one bedroom, two person flats would be provided within the original building, with a further 1 bedroom, two person flat and a two bedroom, four person duplex that would occupy part of the floor above. At third floor, there would be the other part of the duplex plus a further 1bed 2person flat. Balconies would be provided at first and second and third floor levels to provide external amenity space for four of the proposed flats within the new extension.
- 3.3 The proposed rear extension has been designed in a 'warehouse' style and is of similar design and proportions to the existing rear extension to the adjoining property at 100 The Broadway. There is no car parking but secure cycle parking would be provided.

## 4. **PLANNING HISTORY**

- 4.1 100 The Broadway  
In March 2011 planning permission was granted for the erection of a third floor and conversion of flat 2 from a 3 bedroom flat to a 4 bedroom flat, flat 3 from a 2 bedroom flat to a 5 bedroom flat and addition of a mezzanine level to existing restaurant and installation of a new shopfront (LBM Ref.11/P0345). The proposed rear extension to the existing building at 96/98 is of similar height to that constructed at 100 The Broadway.

## 5. **CONSULTATION**



5.1 The application has been advertised by site notice and letters of notification to occupiers of neighbouring properties. 13 letters of objection have been received. The grounds of objection are set out below:-

- The proposed extension would overlook residential properties in South Park Road.
- Rooms within the 4<sup>th</sup> floor would overlook 37A South park road.
- The development would result in noise and nuisance, already too much noise from various restaurants.
- The resulting structure when combined with the previous extension at 100 The Broadway would have an overbearing impact and be visually intrusive upon Cobden Mews. The height of the proposed extension would be almost double that of the existing buildings and is disproportionate given the narrowness of the yard.
- The development at 100 The Broadway has resulted in loss of sunlight to 2 Cobden Mews (solicitor's offices) and the proposals for 96/98 would result in further loss of light to offices opposite.
- The provision of secure cycle parking is supported, however there are already parking problems in the area with illegally parked vehicles in Cobden Mews/Printers Yard. Any increase in congestion will make running a business very difficult.
- The site is too small for 8 x 1 and 1 x 2 bedroom flats.
- The plans effectively remove parking spaces available for this building.
- The occupiers of 3 Cobden Mews have already experienced noise and inconvenience from building work at 100 The Broadway.
- The propose development would affect the day to day running of businesses in Cobden Mews/Printers Yard.
- The increase in the number of dwellings would put pressure on rubbish storage and the area is already struggling with overflowing bins and poorly stored rubbish and failed collections from contractors.

## 5.2 Amended Plans

The plans were amended to provide 1 balcony at first floor, 2 at second floor and 1 at third floor level. The layout of the refuse storage and cycle storage areas has also been amended to improve access and revisions to the fenestration of the rear elevation undertaken. A reconsultation has been undertaken and one further representation has been received from the occupiers Unit 2, Printers Yard, 90A The Broadway. The grounds of objection are set out below:-

- The height of the proposed development will be disproportionate to the surrounding buildings and restrict light to Printers Yard and Cobden Mews.
- The business in Printers Yard and Cobden Mews are already severely compromised by too many rubbish bins and inadequate collections by private contractors. In addition collection vehicles have difficulty in reaching bins owing to parked cars and delivery vans frequently blocking the way.
- The substantial increase in the number of dwellings proposed would cause additional pressure on the area that is already struggling with an excess of

vehicles and overflowing bins. Additional poorly stored rubbish and failed collections have increased problems with vermin in the area.

- The proposed development would have an adverse impact upon an existing business.

### 5.3 The Wimbledon Society

The proposal is regarded as unsafe and fails to comply with Merton's policies on safety requirements for new development as access to the flats would be through a narrow alley at the rear of the building and the third floor has no means of escape in case of fire. The internal layout of the units is unsatisfactory with poor outlook and inadequate daylight and sunlight. The Society is of the view that the number of units is excessive and is development of the site and the quality of the living conditions and safety of future residents is unsatisfactory.

### 5.4 Climate Change Officer

The Design and Access Statement does not make reference to the need to achieve a 25% improvement over Part L1 of the Building Regulations. However, all new domestic units assessed under Part La will be subject to requirements outlined above.

### 5.5 Transport Planning

No off street car parking is proposed for the development. However given the location of the application site within Wimbledon Town Centre and the high PTAL score (PTAL 6A). The development should be designated 'permit free' secured through a S.106 Agreement.

## 6. **POLICY CONTEXT**

### 6.2 Adopted Merton Core Strategy (July 2011)

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

### 6.3 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM D1 (Urban Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

### 6.4 London Plan (March 2015)

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

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design, standard of accommodation, neighbour amenity, parking, and sustainability issues.

7.2 Design Issues

A number of representations have been received concerning the height/scale of the proposed development when viewed from the mews. However, the design of the proposed rear extension is similar to that previously approved at 100 The Broadway in terms of its height and siting. It should also be noted that the separation distance between the mews elevation of 100 The Broadway and 92 Cobden Mews is only 4.5 metres, whereas the separation distance between the mews elevation of the proposed development and 90 Cobden Mews is 10 metres. The separation distance between the proposed building and 90 Cobden Mews is considered to be acceptable and is greater than in between properties elsewhere in the mews. The proposed building would be constructed in a warehouse style with yellow stock facing brickwork, with red brick lintels, slate roof and lead clad dormer windows and sash windows. The design of the proposed extension is considered to be acceptable in terms of policies CS14, DM D3 and DM D2.

7.3 Standard of Accommodation

The gross internal floor areas of each flat is set out below:-

Flat	Unit type	Floor space	London Plan Minimum Standard
1	1 bed	55m <sup>2</sup>	50m <sup>2</sup>
2	Studio	39m <sup>2</sup>	37m <sup>2</sup>
3	1 bed	51m <sup>2</sup>	50m <sup>2</sup>
4	1 bed	51m <sup>2</sup>	50m <sup>2</sup>
5	1 bed	56m <sup>2</sup>	50m <sup>2</sup>
6	2 bed duplex	74m <sup>2</sup>	70m <sup>2</sup>
7	1 bed	51m <sup>2</sup>	50m <sup>2</sup>
8	1 bed	50m <sup>2</sup>	50m <sup>2</sup>
9	1 bed	54m <sup>2</sup>	50m <sup>2</sup>

The Mayor of London's minimum floor space standards specify a minimum of 37m<sup>2</sup> for a one person unit, 50m<sup>2</sup> for a one bedroom/two person unit and 70m<sup>2</sup> for a two bedroom/2 person unit. Therefore the gross internal floor area of each unit exceeds the minimum standards set out in policy 3.5 (Quality and Design of Housing of the London Plan). In terms of amenity space, flat numbers 1, 5, 6 (the duplex unit) and 9 within the extension would each have an 'inset' balcony with railings to the mews elevation. The inset balconies would provide a small area of external space for four of the flats within the new extension, although flat 2 (the studio) unit would not benefit from a balcony, nor would flats 3, 4, 7 and 8 have any amenity space as they are formed within upper floor of the existing frontage building. Given the Town Centre location and the close proximity of public open space (South Park

Gardens) the proposed amenity space is considered to be acceptable. The proposal is therefore considered to be acceptable in terms of policies CS8 (Housing Choice) and DM D2 (Design Considerations in all Developments).

#### 7.4 Neighbour Amenity

A number of objections have been received from occupiers of residential properties in South Park Road. However the rear elevation of the proposed extension to 96-98 The Broadway would be 38.5 metres and there is the two storey B1 office building known as Cobden Mews situated between the rear elevations of residential properties in South Park Road and the application site. There would be 10.6 metres separation distance between Cobden Mews and the front elevation of the proposed extension. Given the separation distance between the rear elevation of the extension and both Cobden Mews and residential properties in South Park Road there would be no loss of amenity as a result of the proposed development. Concern has also been expressed by the occupiers of the offices at 90 Cobden Mews concerning the potential impact of the development upon daylight/sunlight. However, the mews elevation of the proposed building would be sited 10.6 metres away from the front elevation of 90 Cobden Mews, a considerably greater separation distance than that between the rear of 100 The Broadway and 92 Cobden Mews. The relationship between the proposed building and Cobden mews is therefore considered to be acceptable. A number of representations have also been received from occupiers of other properties within the mews concerning potential disruption during construction works. However, potential problems can be mitigated by appropriate planning conditions controlling hours of operation and the submission of a construction management plan to control the timing of deliveries to the site. Therefore with appropriate planning conditions the proposal is considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

#### 7.5 Parking and Sustainable Transport

The proposed development does not provide any off street car parking. However, the application site is within Wimbledon Town Centre and has a high PTAL score. Therefore, a permit free development would be appropriate in this instance secured through a S.106 Agreement. The development would however provide 9 secure cycle parking spaces. The proposal is therefore considered to be acceptable in terms of policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

#### 7.6 Sustainability Issues

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

7.7 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code Level 4 equivalent. Where there is an existing plan

policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.8 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.

7.9 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.

**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 concerns of the neighbours have been noted and the proposal is considered to be acceptable in terms of neighbor amenity, subject to appropriate planning conditions concerning working hours. The design of the proposed building is considered to be acceptable. Accordingly, it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

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

1. The new residential units being designated 'permit free'.
2. The developer paying the Councils legal and professional cost in drafting and completing the legal agreement.

and subject to the following conditions:-

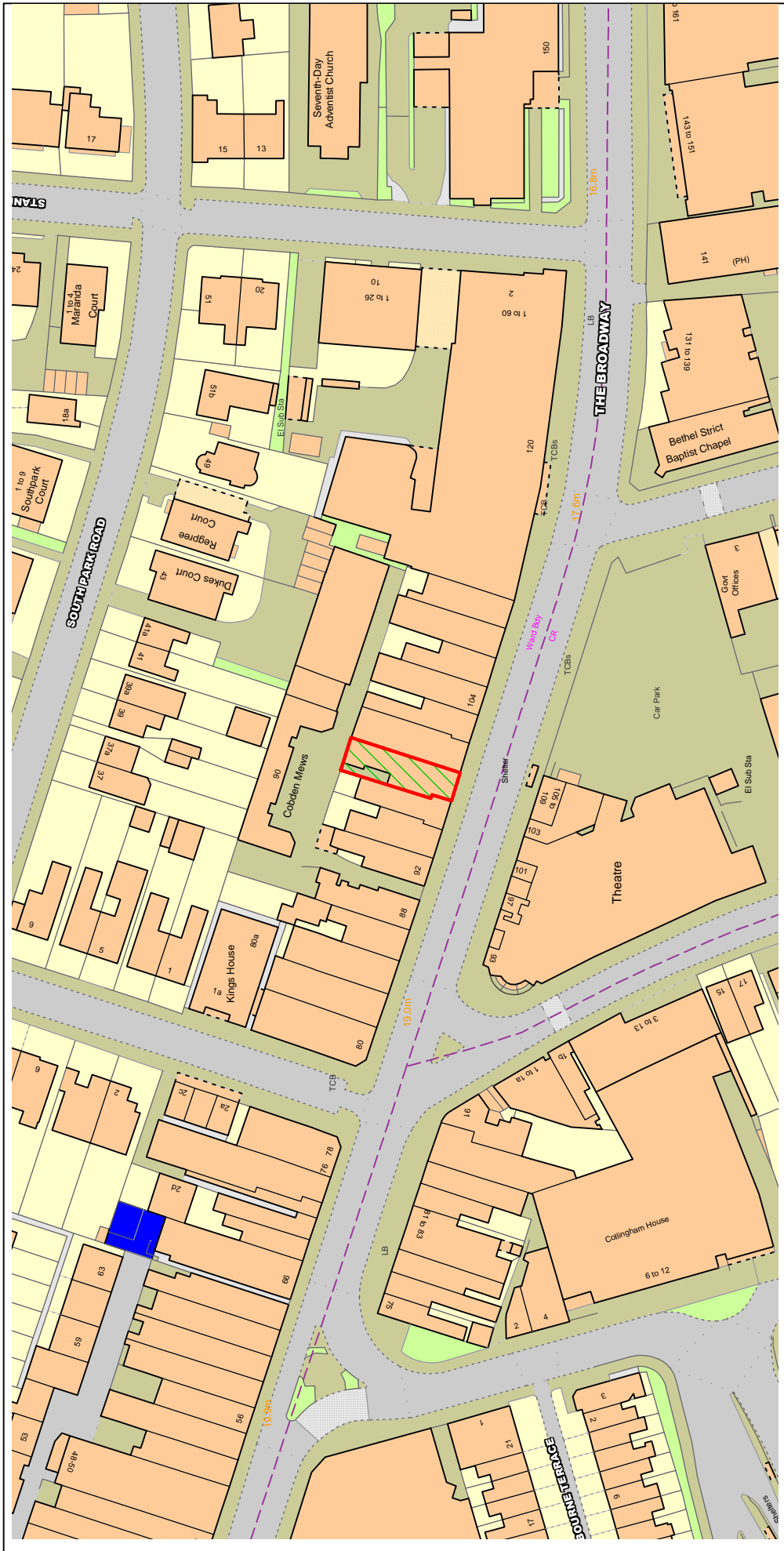
1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. C.7 (Refuse and Recycling-Implementation)
9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. H.7 (Cycle Parking Implementation)
12. H.9 (Construction Vehicles)
13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and initial water usage (WA1) (150 litres/per/day) standards equivalent to Code for Sustainable Homes Level 4.  
  
Reason for condition: To comply with the requirements of policy DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Polices Plan (July 2014).
14. INF.1 (Party Wall Act)
15. INF.8 (Construction of Vehicular Access)

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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE  
9 FEBRUARY 2017**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
16/P4696	01/12/2016
<b>Address/Site:</b>	29 Carlingford Gardens, Mitcham, CR4 2AT
<b>Ward:</b>	Graveney
<b>Proposal:</b>	Two storey side extension
<b>Drawing No.'s:</b>	400 (Rev: B), 401 (Rev: B) and Site Location Plan
<b>Contact Officer:</b>	Jock Farrow (0208 545 3114)

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**RECOMMENDATION**

**Grant planning permission subject to conditions.**

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**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: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 3
- External consultations: 0
- Controlled Parking Zone: No

**1. INTRODUCTION**

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

**2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey (with loft level) end terrace dwelling which is located on the eastern side of Carlingford Gardens and at the end of Manship Road. The host dwelling is of a traditional design incorporating a two storey bay window to the front and a hipped end roof. The site is triangular in shape, with the southern boundary being oblique. The terrace row, of which the host dwelling is a part, fronts Figges Marsh, a park which is designated open space. The site is considered to be prominent, given the flank elevation is visible along the approach from Manship Road and the dwelling, along with the terrace row in its entirety, is highly visible from

Figges Marsh. The site is not located within a conservation area.

### **3. CURRENT PROPOSAL AND BACKGROUND**

- 3.1 This application seeks planning permission for a two storey side extension.
- 3.2 The proposed two storey side extension would be setback from the front façade and the rear elevation by 1m and 0.6m respectively; the footprint would be regular, albeit it would step in toward the rear to correspond to the constraints of the site; the front and rear roof slopes would match the gradient of the host dwelling and would incorporate matching hipped ends, given the stepped footprint of the extension the roof profile would result in a cascading roof form; the extension would be set down from the main ridge by 0.65m; the extension would maintain a minimum setback from the side boundary of 0.4m.
- 3.3 The proposed extension would have the following dimensions: 4.3m wide to the front, 2.8m wide to the rear, 5.4m deep, 5.3m high to the eaves and 7.6m maximum height.
- 3.4 Facing materials would match those of the existing dwelling.
- 3.5 This application is a resubmission of applications 15/P3489 and 16/P3826, both of which were refused and are identified in section 4 of this report.
- 3.6 Application 15/P3489 proposed an integrated side extension which would match the height of the host dwelling and would sit flush with the front façade; the application was refused by reason of its bulk, form, scale, appearance and its impact upon the host dwelling and the surrounding area. The application was then dismissed at appeal. The proposed plans and elevations of application 15/P3489 are included as Appendix 1 to this report whereas the appeal decision is included as Appendix 2.
- 3.7 Application 16/P3826 was considered to have addressed the reasons for refusal cited under application 15/P3489 by reducing the dimensions and by proposing a subordinate side extension; however, the application introduced a hip to gable extension which would be adjoined by the two storey side extension with its hipped end. As such, this application was refused by reason of its form, appearance and its contrived roof form. The proposed plans and elevations of this application are included as Appendix 3 to this report.
- 3.8 It is considered that the reasons for refusal cited in the decision notices of applications 15/P3489 and 16/P3826 have been addressed under this current application; the merits of this application are discussed in detail in section 7 of this report.

### **4. PLANNING HISTORY**

14/P2477 - ERECTION OF A NEW 2 BED END OF TERRACE DWELLING HOUSE – Refused. Reasons for refusal:

**The proposed dwellinghouse, by reason of its size, design, siting and site coverage, would constitute an incongruous form of development**

**which would fail to respect the character and appearance of the adjoining terrace and wider townscape and would result in a cramped form of development that would lead to the loss of existing open space to the detriment of the visual amenities of the Carlingford Gardens and Manship Road streetscene. contrary to policy 7.4 of the London Plan (2011), policy CS.14 of the Merton Core Strategy (2011), and policies DM.D1 and DM.D2 of the Merton Sites and Policies Plan (2014).**

**The proposed dwellinghouse, by reason of its cramped internal layout and inadequate outdoor amenity space would result in an unsatisfactory environment to the detriment of the amenities of future occupiers contrary to policy 3.5 of the London Plan (2011), policy CS.14 of the Merton LDF Core Planning Strategy and policy DM.D2 of the Merton Core Strategy (2011).**

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

15/P3494: LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION WITH INSTALLATION OF 2 x ROOFLIGHTS TO FRONT ROOF SLOPE – Granted.

15/P3489: ERECTION OF A TWO STOREY SIDE EXTENSION AND A SINGLE STOREY REAR EXTENSION – Refused. Reasons for refusal: **The proposed side extension by virtue of its bulk, form, scale, design and the resulting loss of openness would constitute an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to, the visual amenity and character of the area as a whole. Therefore, the proposal would be contrary to London Plan policies 7.4 and 7.6, Core Strategy policy CS14, SPP Policies DMD2 and DMD3 and the Merton Council - SPG; Residential Extensions, Alterations & Conversions (NOVEMBER 2001). Appeal dismissed.**

15/P3494: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A HIP TO GABLE AND REAR ROOF EXTENSION WITH INSTALLATION OF 2 x ROOFLIGHTS TO FRONT ROOF SLOPE – Granted.

16/P3826: TWO STOREY SIDE EXTENSION, ROOF EXTENSIONS FROM HIP TO GABLE END AND TO THE REAR AND TWO ROOFLIGHTS TO THE FRONT ROOF SLOPE – Refused. Reason for refusal: **The proposed development, by reason of its design, form and appearance, would result in an incongruous form of development which would be detrimental to the character and appearance of the host dwelling and the wider area. Therefore, the proposal would be contrary**

**to London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.**

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of post sent to neighbouring properties – 4 objections were received, the summary of objections is as follows:
- Exacerbate parking pressure
  - Compromise highway safety
  - Compromise safety of cyclists and pedestrians
  - Concerns regarding storage of materials
  - Increased congestion during construction
  - Loss of openness
  - Obtrusive development
- 5.2 Councillor Geraldine Stanford – requests the application be determined at Planning Applications Committee due to the number and nature of the objections including concerns regarding the impact of the construction phase on the highway network and how this may be mitigated.
- 5.3 Transport Planner: No objection. Advised that the construction phase would not generate a significant impact upon the highway network and that extensions of the scale proposed are common place in this residential area.

## **6. POLICY CONTEXT**

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

## **7. PLANNING CONSIDERATIONS**

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

### Character and Appearance

- 7.2 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that are of the highest architectural quality and incorporate a design that is appropriate to its context, so that development relates positively to the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings, thus enhancing the character of the wider area.
- 7.3 It is considered that the proportions and the footprint of the proposed two storey side extension are acceptable in the way that they relate to the host dwelling and the constraints of the site. The setback from the front façade along with the set down from the roof ridge are considered to be acceptable to achieve a subordinate appearance. In conjunction with the subservience of the extension, it is considered that the matching roof form results in a sympathetic addition which would respect the host dwelling along with the surrounding context. In addition, it is recommended to include a condition requiring external materials of the development to match those of the host dwelling.
- 7.4 It is noted that in the case of two storey side extensions, a 1m set back from the side boundary would normally be expected to retain a sense of openness, to avoid the potential for a future terracing effect, and where properties abut the pavement, to avoid an overbearing impact upon the streetscene. However, given the sites' positioning, fronting Figges Marsh and being at the end of Manship Road, along with the staggered nature of the flank wall, it is considered that the proposed setback from the side boundary would be acceptable in this instance.

### Neighbouring Amenity

- 7.5 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.6 Given the scale and positioning of the proposed extension along with the outlook provided from the proposed windows, it is not considered that the proposal would unduly impact upon neighbouring amenity.

### Other matters

- 7.7 LDF policy CS.20 provides an overarching framework for regulating the highways impacts of developments including not to adversely affect safety the convenience of local residents and on-street parking. These impacts may be both long term and short term. Public objections highlight the narrow nature of the cul-de-sac and raise concerns regarding the impact of the construction phase upon highway safety and parking provisions. Transport Planning officers do not consider the proposals would have a significant or long term impact on the highway. However, the road layout and its narrowness are acknowledged and some impact would arise. Officers consider it would be prudent to include a condition which would require details of vehicle parking and (un)loading to be submitted to, and approved by, Merton Council in

accordance with policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014 in order to ensure the continued and safe functioning of the highway and in the interests of neighbour amenity.

**8. CONCLUSION**

The scale, form, design, positioning and materials of the proposed extensions are not considered to have an undue detrimental impact upon the character or appearance of the area, the host building or on neighbouring amenity. Therefore, the proposal complies with the principles of policies DMD2 and DMD3 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2015. It is not considered that there are any other material considerations that would warrant refusal of this application.

It is therefore recommended to grant permission subject to conditions.

**RECOMMENDATION.** Grant planning permission subject to the following conditions:

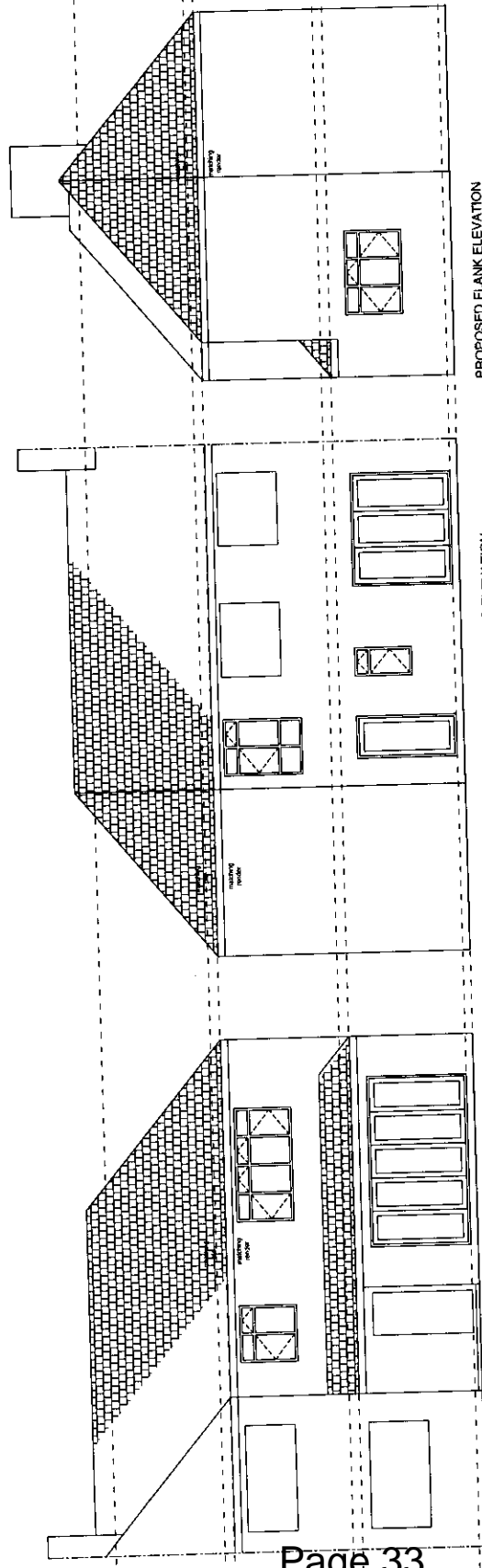
1. A1 Commencement of Development
2. A7 Approved Plans
3. B2 Matching Materials
4. H09 Construction Vehicles: The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles and loading /unloading arrangements during the construction 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.

---

[Click here](#) for full plans and documents related to this application.

**Please note these web pages may be slow to load**

APPENDIX 1 ELEVATIONS  
 REFUSAL 15/P 3489



- GENERAL NOTES**
1. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
  2. ANY DISCREPANCIES MUST BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGNER.
  3. ALL WORK MUST BE IN ACCORDANCE WITH THE RELEVANT BUILDING REGULATIONS, PARTS A AND B, AND THE RELEVANT CODES OF PRACTICE, AND MUST BE IN ACCORDANCE WITH THE RELEVANT STANDARDS.
  4. THESE DRAWINGS ARE TO BE USED IN CONJUNCTION WITH THE RELEVANT SPECIFICATIONS AND SCHEDULES.
  5. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS STATED OTHERWISE.
  6. ALL MATERIALS ARE TO BE USED AND INSTALLED IN STRICT COMPLIANCE WITH THE RELEVANT MANUFACTURER'S INSTRUCTIONS.
  7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY TEMPORARY SUPPORT TO THE BUILDING AND ANY ADJACENT STRUCTURES.

**HATCHING LEGEND**

[Symbol]	Concrete
[Symbol]	Brickwork
[Symbol]	Blockwork
[Symbol]	Asph/Flt
[Symbol]	Insulation

REVISED	DESCRIPTION	DATE

DAVID BALKIND DESIGN  
 12 Oak Close, Sutton, SM1 3LQ  
 T: 07790 443798  
 E: info@davidbalkind.com  
 W: www.davidbalkind.com

Location  
**29 CARLINGFORD GARDENS  
 LONDON  
 CR4 2AT**

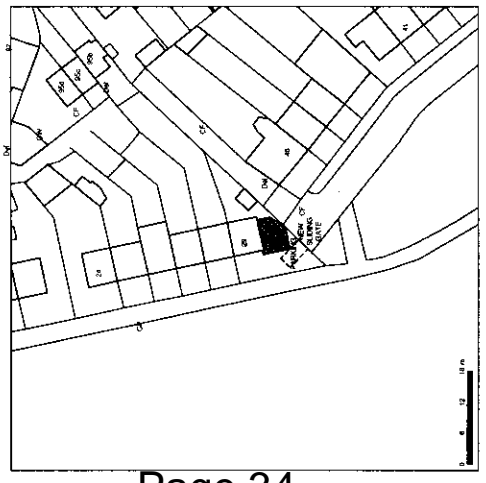
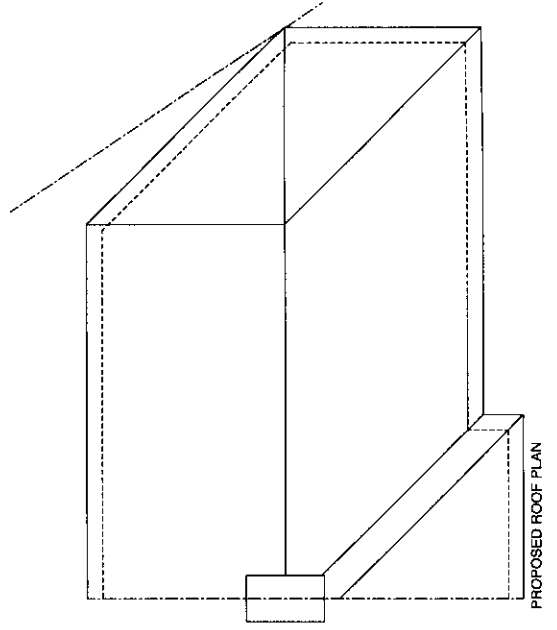
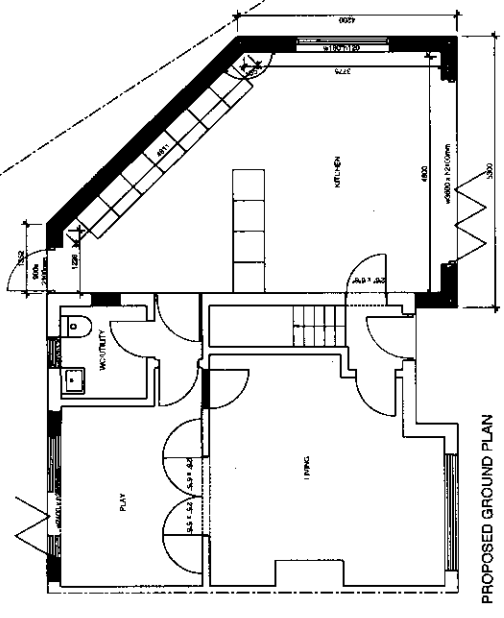
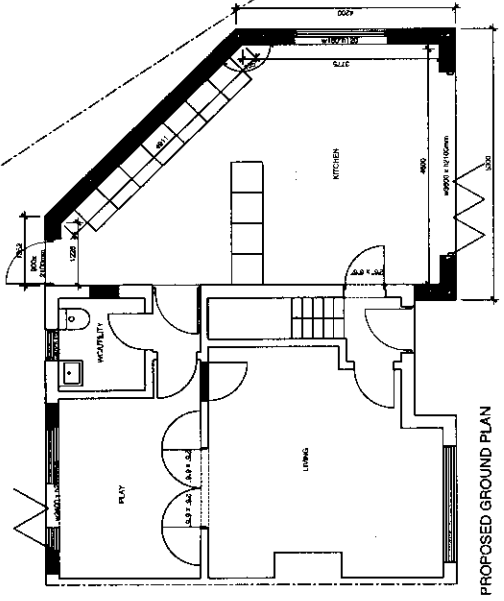
Drawing title  
**GENERAL ARRANGEMENT  
 OF PROPOSED EXTENSION**

Date	20/07/15	Scale	1:50@A1
Job no.	351	Dwg no.	401
Revision	-		



APPENDIX 1 PLANS  
REFUSAL 15/19489

<p><b>GENERAL NOTES</b></p> <p>1. THE CONTRACTOR MUST CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK AND AS NECESSITY BRING TO THE ATTENTION OF THE DESIGNER.</p> <p>2. ALL WORK MUST CONFORM TO CURRENT BUILDING REGULATIONS, BRITISH STANDARDS AND CODES OF PRACTICE AND IN USE.</p> <p>3. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACT DOCUMENTS OR PRELIMINARY DRAWINGS AND SPECIFICATIONS.</p> <p>4. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS STATED OTHERWISE.</p> <p>5. ALL MATERIALS ARE TO BE USED AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.</p> <p>6. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY FOUNDATION SUPPORT TO THE BUILDING AND ANY ADJACENT STRUCTURES.</p>	
<p><b>SYMBOLS LEGEND</b></p> <p>1:100 1:200 1:500</p> <p>--- overall --- above 2 storeys --- below 2 storeys</p> <p>--- structure --- boundary --- boundary --- boundary --- boundary --- boundary</p>	<p>DATE: 20/07/15</p> <p>DESCRIPTION: GENERAL ARRANGEMENT OF PROPOSED EXTENSION</p> <p>SCALE: 1:50@A1</p> <p>JOB NO.: 351</p> <p>DWG NO.: 400</p> <p>REVISION: -</p> <p>1:50 1:100 1:200 1:500</p>
<p>DAVID BALKIND DESIGN 12 Oak Close, Sutton, SM1 3LQ T: 07790 443798 E: info@davidbalkind.com W: www.davidbalkind.com</p>	<p>Location <b>29 CARLINGFORD GARDENS LONDON CR4 2AT</b></p>





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## Appeal Decision

Site visit made on 6 June 2016

by **J L Cheesley BA(Hons) DIPTP MRTPI**

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

Decision date: 10 June 2016

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**Appeal Ref: APP/T5720/D/16/3144276**

**29 Carlingford Gardens, Mitcham, Surrey CR4 2AT**

- 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 Patrice Hugon against the decision of the Council of the London Borough of Merton.
  - The application Ref 15/P3489 was refused by notice dated 24 November 2015.
  - The development proposed is ground and first floor side extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be the effect of the proposal on the appearance of the existing dwelling and the character and appearance of the surrounding area.

### Reasons

3. Guidance in the Council's Supplementary Planning Guidance (SPG) Residential Extensions, Alterations and Conversions (November 2001) states that side extensions should be in sympathy with the design of the original building. Depending on the particular circumstances, this can be achieved either by integrating the extension into the original design so that it looks as though it has not been extended or by subordinating the extension.
  4. The appeal dwelling lies at the end of a row of two-storey dwellings fronting a large area of public open space. The appeal dwelling is of traditional design with a double storey front bay.
  5. The proposal includes a side extension to the same height as the existing roof. It would continue the existing roof line and include a hipped end. At ground floor level, the main façade would be in line with the existing front bay window; at first floor level the main façade would be in line with the main façade of the host dwelling.
  6. The proposed extension would be the full depth of the host dwelling and would be an irregular shape. Whilst this is an attempt to create an integrated approach to extending the dwelling, the irregular shape would not integrate
-

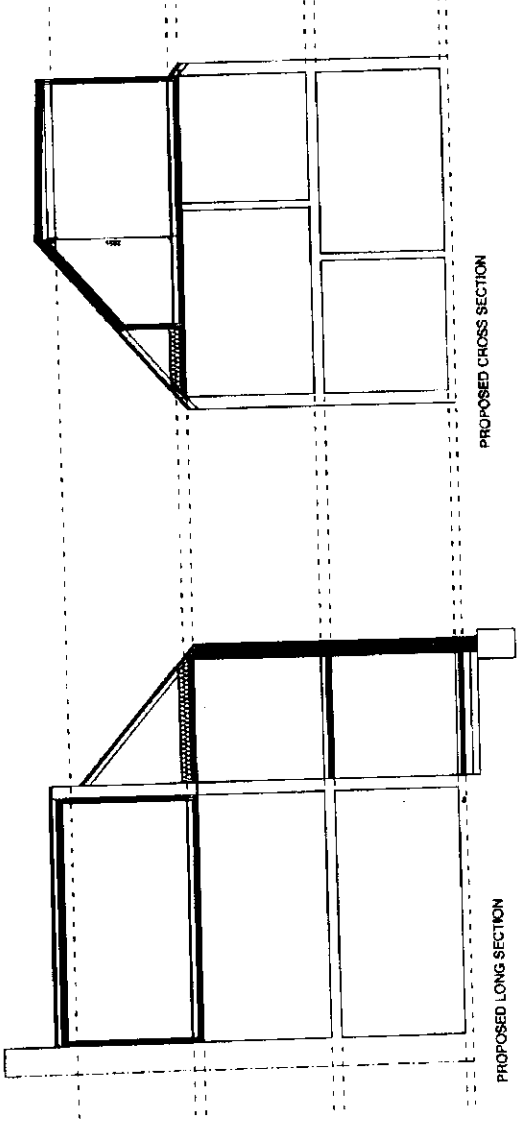
successfully into the existing design. In my opinion, due to the bulk, contrived shape and scale of the proposal, I consider that it would appear as a dominant incongruous addition, not in keeping with the traditional shape and appearance of the existing dwelling. The proposed extension would be clearly visible to a considerable extent from public view to both the front and side of the property. For the above reasons, I consider the proposal would have an adverse effect on the character and appearance of in the surrounding area, particularly to the detriment of the symmetry of the row of dwellings.

7. The Council has raised concern regarding loss of openness. From my observations, the sense of openness in this area is largely created by the adjacent public open space and the appeal site contributes little to this sense of openness. However, in the light of the harm I have identified above, I do not consider this matter justifies allowing the appeal.
8. In reaching my conclusion I have had regard to all matters raised, including the example of an extension to 14 Carlingford Gardens. This example is not directly comparable to the proposal before me as it is not an irregularly shaped extension and is not in such a prominent location. I have determined the proposal before me on its individual merits.
9. For the above reasons, the proposal would be contrary to guidance in SPG; Policies 7.4 and 7.6 in the London Plan (2015); Policy CS14 in the London Borough of Merton LDF Core Planning Strategy (2011); and Policies DMD2 and DMD3 in the Council's Sites and Policies Plan and Policies Maps (2014) where they seek to achieve high quality design and respect and reinforce local character.

*J L Cheesley*

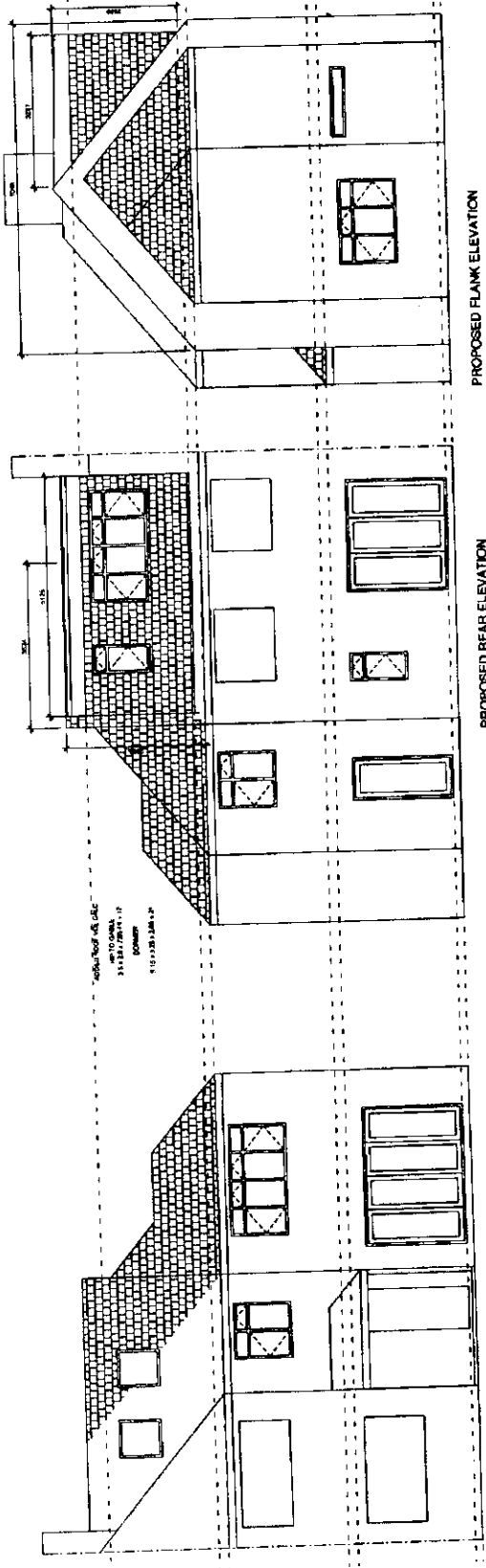
INSPECTOR

APPENDIX 2 ELEVATIONS  
 REFUSAL 16/P3826



PROPOSED CROSS SECTION

PROPOSED LONG SECTION



PROPOSED FLANK ELEVATION

PROPOSED REAR ELEVATION

PROPOSED FRONT ELEVATION

**GENERAL NOTES**

1. THE CONTRACTOR MUST OBTAIN ALL NECESSARY CONSENTS FROM THE LOCAL AUTHORITY BEFORE COMMENCING WORK.
2. ANY DISCREPANCY BETWEEN THE DRAWINGS AND THE SPECIFICATION SHALL BE REFERRED TO THE ARCHITECT FOR CLARIFICATION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS FROM THE LOCAL AUTHORITY BEFORE COMMENCING WORK.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS FROM THE LOCAL AUTHORITY BEFORE COMMENCING WORK.

SYMBOL	DESCRIPTION	UNIT
□	Concrete	
▒	Brickwork	
■	Roofing	
○	Windows	
△	Doors	
◇	Chimneys	
□	Other	

DAVID BALKING DESIGN  
 12 Oak Close, Sutton, SM1 3LD  
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 E: info@davidbalking.com  
 W: www.davidbalking.com

Location  
 29 CARLINGFORD GARDENS  
 LONDON  
 CR4 2AT

Drawing title  
**GENERAL ARRANGEMENT  
 OF PROPOSED**

Date	Scale
04/10/16	1:50 @ A1

Job no.	Dwg no.	Revision
351	201	A



APPENDIX 2 PLANS  
REFUSAL 16/P3826

- GENERAL NOTES**
1. THE CONTRACTOR MUST CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK.
  2. ALL WORK MUST BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND ALL APPLICABLE LOCAL AUTHORITY REQUIREMENTS.
  3. ALL WORK MUST BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND ALL APPLICABLE LOCAL AUTHORITY REQUIREMENTS.
  4. ALL WORK MUST BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND ALL APPLICABLE LOCAL AUTHORITY REQUIREMENTS.
  5. ALL DIMENSIONS ARE IN METERS UNLESS STATED OTHERWISE.
  6. ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE.
  7. THE CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS ON SITE AND FOR REPORTING ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY.
  8. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.

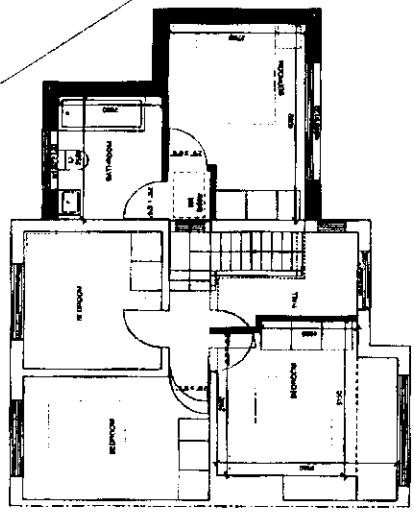
REVISED	DESCRIPTION	DATE

DAVID BALKIND DESIGN  
12 Oak Close, Sutton, SM1 3LQ  
T: 07730 443798  
E: info@dvbalkind.com  
W: www.dvbalvind.com

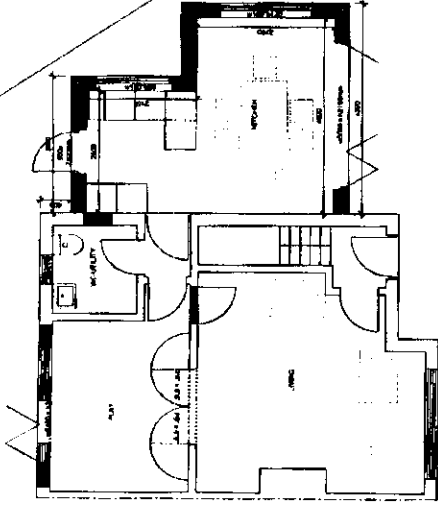
Location  
**29 CARLINGFORD GARDENS  
LONDON  
CR4 2AT**

Drawing title  
**GENERAL ARRANGEMENT  
OF PROPOSED**

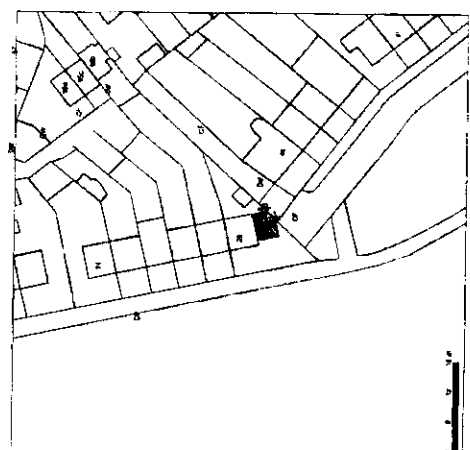
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Job no.	Prog no.	Revision
351	200	A



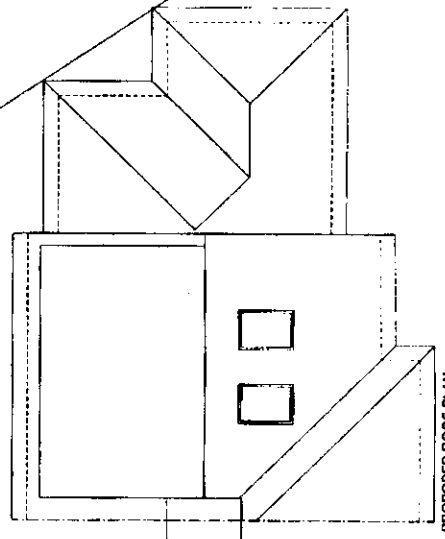
PROPOSED FIRST PLAN



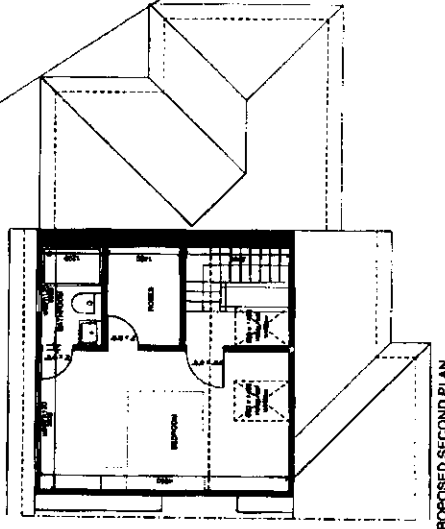
PROPOSED GROUND PLAN



PROPOSED SITEBLOCK PLAN 1:500 ©

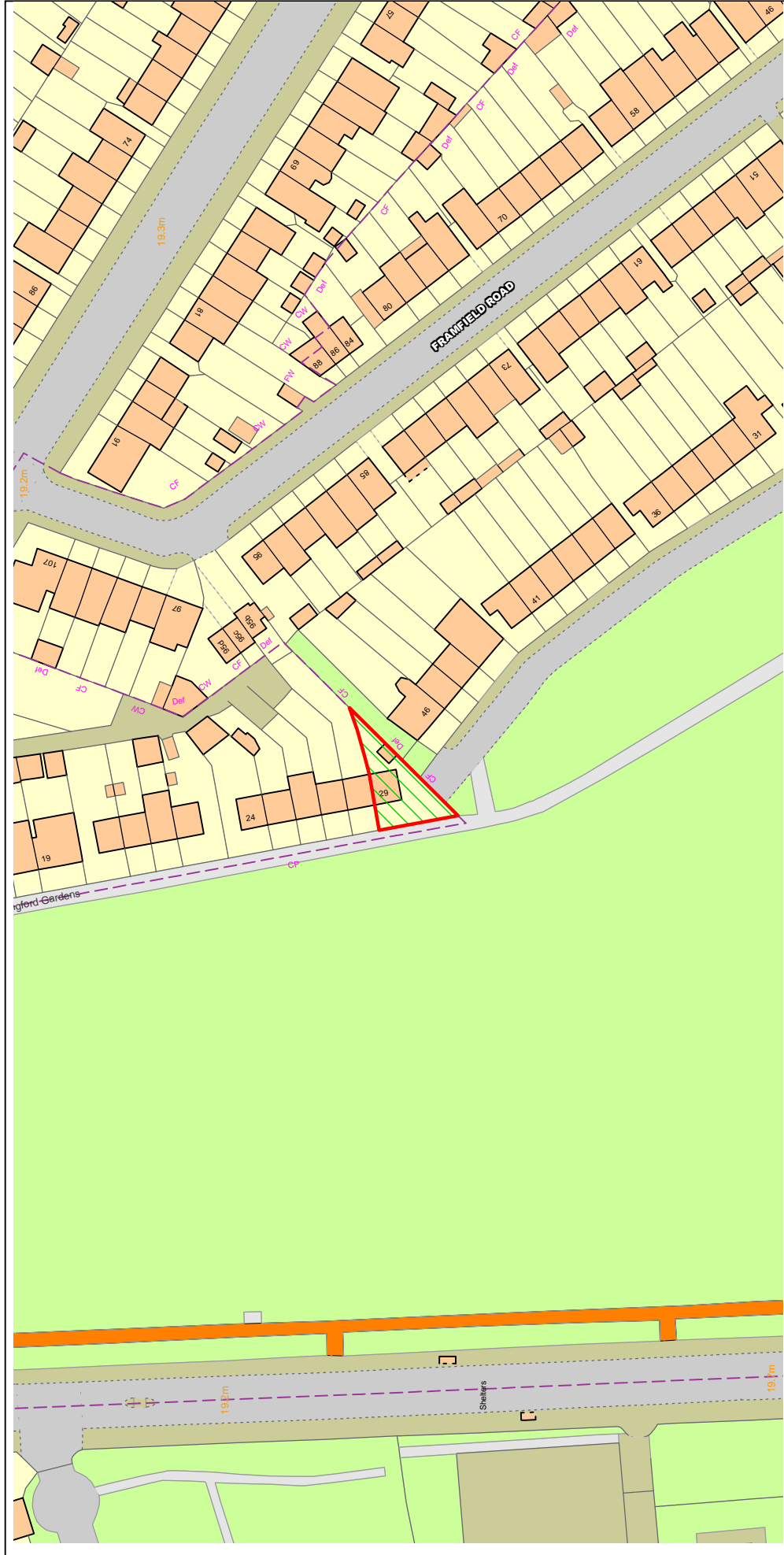


PROPOSED ROOF PLAN



PROPOSED SECOND PLAN

# NORTHGATE SE GIS Print Template



Text Details **29 Carlingford Gardens**

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## PLANNING APPLICATIONS COMMITTEE 9 FEBRUARY 2017

**APPLICATION NO.**  
16/P2011

**DATE VALID**  
17/05/2016

**Address/Site** 44A Denmark Road, Wimbledon SW19 4PQ

**Ward** Hillside

**Proposal:** Erection of a single storey extension and replacement roof involving increasing the height of the roof and excavation of the existing floor level by 350mm to accommodate mezzanine level accommodation.

**Drawing Nos** Site location plan, DR 04E, DR 05C and Design and Access Statement and Daylight, Sunlight and Overshadowing Report

**Contact Officer:** Richard Allen (8545 3621)

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### **RECOMMENDATION**

**GRANT Planning Permission subject to conditions**

---

#### **CHECKLIST INFORMATION**

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- 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: No

#### 1. **INTRODUCTION**

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

#### 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a single storey dwelling built in 1983 accessed via a pedestrian passage from Denmark Road. The building is situated in the between Denmark Road and Thornton Road and abuts the rear elevation of 44 Denmark Road and back gardens of properties in Denmark Road and Thornton Road. A communal alleyway separates the property from the front facing properties in Denmark Road and a narrow strip separates it from 21 Thornton Road. The existing building has a private strip of external courtyard that runs the length of the building bounded by a low brick wall and a timber fence and a private courtyard next to 44 Denmark Road. The existing building has a shallow mono-pitched roof constructed in concrete interlocking tiles with raised roof lights. The existing building has an 'industrial' appearance and was previously used as an office. The application site is within the Merton (Wimbledon West) Conservation Area.

### 3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a front extension onto part of the existing courtyard. The extension would comprise two single storey flat roofed 'bays' retaining a small courtyard between the two bays. The single storey bays would be 2.8 x 1.8 and 4 x 1.8 metres in area and would be 3 metres in height. It is also proposed to lower the existing floor level by 350mm in connection with the provision of accommodation at mezzanine level. In order to provide headroom for the mezzanine level accommodation it is proposed to replace the existing mono-pitched roof with a new higher dual pitched roof above 50% of the existing roof incorporating roof lights. The roof lights have been sited as high as possible to avoid potential overlooking.
- 3.2 The proposed extension would be constructed in second hand London stock brickwork and the new roof would be constructed in natural slate with red clay ridge tiles. Roof light would be of the conservation type. The existing metal gridded window on the front elevation would be replaced with a new timber sash window. The existing planting would be replaced and a new timber bin store provided. There would be no change to the access to the property.

### 4. **PLANNING HISTORY**

- 4.1 In July 1979 planning permission was granted for a change of use to offices (Ref.MER280/79).
- 4.2 In March 1982 planning permission was granted for the erection of a single storey office building (Ref.MER3/82).
- 4.3 In March 1999 planning permission was granted for the change of use from offices (B1 Use) to residential (C3 Use) involving external alterations including new windows and doors (LBM Ref.99/P0047).
- 4.4 In November 2001 planning permission was refused for a ground floor extension (LBM Ref.01/P1807). Planning permission was refused on the grounds that:-



*'The proposed extension, by reason of its height, size and siting, would constitute an inappropriate and unneighbourly form of development of the site involving the loss of the existing garden space and would be detrimental to the amenities of neighbours through the creation of an increased sense of enclosure, contrary to policies EB.18, H.14, H.20 and H.21 of the UDP (April 1996) and BE.22, BE.24 and BE.29 of the second Deposit Draft UDP (October 2000).'*

- 4.5 Also of relevance are two planning applications made for alterations and extensions to 44 Denmark Road. In February 2007 planning permission was refused for the erection of a two storey extension (LBM Ref.07/P0012) and planning permission was granted in May 2008 for the erection of a single storey rear extension (LBM Ref.08/P0768).

## 5. **CONSULTATION**

- 5.1 The application has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response 8 representations have been received. The comments are set out below:-

- The proposal would affect light to 40, 43 and 45 Denmark Road.
- The proposal would result in over development of the site.
- The extended roof would be an imposing feature at the ends of garages.
- The proposed roof would be much higher than the existing property.
- There is limited access to the site which will cause disruption during construction works.
- Denmark Road is a narrow road with limited parking.
- Building works will have an adverse impact upon neighbours.
- In the 1970's the group of buildings was ancillary to 45 Denmark Road and included a potting shed (now number 44) and workshop (now 44A). The potting shed was redeveloped and is now 44 Denmark Road. The workshop was rebuilt to create an office building, the use of which cause nuisance to residents and subsequently became a dwelling which is more acceptable. The proposal to improve the residential accommodation is therefore understandable but there is a point where these site become over developed.
- The roof extension is out of proportion to the size of the property.
- All building materials would have to be carried through the narrow alley way with associated noise and nuisance.
- The extensions would add too much bulk to the already densely developed area.
- The proposal would result in loss of privacy to 43 Denmark Road.

### 5.2 Amended Plan

Following discussion with the Conservation Officer, the design of the roof of the building has been amended. The roof extension has been reduced in length so as not to project beyond the gable ended roof of number 21

Thornton Hill. A reconsultation has been undertaken and a further 5 letters of objection have been received. The grounds of objection are set out below:-

- The occupiers of 43 and 45 Denmark Road state the despite the reduction in the length of the roof the principle grounds of objection remain. The development will see 60% of the court yard space removed and will be reduced form 10.71m<sup>2</sup> to 4.4m<sup>2</sup> thereby providing limited open space and less than the 10m<sup>2</sup> per habitable room normally required.
- The roof lights would face onto the rear elevations of properties in Denmark Road.
- The construction works may affect 44A Denmark Road.
- Construction works would affect the quality of life of neighbours and result in problems of dirt, dust blocking of traffic and parking.
- The occupier of 11 Denmark road states that only the design of the roof has changed and previous concerns remain.
- The proposed development would be visible from several properties located on Denmark road and Thornton Road and the development would damage the character of the West Wimbledon Conservation Area in terms of scale.
- The proposal would be overbearing and incompatible with its surroundings. The amount of demolition is significant and the property would be a new dwelling.
- The reduction in the size of the roof does not address the primary reasons for objecting the original proposal.

## 6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)  
CS14 (Design) and CS15 (Climate Change).

6.2 Sites and Policies Plan (July 2014)  
DM D2 (Design Considerations in all Developments), DM D2 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The London Plan (March 2015)  
The relevant policies within the London Plan are 7.4 (Local Character) and 7.6 (Architecture).

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the design, conservation and neighbour amenity issues.

7.2 Design and Conservation Issues  
The proposed single storey extension would comprise two bays each side of a small courtyard. The extensions would have an overall height of 3 metres with

a flat roof and glazed patio doors would be provided in the internal elevations opening onto a small internal courtyard. The flank wall of the single storey bays would be no higher than the existing boundary wall/fencing. A single roof light would be provided over each flat roofed bay. Although the construction of the single storey extensions would result in the loss of part of the existing amenity space, the current space is of limited use due to its long narrow shape. The current proposal would enable a living/kitchen/dining area to be provided and enlarged entrance hall whilst maintaining a small courtyard accessible from the dining/kitchen and the entrance hall of the extended property. Although extensions that result in the loss of external amenity space are not generally supported, in this instance the unusual nature of the property and the very narrow strip of external space bounded by high walls and fences, renders the external space less useful than a conventionally shaped plot and the benefits of an improved internal layout whilst maintaining a small outdoor area outweigh the loss of external space.

7.3 It is also proposed to lower the existing floor level by 350mm in connection with the provision of a mezzanine floor to provide two bedrooms within a replacement roof. The existing roof is a shallow mono-pitched structure comprising of unsightly concrete interlocking tiles with raised roof lights and has an industrial appearance and cannot be said to enhance the appearance of the conservation area. The proposed replacement dual pitch roof would be 2 metres higher than the existing roof but would be much lower than the pitched roof of 21 Thornton Road. The length of the roof extension has been reduced by approximately 50% since the original submission so as not to project beyond the gable end of the existing pitched roof to 21 Thornton Road. The new roof would be constructed of natural slate and incorporate four conservation style roof lights. The design of the extensions and replacement roof is considered to be acceptable and the proposal would accord with policies CS14, DM D3 and DM D4.

### 7.3 Neighbour Amenity

The concerns of the objectors regarding the proposal are noted. However, the applicant has undertaken a daylight/sunlight and overshadowing survey on the design of the replacement roof and the submitted report concludes that the increased height of the roof would have minimal impact upon daylight and sunlight to occupiers of neighbouring properties. The height and pitch of the replacement roof has also been designed to protect light to the existing roof light within the rear roof elevation of 21 Thornton Road. Roof lights within the new roof to 44A have also been designed to be high level and therefore restrict views in order prevent overlooking and/or loss of privacy. A number of residents have raised concerns regarding potential noise and nuisance during construction works due to the limited access to the site (which is via a pedestrian pathway onto Denmark Road). However, hours of construction and site working arrangements can be controlled by planning conditions in order to protect neighbour amenity. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

8. **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.

9. **CONCLUSION**

9.1 The design of the proposed extensions and alterations (with the reduction in length of the roof extension) are considered to be acceptable and the proposal would preserve and enhance the character and appearance of the Merton (Wimbledon West) Conservation Area. In terms of neighbour amenity, the applicant has demonstrated that the proposal would not result in loss of daylight or sunlight to occupiers of neighbouring properties and planning conditions can be protected neighbour amenity during construction works. Accordingly it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

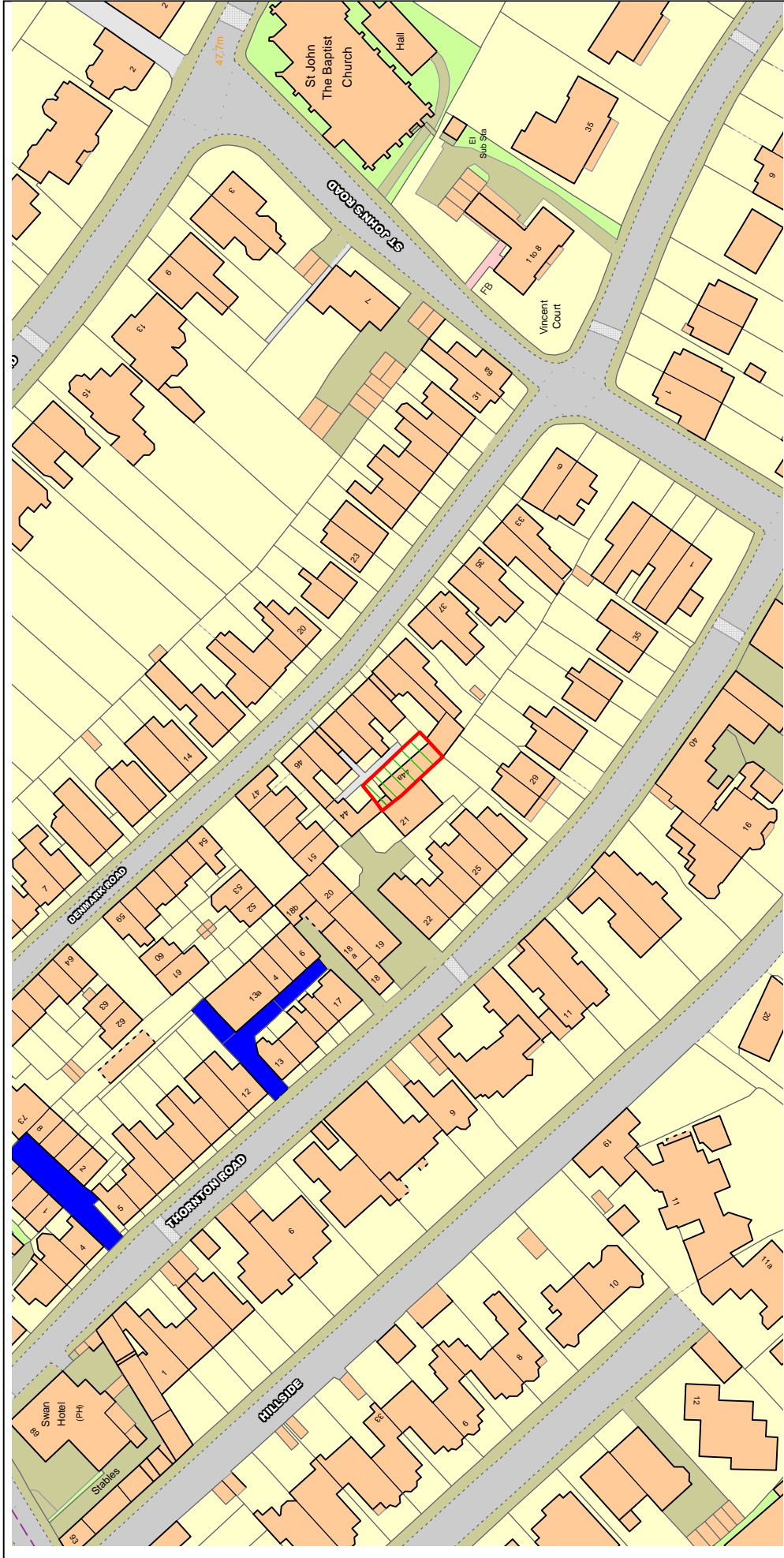
And subject to the following conditions:-

1. A.1 Commencement of Development
  2. A.7 Approved Drawings
  3. B.1 (Approval of Facing Materials)
  4. C.2 (No Permitted Development Doors/Windows)
  5. D.11 (Construction Times)
  6. H.9 (Construction Vehicles)
  7. INF.1 (Party Wall Act)
- 

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 9 FEBRUARY 2017

**APPLICATION NO.**  
16/P4355

**DATE VALID**  
07/11/2016

**Address/Site:** Land Adj. to 5 Hillview, West Wimbledon, SW20 0TA

**Ward** Village

**Proposal:** Variation of condition No.2 (proposed drawings) attached to LBM Ref: 15/P3760 regarding the erection of a two-storey end of terrace building to create two self-contained two bedroom flats.

**Drawing Nos:** P-01(C), P-02(C), P-03(A), P-04(A), P-05(C), P-06(C), P-07(A), P-08(C) & Construction Method Statement (Rev 2, dated January 2017, Ref: 12963)

**Contact Officer:** David Gardener (0208 545 3115)

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### **RECOMMENDATION**

**GRANT Variation of Condition 2.**

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### **CHECKLIST INFORMATION**

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 21
- External consultations: None

### **1. INTRODUCTION**

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

### **2. SITE AND SURROUNDINGS**

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

### **3. CURRENT PROPOSAL**

- 3.1 The current application is to vary condition No.2 (approved drawing numbers) from LBM Ref: 15/P3760 which relates to the erection of a two-storey end of terrace building to create two self-contained flats. The application is to replace the current approved drawings with a new set of drawings showing amendments to the originally approved scheme. The current approved condition reads as follows:

*“ The development hereby permitted shall be carried out in accordance with the following approved plans: P-01(A), P-02(A), P-03(A), P-04(A), P-05(A), P-06(A), P-07(A), P-08(A) & Construction Method Statement (Rev 1, dated January 2016, Ref: 12963) ”*

It is proposed to amend the condition so that it reads as follows:

*“ The development hereby permitted shall be carried out in accordance with the following approved plans: P-01(C), P-02(C), P-03(A), P-04(A), P-05(C), P-06(C), P-07(A), P-08(C) & Construction Method Statement (Rev 2, dated January 2017, Ref: 12963) ”*

- 3.2 The current approved scheme proposes two self-contained flats with the lower ground floor flat comprising one bedroom and the upper flat comprising two bedrooms. The proposal is to increase the number of bedrooms in the lower ground floor flat to two (4 person). The additional bedroom would be located under the off-street car parking space to the upper flat on the north side of the building. The bedroom would feature a sliding door with direct access onto an external terrace. No other amendments are proposed to the development.



#### **4. PLANNING HISTORY**

The following planning history is relevant:

- 4.1 MER141/73 - Conversion of garage to flat and erection of two garages. Granted - 11/04/1973
- 4.2 15/P2987 - Erection of a two-storey end of terrace house on land adjacent to 5 Hillview. Registered
- 4.3 15/P3760 - Erection of a two-storey end of terrace building to create 2 new flats. Granted - 01/08/2016

#### **5. POLICY CONTEXT**

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):  
DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure)
- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are:  
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan 2015, as updated by the Minor Alterations (Housing Standards), March 2016 are:  
3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction)
- 5.4 The following Merton Supplementary Planning Guidance (SPG) is also relevant: New Residential Development (September 1999) and the Mayor's Housing SPG (March 2016)

#### **6. CONSULTATION**

- 6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, 6 letters of objection have been received including a letter of objection from the Residents Association of West Wimbledon (RAWW). The letters of objection are on the following grounds:
  - Drainage (ground and surface water flows), subsidence and damage to neighbouring properties
  - The building would be an incongruous feature given its prominent location
  - Untidy state of current site
  - Overdevelopment of site
  - Lack of sunlight, daylight and poor living conditions for future occupiers

- The proposed bedroom would exceed 50% of the front garden of the property

## **7.0 PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this instance concern the standard of accommodation, design and the impact of the development on ground and surface water flows and highways/parking.

### **7.2 Design and Impact on street scene**

7.2.1 The insertion of a sliding glass door fronting the terrace at the front of the building is the only external alteration to the building proposed. This is considered to be acceptable given it is only a very minor alteration to the proposed buildings appearance combined with the fact that it is located at lower ground floor level, which means it would be mostly screened from public view. The proposed amendment would therefore comply with policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

### **7.3 Standard of Accommodation**

7.3.1 Policy 3.5 of the London Plan 2015, as updated by the Minor Alterations Housing standards (March 2016) and the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' set out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

7.3.2 The flat would have a GIA of 71.5sqm, which would meet the minimum gross internal floor area required by policy 3.5 of the London Plan and the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' which is 70sqm. The applicant has also provided a daylight/sunlight analysis which shows that the lower ground floor flat including the proposed additional bedroom would receive adequate levels of daylight/sunlight. In terms of private amenity space, policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) requires for a flatted developments, a minimum of 5sqm of private amenity outdoor space for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. It is considered that the proposed lower ground floor flat, which features two separate private amenity

spaces to the north and west side of the building, each exceeding the minimum space requirement would comply with this policy. It is therefore considered that the proposed lower ground floor flat is acceptable in terms of the standard of accommodation it would provide.

## **7.5 Basement Construction**

- 7.5.1 The applicant has provided a Construction Method Statement and construction sequence of a typical underpin and this is considered to be acceptable. The applicant has also provided a ground investigation report which includes details of the results from a borehole which did not encounter any groundwater. The borehole was however undertaken in August and it winter readings from a monitoring standpipe would be likely to show a higher level. The Construction Method Statement states that the proposed amount of permeable area is increased from the existing 50sqm to 77.5sqm. It is considered that all permeable areas should therefore not be lined (through construction of the basement slab) to allow appropriate infiltration and to ensure that there is no increase in runoff from the application site. Due to the topography of the area, it is recommended that passive drainage measures are incorporated around the lower ground floor structure to reduce the risk of rising ground water.
- 7.52 The surface and foul water drainage in this location is via a shared pipe network running along Hillview ending at No.5 before entering the Thames sewer network. It is therefore the responsibility of the applicant to seek the necessary approvals from Thames Water and to ensure all surface and foul flows are maintained in perpetuity.
- 7.53 The council's structural and flood engineers have assessed the proposal and are satisfied with the details submitted subject to the imposition of suitable conditions on any planning approval requiring a detailed scheme for the provision of surface water drainage and a detailed construction method statement to be submitted and approved by the LPA prior to commencement of development. It is therefore considered that the proposal would accord with policies DM D2 and DM F2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

## **7.6 Parking and Traffic**

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

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

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

**9. LOCAL FINANCIAL CONSIDERATIONS**

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

**10. CONCLUSION**

10.1 It is considered that the proposed amendment to add a further bedroom to the lower ground floor flat is acceptable in terms of design, standard of accommodation and impact on traffic/parking and groundwater and surface water flows. The proposal would accord with all relevant local, regional and national planning policies and as such a variation of condition should be granted.

**RECOMMENDATION**

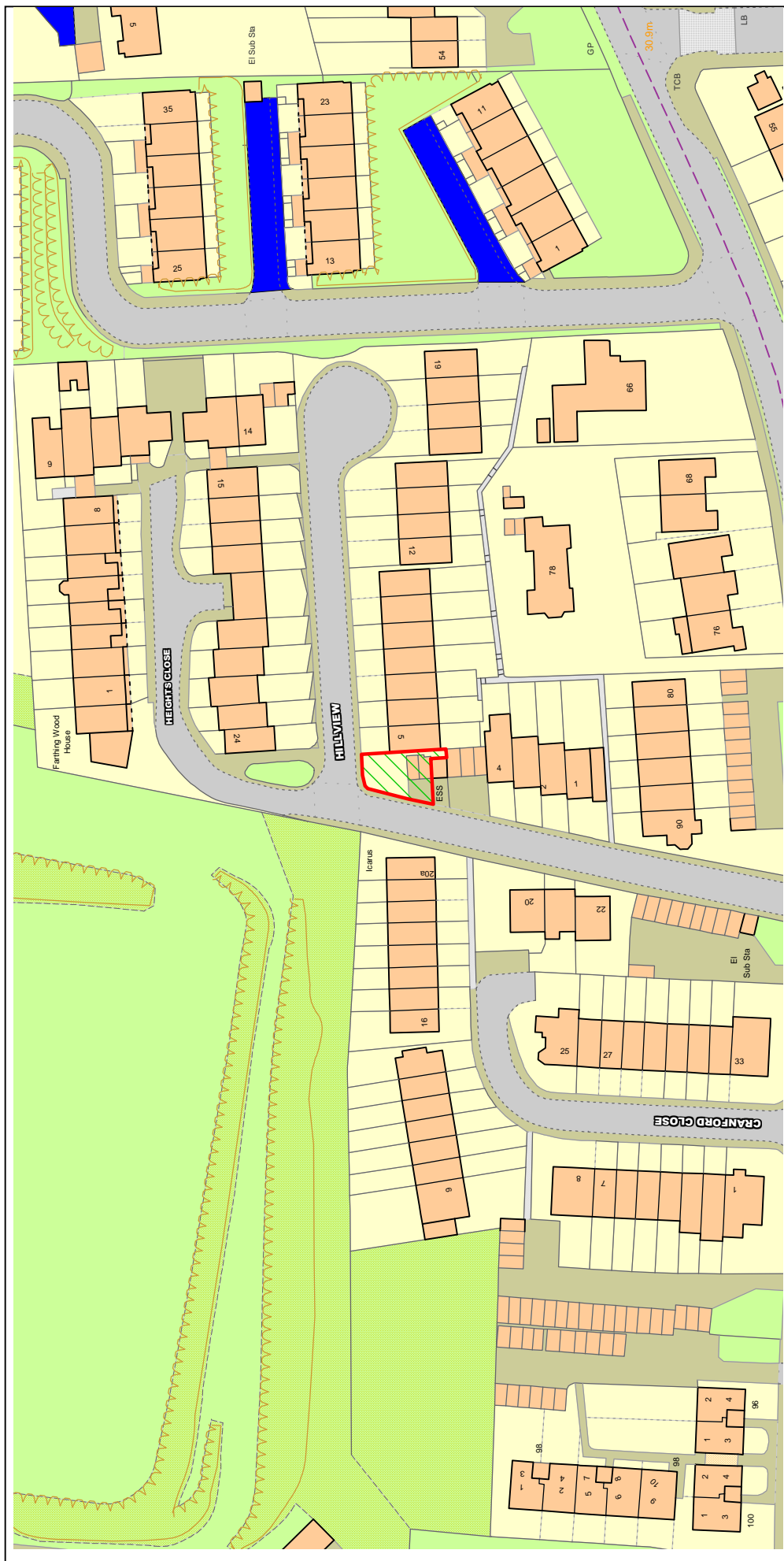
**GRANT Variation of Condition 2**

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# NORTHGATE SE GIS Print Template



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## PLANNING APPLICATIONS COMMITTEE 09 FEBRUARY 2017

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
16/P4810	13/12/2016
<b>Address/Site</b>	134 Merton Road, South Wimbledon, SW19 1EH
<b>Ward</b>	Trinity
<b>Proposal:</b>	Demolition of existing two storey rear outbuilding and covered workshop area and two storey outrigger attached to main building. Change of use of ground floor to flexible uses including A1/A2/B1a. Rebuilding of outrigger at a greater width and addition of mansard roof extensions to the main roof and to part of the outrigger to enlarge the existing residential unit. Alterations to existing pedestrian access points.
<b>Drawing Nos</b>	16.8705.01, 16.8705.02, 16.8705.03, 16.8705.04F, 16.8705.05F, 16.8705.06C, 16.8705.07D and 16.8705.08B.
<b>Contact Officer:</b>	Tim Lipscomb (0208 545 3496)

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### **RECOMMENDATION**

**Grant planning permission subject to planning conditions.**

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### **CHECKLIST INFORMATION**

- Heads of Agreement: No
- 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: 6
- External consultations: No
- Controlled Parking Zone: Yes (3F)
- Flood Zone: Flood Zone 1 (Low risk)

- Conservation Area: No
- Listed Building: No
- Protected trees: No
- Public Transport Access Level: 4

## 1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received. In addition, the application is brought to the Committee at the request of Councillor Latif.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises 'Top Gear Motors UK', a retail unit which sells tyres, car paint and has a tyre fitting/repair workshop to the rear of the site. The lawful use is a mixed use of Use Class A1 (Car Accessories Shop) and Use Class B1 (Tyre Fitting Place). It is located on the corner of Merton Road and Ridley Road.
- 2.3 The building is an end-of-terrace building with a substantial two-storey gabled ended outrigger shared between No.134 and Nos.136/136a. The curtilage of No.134 is almost entirely covered in buildings. To the rear part of the site is a two-storey storage building and a single storey workshop linked to the main building.
- 2.5 There is a self-contained, two bedroom flat at first floor level above the retail shop, accessed from Ridley Road.
- 2.6 The main building fronting Merton Road is part of a continuous commercial parade running from Ridley Road to Quicks Road. A restaurant immediately adjoins the application site retail unit. On the opposite of the Ridley Road junction, facing the application site is a dentist at ground floor with a three storey block of flats accessed from Ridley Road. Beyond the commercial units on the corners with Merton Road, Ridley Road is wholly residential. A church and hotel stand opposite the site on Merton Road. The majority of commercial units have flats above and beyond the commercial units is predominantly residential.
- 2.7 The site is not located within a Conservation Area. The building is not locally or statutorily listed. The site is within Flood Zone 1 (low probability of flooding).

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is to demolish the existing two storey rear outbuilding and covered workshop area and two storey outrigger attached to the main



- building, change the use of the entirety of the ground floor, to a flexible use incorporating A1/A2/B1a uses. The scheme involves the erection of single and two storey extensions to the rear to create an office space (to serve the flexible use below), and rebuild the two-storey outrigger at a greater width and with the addition of mansard roof extensions to the main roof and to part of the outrigger to enlarge the existing residential unit (to form a 2 bed/4 person unit). The existing shop front would be retained.
- 3.2 The extension to the rear of the site would form a new two-storey element, following the demolition of the existing two-storey outbuilding to the rear part of the site. This two-storey extension would be linked to the main building by way of a ground floor link extension. The two-storey element would have a gabled roof and would stand at a height of 5.4m, to the ridge, and 4.4m to the eaves. The commercial unit formed would be directly accessed from Ridley Road on foot. It would have windows facing Ridley Road as well as windows looking into an internal 10 sq. m courtyard. The courtyard would accommodate bin and bike storage.
- 3.3 The extension to the rear of the main building would enlarge the floor area at first floor by replacing the existing two-storey out-shot with a marginally wider out-shot (also with a mono-pitch roof). At second floor level, a rear mansard is proposed to the main roof and another mansard over the first floor rebuilt outrigger with two rooflights to the front elevation. A roof terrace of 10sqm would be provided at first floor level with a privacy screen running along the side boundary (south), which would be constructed from obscured glass. Bin storage and bicycle storage, for two bicycles, is shown for the split level first and second floor flat, located in the entrance hall at ground floor level.
- 3.4 The entrance to the flat would be located to the side of the building, leading directly onto Ridley Road. The bin store entrance would also lead directly onto Ridley Road.
- 3.8 The extensions would be constructed in brick with slate clad roof extensions.
- 3.9 No off-street car parking is proposed.
4. **PLANNING HISTORY**
- 4.1 WIM2591 – Use of shop premises in connection with a motor cycle dealer and the sale of spares. Grant Permission subject to conditions 13-01-1956
- 4.2 MER782/67 - Display of single sided illuminated fascia sign over entrance and double sided illuminated projecting box sign at fascia level fronting Merton Road. Grant Permission subject to Conditions 26-10-1967.

- 4.3 88/P0160 - Installation of new externally illuminated fascia sign on premises (sign "a"). Grant Permission (subject to conditions) 12-04-1988.
- 4.4 16/P1872 - Demolition of existing two storey rear outbuilding and covered workshop area and two storey outrigger attached to main building. Change of use of part of ground floor and erection of single and two storey extensions to create a new 2 bed residential unit. Rebuilding of the outrigger at a greater width and addition of mansard roof extensions to the main roof and to part of the outrigger to enlarge the existing residential unit. Alterations to existing pedestrian access points. Refused at Planning Applications Committee 30-11-2016 for the following reason:
1. The proposed development would result in the loss of a scattered employment site, by virtue of the loss of the existing car repair workshop (Use Class B2), which is the main business on the site rather than being ancillary to the retail use, and is therefore contrary to Policy DM E3 of the Sites and Policies Plan 2014, which resists the loss of scattered employment sites except where certain criteria are met, and there is no evidence to suggest that any of the criteria are met.

## 5. **CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Six letters of objection have been received, objecting on the following grounds:
- Loss of the tyre fitting business, which is the primary existing use of the ground floor and provides an important local service and has been thriving for the past 12 years.
  - There are many empty A1 units in Merton Road.
  - Increase in traffic from additional flat.
  - Loss of sunlight and flow of fresh air to the rear area of No.136, which soon may be used as an outside dining area and also to No.136a.

### 5.2 Transport Planning:

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 3 cycle parking spaces (2x resi, 1x commercial). This development proposes 5 which is in excess of London plan levels and is welcomed. Cycle parking for each of the uses should be segregated.

No designated off street car parking has been provided in association with the proposal. The development is located within a Controlled Parking

Zone 3F. Given the small size of development it is unlikely that more than two further vehicles will be generated by the new residential use(estimated using 2011 census car ownership data), these future vehicles can be accommodated on street comfortably. In this instance there is no need to cap or exempt future residents of the proposed development from applying for a parking permit.

The PTAL is 4 (good) however the PTAL ramps up to 6a (excellent) within a 5 minute walk of the site with Bus, Train, Tram and Tube available within the PTAL calculation area.

The proposed development will not generate a significant negative impact on the surrounding highway network, as such a recommendation for approval is supported.

### 5.3 Climate Change Officer:

- Having reviewed this application I note that the proposal is for an extension to the existing 1-bed and alterations and extensions to the commercial uses on the ground floor.
- As the proposal is restricted to the enlargement of the current first floor dwelling, and the ground commercial floor space falls below the 500m2 threshold for BREEAM, there are not any specific climate change policy requirements that the development should meet. I therefore have no further comment regarding this proposal.

## 6. POLICY CONTEXT

6.1 The relevant policies within the Adopted Sites and Policies Plan (July 2014) are:

DM H2	Housing mix
DM E3	Protection of scattered employment sites
DM R3	Protecting corner/local shops
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards

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

CS8	Housing Choice
CS9	Housing Provision
CS11	Infrastructure
CS14	Design
CS15	Climate Change
CS16	Flood Risk Management
CS18	Active Transport
CS19	Public Transport
CS20	Parking, Servicing and Delivery

6.3 Merton's Supplementary Planning Guidance/Documents:

Merton's New Residential Development SPG 1999  
Merton's Design SPG 2004

6.4 The relevant policies in the London Plan (2015) policies (as amended by Minor Alterations to the London Plan March 2016) are:

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.8	Housing choice
3.9	Mixed and balanced communities
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.7	Renewable energy
5.13	Sustainable drainage
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.2	An inclusive environment
7.3	Designing out crime
7.4	Local character
7.6	Architecture
7.14	Improving air quality

6.5 Mayor's Housing SPG March 2016.

6.6 DCLG: Technical housing standards - nationally described space standard March 2015.

6.7 National Planning Policy Framework (2012).

## 7. PLANNING CONSIDERATIONS

7.1 The main planning considerations concern the principle of the demolition, the loss of the existing commercial use and its replacement with a flexible use incorporating A1/A2/B1a uses, the design of the proposed development, together with neighbouring amenity, standard of accommodation, highway considerations and sustainability issues.

### 7.2 Principle of development

7.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

### 7.4 Previous refusal

7.5 The proposal is a revision of refused application ref. 16/P1872. The built form proposed would be similar to the refused scheme, with the fundamental difference being that the current scheme would provide a flexible use incorporating A1/A2/B1a uses at ground floor level, whereas the previous scheme involved the loss of the existing workshop and the provision of two additional residential flats at ground floor level, with an A1 retail use retained to the frontage of the site. In order for the current proposal to be considered acceptable in planning terms it must overcome this reason for refusal (and also be acceptable in its own right).

### 7.6 Loss of existing use and existing specific occupier/tenant

7.7 The site currently accommodates 'Top Gear Motors UK' a retail shop selling car accessories with a tyrefitting/minor repair workshop to the rear. The site visit has shown that 'Top Gear Motors UK' and the workshop are a single planning unit. They are internally connected. The agent has also provided a copy of the lease which confirms that the unit is leased and operated as a single business.

7.8 The existing use comprises a retail unit (Use Class A1) and a car repairs workshop (Use Class B1). The existing use appears to have been in place for over ten years. It is not clear exactly when the use as a minor repair garage commenced. However, the plans for advertisements under application ref. MER782/67 show the proposed sign to read "Motor Tyre Service Ltd", which would suggest that the premises were, at least in part, used as a tyre fitting place. Application WIM2591 permitted the use of the shop in connection with a motor cycle dealer and for the sale of spares. In any event, as the existing use has been in place for over ten years it is a

lawful A1 use to the frontage and B1 use to the rear of the site. There are no planning conditions restricting the specific use within these Use Classes and as such the premises could currently operate under a range of retail uses and a range of business uses (office, research and development, light industrial uses etc). Therefore, the premises could currently be used for a range of other commercial uses without the need for planning permission.

7.9 Policy DM E3 (Protection of scattered employment sites) states:

- a) *Proposals that result in the loss of scattered employment sites will be resisted except where:*
  - i. *The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;*
  - ii. *The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,*
  - iii. *It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months (2½ years).*
  
- b) *If proposals do not meet policy requirements DM E3 (a) (iii) above, the council will seek measures to mitigate against the loss of employment land. Such measures may include:*
  - i. *Providing employment, as part of a mixed use scheme on-site; or,*
  - ii. *Providing alternative sites for employment use (for instance, 'land swaps').*

7.10 Therefore, whilst the proposal would result in the loss of the existing tyrefitting/minor repairs workshop and the existing occupier, the proposal would be acceptable when assessed against Policy DM E3 as the proposed development provides employment as part of a mixed use scheme. Planning control extends only to the use of the site and there is no control, in planning terms, over the specific tenant or occupier. Therefore, it would not be reasonable, under planning legislation, to refuse the application based on the loss of the specific existing tenant, when a suitable commercial use would be retained.

7.11 The proposal also involves the loss of the existing A1 use to the frontage of the site and its replacement with a flexible use incorporating A1/A2/B1a uses. Policy DM R3 (Protecting corner/local shops) states:

*In predominantly residential areas, outside town centres and*

*neighbourhood parades, to ensure that there are convenience shopping facilities and other services located within walking distance of all residents in Merton, the council will seek to protect corner/local shops for which there is need, by:*

*a) Permitting the change of use of a corner/ local convenience shops (A1 Use Class) to a wide range of uses including retail (A1), businesses (A2 and B1 [a] Use Class), cafes and restaurants (A3), public houses (A4), hot food takeaways (A5), health and community uses (D1), where:*

*i. There are alternative convenience shops located within 400 metres;*

*ii. The proposal will have no significant adverse effects on the amenities of nearby residents, road safety, traffic movements or car parking impacts; and,*

*iii. Independent access to upper floors is ensured.*

7.12 The existing shop, selling motor parts, is a local shop but it is not a convenience shop (it does not sell convenience goods). However, in any event, there are alternative convenience shops within 400m of the site. The change of use from A1 retail to a flexible use incorporating A1/A2/B1a uses would have no discernible impact on residential amenity or traffic impacts. In addition, independent access to upper floors would be ensured with the proposed layout. Therefore, there is no conflict with Policy DM R3.

7.13 The principle of development is therefore considered to be acceptable, subject to compliance with other relevant Development Plan policies.

#### 7.14 Character of the Area

7.15 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports this SPP Policy.

7.16 The built form proposed is, externally, identical to the built form proposed under the previous application ref.16/P1872, to which the Council raised no objection. Therefore, it would not be reasonable to raise objection to the visual impact of the scheme under the current assessment and officers consider that the visual impact of the proposed development would be acceptable.

#### 7.17 Neighbouring Amenity

7.18 Policy DM D2 seeks to ensure that development does not adversely

- impact on the amenity of nearby residential properties.
- 7.19 The use of the ground floor as a flexible use incorporating A1/A2/B1a uses would not have a greater impact on neighbouring amenity than the existing retail use and workshop activities.
- 7.20 The built form proposed is, externally, identical to the built form proposed under the previous application ref.16/P1872, to which the Council raised no objection. Therefore, it would not be reasonable to raise objection on the impact on neighbouring amenity under the current assessment, as it would have no greater impact than the previous application.
- 7.21 The proposal is considered to not result in material harm to neighbouring amenity and is considered to comply with Policies DM D2 and DM D3 in regards to neighbouring amenity.
- 7.22 Standard of accommodation
- 7.23 London Plan Policy 3.5, as amended by Minor Alterations to the London Plan (March 2016) states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards - nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.
- 7.24 The detailed design of the proposed development should have regard to the requirements of the London Plan (2015), as amended by Minor Alterations to the London Plan March 2016, the Mayor's Housing SPG 2016 and the DCLG publication: Technical housing standards - nationally described space standard March 2015, in terms of unit and room sizes and provision of external amenity space.
- 7.25 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.
- 7.26 The London Plan and the DCLG publication: 'Technical housing standards - nationally described space standards' March 2015, requires a minimum of 79sqm floorspace for a 2 bed/4 person unit, when set over two floors. The resultant 2 bed/4 person unit would have a floor area of 79sqm, meeting the required minimum standards (The submitted plans state a



- GIA of 73sqm but this does not include the area covered by staircases, therefore, the overall GIA of the unit would be 79sqm). The flat would also have the required 2sqm of built-in storage space.
- 7.27 The Council's adopted standards for amenity space would require 7sqm for the expanded 2 bed/4 person flat. The expanded flat, which currently has no amenity space, would have a 10sqm roof terrace. Therefore the provision of external amenity space would be in accordance with the Council's standards.
- 7.28 There is also a courtyard garden at ground floor level. However, this would not serve a residential use.
- 7.29 The standard of accommodation is considered to be acceptable.
- 7.30 Highway, traffic and parking considerations
- 7.31 The site has a PTAL rating of 4. The proposed flexible use at ground floor level incorporating A1/A2/B1a uses would not create a greater demand for off-street parking than the existing retail unit and workshop and a non-provision of off-street parking would be acceptable in this location for this amount of floor space under the maximum parking standards of the London Plan.
- 7.32 There would be no increase in the number of residential units on the site and as such there is no requirement for the residential unit to be made permit free, (meaning the Council would not allow the occupants of the flat to be eligible for an on street parking permit in this area).
- 7.33 Core Strategy Policy CS 18 promotes active means of transport. The enlarged flat would be provided with secure, easily accessible bike storage and this will be required by condition. The flexible use at ground floor level incorporating A1/A2/B1a uses would also be served by bicycle parking in excess of the minimum requirements.
- 7.34 The proposal is considered to be acceptable in terms of highway impacts.
- 7.35 Refuse and recycling
- 7.36 The expanded flat and the commercial unit would be provided with off-street refuse and recycling storage. A condition can be imposed to ensure that these refuse and recycling storage facilities are provided.
- 7.37 Sustainable design and construction
- 7.38 New buildings must comply with the Mayor's and Merton's objectives on

carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.

7.39 As the proposal is restricted to the enlargement of the current first floor dwelling, and the ground commercial floor space falls below the 500sqm threshold for BREEAM, there are not any specific climate change policy requirements that the development should meet.

7.40 Therefore, the proposal is considered to be acceptable in terms of sustainable design and construction and would comply with Policy DM H4 in this regard.

#### 7.41 Community Infrastructure Levy

7.42 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.

7.43 Merton's Community Infrastructure Levy was implemented on 1 April 2014. This will enable the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which pooled developer contributions towards providing the necessary infrastructure should be collected except for affordable housing. The development will also be liable to pay the Merton CIL.

#### 7.44 Other matters

7.45 The objections received primarily are concerned with the loss of the existing tyrefitting/garage service. However, as set out above, planning policies are based on land uses and not specific individual tenants. Therefore, whilst the loss of the existing tenant may be regrettable to objectors, the proposal meets with the relevant planning policies and there is no planning control regarding the specific occupier.

7.46 The concerns relating to an impact on sunlight and free flow of fresh air to Nos.136 and 136a are noted. However, the relationship would be the same as in the previous application (16/P1872) which was found to be acceptable. In addition, no planning permission currently exists for the

area to the rear of No.136 to be used as external dining serving the restaurant. Any subsequent application would be assessed on its merits.

## **8 CONCLUSION**

- 8.1 The proposal has overcome the previous reason for refusal under application ref. 16/P1872. The concerns of the objectors regarding the loss of the existing occupier have been carefully considered, however, as set out above, there would be no conflict with the requirements of Policy DM E3. The proposal would also comply with Policy DM R3 and as such the principle of development is considered to be acceptable.
- 8.2 The external built form of the proposed development would be identical to the previous proposal which was considered to be acceptable in terms of visual and residential amenity and as such no objection is raised on this basis.
- 8.3 In addition, the proposal is acceptable in terms of the standard of accommodation and parking and highway impacts. The application is, therefore, recommended for approval subject to suitable conditions.

## **RECOMMENDATION**

**Grant planning permission subject to planning conditions.**

### **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.

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

2. A7: The development hereby permitted shall be carried out in accordance with the following approved plans: 16.8705.01, 16.8705.02, 16.8705.03, 16.8705.04F, 16.8705.05F, 16.8705.06C, 16.8705.07D and 16.8705.08B.

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

3. B3: The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to

comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. C07: No part of the development hereby approved shall 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.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

5. C08: Access to the flat roof of the development hereby permitted, other than the identified roof terrace shown on drawing number 16.8705.04F shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

6. C09: The screening or enclosure to the balcony as shown on the approved plans shall be implemented before the development is first occupied and retained permanently thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

8. F09: The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use.

Reason: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance 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 F2 of Merton's Sites and Policies Plan 2014.

9. H10: Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
- (i) Parking of vehicles of site workers and visitors;
  - (ii) Loading and unloading of plant and materials;
  - (iii) Storage of construction plant and materials;
  - (iv) Control of dust, smell and other effluvia;
  - (v) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

10. H06: No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

11. H14: The external doors of the development hereby approved shall not open over the adjacent highway.

Reason: In the interests of the safety of pedestrians and vehicles and to

comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

12. D10: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

13. C04 Obscured Glazing (Opening Windows). Before the development hereby permitted is first occupied, the wet room window in the second floor of the rear facing elevation shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

#### Informatives:

1. INFORMATIVE  
This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.
2. INFORMATIVE  
The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:  
<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>
3. INFORMATIVE  
Advice regarding permeable and porous hardstandings can be found in the document 'Guidance on the Permeable Surfacing of Front Gardens'

available at

<http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

4. INFORMATIVE

Evidence requirements relating to sustainability are detailed in the "Schedule of Evidence Required - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

5. INFORMATIVE

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).

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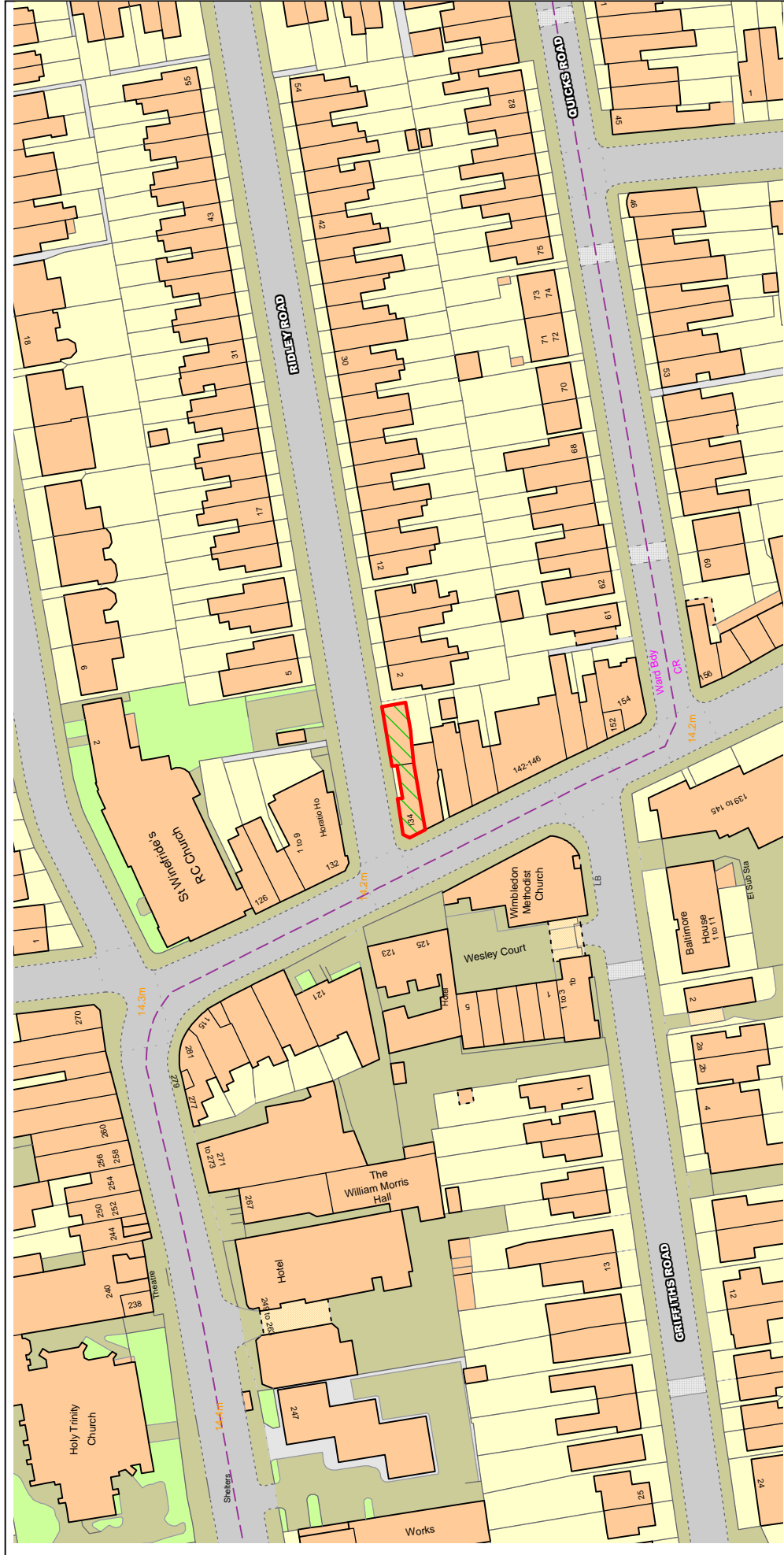
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## PLANNING APPLICATIONS COMMITTEE 9 FEBRUARY 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4366	07/11/2016
<b>Address/Site:</b>	3 Pincott Road, South Wimbledon, London, SW19 2XF.
<b>Ward:</b>	Abbey.
<b>Proposal:</b>	Change of use from a former Metropolitan Police Safer Neighbourhood unit (B1a Business Use Class) to a Community Centre (D1 Non Residential Institute Use Class).
<b>Drawing No.'s:</b>	Site & Location Plan (received 07.11.2016), Floor Plan - Existing (received 07.11.2016), Floor Plan - Proposed (received 07.11.2016), Elevations (received 07.11.2016).
<b>Contact Officer:</b>	Anna Turner (020 8545 3232).

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### RECOMMENDATION

**Grant planning permission subject to conditions.**

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### 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: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 85
- Controlled Parking Zone: No
- Flood zone: No

#### **1. INTRODUCTION**

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

#### **2. SITE, SURROUNDINGS AND BACKGROUND**

- 2.1 The application site comprises of a three story building with a vacant ground level and residential flats occupying floors one and two. The site is situated approximately 50m south of Merton High Street in South Wimbledon, located between Pincott Road and Doel Close on the High Path residential estate. The area is characterised as residential and the site is bordered by residential dwellings.

- 2.2 The site is within the Merton Archaeological Priority Area Tier 2 (indicating the presence Tier 2 or likely presence of heritage assets of archaeological interest). The site is currently vacant and was previously occupied by the Metropolitan Policy Safer Neighbourhood facility which closed in 2013.
- 2.3 South Wimbledon is the closest underground station, located approximately 250m to the west of the site, and Morden Road tram stop is less than 1km away from the southern end of Pincott Road. Pincott Road is a public highway with metered parking operating between 8:30am-6:30pm. To the rear of the site, Doel Close is a cul-de-sac with private parking enforcement that restricts parking to residents (permit holders). The site is well serviced by public transport with a PTAL rating of 4 and adjacent to PTAL 6.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the change of use of the ground floor of the building from use class B1A (Business - as an office other than a use within class A2) to D1 (Non-residential institutions) for use as a community centre providing a meeting room and two function rooms to be used by a range of uses, including fitness, martial arts and faith groups.
- 3.2 The proposal would enable High Path Community Centre, currently located at 63 High Path, to relocate to 3 Pincott Road. The first and second floors of the building are occupied by residential flats and the proposal is not seeking amendments to these floors.
- 3.3 The applicant has advised that the site will primarily be used by non-casual users, with up to eight regular bookings per week. User group sizes will range on average from approximately 10-20 people. The applicant has also advised that any larger group activities requiring greater space will take place in the school hall at the All Saints Primary School which is approximately a 12 minute walk away.
- 3.4 No material external alterations or ground works are proposed and the applicant seeks minor internal non-structural alterations to the ground floor layout to accommodate a meeting room and two function rooms. The existing WC facilities including disabled facilities will remain unaltered. Existing access points and the disabled ramp and handrail providing access from Pincott Road to this floor will remain unchanged. The existing building footprint and 175m<sup>2</sup> ground floor area will not be altered.
- 3.5 The existing soft landscaping at the front of the site will remain unchanged. The applicant proposes hours of operation from 8.00 am until 10.00 pm Monday to Sunday inclusive and have advised that it is anticipated that the majority of user groups will utilise the facility during weekday evenings.

### **4. PLANNING HISTORY**

- 4.1 The planning history on this site largely relates to its previous use as the Metropolitan Policy Safer Neighbourhood facility and is summarised below:

06/P2067: INSTALLATION OF TWO SLAB MOUNTED AIR CONDENSING UNITS (0.8M X 0.25M ENCASED IN PROTECTIVE CAGES TO BE LOCATED TO THE

WEST SIDE OF THE BUILDING FRONTING PINCOTT ROAD – Planning permission granted subject to Conditions.

08/P1931: ADVERTISEMENT CONSENT IN RESPECT OF THE DISPLAY OF AN INTERNALLY ILLUMINATED FASCIA IDENTITY SIGN AND INTERNALLY ILLUMINATED INFORMATION SCREEN IN CONNECTION WITH USE AS A SAFER NEIGHBOURHOOD UNIT – Advertisement Consent granted.

08/P1933: INSTALLATION OF A NEW SHOPFRONT AND HAND RAIL TO THE FRONT ELEVATIONS INSTALLATION OF REPLACEMENT WINDOWS TO THE SIDE ELEVATION ALL WITH NEW SECURITY ROLLER SHUTTERS, NEW BRICKWORK AND RELOCATED DOOR TO THE REAR ELEVATION WITH NEW AIR CONDITIONING UNIT AT GROUND FLOOR LEVEL TO SIDE ELEVATION – Planning permission granted subject to Conditions.

16/P3954: TELECOM LICENCE NOTIFICATION FOR THE PROPOSED INSTALLATION OF 1 x BT EQUIPMENT CABINET MEASURING 535mm (W) x 330mm (D) x 985mm (H) – This application is currently registered with Council.

## **5. CONSULTATION**

5.1 85 neighbouring residents were notified directly by way of post. A petition objecting to the proposal was received with 36 signatures.

5.2 The reasons for objection are summarised as follows:

- Noise (Residents living above the ground floor raise concerns that all noise in the building can be currently heard including doors opening and closing. Concern was raised over the noise effects of the existing extractor fan installed by the Police).
- Hours of operation (Concern over adverse affects on the quality of life experienced by residents).
- Parking (Concern over the affect on parking raising that there is a parking availability problem in Doel Close and Pincott Road)

5.3 Highways – No objection.

- Confirmed the change of use will generate a maximum of 11 vehicles per evening (Calculated from using the existing modal split and existing level of usage).
- Noted that the existing hall has a vast amount of parking on site which can be used by future users of the development and is within close proximity to the proposed development.
- Noted that the applicant proposes a travel plan to create a modal shift towards sustainable modes of transport.
- Overall it is noted that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported.

5.4 Environmental Health – No objection.

5.5 In response to initial concerns expressed by the Environmental Health Officer concerning the likely noise levels generated and the acoustic properties of the

existing construction, the applicant has submitted a noise impact assessment to address these issues.

- 5.6 The submitted acoustic report confirms noise levels experienced between the ground floor and first floor residential flats and an assessment of the predicted noise levels against existing levels. This report recommends that the sound insulation of the existing floor construction should be increased and that a device to control music noise electronically be installed to control noise levels.
- 5.7 The Council's Environmental Health Officer has subsequently confirmed that an appropriately worded condition to ensure the proposed mitigation measures are undertaken will address any noise concerns.

## **6. POLICY CONTEXT**

- 6.1 NPPF - National Planning Policy Framework (2012):  
Policy 8 Promoting healthy communities.
- 6.2 London Plan (2016):  
Policy 3.16 Protection and enhancement of social infrastructure.  
Policy 6.13 Parking.  
Policy 7.2 An inclusive environment.  
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- 6.3 Merton Sites and Policies Plan July 2014 policies (SPP):  
DM C1 Community facilities.  
DM EP2 Reducing and mitigating noise.  
DM E3 Protection of scattered employment sites.  
DM T1 Support for sustainable transport and active travel.  
DM T2 Transport impacts of development.  
DM T3 Car parking and servicing standards.
- 6.4 Merton Core Strategy 2011 policy (CS):  
CS11 Infrastructure  
CS18 Transport  
CS20 Parking, servicing and delivery

## **7. PLANNING CONSIDERATIONS**

- 7.1 The key issues in the assessment of this planning application are:
- Principle of the change of use
  - Neighbour amenity
  - Impact upon transport, parking and road safety.

Principle of development.

- 7.2 The principal of development should be considered in the context of the current use of the building and applicable policies. The proposed change of use is not considered to result in the loss of existing viable B1a office space as the site has remained vacant for three years since 2013.

- 7.3 The existing surrounding environment is largely characterised as residential with buildings adjacent to 3 Pincott Street and along Pincott Street being residential flats. It is considered that there is little presence of business within the immediate environment.
- 7.4 The proposal is considered to be in accordance with Merton's Core Planning Strategy Policy CS 12 and Sites and Policies Plan Policy DM E3 which states that community uses are supported on scattered employment sites such as the subject site.
- 7.5 Policy CS 12 (Economic Development) (section 20.17) states that; "Together with Chapter 19 'Infrastructure -Policy 11' we recognise the economic potential of healthcare, education and community uses (D1 and C2) by facilitating such development on scattered employment sites and resisting the net loss of viable facilities." This policy recognises that community uses can help the economic health of a local community and supports Policy CS11(f) to ensure community centres are available.
- 7.6 It is considered that the proposed application supports this policy as it will result in the improved use of an unutilised and vacant B1a premise to ensure a community centre is available for the local community which in turn will help contribute to the local economy.
- 7.7 The proposal meets the criteria for the development of community centres in Policy DM C1 (a)(i-vi) of Merton's Core Planning Strategy as it is considered that the proposal will not result in any adverse effects upon parking facilities and the amenity of nearby residents and businesses.
- 7.8 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary
- Neighbour amenity.
- 7.9 Merton's Sites and Policies Plan 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 The proposed change of use is not considered to have undue adverse effects upon neighbouring properties in regards to loss of light, quality of living conditions, privacy and visual intrusion as no external changes to the building will be undertaken.
- 7.11 The key amenity concerns raised by objectors is the proposed hours of operation and the acoustic impact of the proposed community centre upon residents living above the ground floor within the existing building and adjacent properties.
- 7.12 Local residents have raised objections over the proposed hours of operation from 8.00 am until 10.00 pm seven days a week. The previous Metropolitan Policy Safer Neighbourhood facility hours of operation were from 7am to 11pm seven days a week. As the proposed hours of operation are reduced by two hours from the existing permission it is considered that any nuisance issues experienced by residents will be decreased and that these hours are reasonable opening hours.

- 7.13 Local residents have also raised objections over the potential noise impacts of the proposed community centre upon those living above the ground floor and in adjacent properties.
- 7.14 As has been detailed in section 5.4 of this report Councils Environmental Health officer is satisfied that the noise levels generated by the Community Centre can be mitigated to the required level through an appropriately worded condition. This condition will require the applicant to undertake the noise mitigation measures proposed in the submitted noise impact assessment prior to occupation.
- 7.15 It is considered that the proposal meets policy DM D2 as the use of mitigation measures will ensure no adverse noise effects will impact upon the amenity of residents within the building and the neighbouring properties.

#### Transport, parking and road safety.

- 7.16 The site is well serviced by public transport with a PTAL rating of 4 and is adjacent to streets with a PTAL rating of 6. Councils Highways officer has confirmed that there is adequate levels of on street parking and an additional provision within close proximity to the site.
- 7.17 Local residents have raised objections over the impact the Community Centre will have on the provision of parking and the obstruction of traffic flow. Councils Highway officer has confirmed that existing parking provision is more than sufficient to accommodate the Community Centre.
- 7.18 The Council's highway officer estimates that the Community Centre will generate a maximum of 11 vehicles per evening. This officer confirmed that this additional trip generation can be accommodated by Pincott Road and surrounding streets and will not have a significant adverse effect upon the existing capacity of the street network.
- 7.19 The Council's Highways officer has advised that overall the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users and has recommended approval of this application.
- 7.20 Overall the proposal is considered to meet Merton's Local Development Framework Core Strategy policy CS20 which requires that development not adversely affect pedestrian or cycle movements, safety, the convenience of local residents and on street parking or traffic management.

#### Archaeology

- 7.21 The site is identified as being within the Merton Archaeological Priority Area Tier 2 (indicating the presence Tier 2 or likely presence of heritage assets of archaeological interest). No ground works are required as part of this development.

### **8. CONCLUSION**

- 8.1 The principle of development is considered to be acceptable. It is not considered that the proposed development will not result in undue adverse effects upon the surrounding transport and parking network and the potential presence of archaeological interest. It is considered that with approval of the proposed conditions no undue adverse effects are anticipated to be experienced by existing residents and surrounding properties.



## 9. RECOMMENDATION

9.1 Grant planning permission subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Approved Plans
3. Acoustic Effects.

Prior to the commencement of the proposed use and occupation of the site the developer shall implement the acoustic mitigation measures undertaken in accordance with the submitted Sounds Insulation Assessment dated 17.01.2017 by Accon UK. Such measures shall thereafter be retained for so long as the use remains.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with policies 7.14 and 7.15 of the London Plan (2016), policy DM D2 of Merton's Sites and Policies Plan (2014).

4. Hours of Operation.

The Community Centre hereby permitted shall operate only between the hours of 8.00am to 10.00pm Monday to Sunday.

Reason: To safeguard the amenity of the surrounding area and ensure compliance with policy 7.15 of the London Plan (2016), policy CS57 of Merton's Core Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan (2014).

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[Click here](#) for full plans and documents related to this application.

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**PLANNING APPLICATIONS COMMITTEE  
09 FEBRUARY 2016**

**APPLICATION NO.**  
16/4709

**DATE VALID**  
20/12/2016

**Address/Site:** 7 Ridgway Place, Wimbledon, SW19 4EW

**Ward** Hillside

**Proposal:** ERECTION OF A SINGLE STOREY SIDE & REAR EXTENSION FIRST FLOOR SIDE EXTENSION AND EXCAVATION OF BASEMENT

**Drawing Nos:** 200.211.P6; 200.213.P6; 200.223.P6; 200.313.P6; 200.332.P6; 200.314.P6; 200.321.P6

**Contact Officer:** Jonathan Gregg (3297)

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**RECOMMENDATION**  
**GRANT PERMISSION SUBJECT TO CONDITIONS.**

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**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: 18
- 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 a semi detached dwellinghouse on the western side of Ridgway Place.
- 2.2 The site is within Controlled Parking Zone W1 which operates Monday – Saturday 8:30 – 18:30. The proposal is not covered by any relevant planning

designations, however at the rear the site borders the Wimbledon West Conservation Area.

### **3. CURRENT PROPOSAL**

- 3.1 This application proposes the extension of the existing property to form a single storey side and rear extension, a modest first floor side extension and the excavation of a basement.
- 3.2 This would feature a single storey flat roofed projection at the rear, which would be stepped in along both boundaries after 3m of projection and a single storey pitched roof projection at the side adjacent to the boundary. The basement would extend under the whole of this footprint i.e. under the existing house and the extensions.
- 3.3 The proposed works would be finished in materials to match the existing property and no.5. A new off street parking space and dropped kerb are also proposed.
- 3.4 The property would have maximum dimensions of 9.217m wide (at ground floor), 7.691m wide (at first floor) x 14.95m deep (at ground floor), 10.3m deep (at first floor) after the works were complete. There would also be a small 0.2m wide projection at first floor with a depth of 2.2m set roughly half way down the flank elevation. The overall height of the property would not alter.

### **4. PLANNING HISTORY**

- 4.1 There are no relevant planning for the attached property at no.5.
- 4.2 There is one application for this property, which was refused at Planning Applications Committee in November 2016. The application was for; 'Demolition of the existing dwelling house to be replaced by a new dwelling house to include a basement.' This was refused for the following two reasons:
- *The proposed dwelling by reason of its design, siting, width, massing and roof form would break the rhythm of the built form found within this part of Ridgway Place and it would therefore be harmful to the character and appearance of the street scene. The proposal is therefore contrary to Policies DM1 and DMD2 of the Sites and Policies Plan, Policy CS14 of the Core Strategy and Policies 7.4 and 7.6 of the London Plan.*
  - *The proposed replacement dwelling would by reason of its excessive scale both above and below ground, result in an overdevelopment of the available plot and therefore fail to relate positively to the existing context, street pattern and scale of the surrounding buildings. As a result it would be harmful to the character and appearance of this pair of semi-detached properties and the wider street scene. The proposal is therefore contrary to Policies DM1 and DMD2 of the Sites and Policies Plan, Policy CS14 of the Core Strategy and Policies 7.4 and 7.6 of the London Plan.*

## **5. POLICY CONTEXT**

- 5.1 London Plan 2015;  
6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local character), 7.6 (Architecture)
- 5.2 Merton Sites and Policies Plan July 2014 policies;  
DMD2 (Design considerations in all developments), DMD4 (Managing heritage assets), DMT1 (Support for sustainable transport and active travel), DMT2 (Transport impacts of development), DMT3 (Car parking and servicing standards), DMT5 (Access to the Road Network)
- 5.3 Merton Core Strategy 2011 policy:  
CS11 (Infrastructure), CS14 (Design), CS17 (Waste Management), 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 Six letters of objection were received, summarised as;
- Will reduce the space between buildings and be out of character with the street scene
  - Side extension would result in loss of daylight/sunlight to no.9
  - Proposal is overdevelopment of the plot
  - Basement could impact on the water table, especially cumulatively with the basements already built nearby.
  - Basement is bigger than the footprint of the house
  - Increased mass of the proposal would have an impact on the outlook and amenities of neighbouring occupiers.
  - Basement would result in flooding in neighbouring gardens
  - Rear extension will impede light to neighbouring properties
  - No direct access to the rear garden from the street.
  - Side extension is out of character with the street scene
  - Application is so similar to that previously refused

## **7.0 PLANNING CONSIDERATIONS**

- 7.01 The main considerations for this application are the design and appearance, the impact on neighbour amenity, the impact of the basement, impact on traffic and parking.
- 7.02 It should be noted that this application is different to the previous application in that it retains the existing house. The application is therefore for extensions to an existing property.

### **7.1 Design and Appearance**

- 7.11 The surrounding area is characterised by a mix of detached and semi-detached properties set in relatively spacious plots. As noted above, the grouping of six properties at this end of Ridgway Place are of the same original design, namely no's 1&3, 5&7, 9&11 and 2&4, 6&8 and 12&14, although a number have been altered with hip to gable conversions and other roof extensions.
- 7.12 The single storey side addition would be recessed behind the front main wall and would incorporate a mono-pitched roof. Halfway down the flank wall this roof would increase in height by 0.6m to create internal headspace for the stairs to the basement. At first floor as noted above would be a very modest projection of 0,2m for this width to allow for the internal staircase to be moved slightly. Given the scale of this first floor element and its siting it is considered acceptable.
- 7.13 At the rear the extension would feature a flat roof, with a large glazed rooflight and with sliding doors across its rear elevation. This would step in after 3m of projection and then step in before continuing to extend an additional metre. On each side would be mono-pitch roofs that pitch away from the boundaries.
- 7.14 At the rear a larger glazed panel would serve the basement and would be immediately adjacent to the rear projection with a stairwell down to the basement exiting into the rear garden, these elements are acceptable.
- 7.15 The provision of off street parking is only for a single car that helps to maintain an appropriate front curtilage boundary treatment and balance between soft and hard landscaping. The extensions would also be built in materials to match the existing and details of these can be secured by condition to ensure an appropriate match.
- 7.16 Representations have also raised concern that the proposal represents an overdevelopment of the site. The current property has a GIA of 140sqm and the replacement would have a GIA of 269.425sqm, an increase of 129.425sqm or 92%. However 96.44sqm of this is in the basement which would have extremely limited manifestation above ground. Therefore above ground there is 32.985sqm of new floor space.
- 7.17 Roughly 41.85sqm of extensions could be built at ground floor under permitted development. In light of this it is not considered that the proposal represents an unacceptable overdevelopment of the plot.
- 7.18 It is noted that this differs from floor space given in the CiL form submitted with the application, however this included a roof extension which was removed prior to the validation of the application and therefore forms no part of this application.

## **7.2 Impact on Neighbouring Amenity**



- 7.21 The impact of demolition, rebuild and construction of a basement will be considered in more detail in section 7.4 below.
- 7.22 In relation to no 9, the side extension would abut the boundary at ground floor. The spacing at first level would be maintained, with the exception of the small projection which measures 0.2m. No.9 does have side facing windows which serve the kitchen at ground floor, however the outlook from these is already impeded by the two storey flank wall of no.7. It is accepted that this would be reduced further, but given there is also a rear facing window serving this kitchen, it is not considered that there would be any undue harm to the residential amenities of the occupiers of no.9.
- 7.23 The single storey rear projection would project 3m from the rear of the main house, stepping in for 1.3m before extending a further 1.1m, to give a total projection of 4.1m from the rear of the house. The projection would also feature mono-pitched roofs sloping down to an eaves height of 2.25m at each boundary. It is noted that no.5 has a slightly lower ground level however given these mitigating features it is not considered that the new rear projection would appear visually intrusive or overbearing, nor would it have any unacceptably adverse impact on the residential amenities of the occupiers of either neighbouring property.
- 7.24 The proposal would include plant and machinery within the basement. A condition can secure further details, including noise mitigation measures to ensure that this does not result in undue noise and disturbance and have an adverse impact on the residential amenities of the neighbouring occupiers. Further controls during the demolition and construction phases relating to the amenity of neighbouring residents are considered below.

### **7.3 Impact of the Proposed Basement**

- 7.31 Policy DM D2 of the adopted Merton Sites and Policies Plan 2014 sets out specific requirements in relation to proposals with a basement element, with further information provided in the justification for the policy at paragraphs 6.26 to 6.36 and any development should have regard to these requirements.
- 7.32 A report by Coopers Associates, consulting structural engineers has been submitted with the application. This notes that the party wall with no.5 would be underpinned and propped up in accordance with Party Wall agreements and would be controlled by the separate requirements of Building Control. Whilst it is noted that DMD2 b)i requires basements to be wholly within the curtilage of the application property, the Councils Structural Engineer has confirmed that the underpinning of the party wall is the normal way that these works are undertaken. Therefore the small incursion under the party wall is considered acceptable and would meet the other requirements of DMD2 b)i which requires any basement to safeguard the structural stability of ... nearby buildings.
- 7.33 The Councils Senior Structural Engineer raises no objection to the proposal subject to conditions requiring further details which would ensure the

structural stability of no.5 during the excavation and construction phases. These details would cover construction method statements, construction sequence and temporary works drawings. The method statements would have to be prepared by the contractor responsible for the works and cover all aspects of the demolition and construction phases.

- 7.34 In terms of noise, and vibrations from the excavation and any piling works that would be undertaken, an hours of work condition would be attached to any consent to ensure that works only occur during normal working hours Monday to Friday (08:00-18:00), Saturday mornings (08:00-13:00) and not at all on Sundays or Bank Holidays. Furthermore a condition securing details, including noise mitigation methods relating to any piling works would also be attached to any consent.
- 7.35 A Geotechnical Survey by Fastrack has also been submitted which provides data of the three trial pits dug on site. One of these, BH2, adjacent to the rear wall encountered standing water at a depth of 4.4m, however the report notes that this could be because of seepage through the clay, but notwithstanding this the depth is deeper than the proposed basement.
- 7.36 The Councils Flood Risk Engineer required further information in relation to the design of the basement, specifically in the mitigation of any build up of backwater around the basement during the previous application. It was noted that the original information didn't deal properly with the variations in geology in this area, which coupled with the changes in topography result in the area being prone to some emergent springs. This was submitted with this application and in this context there is no objection from the Flood Risk Engineer.

#### **7.4 Traffic and Parking**

- 7.41 The site has a PTAL rating of 6a (excellent).At present the house has no off street parking, however a new crossover is proposed to create a single off street parking space that would be consistent with other properties on Ridgeway Place. There is no objection to this subject to appropriate hard and soft landscaping. Furthermore the Council's transport planner raised no objection to the proposal.
- 7.42 The provision of an off street space would mitigate the loss of this single on street space and is in this case considered acceptable.
- 7.43 Cycle parking for two bicycles, covered and secure, is shown on the drawings and as this is in line with London Plan standards is acceptable. Its implementation can be secured by condition.

#### **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**

The design, scale and siting of the extensions are not considered to harm the character or appearance of the host property or the locality and would be comparable with what could be built under permitted development. It is not considered that there would be any undue impact on the privacy or residential amenities of the occupiers of neighbouring properties that would warrant the refusal of the application and the off street parking space would mitigate the loss of the on street bay. The excavation of the basement is considered acceptable subject to conditions. The proposal is therefore considered to accord with the relevant policies of the Sites and Policies Plan, the Core Strategy, the London Plan and the NPPF.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

#### **Subject to the following conditions:**

1. A1 Commencement of Development (Full Application)
2. A7 Approved Plans
3. B1 External Materials to be Approved
4. B5 Details of walls/fences
5. H07 Cycling parking – implementation
6. C06 Refuse & Recycling – details to be submitted
7. F01 Landscaping/Planting Scheme
8. H02 Vehicle Access to be provided (edit)
9. C03 No Use of Flat Roof
10. H18 Sustainable Drainage (edit)
11. D05 Soundproofing of Plant and Machinery
12. D11 Construction Times
13. NS Condition 1

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

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

14. NS Condition 3

No work shall be commenced until a Construction Method Statement including details of the proposed design, method of excavation and construction of the basement shall be submitted to and approved in writing by the Local Planning Authority. This must include drawings of the construction sequence. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3, 6.14 and 7.6 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DMD2 and DMT2 of Merton's Sites and Policies Plan 2014.

15. NS Condition 4

No development approved by this permission shall be commenced until drawings at a scale of not less than 1:20 indicating the construction sequence and any temporary works required during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3, 6.14 and 7.6 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DMD2 and DMT2 of Merton's Sites and Policies Plan 2014.

16. NS Condition 7

Piling methodology, including noise mitigation

Informatives:

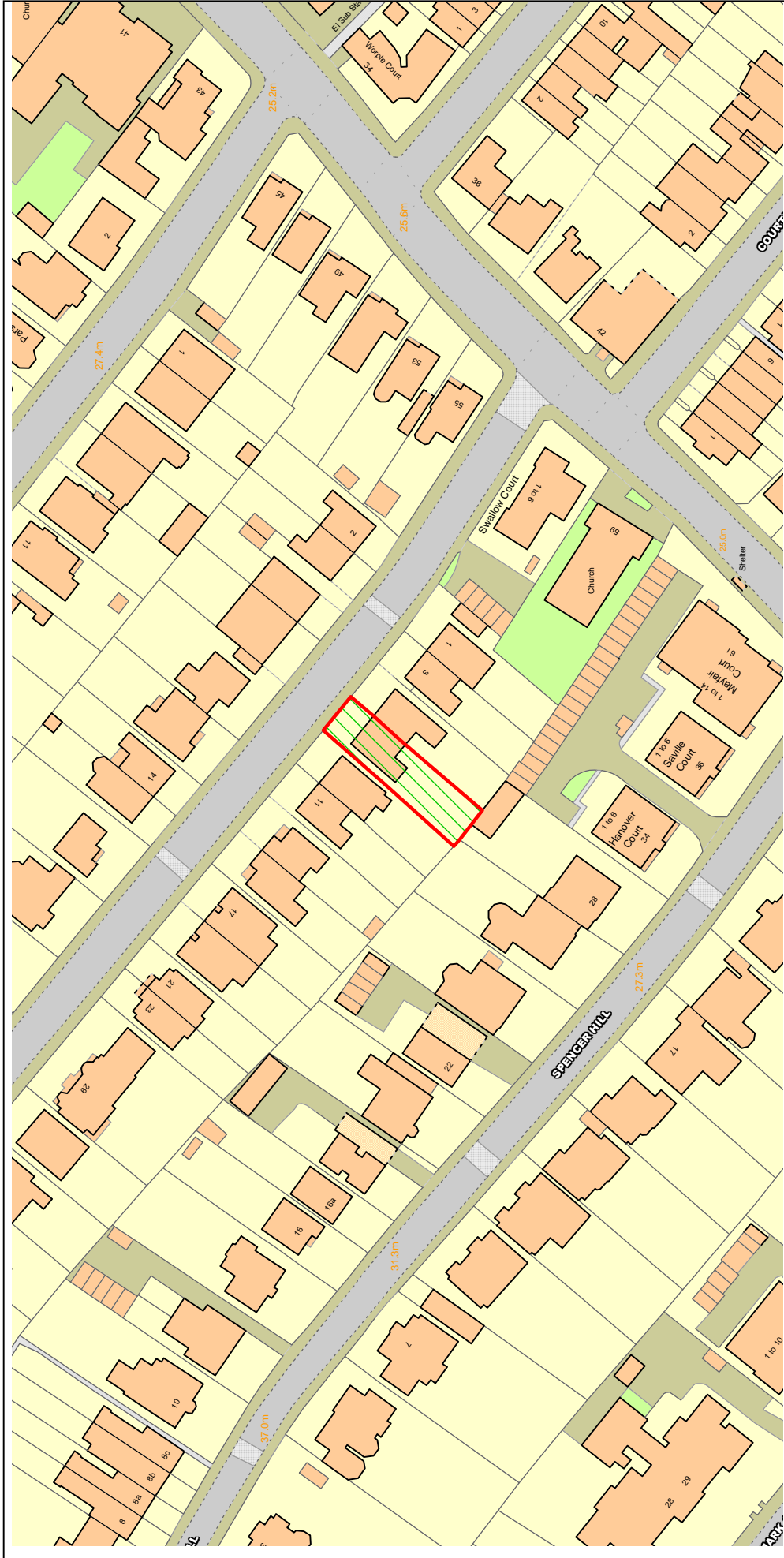
1. Note to Applicant – Approved Schemes
2. Party Walls Act
3. Works on the Public Highway
4. Discharge conditions prior to commencement of work

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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **7 Ridgway Place**

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## PLANNING APPLICATIONS COMMITTEE 9 FEBRUARY 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4324	09/11/2016
<b>Address/Site:</b>	223 Streatham Road & 1 Ridge Road, Mitcham, CR4 2AJ
<b>Ward:</b>	Graveney
<b>Proposal:</b>	Demolition of all buildings and redevelopment of the site to provide 36 residential units (C3 Use Class) within a residential block of 2, 3, and 4 storeys with a 5th storey set back and 246sq.m of non-residential floor space on ground floor for use within classes A1 (retail) and/or B1 (business) and/or D2 (assembly & leisure) together with associated access, car and cycle parking, landscaping and associated works.
<b>Drawing No.'s:</b>	SRM-HBA-00-XX-DR-A-00-0000, SRM-HBA-00-XX-DR-A-00-0002, SRM-HBA-00-00-DR-A-20-0100 (Rev: 001), SRM-HBA-00-01-DR-A-20-0101 (Rev: 001), SRM-HBA-00-02-DR-A-20-0102 (Rev: 001), SRM-HBA-00-03-DR-A-20-0103 (Rev: 001), SRM-HBA-00-04-DR-A-20-0104 (Rev: 001), SRM-HBA-00-05-DR-A-20-0105 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0200 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0201 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0202 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0203 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0204 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0205, SRM-HBA-00-XX-DR-A-20-0206 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0207 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0208 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0209 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0212 (Rev: 001), SRM-HBA-00-XX-DR-A-20-0209, SRM-HBA-00-XX-DR-A-20-0210, DBK1127.GA.101 (Rev: PL02), DBK1127.GA.102 (Rev: PL03), DBK1127.GA.103 (PL03), DBK1127.GA.104 (PL02), DBK1127.GA.105 (PL03), DBK1127.GA.106 (PL02), DBK1127.GA.107 (PL02), DBK1127.GA.108 (PL04) and DBK1127.GA.109 (PL03).  And supporting documents: 'Town Planning Statement' dated November 2016, 'Air Quality Assessment' dated 17 October 2016, 'Arboricultural Impact Assessment' dated October 2016, 'Ecological Appraisal' dated October 2016, 'Surface Water Drainage Strategy' dated 19 October 2016, 'Framework Travel Plan' dated October 2016, 'Transport Statement' dated November 2016, 'Statement of Community Involvement' dated October 2016, 'Geoenvironmental Site Investigation Report' dated August 2016, 'Energy and Sustainability Statement' dated October 2016, 'Daylight, Sunlight and Overshadowing Assessment' dated October 2016, 'Noise Impact Assessment' dated 7 October 2016.
<b>Contact Officer:</b>	Jock Farrow (020 8545 3114)

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## **RECOMMENDATION**

**Grant planning permission subject to conditions and s106 agreement.**

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## **CHECKLIST INFORMATION**

- S106: Affordable housing, contribution for loss/replanting of street tree, contribution for carbon shortfall, contribution for installation of car club bay and agreement to provide a membership to car club for future occupants; cost to Council of all work in drafting S106 and monitoring the obligations.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 288
- External consultations: 3
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No

### **1. INTRODUCTION**

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

### **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located at 223 Streatham Road and 1 Ridge Road; the site has frontage to Caithness Road, along the southern boundary of the site, Streatham Road, along the western boundary of the site and Ridge Road, along the northern boundary of the site. The majority of the site is regular in shape with a small triangular section to the northeast – the site has an approximate area of 0.149ha. The site has a public transport access level of 2 (1 being poor and 6 being excellent).
- 2.2 The site is currently occupied by a series of single storey buildings (423 sq.m) including offices for the coach depot (Mitcham Belle Coaches), garages and an MOT garage with the remainder of the site being hardstanding and being used for coach parking; the use does not fit into any one use class for planning purposes and is considered to be sui generis. For planning policy purposes the site is considered to be an employment site. The site is predominantly enclosed by a brick wall, albeit the Streatham Road frontage is relatively open. The site currently has two points of vehicle access, these being from Streatham Road and Ridge Road.
- 2.3 The area is characterised by varied development both in terms of architectural style and scale. The site is located within a mixed use area comprising shops, takeaways, cafes, auto- repairs, offices and residential premises. Caithness Road and Ridge Road are primarily characterised by two storey residential development, albeit there



are also examples of semi-detached dwellings and single storey dwellings. Streatham Road, in the immediate vicinity of the application site, is primarily characterised by shops at ground floor with residential above; it is noted that the shops in this area form a designated neighbourhood parade.

- 2.4 The northeast corner of the site, on Ridge Road, is adjoined by a two storey (with loft level) semi-detached dwelling. Beyond Ridge Road to the north is a railway track/bridge which is a designated green corridor and site of importance for nature conservation (SINC). The southeast boundary of the site is bordered by a vehicle access, beyond which is a two storey (with loft level) end terrace dwelling fronting Caithness Road. To the south (across Caithness Road), there is a 3 storey (with undulating pitched roofs) terrace row which fronts Streatham Road. To the west (across Streatham Road), there is a 3 storey (with low pitched roofs) block of flats. Caithness Road and Streatham Road are both relatively wide at 12m and 14.5m respectively.

### **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of all buildings on site and the redevelopment of the site to provide a part 2, part 3, part 4, part 5 storey mixed use building. The proposed building would provide 246sq.m of non-residential floor space on ground floor for use within classes A1 (retail) and/or B1 (business) and/or D2 (assembly & leisure) together with associated access, 17 car parking spaces, cycle parking, refuse storage, plant and the ground floor component of a number of residential duplex units. The remainder of the building would comprise 36 residential units (includes the ground floor component of the duplex units) and a first floor courtyard to be used as a shared outdoor amenity space. The residential units would comprise: 18 x 1 bed, 13 x 2 bed and 5 x 3 bed. The building would have a total floor area of 3,604sq.m.
- 3.2 The building footprint would encompass the entire site at ground floor level and would provide frontages to Caithness Road, Streatham Road and Ridge Road. However, at first floor level and above, the building would roughly align with the prevailing building lines of Caithness Road and Ridge Road, so that the massing would be concentrated around the outer edges of the site, leaving an open central courtyard at first floor level. The building would step down in height to three storeys at the south eastern corner and down to two storeys at the north eastern corner, with the height and massing generally increasing toward the west of the site and Streatham Road. At ground floor level, the non-residential components of the building would provide continuous and even frontage along the site boundary. The ground floor components of the duplex units however would incorporate setbacks from the pavement.
- 3.3 The building façade would predominately be red/brown brick with a light grey concrete plinth. Windows, doors and balconies would be recessed and would incorporate projecting concrete surrounds. The fifth floor would be set back with a staggered façade and would use light grey brick.
- 3.4 Vehicle access would be provided via an under-croft from Caithness Road, setback some 16.5m from the junction with Streatham Road; it is noted that internal access is provided from the carpark to the residential units. The main entrance to the residential units would be provided from Ridge Road, near the junction with Streatham Road; the upper floors would be served by a central staircore and two elevators.
- 3.5 The proposed building would have the following key dimensions:

- Heights:
    - 8.2m high at the north eastern corner (two storey)
    - 14.8m high to the top of the fourth floor
    - 17m high to the top of the fifth (recessed) floor
    - 18.4m high to the top of the lift overrun
    - 10.5m high at the south eastern corner (three storey)
  - Frontage:
    - 34m of frontage along Ridge Road
    - 24.7m of frontage along Streatham Road
    - 37m of frontage along Caithness Road
- 3.6 Following the initial submission of the application along with subsequent discussions between the developer and London Borough of Merton, revised plans were submitted which addressed concerns relating to the impact on the amenity of neighbouring properties and some minor design matters.
- 3.7 The application is accompanied by a number of supporting documents including: 'Town Planning Statement' dated November 2016, 'Air Quality Assessment' dated 17 October 2016, 'Arboricultural Impact Assessment' dated October 2016, 'Ecological Appraisal' dated October 2016, 'Surface Water Drainage Strategy' dated 19 October 2016, 'Framework Travel Plan' dated October 2016, 'Transport Statement' dated November 2016, 'Geoenvironmental Site Investigation Report' dated August 2016, 'Energy and Sustainability Statement' dated October 2016, 'Daylight, Sunlight and Overshadowing Assessment' dated October 2016, 'Noise Impact Assessment' dated 7 October 2016 and Viability Assessment Report. In addition, a 'Statement of Community Involvement' dated October 2016 was included which is summarised below:
- 3.8 Prior to the submission of the application, the developer undertook consultation with key stake holders and the public. The developer has advised that consultation included Member of Parliament for Mitcham and Morden, Siobhain McDonagh; local Councillors, including engagement with Councillor John Dehaney (Graveney ward), who attended a public consultation event relating to the proposals; and local residents. In addition, a two-day public consultation event took place on 23 and 24 September 2016, at St James Church Centre on Mitcham Lane. 2,460 invites were sent to surrounding properties and 69 people attended over the two days with a total of 32 people filling out feedback forms provides. A summary of the developers minutes (including written and verbal feedback) are as follows:
- Principle of development - Attendees considered a residential led scheme to be the right approach with the majority agreeing the current site was unattractive and that the scheme would enhance the area. A few attendees queried the loss of the MOT.
  - Commercial unit - Attendees were concerned about the nature of the existing parade i.e. generally being rundown with some vacant. There was support for a scheme that may help revitalise the parade albeit there was resistance to the unit being used as a betting shop, fast food or an off license. The most desired uses in order of popularity were gym, coffee shop, pharmacy or grocer/baker/butcher.
  - Parking – Parking was the biggest concern for attendees, all supported the provision of onsite parking yet queried whether the provisions would be sufficient. Some attendees expressed desire for a car free development, stating the public transport in the area was sufficient. Some attendees queried how the commercial space would affect parking.

- Traffic and highway safety – Some concern regarding vehicle movements and the entrance on Caithness Road.
- Existing tenants - A small number of attendees showed concern regarding the loss of a site for the existing tenants i.e. coach depot and MOT.
- Impact on amenity – Attendees queried the impact on loss of light and any overlooking of the proposal.
- Affordable housing – Some attendees queried the affordable housing provisions
- Design and impact on character of the area – Most attendees were positive about the design approach, especially the use of red brick. Some attendees queried the height of the building, being the tallest in the area; with some attendees being content with the reduction in heights toward Ridge Road and Caithness Road along with the top floor being setback.
- Construction management - attendees were interested in the management and logistics of construction.
- Other suggestions – Some attendees requested the developer reduce the gradient of Ridge Road (steep at the entrance) and to make improvements to the alleyway on Caithness Road which can be prone to fly tipping and anti-social behaviour.

3.9 Further to the above, the developer has advised that feedback received from key stakeholders along with the public was considered and where required, additional analysis and design testing was undertaken and where possible, revisions were made to address the matters raised. The key points are summarised as follows:

- Commercial unit – Having regard to residents suggestions the unit is proposed to have a flexible use including A1 (retail), B1 (office) or D2 (assembly & leisure which would include a gym).
- Parking – The scheme provides considerable onsite parking, would facilitate additional on street parking, would offer a car club bay along with free membership to residents (reducing the need for residents to own cars along with neighbouring residents), would offer policy compliant cycle parking and would provide a travel plan. The parking provisions are covered in detail in section 7 of this report, however, in summary, the scheme is considered likely to improve parking issues in the area.
- Existing tenants and employment – The existing tenants have been given an appropriate amount of warning regarding the redevelopment with the coach depot already having found an alternate site. The site would provide up to 20 jobs onsite (compared to the existing 3) with more employment being generated during construction.
- Impact on amenity - The design has been carefully considered; the impact upon neighbouring amenity is discussed in detail in section 7 of this report.
- Design and impact on character of the area – The design has been carefully considered; the merits of the design are discussed in detail in section 7 of this report.
- Construction management – A detailed construction management plan and construction logistics plan will be prepared prior to commencement of development addressing issues during construction.
- Other suggestions – The developer will look into improving lighting in the alley, while having due consideration to light spill and its impact upon neighbouring amenity.

#### **4. PLANNING HISTORY**

4.1 Relevant planning history is summarised as follows:

- 4.2 MIT3146: BOOKING OFFICE EXTENSION – Granted.
- 4.3 MER996/67: OUTLINE - ERECTION OF COACH GARAGE, INVOLVING DEMOLITION OF EXISTING GARAGE AND RAISING ROOF OF ANOTHER GARAGE – Refused (reason not recorded).
- 4.4 MER129/78: Change of use of the bungalow from residential to office – Refused (reason not recorded).
- 4.5 MER174/73: Use of 3 lock up garages for repairs to motor vehicles – Planning permission granted.
- 4.6 87/P0631: Outline planning permission – Redevelopment of part of the site by the erection of a 2 storey building containing offices reception and flat above and single-storey building for use for parking and repair of coaches – Planning permission granted.
- 4.7 88/P0300: Approval of detailed drawings in respect of erection of a single storey building for parking and repairing coaches - Granted.
- 4.8 88/P0302: Erection of a single storey toilet block – Planning permission granted.

## **5. CONSULTATION**

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 288 neighbouring properties, the outcome of the consultation process is summarised as follows:
  - 5.2 1 neutral representation which queries the impact of the development.
  - 5.3 6 letters of objection:
    - Exacerbate parking pressure (parking provisions insufficient)
    - Compromised highway safety
    - Increased traffic congestion
    - Excessive density
    - Excessive scale and height
    - Uninspired design
    - Poor quality design
    - Out of keeping with the surroundings
    - Commercial space at ground floor likely to be unviable and unneeded
    - Lack of affordable housing
    - Loss of vehicle repair facilities
  - 5.4 58 copies of a template letter which objects to the scheme, albeit it is noted that 6 of the objections came from 3 addresses i.e. in total, 55 copies of the letter were received from individual properties. The summary of the objections is as follows:
    - Exacerbate parking pressure (parking provisions insufficient)
    - Compromised highway safety
    - Increased traffic congestion
    - Excessive density
    - Excessive scale and height
    - Uninspired design
    - Out of keeping with the surroundings
    - Disruption during construction

**Internal:**

- 5.5 Transport/Highways officers: No objection. Advised the parking provisions are acceptable (including electric charging and cycle parking provisions); refuse storage is appropriately located (both for residents and council); trip generation unlikely to be significant; not considered the proposal would generate a significant negative impact upon the performance or safety of the highway network or its users. Recommended conditions which would require details of the proposed changes to the highway network, a construction method statement and a construction logistics plan to be submitted to, and approved by, the Council.
- 5.6 Flood Risk Engineer: No objection. Advised that the site is at low risk of flooding, albeit runoff from the site could contribute to flooding in the surrounding area. The scheme proposes robust sustainable urban drainage systems. However, more detailed information should be secured by way of condition.
- 5.7 Trees Officer: No objection. Scheme would involve the removal of 1 dead Norway Maple and a group of Buddleia from within the site which is acceptable. The scheme would result in the loss of a street tree which should be discussed with the Green Spaces Department. The proposed landscaping scheme is acceptable and should be secured by way of condition.
- 5.8 Green Spaces: Advised the loss of the street tree should be offset by a financial contribution of £11,002.00 and secured by way of s106 agreement; the payment would go towards a replacement tree. (Officers note that the payment has been calculated via the capital asset value for amenity trees (CAVAT) assessment – a nationally recognized formula).
- 5.9 Environmental Health Officer: No objection. Advised conditions to mitigate the impact of noise, light spill/pollution, odours, impacts during construction and highlighted the need for contamination investigations and remediation strategies.
- 5.10 Climate Change Officer: No objection. Advised the residential component should achieve a 41% improvement on Part L 2013 requirements which meets relevant policy requirements. Recommended a condition requiring evidence that the proposed improvements, along with relevant water consumption standards, are achieved prior to occupation. The proposal falls short of the zero CO2 emissions target by 25.1 tonnes, this must be offset by a cash in lieu payment of £45,180.00 and secured by way of s106 agreement.
- 5.11 Urban Design Officer: No objection. Advised the scheme is high quality in appearance, proposing high quality materials and taking architectural cues from the surrounding context; a high level of detail has been shown in the design and access statement. A suitable approach to massing and heights has been proposed. Advised amendments to the main residential entrance and the ground floor windows.
- 5.12 Waste Management (refuse): Advised the general waste provisions were acceptable; however, scheme would require a higher provision of recycle and food waste storage.

**External:**

- 5.13 Metropolitan Police – Designing out Crime Officer: No objection. Advised the built form of the scheme generally provides good security measures. Advised various technical standards should be met to ensure a high level of security.

- 5.14 Thames Water: No objection.
- 5.15 Environment Agency: No objection. Advised conditions relating to contamination investigations, remedial strategies and measures to stop the mobilisation of contamination.

## **6. POLICY CONTEXT**

### **6.1 National Planning Policy Framework (2012)**

The following principles are of particular relevance to the current proposals:

- 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;
- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities;
- Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Others sections of NPPF of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design.
10. Meeting the challenge of climate change/flooding

### **6.2 London Plan (2015)**

Relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 5.1 Climate change mitigation

- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 8.2 Planning obligations
- 8.3 CIL

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 12 Economic development
- CS 13 Open space, leisure and nature conservation
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R2 Development of town centre type uses outside town centres
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM E1 Employment areas in Merton
- DM E3 Protection of scattered employment sites
- DM E4 Local employment opportunities
- DM O2 Nature conservation, Trees, hedges and landscape features
- DM D1 Urban Design
- DM D2 Design considerations
- DM D7 Shop front design and signage
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions

DM EP4 Pollutants  
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 – 2016  
Merton Design SPG – 2004  
Technical Housing Standards 2015

## **7. PLANNING CONSIDERATIONS**

### **7.1 Material Considerations**

The key issues in the assessment of this planning application are:

- Principle of development
- Residential density
- Design and impact upon the character and appearance of the area
- Unit size mix and affordable housing
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage
- Sustainability
- Other matters
- Developer contributions

### Principle of development

- 7.2 Policy DM E3 of the SPP seeks to protect scattered employment sites, it states that where proposals would result in the loss of an employment site, they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme.
- 7.3 The proposal, which seeks to deliver a mixed use scheme, presents an opportunity to significantly increase employment generation on the site. The scheme could generate between a 6 and 7 fold increase in employment in the form of uses which would be entirely compatible with new dwellings, for which there is an acknowledged need. It is noted that the developer has provided information which suggests the commercial premises could reasonably be let as retail, offices or as a gym, generating employment for up to 20 people, compared to the existing site which provides for 3 on site jobs. Furthermore, Mitcham Belle Coaches have relocated to the Mitcham Industrial Estate which is located 400m from the site and the business will continue to operate locally.
- 7.4 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. 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. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.



7.5 The site is an underutilised brownfield site which is considered to present opportunities for a more intensive mixed use development. It is further noted that the site is surrounded by residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.

7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

#### Residential density

7.8 The area has a public transport accessibility level (PTAL) of 2 which is considered to be a poor level of accessibility. It is considered that the site is located within an urban area.

7.9 The resultant density is calculated to be as follows:

Units per hectare:

1/0.149 ha (site area) x 36 (number of units) = 241 units per hectare.

Habitable rooms per hectare:

1/0.149 ha (site area) x 95 (assumed No. of habitable rooms) = 638 habitable rooms per hectare.

7.10 Table 3.2 of the London Plan 2015 advises that sites with a PTAL rating of 2 within an urban setting should provide for a density range of between 70-170 units/ha and 200-450 habitable rooms/ha.

7.11 The figures above illustrate that the proposed development would provide for a density that far exceeds the recommended density range provided in the London Plan, for both units and habitable rooms. However, in terms of PTAL, there is a bus stop immediately opposite the site, the site is a 10 minute walk from Tooting station (Southern and Thames Link), a 15 minute walk from Streatham Common station (Southern and Thames Link) and a 13 minute bus trip or a 20 minute walk from Tooting Broadway underground station, thus the rating may not be representative of the of the true accessibility of this location.

7.12 In addition, while density is a material consideration, it is not the overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.

#### Design and impact upon the character and appearance of the area

7.13 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

#### Massing and heights

- 7.14 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed toward the western side (toward Streatham Road) of the site taking advantage of the wide streetscape and being positioned away from the town houses to the east. The perimeter block approach allows the upper floors of the development to respond to the rear building lines of the dwellings along Ridge Road and Caithness Road, providing a continuous building line which would knit the urban grain of the two roads together. This approach to the massing would result in a centrally located, first floor podium/courtyard to the rear of the building; this open space would align with the rear gardens of the dwellings to the east.
- 7.15 It is noted that there are no five storey buildings in the immediate vicinity of the site. However, given the isolated and unique nature of the site, being a corner plot with three road frontages and being bordered by open space and a railway bridge to the north, the site is not considered to have the same constraints as other sites in the area, for example as the constraints on height for a mid-terrace building.
- 7.16 The presence of a three storey terrace row (with pitched roofs) immediately to the south of the site is highlighted. The maximum height of these buildings are roughly in alignment with the four storey component of the proposal. It is noted that there is a separation distance (separated by Caithness Road) between the proposed building and the terrace to the south of approximately 12m. The fifth floor of the proposal has been specifically designed to lessen the visual impact of the bulk by setting it back from the front façade, utilising a staggered outer wall, which further breaks up the bulk, reducing the ceiling height and using a lighter colour to appear subordinate and to more readily blend in with the sky. Given the separation distance between the buildings and the reduced bulk of the recessed fifth floor, it is considered that the development would constitute a suitable and natural increase in height from the terrace row to the south. It is noted that the lift overrun is located centrally within the site, set well back from the street elevations, and would not be visible from the street level.
- 7.17 The development would provide a suitable transition in height from the neighbouring residential development by stepping down in height toward the houses along Ridge Road and Caithness Road. The building would step down from five storeys, to four storeys, to two storeys to align with the height of the adjacent dwelling on Ridge Road. Along the Caithness Road wing, the building would step down from five storeys to three storeys, which is considered to be acceptable in conjunction with the separation distance of 7m (between the proposal and adjacent dwelling on Caithness Road).
- 7.18 Given the isolated and unique nature of the site, the presence of the 3 storey buildings with pitched roofs to the south and west, the recessed fifth floor of the proposal, the generous width of Streatham Road and Caithness Road along with the open space to the north, it is considered that the maximum height of the building would be acceptable in townscape terms. In addition, it is considered that a building of the scale proposed would provide a suitable degree of enclosure to Caithness Road, helping to screen the residential road from the busier Streatham Road.

#### Layout

- 7.19 The footprint is considered to make effective use of the site, utilising the entire site at ground floor level and taking a perimeter block approach, which provides considerable active frontage to Caithness Road, Streatham Road and Ridge Road. The footprint takes cues from the surrounding development, aligning with, and

creating a transition between, the building lines established on Caithness Road, Streatham Road and Ridge Road.

- 7.20 The commercial unit primarily fronts, and has entrances to, Streatham Road, which is considered to be appropriate given the busy nature of the road and the presence of the adjacent neighbourhood parade. The unit is outward facing, providing a high level of connectivity between the public realm and the development.
- 7.21 The majority of the residential units are accessed from walkways to the rear of the building. However, duplex units are located toward the ends of the Caithness Road and Ridge Road wings of the building; these units are provided with direct access from the street. The positioning of these units is considered to be appropriate given the residential nature and urban fabric of Caithness Road and Ridge Road. The entrances of the units, being directly from the street, contribute to the continuation of the active frontage at ground floor. The units would incorporate a suitable setback from the pavement providing defensible space, which creates an important delineation between the public realm and private property, this would be further enforced by the presence of a metal gate and railing. The kitchen windows of the units are positioned to provide a high level of surveillance.
- 7.22 The main residential entrance is located on Ridge Road, near the junction with Streatham Road. The placement ensures the entrance is positioned away from the foot traffic of Streatham Road, while still being highly visible.
- 7.23 The vehicle parking area along with the plant rooms are located centrally within the building, screening them from the public realm and maximising active frontage.
- 7.24 It is considered that the proposed layout is well thought out and based on sound urban design principles, the layout provides an inclusive design and promotes natural surveillance; when compared the current extensive length of inactive frontage along Streatham Road, it is considered the approach will enhance the character and vitality of the area.

#### Design and appearance

- 7.25 The proportions of the façade reduce incrementally as height increases, contributing to a more vertical emphasis. The horizontal separation between floors, the brick detailing, periodic recesses in the façade, the usage of metal railings and the projecting concrete window/door surrounds successfully avoid monotonous elevations, contributing to a high quality and coherent design.
- 7.26 Large ground floor windows, the use of a concrete plinth and a higher ceiling height would help to delineate the commercial unit from the upper floor residential units, as well as to enhance the buildings street presence. The configuration of the ground floor commercial unit with flats above provides some continuity with the adjacent neighbourhood parade. While the visual distinction from the commercial and residential units is important, the horizontal and vertical alignment of fenestration and openings provides a degree of coherence across the building as a whole. The usage of the concrete façade for the duplex units identifies them as a single residential unit and provides a sense of domestic scale which relates well to the domestic context of Ridge Road and Caithness Road. The grandeur of the double height residential entrance creates a sense of place. The setback fifth floor which would utilise a lighter coloured material provides a layer of visual interest, breaking up the even façade and successfully completing the building.
- 7.27 The design approach to the external appearance of the development, which includes

the proposal to use a pallet of materials influenced by the character of the wider area is supported. The use of contrasting materials, recesses and horizontal separation between floors throughout the scheme successfully defines the individual façade elements. However, the success would be very much dependant on the exact materials used; therefore, a condition is recommended requiring samples of materials to be submitted for approval prior to the commencement of the development.

- 7.28 While of a modern design, the proposals pick up important cues from the surrounding, more traditional, development in terms of scale and architecture. It is considered the development would successfully harmonise with, and enhance the character of, the surrounding area.

#### Signage

- 7.29 While any signs/advertisements would be subject to separate approval by way of advertisement consent, a shop signage strategy should still be incorporated into a proposal at design stage, as signage plays a major role in the appearance of any building and if retrofitted later, may compromise the design.
- 7.30 An indicative signage strategy has been provided in the design and access statement which proposes vinyl graphics to the ground floor windows, with secondary branding to be located to the edges of the windows, as to not obscure views into the shop. The strategy would not involve fascia signage. It is considered the strategy proposed is both subtle and tasteful and that it would achieve the desired advertising while remaining sympathetic to the proposed building.

#### Unit size mix and affordable housing

- 7.31 The development proposes 36 residential units with the following size mix: 18 x 1 bed, 13 x 2 bed and 5 x 3 bed which equates to 50% 1 beds, 36% 2 beds and 14% 3 beds. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range of dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.32 2011 Census data for the Merton area identifies the following unit size mix 7.1% 1 bed, 14.4% 2 bed and 78% 3 bed. There is a very high proportion of larger dwellings in Merton, thus the proposal would contribute to balancing the housing choice in Merton as a whole. Furthermore, it is highlighted that there are a large number of 3 bed townhouses in the immediate vicinity of the application site, thus the proposal would also help to balance the housing choice in its immediate surroundings.
- 7.33 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels and affordable housing targets adopted in line with policy.
- 7.34 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.35 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site. The LDF notes that where a developer contests that it would not be appropriate to

provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.

- 7.36 The developer has provided a financial viability appraisal (FVA) with the application which finds that the scheme as proposed would be unable to deliver both the affordable housing contribution and a reasonable target profit margin. An independent assessment of the FVA was undertaken, which found the appraisal to be fair and reasonable. In this case, the requirement for affordable housing could be reasonably waived.
- 7.37 However, notwithstanding the findings of the FVA, the developer has offered 5 units to be affordable units in the form of 'shared ownership'; the units would be offered on the basis of the developer accepting a reduced profit. The offer would include 4 one bed units and 1 two bed unit i.e. 11 habitable rooms or occupancy for 11 persons. The offer equates to approximately 14% of units being affordable units.
- 7.38 Further to the offer of 5 units, the developer has demonstrated the deliverability of these units by engaging in discussions with Amicus Horizon (a housing association and registered provider) and by providing a letter of interest from Amicus Horizon.

#### Impact upon neighbouring amenity

- 7.39 London Plan policies 7.14 and 7.15 along with SPP policy DM D2 state 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 light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.

#### Light spill

- 7.40 Light spill from the proposal is not expected to be significant given the scheme is predominately residential and as the commercial unit faces the high street. However, there is an external amenity space which would likely require lighting, this space is adjacent to the rear gardens of the dwellings to the east and could impact upon their rear windows. As such, it is recommended to include a condition which would require details of external lighting to be submitted to, and approved prior to occupation.

#### Visual intrusion and loss of light

- 7.41 Given the building would be a maximum of five storeys in height and would be replacing single storey structures, visual intrusion and loss of light are of particular concern. To mitigate these affects, the proposal has been designed to shift the massing toward Streatham Road, away from the dwellings to the east, the upper floors have been aligned with the building lines of Ridge Road and Caithness Road and the first floor podium/courtyard aligns with the rear gardens of these properties.
- 7.42 The developer has provided a detailed daylight and sunlight assessment in support of the proposal which has been undertaken in accordance with BRE guidelines; the methodology used is the vertical sky component (VSC) and no sky line (NSL) for daylight and annual probable sunlight hours (APSH) for sunlight. Habitable rooms from all immediately surrounding dwellings have been assessed, including the blocks of flats located opposite the site, across Streatham Road.
- 7.43 The daylight and sunlight assessment finds the following:
- The effect on VSC is within the 80% guidance value in all cases, thus the impact will be minimal

- All windows meet the BRE criteria by virtue of either retaining 80% of their existing value, or 25% of annual hours and 5% of winter hours
  - The impact on the amenity space of surrounding properties will be negligible
- 7.44 The daylight and sunlight assessment is considered to be robust and reasonable; as such, it is not considered the proposal would unduly impact upon neighbouring amenity in terms of loss of light.
- 7.45 In addition to the above, particular attention should be paid to No.'s 2 Ridge Road and 2/2a Caithness Road, as these are the dwellings closest to the development.
- No. 2 Ridge Road
- 7.46 As the building approaches No. 2 Ridge Road, it reduces in height to two storeys; in addition, at first floor level and to the rear, the closest point of the building would be in alignment with the rear elevation of the dwelling, the building would then increase in depth as it shifts away from the dwelling, at an approximate angle of 45 degrees. This sensitive treatment ensures the views from the rear elevation of No. 2 Ridge Road would not be unduly impacted upon nor would the building be overbearing to its amenity space.
- 7.47 However, aside from the main building, it is also noted that the ground floor element (with the amenity space above) would be built along the entire length of the shared boundary; to mitigate the impact of this element, the height along the shared boundary has been reduced to a height of 2.5m, this height is maintained for a distance of 1.5m back from the shared boundary, before stepping up to a height of 5.4m (height of the podium plus the height of the screening). Given the proposed setback from the boundary and the usage of bamboo screening, it is not considered the proposal would be unduly visually intrusive.
- No. 2/2a Caithness Road
- 7.48 As the building approaches No. 2/2a Caithness Road, it reduces in height to three storeys; in addition, the rear elevation of the buildings' upper floors would be well within the rear building line established by this property. These mitigation measures in conjunction with the 3.5m wide access way which separates the proposal from the adjacent dwelling, would ensure the proposal is not unduly visually intrusive.
- Privacy
- 7.49 It is not considered the proposal would unduly impact upon the privacy of neighbouring properties.
- 7.50 The Ridge Road, Streatham Road and Caithness Road elevations all provide overlooking to public space. The rear outlook of the Caithness Road wing is directed toward the properties on Ridge Road; there is a separation distance of approximately 27m from the rear windows to these properties. The rear outlook from the central access deck along with the Ridge Road wing is directed toward the properties on Caithness Road; there is a separation distance from the rear windows of approximately 17m (closest point) to the amenity space of these properties and 24m window to window. Furthermore, it is noted that the window to window overlooking is at an angle. Any flank windows are either provide outlook to private terraces (thus are enclosed by the terraces' screening) or are obscure glazed.
- 7.51 Private roof terraces are proposed at the ends of the Ridge Road and Caithness Road wings and a first floor podium/court yard is proposed centrally within the development which would be used as communal amenity space. Overlooking from these areas is addressed by a combination of setbacks and screening (some of

which would be green screening); it is considered that the proposed methods could suitably address any overlooking concerns. However, the finer details such as how the setbacks would be maintained and how overlooking would be addressed while the green screening is still growing have not been supplied. As such, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.

#### Noise

- 7.52 It is considered that the impact of noise from the commercial use and any plant can be suitably addressed by way of conditions. Given the remainder of the scheme is residential, the noise generated is expected to be comparable to the surrounding development; in addition, the noise generated from the communal amenity space would be further mitigated by the setback from the boundaries and the presence of green screening.

#### Construction phase

- 7.53 The development has the potential to adversely impact neighbouring residents during the construction phase in terms of noise, dust and other pollutants. As such, it is recommended to include conditions which would require a detailed method statement to be submitted to, and approved by, Merton Council prior to the commencement of the development.

#### Standard of accommodation

- 7.54 Policies 3.5 and 3.8 of the London Plan 2015 state that housing developments are to be suitably accessible and 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). Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

Unit No. and Floor	Unit Size /Type	Required Area	Proposed Area	Compliant
<b>Ground floor</b>				
00.01	3B4P2S	84	95	Yes
00.02	3B4P2S	84	102	Yes
00.03	3B4P2S	84	100	Yes
00.04	3B5P2S	93	112	Yes
00.05	3B4P2S	84	109	Yes
<b>First floor</b>				
01.01	1B2P1S	50	50	Yes
01.02	2B3P1S	61	70	Yes
01.03	1B2P1S	50	50	Yes
01.04	1B2P1S	50	50	Yes
01.05	1B2P1S	50	50	Yes
01.06	2B3P1S	61	74	Yes
<b>Second floor</b>				
02.01	1B2P1S	50	56	Yes
02.02	1B2P1S	50	50	Yes
02.03	1B2P1S	50	50	Yes
02.04	1B2P1S	50	50	Yes
02.05	2B3P1S	61	70	Yes
02.06	1B2P1S	50	50	Yes
02.07	1B2P1S	50	50	Yes
02.08	2B3P1S	61	71	Yes
02.09	1B2P1S	50	57	Yes
02.10	2B3P1S	61	62	Yes
<b>Third floor</b>				
03.01	2B4P1S	70	102	Yes
03.02	2B3P1S	61	77	Yes
03.03	2B3P1S	61	70	Yes
03.04	1B2P1S	50	50	Yes
03.05	1B2P1S	50	50	Yes
03.06	2B3P1S	61	71	Yes
03.07	1B2P1S	50	58	Yes
03.08	2B3P1S	61	61	Yes
<b>Fourth floor</b>				
04.01	2B4P1S	70	97	Yes
04.02	1B2P1S	50	52	Yes
04.03	1B2P1S	50	53	Yes
04.04	1B2P1S	50	50	Yes
04.05	1B2P1S	50	50	Yes
04.06	2B3P1S	61	61	Yes
04.07	2B4P1S	70	74	Yes

Where B = beds (no. of bedrooms), P = persons (maximum occupancy), S = storeys (storeys within an individual unit).



- 7.55 As demonstrated by the table above, all units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, all units are considered to be suitably private, including the duplex units which incorporate defensible space to the front and use screening to separate their private amenity space from the communal space.
- 7.56 Dual aspect units are encouraged given the higher standard of living they offer, which includes better ventilation, increased daylight, increased sunlight hours and the ability to choose which side of the unit to open windows (when noise, odour or other nuisance is being generated on a particular side). With the exception of units 03.07 and 04.06, all units offer true dual aspect while the aforementioned units offer partial dual aspect. This is a very high proportion of dual aspect units for a scheme of this size. This has been achieved by utilising open walkways to the rear, thus facilitating rear windows to the units and by designing the ground floor units to be duplex units.
- 7.57 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which all meet or exceed the relevant standards. In addition to the private amenity space provided for each unit, the scheme would offer approximately 380sq.m of high quality communal amenity space. This space would be fully landscaped and would offer seating and play equipment.
- 7.58 It is noted that lifts serve all floors providing step free access and that 10% of units meet M4(3) of the building regulations in accordance with London Plan policy 3.8.
- 7.59 As outlined above, the scheme is considered to offer a very high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.60 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management; in addition, there is a requirement to submit a Transport Assessment and associated Travel Plan for major developments. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.
- 7.61 The London Borough of Merton Transport Planner has reviewed this application; their comments are integrated into the assessment below.

Vehicle parking provisions

- 7.62 The development would provide 17 vehicle parking spaces on site, 4 of which would be disabled spaces which is in line with London Plan Standards. Census car ownership data for the Graveney ward suggests that for a development of the nature and scale proposed, a maximum of 24 vehicles would be associated with the development. It is noted that this is a conservative estimate given the census data is largely based off dwellings with a higher occupancy (3 bed dwellings), thus the scheme which proposes predominantly 1 and 2 bed units, would likely generate less vehicles than Census data would suggest.

- 7.63 As such, taking into account both expected (conservative) vehicle generation and onsite parking spaces, the development would result in 7 overspill vehicles. However, it is noted that coach bays are currently located on Streatham Road and with the relocation of the coach depot, these would be redundant and would be converted to general parking bays; it is expected that 5 parking bays would be gained. As such, when taking into account the spaces gained on street, the development would result in 2 overspill vehicles. Furthermore, the developer has undertaken a parking survey during peak residential times which finds a 20% parking capacity on the surrounding network; the parking survey is considered to be robust and reasonable. Given the above, it is considered that any impact upon parking pressure in the area would be negligible.
- 7.64 Notwithstanding the developments acceptability in terms of parking pressure, the developer has proposed further initiatives to improve parking stress in the area which are considered to be over and above simply offsetting the impact of the development, initiatives which are welcomed by officers. The developer has proposed to fund/implement a car club bay along with the provision of a life-time membership to Zipcar for each unit; resulting in a £50 driving credit for each residential property (the £50 credit would come from the car club and would not be at the expense of the developer). Car plus studies show that the implementation of a car club bay and car can reduce vehicle ownership in the immediate area by up to 28 vehicles. Furthermore, it is noted that this figure does not take into account free membership, thus the figures would likely be higher.
- 7.65 Given the above, it is considered that the surrounding network would easily accommodate the vehicles associated with the development; in fact, given the commitment to a car club bay, the development may have a beneficial effect on parking capacity in the area. It is not considered that the level of parking proposed would compromise sustainable travel objectives.

Delivery, servicing and the highway network

- 7.66 The Transport Assessment suggests that in terms of service and refuse generation, there would be 2-3 vehicle movements associated with the residential component and 4-5 vehicle movements associated with the commercial component per day, these would be predominantly light goods vehicles with possibly one heavy goods vehicle per day. It is considered that the highway network can comfortably accommodate these vehicles.
- 7.67 It is considered that the vehicle entrance is appropriately located, with a sufficient separation distance from the junction with Streatham Road, to allow safe egress and ingress. Where possible, deliveries for the residential component would take place within the onsite parking lot while larger vehicles and those associated with the commercial unit would take place from Caithness Road and Ridge Road, where yellow lines are presently permitting loading/unloading for up to 40 minutes. The above provisions are considered to be acceptable. Refuse stores are considered to be suitably located to allow collection.
- 7.68 Given the above, it is considered the development would be acceptable in terms of its impact upon the highway network.

Sustainable Travel

- 7.69 The developer has provided a Travel Plan in support of the application which seeks to promote sustainable travel for employees, residents and visitors; it is considered that the Travel Plan is robust and reasonable; however, it is recommended to include

a condition which would require details of separate Travel Plans for the residential component and the non-residential component of the development.

- 7.70 In accordance with London Plan policy 6.9 and table 6.3, 54 long term cycle storage spaces have been proposed for the residential component and 10 short term spaces for the commercial unit, which exceed London Plan standards. The spaces are considered to be suitably secure and accessible.
- 7.71 London Plan policy 6.13 requires 1 in 5 (20%) of the parking spaces to be electric charging spaces (both active and passive); the developer has proposed 20% of spaces being active (ready to use) and 20% being passive (potential for use in the future) which exceeds London Plan standards.

#### Refuse storage

- 7.72 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the CS.
- 7.73 The location of the refuse storage is considered to be appropriate and easily accessible by residents and Council (for collection). However, the storage provisions proposed are not in line with Merton Council requirements. The developer has confirmed that the storage area proposed for refuse can accommodate the storage capacity requirements of Merton Council. As such, it is considered that a condition could reasonably be added requiring details of refuse storage to be submitted to, and approved by, Merton Council prior to occupation.

#### Sustainability

- 7.74 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, whereas non-residential development remains at a 35% improvement on Part L of the Building Regulations 2013.
- 7.75 The developer has submitted an Energy and Sustainability Statement (revised and dated December 2016) in support of the application which states the development could achieve a 41% improvement on Part L 2013 which is compliant with policies 5.2 of the London Plan and CS15; the statement is considered to be robust and reasonable. However, it also highlights a carbon shortfall of 25.1 tonnes (short of zero target); this shortfall translates into a cash in lieu payment of £45,180.00.
- 7.76 It is recommended to include a condition which would require evidence to be submitted to, and agreed by, Merton Council which confirms the development has achieved the carbon savings outlined in the Energy and Sustainability Statement along with water consumption standards not exceeding 105 litres per person per day.
- 7.77 Subject to a S106 payment of £45,180.00 along with the above conditions, it is considered the proposal would be policy compliant in terms of sustainability.
- 7.78 Payments to offset carbon shortfalls are used by council to fund projects which seek to reduce carbon generation in the borough. Projects include renewable energy technology and combined heat and power plant initiatives.

#### Other matters

##### Flooding and sustainable urban drainage

- 7.79 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.80 The site is not considered to be at risk of flooding; however, runoff flows from the site would contribute to the wider network. It is noted that the area under the railway bridge is prone to flooding. The scheme proposes to limit runoff rates to greenfield rates of 5l/s, which is acceptable.
- 7.81 It is recommended to include a condition which requires details of drainage, attenuation and management to be submitted to, and approved by Merton Council prior to the commencement of development.

##### Site contamination

- 7.82 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.83 In light of the former commercial uses on the application site, there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

##### Landscaping and impact on biodiversity and SINC

- 7.84 NPPF section 11, London Plan policies 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.85 The application site is dominated by hard-standing and buildings, which account for approximately 98% of the site area. The limited area of vegetated habitat present is typical of disturbed and urban land. The application site is considered to be of negligible intrinsic ecological and nature conservation importance. There is however a SINC directly to the north of the site, which coincides with the railway tracks. In addition, the proposal would result in the loss of one street tree.
- 7.86 The developer has provided a robust landscaping scheme in their Design and Access statement which is considered to significantly enhance biodiversity on the site. The majority of planting would be positioned of the first floor communal terrace; however, private terraces and the defensible space to the front on ground floor would also include space for planting. In addition, portions of the roof space would be planted as green roofs.
- 7.87 The scheme would ensure shade tolerant species are located to the west, where the site would be in shadow more often, while species that require more light would be located to the east. The scheme would include bird baths, bird boxes and specific species of plants to provide food such as nectar for native bird species. The scheme

is considered to be high quality, improving the public realm and enhancing biodiversity; it is therefore recommended to include a condition requiring the recommendations of the Design and Access Statement to be implemented prior to occupation.

- 7.88 The developer has provided an Ecological Appraisal in support of the development; the methodology, findings and recommendations of the appraisal are considered to be reasonable. The appraisal includes recommendations to mitigate the impact on birds and of any light fall of the nearby SINC; in addition, the investigations carried out found no evidence of bats on site. It is therefore recommended to include a condition requiring the recommendations of the Ecological Appraisal to be implemented prior to occupation. Furthermore, details of external lighting and a bat survey (in the event buildings on site are not demolished within 12 months of the decision) should be required by condition.
- 7.89 Given the positioning of the vehicle access, the scheme would result in the loss of a street tree. It is considered that the proposed location of the vehicle access is the most appropriate location, thus the removal of the street tree can be considered. The developer has agreed to a payment of £11,002.00 which would be used to replace the street tree. Given the above, the removal of the tree is considered to be acceptable.
- Developer contributions
- 7.90 The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).
- 7.91 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.
- 7.92 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 7.93 In this instance the delivery of affordable housing, a payment to offset the loss of the street tree and provide replanting, a payment to offset the carbon shortfall, a payment to cover the costs of installing a car club bay and an agreement for the developer to provide a 25 year car club membership for future occupants of the development would be secured via a S106 agreement.
- 7.94 The developer has agreed to meet the Council's reasonable costs of preparing and monitoring the Section 106 Obligations. S106 monitoring fees would be calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance (2006) and legal fees would need to be agreed at a later date.
- 7.95 Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by Merton's Community Infrastructure Levy.

## **8. CONCLUSION**

- 8.1 The proposal is considered to be acceptable in principle, providing a mixed use scheme potentially increasing employment on site and increasing residential density in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout, architectural cues and materials; the proposal is considered to make a positive contribution to the streetscene. Despite the financial viability appraisal determining it would not be viable to provide affordable units while achieving a reasonable profit margin, the developer has offered approximately 14% of units as affordable housing units, which would be delivered on the basis of the developer conceding a reduced profit margin; this offer is welcomed by officers.
- 8.2 The proposal has been sensitively designed to ensure it would not unduly impact upon neighboring amenity. The proposal would offer very high living standards for prospective occupants. The proposal would not unduly impact upon the highway network, it is likely to improve parking congestion in the area and it would promote and facilitate sustainable travel. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability. 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.
- 8.3 The application is therefore recommended for approval subject to appropriate conditions and s106 agreement.

## **RECOMMENDATION**

Grant planning permission subject to s106 agreement and the following conditions.

### **S106 legal agreement:**

1. The provision of 5 (4 x 1 bed and 1 x 2 bed) 'shared ownership' affordable housing units onsite;
2. Contribution of £11,002.00 required to offset the loss of a street tree and the provision of replanting in the immediate area;
3. Contribution of £45,180.00 required to offset the carbon shortfall of the development;
4. Contribution of £4,000.00 required for the installation of a car club bay in the immediate area;
5. The developer agreement to provide a 25 year membership to zipcar (car club) for each residential unit of the development at the cost of the developer;
6. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
7. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

### **And the following conditions:**

1. Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

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

2. Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

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

3. Standard condition [materials to be approved]: No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. Non-standard condition [Design and access statement]: The details and measures proposed in the 'Design and Access Statement' (including landscaping strategy) (Rev: 001) dated 13/01/2017 shall be implemented in accordance with, and follow the sequence of events proposed in, the document.

Reason: For the avoidance of doubt and in the interests of proper planning, to ensure a satisfactory appearance of the development and appropriate landscaping in the interest of visual amenity and sustainable drainage in accordance with policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

5. Non-standard condition [Ecological appraisal]: The details and measures proposed in the 'Ecological Appraisal' dated September 2016 shall be implemented in accordance with, and follow the sequence of events proposed in, the document.

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

6. Non-standard condition [Updated bat survey]: In the event existing buildings on site have not been demolished within 12 months of the submission of the valid application (date valid: 09/11/2016), any construction work (including demolition) shall cease and shall not resume until details of an updated bat survey has been submitted to, and approved by, Merton Council.

Reason: In the interests of the ecology of the site and to accord with Policy D3 of the Local Plan 2002 and the guidance contained within the NPPF 2012.

7. Non-standard condition [Transport Statement]: The details and measures proposed in the 'Transport Statement' (includes details of parking provisions, changes to the highway network, electric charging provisions and cycle parking) dated November 2016 shall be implemented in accordance with, and follow the sequence of events proposed in, the document.

Reason: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policies 6.3, 6.9, 6.10, 6.12 and 6.13 of the London Plan, CS18 and CS20 of the Merton Core Strategy and policies DM T1, DM T2 and DM T3 of Merton's Sites and Policies Plan.

8. Standard condition [Timing of construction]: 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.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

9. Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement.

Reason: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

10. Standard condition [Construction logistic plan]: Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

11. Standard condition [Vehicle crossover]: No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

12. Amended standard condition [Travel Plan]: Prior to the occupation of the relevant part of the development hereby permitted, two Travel Plans, one for the residential use



and one for the non-residential use, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:

- (i) Targets for sustainable travel arrangements;
- (ii) Effective measures for the on-going 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.

The development shall be occupied only on accordance with the approved Travel Plans.

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

13. No part of the development hereby approved shall be occupied until the applicant has entered into a highways agreement with London Borough of Merton's Highway Team to remove the existing redundant crossovers (Ridge Road and Streatham Road) by raising the kerb and reinstating the footway, to remove the length of coach parking bay on Streatham Road and to install on-street parking spaces in place of the redundant crossovers and coach bay, with all works being in accordance with the requirements of the Highway Authority.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

14. Non-standard condition [noise levels plant/machinery]: Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

15. Non-standard condition [noise levels insulation]: Recommendations to protect noise intrusion into the dwellings as specified in the K.P. Acoustics, Noise Impact Assessment Report 14726.NIA.01 dated 07/10/2016 shall be implemented as a minimum standard to protect future residents from noise. This shall also include the potential use of D2.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

16. Amended standard condition [Noise levels amplified sound]: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

17. Standard condition [kitchen extraction systems]: Prior to first occupation of the development details, plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

18. Non-standard condition [Details of external lighting]: Prior to first occupation of the development details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

19. Amended standard condition [Details of refuse]: Prior to first occupation of the development a scheme for the storage of refuse and recycling shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

20. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:
- i. Provide information about the design storm period and intensity, attenuation (volume of no less than 50m<sup>3</sup> to be provided) and control the rate of surface water discharged from the site;
  - ii. Include a timetable for its implementation;
  - iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

21. Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the local planning authority confirming that the development has achieved not less than the Part L 2013 carbon savings outlined in the submitted 'Energy and Sustainability Statement' revised and dated December 2016, and internal water usage consumption standards not in excess of 105 litres per person per day.  
Evidence requirements: are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 of the Code for Sustainable Homes Technical Guide (2010).

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with Policy 5.2 of the London Plan (2015) and Policy CS15 of Merton's Core Planning Strategy (2011).

22. Non-standard condition [Security measures]: Prior to first occupation of any part of the development details of the design and methods of operation of all access gates including the positioning and operational management of any associated on site security system shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational and shall thereafter be retained and maintained.

Reason: To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015.

23. Non-standard condition [Contamination investigations]: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies

for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

24. Non-standard condition [Contamination construction phase]: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

25. Non-standard condition [Contamination verification]: Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

26. Non-standard condition [Piling] Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

27. Amended standard condition [Screening]: Before the development hereby permitted is first occupied, details of screening of the balconies and terraces shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014

28. Amended standard condition [Use of flat roof]: Access to the flat roof of the development hereby permitted, outside of those areas specifically identifies as terraces and as shown on the approved plans, shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

29. Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the windows to be obscure glazed as shown on the approved plans shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

30. Non-standard condition [Opening hours]: Non-residential floorspace shall not be open to the public other than between the hours of 07.00 and 23.00 on any day.

Reason: safeguard the amenities of neighbouring occupiers and to comply with policy 7.15 of the London Plan.

#### INFORMATIVES:

a) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

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

c) The applicant shall enter into an appropriate legal agreement with the Highway Authority to undertake the works on the surrounding highway network.

d) With regard to "statutory nuisance" in relation to noise, the applicant is advised that "statutory nuisance" is described in the Environmental Protection Act 1990.

e) No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. 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).

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[Click here](#) for full plans and documents related to this application.

**Please note these web pages may be slow to load**

# NORTHGATE SE GIS Print Template



Text Details **223 Streatham Rd & 1 Ridge Rd**

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## PLANNING APPLICATIONS COMMITTEE

9 FEBRUARY 2017

**Wards:** Hillside

**Subject:** Tree Preservation Order (No.706) at 5-6 Alt Grove, Wimbledon, SW19 4DZ

**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:

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That the Merton (No.706) Tree Preservation Order 2016 be confirmed, without modification.

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#### 1. Purpose of report and executive summary

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

#### 2. Details

2.1 In September 2016, the council received a request from the Alt & St Georges Grove Residents Association for a tree preservation order to be made in respect of trees located within the grounds of nos. 5-6 Alt Grove, Wimbledon, London, SW19 4DZ. The reasons put forward for the request are as follows:

- This request was timed with the submission of two planning applications (refs: 16/1839 & 16/P3152) for the conversion of the existing office block into 9 x one bedroom residential units, and for another residential unit to be built in the car park behind the main building;
- The request relates to a boundary screen of trees which were required at the time of the original development approximately 26 years ago;
- These trees form a visually attractive green screen which assists with privacy and helps to prevent overlooking;
- These trees provide a benefit to local wildlife, particularly birds;
- Other nearby trees have already been removed.

- 2.2 Planning ref: 16/P1839 relates to: 'External applications to existing building including replacement of windows, replacement front door, installation of balconies and railings'. Planning consent was granted for this development in June 2016. The case officer considered the matter of the balconies to the rear of the building and reached the following conclusion: '..it is considered that given these are at first floor level, are small in size, and there is a gap of at least 13m to the boundary of residential properties in Tabor Grove and St. Georg's Road, that this is acceptable in terms of neighbour amenity.'
- 2.3 Planning ref; 16/P3152 relates to: 'Erection of a single storey residential unit.' This application is currently registered.
- 2.4 A third planning application (ref: 16/P1303) was submitted in 2016 for: 'Prior approval in respect of the proposed change of use from existing office space (Class B1a) to residential (Class C3) creating 9 x flats.' This received planning approval in June 2016.
- 2.4 Nos. 5-6 Alt Grove is one of a group of mixed use buildings which form a small square block. Much of the area enclosed by the buildings is comprised of either small rear gardens or hardstanding which is used for car parking in connection with the office blocks. The only trees which exist within this small enclosed block of buildings belong to nos. 5-6 Alt Grove.
- 2.5 The properties which surround the 2 trees consist of 5 office buildings/blocks and 10 residential houses/flats. The approval given to planning ref: 16/P1303 will increase the amount of residential flats which overlook this small enclosed space. The current planning application (no. 16/P3152) contains a proposal to create a sedum roof to the proposed extension.
- 2.6 In 1988, planning consent (ref: 88/P0226) was granted for the redevelopment of the land to create two three storey office buildings and 5 three storey town houses. The two trees discussed in this report formed part of the approved landscaping to the development, which included the following planning condition (07): 'All new tree planting shall be carried out by the developer during the first planting season after the completion of the building operations on the site or within such longer period as may be approved in writing by the Local Planning Authority, and such planting shall be maintained, if necessary with suitable replacements, to the satisfaction of the Local Planning Authority.' The reason for this planning condition is to enhance and maintain the visual amenities and character of the area, as well to protect the amenities of the occupiers of adjoining residential properties. This planning condition remains valid and active.
- 2.3 The Tree Officer inspected the site and determined that the two trees located to the rear of the property provide a significant visual amenity value to the local area, and to the immediate local residents and so do merit protection. The two trees are a Wild Cherry and Beech tree. Both trees were planted in relation to planning ref: 88/P0226. The reasons behind planning condition 7 remain just as valid today. In order to protect the trees a tree preservation order was made, and this is known as the Merton (No.706) Tree Preservation Order 2016. The Order took effect on the 24 October 2016. A copy of the tree preservation order plan is appended to this report.

### **3. Legislative Background**

- 3.1 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 trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 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 trees in the area; that both trees have an intrinsic beauty; that they are visible to the public view; that the trees make a significant contribution to the local landscape; that they form part of our collective heritage for present and future generations; that they are an integral part of the urban forest; that they contributes to the local bio-diversity; and that they protect against climate change.
- 3.3 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.

#### **4. Objection to the Order**

- 4.1 On the 31 October and the 7 November 2016, the Council received two objections to the Order. One objection to the Order came from the agent acting on behalf of the owner of nos. 5-6 Alt Grove, and the second objection letter came from the neighbouring office block.
- 4.2 The objections to the Order are summarised as follows:
- The reasons set out in the Notice are not in accordance with the regulations;
  - That Beech tree is a small tree of poor quality and which was planted around 15 years ago;
  - The tree pit is too small to sustain this tree;
  - The tree is positioned adjacent to two drain covers and has caused subsidence to the drains such that works will be required to remove them in a couple of years;
  - The Beech tree will not be present for future generations;
  - The Wild Cherry tree is a larger tree but is also a poor specimen;
  - Neither tree is visible to the public;
  - Neither tree provides amenity value and do not make a significant contribution to the environment;
  - Both trees have outgrown their intended purpose and now interfere with car parking and daylight. The trees need to be pruned at least twice a year. This would make the cost of a application every time prohibitive and serves little purpose;

- The trees are not unusual and are found throughout the area;
- The tree do not form part of a general landscape within the courtyard and are not visible to the public;
- There are other trees along this boundary planted at the same time that are not included in the Order and provide the same function to its occupiers but not the public.

## **5. Planning Considerations**

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

- The Tree Officer would disagree with this statement as the Notice sets out the reasons for the Order and was served in accordance with the regulations;
- The Beech tree was planted as part of the landscaping to the original development approximately 28 years ago. The tree is in good health and it's canopy has been maintained at a reduced size;
- The Beech tree is growing within a narrow planting bed which forms an island at the end of the car parking bays belonging to nos. 5-6 Alt Grove. The girth of the trunk of the Beech tree is of a good size but it has not outgrown the limitations of the planting bed;
- No details are given with respect to the claim of damage to the drains and this would need to be investigated further through a future tree works application;
- The tree preservation order would be able to ensure that the Beech tree is replaced at an appropriate point in time and that would ensure the visual amenity is maintained for future generations;
- The Wild Cherry tree is a mature tree and is in reasonably good health;
- Both trees are visible to the public. The trees can be viewed from the vehicular access way to the car parking area from Alt Grove; from the public footpath which runs alongside the railway line to the rear of the combined block of buildings; from Tabor Grove; and a gap between the buildings facing St. George's Road;
- Both trees were planted as part of an approved landscaping scheme, the purpose of which was to enhance the visual amenities of the area and to protect the amenities of the occupiers of adjoining residential properties. Their significance and amenity value has not been reduced by the passage of time. If anything, their value has increased in proportion to their maturity and the changes thorough development to the properties that surround this area of land;
- The tree preservation order need not necessarily change the style of arboricultural management that these trees have been subject to over the years, but it does introduce an important element whereby any intended tree work can be considered and determined by the Local Planning Authority. There is no fee to be paid in connection with the submission of a tree works application, and it is generally viewed as not being a burdensome requirement;

- This tree preservation order is concerned with the significance of the trees positioned within this block of buildings and the comparison with others located elsewhere is irrelevant;
- This point has been covered above;
- The remaining trees consist of Cypress trees that are mixed with what remains of the original landscaping. Much of this shall be removed under planning consent 16/P1839, and if approved, planning ref: 16/P3152. A small section of this vegetation may be retained. However, the Beech and Wild Cherry trees are the most significant trees within the entire group. The implementation of these changes only serves to heighten the importance of protecting the trees that remain, not just for the existing occupiers of the neighbouring residential properties, but for the future occupiers of nos. 5-6 Alt Grove.

**6. Officer Recommendations**

- 6.1 The Merton (No.706) Tree Preservation Order 2016 should be confirmed, without modification.

**7. Consultation undertaken or proposed**

None required for the purposes of this report

**8. Timetable**

N/A

**9. 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.

**10. 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.

**11. Human rights, equalities and community cohesion implications**

N/A

**12. Crime and disorder implications**

N/A

**13. Risk Management and Health and Safety implications.**

N/A

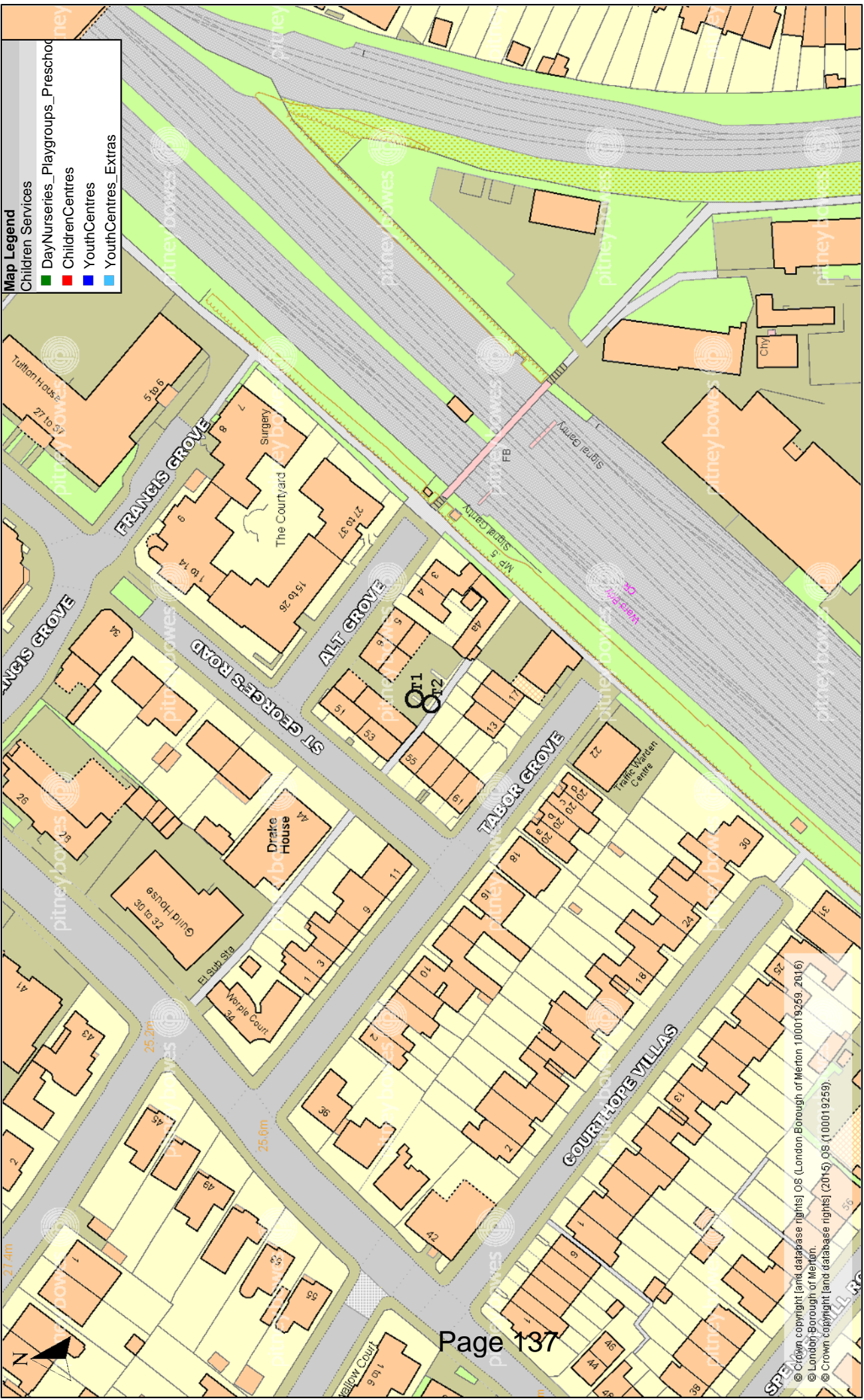
**14. Appendices – the following documents are to be published with this report and form part of the report Background Papers**

Tree Preservation Order plan

**15. Background Papers**

The file on the Merton (No.706) Tree Preservation Order 2016  
Government Planning Practice Guidance on Tree Preservation Orders and  
trees in conservation areas.

- Map Legend**
- Children Services
  - DayNurseries\_Playgroups\_Preschool
  - ChildrenCentres
  - YouthCentres
  - YouthCentres\_Extras



**Merton (No.706) Tree Preservation Order 2016 - 5-6 Alt Grove**



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**Committee:** Planning Applications

**Date:** 9<sup>th</sup> February 2017

:

**Wards:** All

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

**Contact officer:** Stuart Humphryes

### **Recommendation:**

**That Members note the contents of the report.**

#### **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.
- 1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

[http://www.merton.gov.uk/council/committee.htm?view=committee&com\\_id=165](http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165)

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### **DETAILS**

Application Numbers: **15/P0890**  
Site: Cricketers Public House, 340 London Road, Mitcham CR4 3ND  
Development: Demolition of buildings and erection of a part 2 storey/part 3 storey building to provide 11 flats.  
Recommendation: Grant Permission (Refused at Committee)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 13<sup>th</sup> January 2017

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088189/15P0890\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000088000/1000088189/15P0890_Appeal%20Decision.pdf)

**Application Number:** 16/P1252  
**Site:** Unit 1A, 43 Durnsford Road SW19 8GT  
**Development:** Rprior approval for change of use from office to residential  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 12<sup>th</sup> January 2017

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093111/16P1252\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093111/16P1252_Appeal%20Decision.pdf)

**Link to COSTS Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093111/16P1252\\_Appeal%20Costs%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093111/16P1252_Appeal%20Costs%20Decision.pdf)

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**Application Number:** 16/P1704  
**Site:** 49 Hillcross Avenue, Morden SM4 4AY  
**Development:** Erection of a rear roof extension with juliette balconies  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 12<sup>th</sup> January 2017

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093543/16P1704\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093543/16P1704_Appeal%20Decision.pdf)

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**Application Number:** 16/P1772  
**Site:** 56A High Street, Wimbledon SW19 5EE  
**Development:** Proposed advert comprising double sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back  
**Recommendation:** Refuse (Committee Decision)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 12th January 2017

**Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093608/16P1772\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093608/16P1772_Appeal%20Decision.pdf)

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**Application Number:** 16/P1932  
**Site:** 197 Burlington Road, New Malden, KT3 4NA  
**Development:** Proposed advert comprising 1 x internally illuminated Krispy Kreme brand bow tie sign on building roof  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **ALLOWED**  
**Date of Appeal Decision:** 12th January 2017

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093759/16P1932\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093759/16P1932_Appeal%20Decision.pdf)

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**Application Number:** 16/P2517  
**Site:** 62 Grasmere Avenue, London, SW19 3DX  
**Development:** Erection of a single storey front extension; first floor side infill extension; a single storey rear/side extension; extension to roof slope with rear roof extension; remodelling of existing garage & installation of a window to the rear elevation.  
**Recommendation:** Refused (Delegated)  
**Appeal Decision:** **DISMISSED**  
**Date of Appeal Decision:** 19th January 2017

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094304/16P2517\\_Appeal%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094304/16P2517_Appeal%20Decision.pdf)

### Link to COSTS Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094304/16P2517\\_Appeal%20Costs%20Decision.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094304/16P2517_Appeal%20Costs%20Decision.pdf)

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### Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.

- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

## **1 CONSULTATION UNDERTAKEN OR PROPOSED**

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

## **2 TIMETABLE**

- 2.1. N/A

## **3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

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

## **4 LEGAL AND STATUTORY IMPLICATIONS**

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

## **5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

- 6.1. None for the purposes of this report.

## **7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

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

**PLANNING APPLICATIONS COMMITTEE  
9 FEBRUARY 2017**

**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.

<b>Current Enforcement Cases:</b> 531 <sup>1</sup> (531)	<b>New Appeals:</b> 0 (0)
<b>New Complaints</b> 40 (45)	<b>Instructions to Legal</b> 0
<b>Cases Closed</b> 42 (52)	<b>Existing Appeals</b> 4 (4)
No Breach: 25	
Breach Ceased: 17	
NFA <sup>2</sup> (see below): -	
<b>Total</b> 40 (52)	
<b>New Enforcement Notices Issued</b>	<b>TREE ISSUES</b>
Breach of Condition Notice: 0	<b>Tree Applications Received</b> 50 (55)
New Enforcement Notice issued 3	<b>% Determined within time limits:</b> 95%
S.215: <sup>3</sup> 1	<b>High Hedges Complaint</b> 0 (0)
Others (PCN, TSN) 4	<b>New Tree Preservation Orders (TPO)</b> 0 (0)
<b>Total</b> 7 (5)	<b>Tree Replacement Notice</b> 0
<b>Prosecutions:</b> (instructed) 2 (0)	<b>Tree/High Hedge Appeal</b> 0

Note (*figures are for the period (10<sup>th</sup> Jan 2017 – 31<sup>st</sup> Jan 2017)*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## **2.00 New Enforcement Actions**

- 2.01 14 Nelson Road, SW19** On 20/12/16 the council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would come into effect on 1/2/17 unless an appeal is made prior to that. The compliance period is one month. No appeal has been made. The owner has confirmed the single storey extension will be removed.
- 2.02 1 Flaxley Road Morden SM4 6LJ** • the Council issued an enforcement notice on 5<sup>th</sup> December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished and would become effective by 16/1/17 unless there is an appeal prior to that date. No appeal has been made.
- 2.03 13 Fairway, Raynes Park SW20.** On 2<sup>nd</sup> December 2016, the council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken. Next step is prosecution.
- 2.04 218 Morden Road SW19.** An Enforcement Notice was issued on 23<sup>rd</sup> January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice takes effect on the 28<sup>th</sup> February 2017, giving two months for one of the above options to be carried out, unless an appeal is made before 28<sup>th</sup> February 2017
- 2.05 58 Central Road Morden SM4.** An Enforcement Notice was issued on 10<sup>th</sup> January 2017 for the demolition of an outbuilding. The Notice takes effect on the 15<sup>th</sup> February 2017, requiring the demolition of the outbuilding to be carried out within 2 months, unless an appeal is made before 15<sup>th</sup> February 2017.
- 14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9<sup>th</sup> February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8) . The Notice takes effect on the 15<sup>th</sup> February 2017, unless an appeal is made before this date, giving a month to completely and permanently cease the use of the outbuilding and garden for the storage of building materials.

- 2.06 2 & 2A Elm Garden, Mitcham, CR4 4HA.** The council issued an enforcement notice on the 12th January 2017 for 'erection of a single storey bungalow on the Land. The notice requires the structure to be demolished and will take effective on 18th February 2017, unless an appeal has been made. To o appeal has been made
- 2.07 31 Eveline Road, Mitcham.** An enforcement notice was issued on the 18th December 2016 for 'Use of the rear domestic garage on the land for car repairs, breaking of cars and storage. The notice requires the cessation of the garage for car repairs, breaking of cars and storage. The notice was effective on 12th January 2017. The notice was complied with on 5th January 2017.
- 2.08 36 Biggins Avenue, Mitcham, CR4 3HN.** The council issued an enforcement notice on the 18th January 2017 for 'the single storey front extension and the created balcony on the first floor of the property. The notice requires the structures to be demolished and will take effective on 1st March 2017, unless an appeal is made.

#### **Some Recent Enforcement Actions**

- 2.04 55-61 Manor Road, Mitcham** An enforcement notice was issued on 3<sup>rd</sup> August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he has failed to comply with the notice, the Council is now considering prosecution proceedings.
- 2.05 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- 2.06 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> 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 3<sup>rd</sup> March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29<sup>th</sup> April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations.

### **3.0 New Enforcement Appeals**

None

### **3.1 Existing enforcement appeals**

- **18 Morton Road Morden SM4** the council issued an enforcement notice on 3<sup>rd</sup> October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council has been notified of an appeal. The compliance period would be two calendar months. We are waiting for a start date letter from the Planning Inspectorate to confirm formal registration and start of this appeal.
- **34 St Barnabas Road, Mitcham** On 30<sup>th</sup> August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. The start date of the appeal has now been confirmed as the 18<sup>th</sup> January 2017 and statements will be submitted shortly.
- **21 Merton Hall Road, Morden.** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15<sup>th</sup> September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. The Councils statement has now been submitted.
- **Wyke Road, Raynes Park SW20.** The Council issued an enforcement notice on 4<sup>th</sup> July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. The Councils statement has now been submitted.
- **44 Homefield Gardens, Mitcham CR4 3BY.** An enforcement notice was issued on 3<sup>rd</sup> August 2016 against the erection of a single covering structure at the front of the property. The notice would have come into effect on the 7<sup>th</sup> September 2016 but an appeal has been submitted. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.



### 3.2 Appeals determined –

- **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. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17.
- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. The appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29<sup>th</sup> March 2017.
- **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. The appeal was dismissed on 10/1/17 and the appellant has three months to comply.

### Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action.
- **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 came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated.

### 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**