

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
Philip Jones  
Laxmi Attawar  
Peter Southgate  
Geraldine Stanford  
Stephen Crowe  
David Dean  
Jerome Neil  
Brenda Fraser

#### Substitute Members:

Joan Henry  
John Dehaney  
Daniel Holden  
John Sargeant  
John Bowcott

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

**Date: 17 August 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 3356

Press enquiries: [press@merton.gov.uk](mailto:press@merton.gov.uk) or telephone 020 8545 3181

Email alerts: Get notified when agendas are published  
[www.merton.gov.uk/council/committee.htm?view=emailer](http://www.merton.gov.uk/council/committee.htm?view=emailer)

For more information about Merton Council visit [www.merton.gov.uk](http://www.merton.gov.uk)

# Planning Applications Committee

## 17 August 2017

- |   |  |         |
|---|--|---------|
| 1 | Apologies for absence  |         |
| 2 | Declarations of Pecuniary Interest   |         |
| 3 | Minutes of the previous meeting  | 1 - 10  |
| 4 | Town Planning Applications   |         |
| 5 | 14 Leopold Road, Wimbledon Park SW19 7BD<br>Application Number: 17/P2024      Ward: Wimbledon Park<br><br>Recommendation: Grant Planning Permission subject to conditions              | 11 - 22 |
| 6 | Holt Lodge, 170 London Road, Morden, SM4 5AN<br>17/P0092<br>Application Number: 17/P0092      Ward: Merton Park<br><br>Recommendation: Grant Planning Permission subject to conditions | 23 - 46 |
| 7 | 1a Mostyn Road, Merton Park, SW19 3LH<br>Application Number: 17/P1139      Ward: Merton Park<br><br>Recommendation: Grant Planning Permission subject to conditions                    | 47 - 56 |
| 8 | Planning Appeal Decisions  | 57 - 60 |
| 9 | Planning Enforcement - Summary of Current Cases<br>REPORT TO FOLLOW  |         |

### 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.

### **Human Rights Implications:**

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 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).

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.

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.

**Order of items:** Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

**Speaking at Planning Committee:** All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

**All Speakers MUST register in advance**, by contacting The Planning Department no later than 12 noon on the day before the meeting.

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](mailto:planning@merton.gov.uk))

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

**Submission of additional information before the meeting:** Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

**Please note:**

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

**FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES** please contact Democratic Services:

Phone – 020 8545 3356

e-mail – [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

# Agenda Item 3

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

## PLANNING APPLICATIONS COMMITTEE

18 JULY 2017

(7.15 pm - 9.05 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Najeeb Latif, Councillor Andrew Judge,  
Councillor Laxmi Attawar, Councillor Peter Southgate,  
Councillor Geraldine Stanford, Councillor Stephen Crowe,  
Councillor David Dean and Councillor Jerome Neil

ALSO PRESENT Neil Milligan – Development Control Manager  
Jonathan Lewis – Planning Team Leader South  
Lisa Jewell – Democratic Services

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

Apologies for absence were received from Councillor Philip Jones.  
Councillor Judy Saunders attended as substitute

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

There were no declarations of interest.

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

RESOLVED: That the minutes of the meeting held on 22 June 2017 are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officers' report were published in a Supplementary Agenda. This applied to items; 5, 6, 7, 9 and 12.

Order of the meeting – The Chair announced that the order of items taken at the meeting would be; 9, 6, 5, 7, 8, 10, 11, and 12

### 5 TRAVELODGE, 1B AMITY GROVE, RAYNES PARK, SW20 0LQ (Agenda Item 5)

Proposal: Erection of bin storage area in car park to replace one parking space.

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

In answer to Members questions, Officers replied that:

- It would be unreasonable to put a time constraint on rubbish collections as this is a small enclosure and is not adjacent to any windows

- Fire safety is not a Planning consideration, it is covered by Building Regulations. Planning Officers do not have the expertise to assess fire risk, it would be for the applicant to assess the flammability of the external cladding and ensure that the smoking area and its proximity to external cladding was safe.

## RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 260 CHURCH ROAD, MITCHAM, CR4 3BW (Agenda Item 6)

Proposal: Demolition of existing building and the erection of a part 3 storey, part 4 storey (with setback) residential block comprising 14 x residential units, provision of 8 on-street car parking spaces (subject to traffic management order) and 20 cycle parking spaces

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

The Planning Officer reported that this application was originally brought to the Planning Committee in April 2017, but Members decided to defer their decision so that the application could be referred to the DRP (Design Review Panel). However the applicant withdrew the application from the DRP Agenda, and has now submitted an amended application with changes made to the design of elevations. There is no mandatory requirement for applications to be reviewed by the DRP. The Planning Officer reminded members that there had been a full discussion of the proposal at the Planning Applications Committee in April 2017.

The Objectors raised residents' concerns, including:

- Comparisons with Noble Court are not valid as that is smaller and set back from the highway
- There has been a lot of public opposition to this application
- This application fills the plot, will cause overshadowing and relies on parking bays on the street.
- The amendment are not effective and should have changed the skyline of the application design
- Design does not relate to the rhythm of the surrounding streets
- The site is not in a Conservation Area but it is in an area defined as of interest in the area Character Study
- An initial complaint submitted to Merton Council has never been answered

- The development does not meet London Policies – it will result in loss of light and privacy for its neighbours, and will be oppressive
- Residents are not against development of this site, but not this design

The Applicant commented that this application was policy compliant and would deliver much needed homes in Merton.

In answer to points raised by objectors the Planning Officer said:

- The matter of an ongoing complaint should not prevent Members from deciding on the application before them
- The local Grid Iron Terraces are not statutory heritage assets
- Church Road contains diverse and tall buildings. The proposed building is slightly lower than the ridge of the block opposite.
- Residents are concerned about the large brick area facing Hawthorne Avenue, but this will not be viewed directly from their homes

Councillor Ross Garrod spoke and raised points including:

- The Developer has ignored recommendations
- I have personally received many objections to this development
- The main concerns are still applicable despite amendments; the height, it not being set back, the mass, the footprint is far bigger than the existing buildings,
- Appreciate that the address is Church Road but it will have big impact on Hawthorne Avenue with the bike stores, refuse collection and entrances all on this road. Planners have ignored this impact

Councillor Ian Munn spoke and raised points including:

- It is an Attractive design but it is in the wrong place
- The character in this area is low rise, this is up to twice the size
- Fails to relate positively to the site
- Only 7m from Hawthorne Avenue neighbours, and will affect their privacy and enjoyment even with obscure glazing
- Policies to protect such sites are DMD2(i),CS14, DMD2(vi)

In answer to comments regarding Employment lost at the site, the Planning Officer asked members to note that the site had been marketed as a commercial site for 16 months with no offers received, and under NPPF (National Policy Planning Framework) guidance a local authority 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.

In answer to Members questions regarding affordable housing, the Planning Officer explained that although the Council sought 40% affordable housing in such developments. But an independent viability review of this application has said that 3 units on a shared ownership basis, which equates to 21%, is acceptable, or a cash in lieu payment of £312,000.

In answer to Members questions regarding the density of development in relation to its PTAL (Passenger Transport Accessibility Level) of 2, Planning and Transport Planning Officers believed that in these particular circumstances this was acceptable.

The Planning Officer outlined the parking situation that had been discussed at the April meeting; there were 8 on-site parking spaces for the 14 flats and 9 on-street parking bays would be created, Officers believed that the local roads had the capacity to support this.

Members disagreed on the bulk, height and massing of the building, with some saying it was acceptable and others saying that the proposal was too large for the site and would have an unacceptable impact on residents in Hawthorne Road.

Members also expressed the view that this was a very attractive high quality design, that would raise the design quality on Church Road, and that housing was needed in the borough.

Members expressed disappointment that the developers had withdrawn the application from the DRP process.

Whilst accepting that more housing was needed, a motion to refuse for reasons of height, bulk, massing and siting was proposed but refused by the vote.

The Committee then voted on the Officer's recommendation to grant Planning Permission.

## RESOLVED

The Committee agreed to grant permission subject to the completion of a section 106 agreement and conditions.

### 7 6 GREENOAK WAY, WIMBLEDON SW19 5EN (Agenda Item 7)

Proposal: Erection of a single storey rear extension

The Committee noted the officer's report and presentation and the additional information in the supplementary agenda. Members noted that a correction had been made as the Objector had commented about the depth of the extension not the height. Officers asked Members to note that they understood the proposed depth to be 2.94m, but the Neighbour objecting believed the proposed depth to be 2.96m



The Objector raised concerns including:

- There have been 13 planning proposals for this property and permitted development rights have been removed
- Solicitors have said that there should be no further development of the site
- The increased depth of the current proposal reduces the depth to the boundary of Langholm cottage, which will be only 6m if proposed scheme allowed.
- The proposal will create a footprint that is too big and intensify development. There have been many attempts to increase the depth
- There are misleading measurements in the proposals
- This proposal will set a precedent for additional extension above the single story.

The applicant raised points including:

- This is a single storey rear extension and is extremely modest in size
- It cannot have an impact on neighbours
- The property has good sized gardens and this proposal cannot be overdevelopment

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

8 5 RUSHMERE PLACE, WIMBLEDON VILLAGE SW19 5RP (Agenda Item 8)

Proposal: Reconstruction of roof involving increasing the roof pitch from 40 to 50 degrees and ridge height by 300mm and installation of two roof lights to rear roof elevation (as approved by LBM Planning Permission Ref.16/P2487 dated 30/11/2016) with the addition of roof lights to side elevation, access door and new window to garage, provision of porch, refuse store and installation of air conditioning units.

The Committee noted the officer's report and presentation

The Objector raised residents' concerns including:

- The information on changes to the roof angle and the resultant increase to ridge height provided in the Officers report is at odds with the information previously provided by the agents. Residents want to be sure that the ridge height will not increase above 300mm

- The development includes the installation of air conditioning units. No background noise assessments have been undertaken and no details of noise emissions from the units have been submitted as part of the planning application before you
- In order to protect the amenity of neighbouring occupants, residents request conditions are imposed to control the following matters;
  1. the submission and approval of a noise survey to establish the background ambient noise levels (day and evening);
  2. that noise emissions from the air conditioning units do not exceed 10dB(A) below night background noise levels; and
  3. the submission and approval of the methods of noise attenuation prior to the first use of the air conditioning units, with these measures retained in perpetuity.

In reply to the residents concerns the Planning Manager offered to add a condition that limits the increase of the ridge height to 300mm.

With regard to conditions relating to the air conditioning unit the Planning Manager explained that the first proposed condition was unnecessary as long as a condition is added stating that noise emissions from the units do not exceed 10dB(A) above ambient. Environmental Health could take action if this level did exceed 10dB(A). He also explained that the third requested condition was already covered by condition D4 in the Officers Report

#### RESOLVED

- A. The Committee voted to GRANT Planning Permission subject to the conditions in the Officer's report and the addition of a condition to limit the increase in ridge height to 300mm and a condition regarding the noise levels emitted by the air conditioning unit, stating that these should not rise to 10dB(A) above ambient noise levels.
- B. The Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the additional conditions

#### 9 12 ST MARY'S ROAD, WIMBLEDON SW19 7BW (Agenda Item 9)

Proposal: Erection of a 4 bedroom detached dwelling house with accommodation at basement level and within the roof space together with the provision of associated car parking and landscaping and front boundary wall/railings and gates.

Officers announced that a late review of the current proposal and it's relationship to the previous refusal had raised issues that needed to be further investigated and

asked the Committee to agree to defer this item to a future meeting. Officers apologised to the applicant, who had wished for the application to be heard at this meeting, and to the objectors who were also present at the meeting. The Chair proposed that the item was deferred, this was seconded and agreed by the Committee. The Chair apologised to the applicant and asked Officers to deal with the item with urgency.

RESOLVED

The Committee voted unanimously to DEFER this item to a future meeting

10 MIDDLETON COURT, 152-154 WORPLE ROAD, RAYNES PARK, LONDON, SW20 8QA (Agenda Item 10)

Proposal: Erection of electrical substation and changes to the landscaping to the rear of the building

The Committee noted the officer's report and presentation. The Planning Manager asked members to note:

- Environmental Health have not objected but have added a condition regarding noise
- The Flood Risk Officer has not objected but has added 3 Conditions that were not presented in the report or in the Supplementary Agenda

The Objector raised concerns including:

- This sub-station is only 10yards from my property but over 200 yards from the property it serves
- If the sub-station will produce no noise why have the developers offered me acoustic screening
- This sub-station would be much better located closer to the highway. It should have 24 hour access from the highway
- The distance will require additional cabling and more chance of water entering the ducting and outing the supply
- This area does flood
- Do not believe the developer when he says there is no other location for this

The applicant made points including:

- The sub-station is necessary because there is not enough capacity in the local network
- We investigated suitable locations, but this application is for the only suitable one – there is little space at the front of the new block.

- We worked with UK Power Networks to provide a unit that is silent and totally safe

In response to issues raised by the objector the Planning Manager said:

- The cabling will be designed so that water cannot cause power outages

In response to issues raised by Members the Planning Manager said:

- A condition regarding the landscaping, fencing and trellis around the substation and boundary with the neighbour could be added
- The condition regarding noise is with regard to noise generated at the Boundary
- The size of the sub-station meant that it could not be allowed under PD rights
- We don't know when the developer discovered that the network could not provide enough power for the new building

Members made comments in support of the application but said that the proposed new condition on fencing, trellis and landscaping should be as strong as possible.

Members made comments against the proposal saying that it was un-neighbourly, and they had difficulty believing that the developers did not realise that they had a problem until this stage in the development. A motion to refuse was proposed and seconded for reasons of un-neighbourliness and cited policies DMD3 and DMF2

This motion was voted on but was not passed

A vote was then taken on the Officers recommendation to allow, with the addition of the condition on fencing, trellis and landscaping and conditions supplied by the Flood Risk Officer.

#### RESOLVED

- A. The Committee voted to GRANT Planning Permission subject to the conditions in the Officer's report and additional conditions from Flood Risk officer and an additional condition relating to landscaping, fencing and trellis work.
- B. The Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the additional conditions
- C. The Conditions provided by the Flood Risk Officer shall be:

**Condition:** No development shall take place until details of the proposed finished floor levels of the development, together with proposed site levels taking into

consideration flood risk to the site, have been submitted to and approved in writing by the LPA, and no development shall be carried out except in strict accordance with the approved levels and details.

**Reason:** To reduce the risk of flooding to the proposed development and future users of the associated development in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

**Condition:** No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the LPA. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates as reasonably practicable, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

**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.

**Condition:** The development hereby permitted shall not be commenced until such time as appropriate measures to reduce the risk of flooding to and from the development are submitted to, and approved in writing by, the LPA. These may include raising any water ingress points or apertures and thresholds to the substation building, to ensure it is more resilient to flooding. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

**Reason:** To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

Members noted the Report

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

Members noted the Report

**PLANNING APPLICATIONS COMMITTEE  
17 AUGUST 2017**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
17/P2024	22/05/2017
<b>Address/Site:</b>	14 Leopold Road, Wimbledon Park SW19 7BD
<b>Ward</b>	Wimbledon Park
<b>Proposal:</b>	Minor internal alterations in order to subdivide existing A3 unit (to remain under A3 use class) from No. 12 Leopold Road for both units not to operate jointly. Installation of a ventilation duct at the rear elevation.
<b>Drawing No's:</b>	Design and Access Statement dated 22 <sup>nd</sup> May 2017 and Drawing Numbers ST/304/PL/AD/02 REV B, ST/304/PL/AD/03 REV A and ST/304/PL/AD/04 REV A.
<b>Contact Officer:</b>	Pedro Rizo (0208 545 3297)

---

**RECOMMENDATION**

**GRANT Permission subject to Conditions**

---

**CHECKLIST INFORMATION**

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 15
- External consultations: No
- Controlled Parking Zone: Yes (P1)

**1 INTRODUCTION**

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

## **2 SITE AND SURROUNDINGS:**

- 2.1 The application site relates to a ground floor commercial unit within a three-storey terrace, located on the northern side of Leopold Road, Wimbledon Park. The unit currently operates as a restaurant (A3 use class) that extends across No. 12 Leopold Road (Ambience Restaurant) and the terrace building contains residential flats on the upper floor levels.
- 2.2 The property forms part of a parade of shops, which are within the Leopold Road Neighbourhood Parade. The rear of the properties are accessed via an alley that can be accessed from Leopold Road, Waldemar Road and Strathearn Road.
- 2.3 This site is located within the Leopold Road Conservation Area and is within a controlled parking zone which operates Monday-Friday 11:00 - 15:00.

## **3 CURRENT PROPOSAL**

- 3.1 The application involves internal alterations in order to use unit 14 independently from No. 12 Leopold Road (currently merged to No. 12 Leopold Road as both units operate as a single restaurant). The works would therefore return the planning unit to its original condition as a single planning unit used under Class A3 use.
- 3.2 As background information, planning permission (ref. 17/P1297) was approved for changing the use of No. 10 Leopold Road from retail use A1 to a restaurant A3 in order to merge this planning unit with No. 12 Leopold Road. Given that these two units have been joined and will operate as a single business, it is noted that the application unit at No. 14 will no longer operate as the Ambience Restaurant, but will operate as a separate and small A3 unit for which planning permission is not required.
- 3.3 The proposed works include the installation of a ventilation duct at the rear, which would protrude by 1.00 metre above the parapet wall on the building's three storey outrigger.
- 3.4 In support of the proposal the applicant has commissioned a noise report which in summary concludes "a noise survey was carried out at the proposed location for a kitchen extract system at 14 Leopold Road, Wimbledon, SW19 7BD. From the survey the representative background noise at the nearest sensitive property was found to be 5dBLa90. Using guidance set out in BS4142:2014, noise levels from the proposed kitchen extractor units should not exceed 52 dBA at the nearest noise sensitive window. Based on the manufacturer's noise level data for the extractor fan with the inclusion of an acoustic attenuator, calculations show that noise levels at the nearest noise



sensitive receptor would be approximately 39dBA based on the proposed location. This does not exceed the maximum permissible noise level target of 45 dBA therefore complaints are deemed unlikely”.

#### **4 PLANNING HISTORY**

- 4.1 17/P1297 – Change of use of No. 10 Leopold Road from retail (use class A1) to restaurant (Class A3) and internal alterations in order to merge No. 10 Leopold Road with the existing restaurant that operates at No. 12 and 14 Leopold Road. Approved subject to conditions on the 22/06/2017.
- 4.2 17/P0044 – Part demolition of rear extensions at 14 Leopold Road and erection of new single storey rear extension at 14 Leopold Road, creating a new self-contained flat. Change of use of bar/restaurant at No. 14 to retail unit (A1). Refused on the 28/04/2017.
- 4.3 10/P3197 - Installation of new shop fronts - Grant Permission subject to Conditions 07-03-2011
- 4.4 392/P0815 - Alterations to front elevation at ground floor level - Grant Permission (subject to conditions) 18-12-1992
- 4.5 90/P1188 - Erection of a single storey pitched roof extension at rear of premises to provide toilet kitchen and store facilities to existing public house - Grant Permission (subject to conditions) 25-04-1991
- 4.6 MER131/83 – (12 – 14 Leopold Road) - Single storey extension to restaurant to provide additional kitchen and ancillary storage space and enclosure of garden at rear. Refused on the 15/12/1983.
- 4.7 MER70/82 – (12 – 14 Leopold Road) – Change of use of ground floor from residential premises to licensed restaurant. Granted on the 15/04/1982.

#### **5 CONSULTATION**

- 5.1 Site notice displayed and application published in press notice. In addition, 23 letters of consultation were sent to neighbouring properties at Leopold Road on the 05<sup>th</sup> June 2017. In addition, letters of consultation were sent to neighbouring residents at Waldemar Road on the 17<sup>th</sup> July 2017.

The consultation period expired on the 11<sup>th</sup> August 2017 and six letters of objection were received (one letter of objection signed by four different residents), noting the following concerns:

- The development would increase fumes from the proposed ventilation duct at the rear and would cause disturbance, when

considering that Nos. 10 and 12 would also be used under A3 use and that there is an existing extractor at No. 12.

- Proposed development would cause disruption by additional business (i.e. mopeds coming and going).
- The proposed extraction system affects visual amenity and generates noise.
- The development affects parking within the surrounding area,
- The proposed restaurant would cause a great amount of rubbish on Leopold Road.
- The development would affect the retail character of the parade of shops.
- The restaurant offers a take away service and any departure from the approved description should be enforced.
- The proposed plans misrepresent as these do not include an existing covered area.
- Development represents an over-dominance of restaurants within the parade and there would be no balance in types of commercial premises.
- The submission includes no details of opening hours and this point should be clarified.
- The unit should be returned to A1 use class.

5.2 Internal: Environmental Health Officer: No objections subject to condition.

## **6 POLICY CONTEXT**

National Planning Policy Framework (2012)

London Plan (March 2015)

- 4.8 Supporting a Successful and Diverse Retail Sector
- 4.9 Small Shops
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Core Planning Strategy (July 2011)

- CS7 Centres
- CS11 Infrastructure
- CS14 Design
- CS17 Waste Management
- CS18 Active Transport
- CS19 Public Transport
- CS20 Parking, Servicing and Delivery

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

- DMD2 Design considerations in all developments
- DMD4 Managing heritage assets
- DMR1 Location and scale of development in Merton's town centres and neighbourhood parades
- DMR2 Development of Town Centre type uses outside Town Centres
- DMR3 Protecting Corner/Local Shops
- DMR4 Protection of shopping facilities within designated shopping frontages.
- DMR5 Food and Drink/Leisure and Entertainment Uses
- DMT2 Transport impacts of development

## **7 PLANNING CONSIDERATIONS**

Key planning considerations:

- Principle of Development
- Design and Impact upon the Character and Appearance of the Area
- Impact upon Neighbouring Amenity
- Transport and Parking

## **8 PRINCIPLE OF DEVELOPMENT:**

- 8.1 No. 14 Leopold Road is currently used under A3 use class and operates jointly with No. 12 Leopold Road ('Ambience Restaurant'). The proposed development therefore does not involve a material change of use to the planning unit, as the works involve internal alterations to subdivide this unit from No. 12 Leopold Road to be used independently.
- 8.2 Planning application reference 17/P1297 for the "Change of use of No. 10 Leopold Road from retail (use class A1) to restaurant (Class A3) and internal alterations in order to merge No. 10 Leopold Road with the existing restaurant that operates at No. 12 and 14 Leopold Road" was approved by committee decision on the 22<sup>nd</sup> June 2017. The proposal follows previous approval, which was assessed considering that merging Nos. 10 and 12 Leopold Road was acceptable, if No. 14 Leopold Road was used as a separate planning unit. No. 14 Leopold Road was omitted from the approved plans under planning permission ref. 17/P1297.
- 8.3 The proposed works, which seek to ensure that No. 14 Leopold Road is no longer integrated to No. 12 Leopold Road is not development requiring planning permission involving only internal works.
- 8.4 Given that the proposed development does not involve a material change of use of the existing A3 unit (restaurants and cafes), the

proposed development would not have a material effect on the variety of business and on the viability and attractiveness of the neighbourhood parade.

8.5 Although concerns have been noted in terms of an over-concentration of restaurants (A3 use class) units within the parade of shops, the proposal does not represent an introduction of an A3 use within the unit. As reviewed during previous assessment for approved planning application reference 17/P1297, the parade retains sixteen A1 shops and three of these shops are vacant. There are four existing A3 units within the parade, with three additional take-away businesses (A5 use class) along both sides of Leopold Road. In the absence of a material change of use for the application retail unit and considering that the property would still operate as a restaurant and café (A3 use), the proposed development raises no concerns in terms of land use and impact on the attractiveness of the neighbourhood parade.

8.6 Whilst concerns have been noted over how the existing business at Nos. 12 and 14 Leopold Road operates as a hot food take away (A5 use class), this alleged breach of planning control should not warrant a reason for refusal, considering that the proposed development, which does not involve a change of use, is consistent with relevant policy DMR1 of the Merton's Local Plan (2014).

8.7 The approval of the planning application is therefore recommended with an informative that clarifies how planning permission would be required for any other use of the application site and clarifies how any breach of planning control concerning an unlawful use of the property may result in planning enforcement action.

## **9 DESIGN AND VISUAL IMPACT:**

9.1 The proposed development does not seek permission for any external alteration to the shop front, customer access or signage. The front elevation of the property would remain as existing.

9.2 However, the application seeks planning permission for the installation of a ventilation duct, which would be positioned on the rear elevation of the terrace building. The proposed duct would protrude by 1.00 metre above the rear parapet wall on the building's three storey rear outrigger and would therefore sit below the main front parapet wall of the building.

9.3 Given the position at the rear and the fact that the structure would not exceed the main parapet wall at the front of the building, the proposed equipment would have no adverse impact on the visual appearance of

the building and its surrounding area, when viewed from public vantage points at Leopold Road.

- 9.4 The proposed duct would be similar to an existing duct that has been installed at No. 12 Leopold Road and would therefore not introduce an alien or obtrusive feature at the rear of the terrace buildings, considering that it would be consistent with the use of these commercial units.
- 9.5 In light of the above considerations, the proposed external duct would have no adverse impact on the design and visual appearance of the terrace building and surrounding Leopold Road Conservation Area. The proposed development therefore does not conflict with policies DMD2 and DMD4 of the Merton's Local Plan (2014).

## **10 IMPACT UPON NEIGHBOURING AMENITY:**

- 10.1 Policy DMR1 states that proposals should not have an undue negative impact upon amenity of neighbourhood properties in terms of loss of sunlight/daylight, noise, odours, visual intrusion or general disturbance to the living conditions of neighbourhood residents.
- 10.2 The proposed plans proposes a ventilation duct that would be positioned at a distance of 60 centimetres from the rear windows that serve habitable rooms on the upper floor residential flats within the terrace building. Given the small separation and the fact that the duct would have a silencer and carbon filter unit on its lower section, the proposed duct should not cause any significant harm to the residential amenities of the upper floor units within the terrace building in terms of noise, smells and general disturbance.
- 10.3 Moreover, the proposed duct would be positioned at a distance of approximately 20 metres from the rear elevations of terrace houses at Waldemar Road. The proposed equipment has been reviewed by the Council's Environmental Health Officer, who considered that the proposed duct was acceptable, subject to precaution conditions that restrict noise levels.
- 10.4 In terms of opening hours, the A3 unit would operate as existing (between the hours of 11:00 AM and 23:00 PM on Mondays to Sundays and all other days).

## **11 TRANSPORT AND PARKING:**

- 11.1 The proposed development involving the installation of an extract duct raises no concerns in terms of parking and traffic generation. This

consideration also follows the fact that the site is positioned within a sustainable location, within close proximity to transport links at Wimbledon Station and a number of bus stops at Gap Road and Alexandra Road.

## **12 MERTON'S COMMUNITY INFRASTRUCTURE LEVY**

- 12.1 Merton's Community Infrastructure Levy was implemented on 1<sup>st</sup> April 2014. This enables the Council to raise, and pool, contributions from developers to help pay for things such as transport, decentralised energy, healthcare, schools, leisure and public open spaces - local infrastructure that is necessary to support new development. Merton's CIL has replaced Section 106 agreements as the principal means by which developer contributions towards providing the necessary infrastructure should be collected. The development is not liable to CIL.

## **13 SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

- 13.1 The proposal is for the retention of an existing use and involves minor external alterations and the installation of an external duct. An Environmental Impact Assessment is not required in this instance.

## **14 CONCLUSION**

- 14.1 The proposed ventilation duct at the rear would have no significant impact on the visual appearance of the building and surrounding Leopold Road Conservation Area or on the residential amenities of neighbouring residents.
- 14.2 Accordingly, it is recommended that planning permission be granted.

### **RECOMMENDATION:**

#### **GRANT PERMISSION**

Subject to the following conditions:

1. A1 Commencement of Development (full application)
2. A7 Plans
3. D06 Kitchen Ventilation Extract Systems  
The use hereby permitted shall not commence until detailed 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.

**Informatives:**

INF2 Planning permission would be required for alterations to the shop front or for a change of use to a Hot Food Takeaway (Class A5) .

---

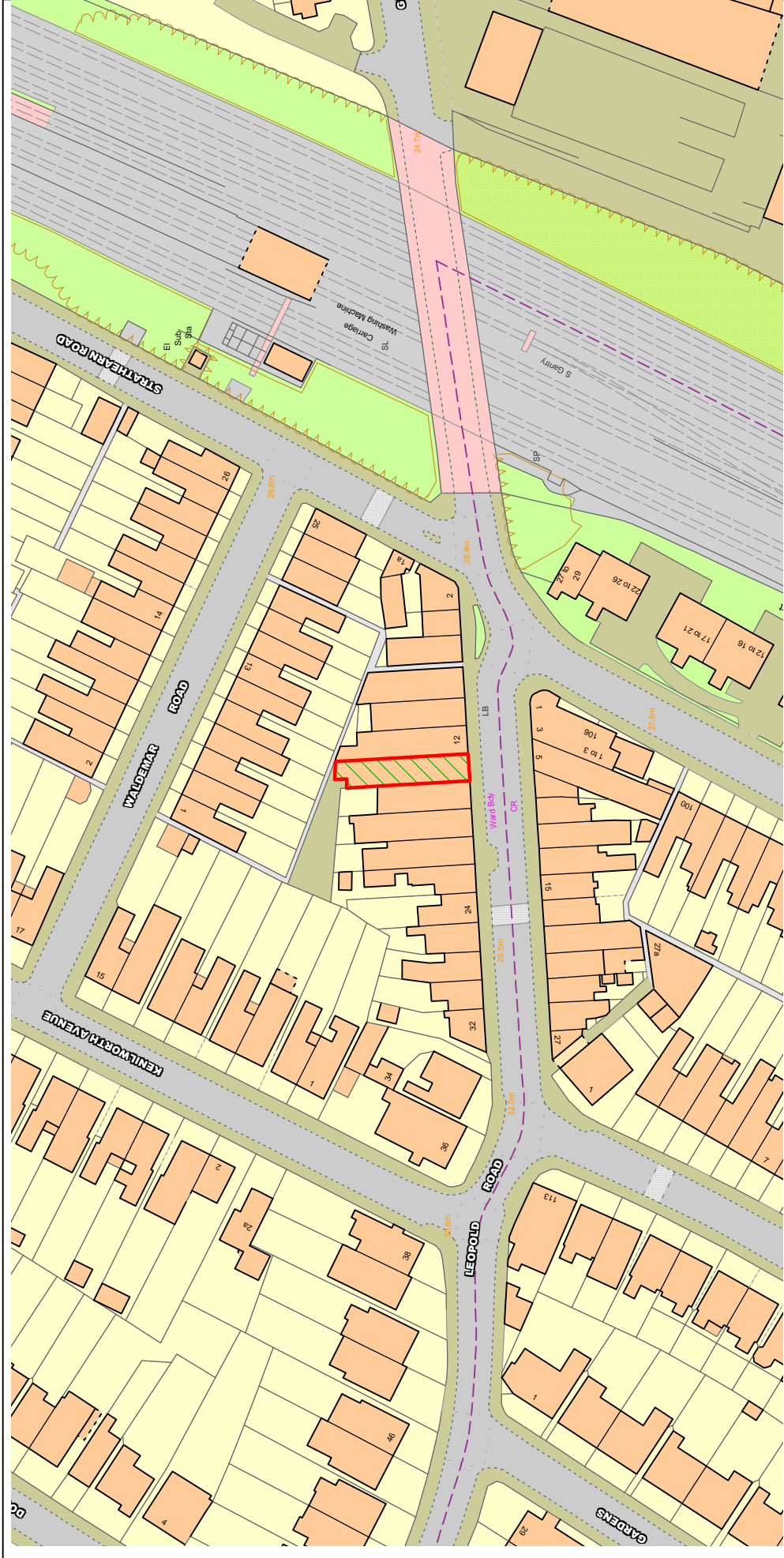
[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

This page is intentionally left blank



# NORTHGATE SE GIS Print Template



Text Details **14 Leopold Rd**

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

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE 17 AUGUST 2017

**APPLICATION NO.**

17/P0092

**DATE VALID**

06/01/2017

**Address/Site:** Holt Lodge, 170 London Road, Morden, SM4 5AN

**Ward:** Merton Park

**Proposal:** Demolition of Holt Lodge, one half of a semi-detached pair of dwellings (Class C3), and redevelopment of the site to construct two, three storey buildings comprising 9 residential units (4x1 bed and 5x2 bed) in use class C3.

**Drawing No.'s:** 597.2/ 001P4, 008K, 009H, 010H, 011H, 012E, 013D, 014J, 015J, 017D, 030B, 031B, 032A, 033A, 034A.

And supporting documents: 'Daylight and Sunlight Report' dated 22 May 2017, 'Desk Top Study Report' dated May 2014, 'Design and Access Statement' dated 22 December 2016 and 'Planning Statement Energy Assessment' dated 14 May 2015.

**Contact Officer:** Jock Farrow (020 8545 3114)

---

### **RECOMMENDATION**

**Grant planning permission subject to conditions.**

---

### **CHECKLIST INFORMATION**

- S106: 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: 107
- External consultations: 6
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled Parking Zone: No
- Flood zone: No
- Archaeological priority zone: Yes – tier 2

## **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of the development and objection(s) received.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is located on the north western side of London Road, positioned approximately 160m to the south of Morden Town Centre. The site is regular in shape and elongated in a direction perpendicular from the highway; the site has a frontage to London Road of approximately 11m and extends for a depth of approximately 31m; the site has an area of approximately 745sq.m. The site is bound by a vehicle access road for the full length of the north eastern boundary, a parking lot to the rear, a mixture of storage space and residential properties along the south western boundary and London Road to the front.
- 2.2 The site is currently occupied by Holt Lodge, a two storey (with loft level) semi-detached dwelling which is characterised by a dual pitch roof with gable ends along with a front gable. The dwelling is setback from the road frontage by some 25.5m; the resulting forecourt is currently used as an informal parking lot. The site has existing vehicle access from London Road.
- 2.3 The area is characterised by varied development both in terms of architectural style and scale. To the north east (immediately beyond the adjoining vehicle access road) of the site is a 3 storey block of flats, comprising a high pitched roof with hipped ends (The Holt). To the south west, the site is bordered by three sites: toward the front are purpose built flats with the appearance of two storey (with loft level) semi-detached dwellings, this building is characterised by pitched roofs and hipped ends (190-192 London Road); located centrally is the semi-detached pair which is currently attached to the dwelling on site, this dwelling is characterised by a dual pitched roof and front gable (Holt Cottage); toward the rear is a storage complex occupied by single storey garages. Opposite the site and to the east (across London Road) is a sprawling 3 storey complex of flats with a mansard style top floor.
- 2.4 The site is located 500m from Morden Underground Station. London Road is a Transport for London 'Red Route'. The site has a public transport accessibility level (PTAL) of 3 (average), however it is within 100m of a PTAL 6a (excellent) area, thus the site is considered to be very well connected to public transport links.

## **3. CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of one half of a semi-detached pair of dwellings and the redevelopment of the site to construct two, three storey buildings comprising a total of 9 residential units (4x1 bed and 5x2 bed) together with landscaping, 2 vehicle parking spaces, cycle storage and refuse provisions. The proposed building would have a total floor area of 672sq.m.
- 3.2 The site would retain vehicle access from London Road with 2 'blue badge' parking spaces being provided to the front of the site. The footprint of the two

buildings would be regular in shape and would be set in from the site boundaries. Landscaping would be provided including hedges to delineate boundaries, trees along the north eastern boundary and a communal garden space between the two buildings. The southern block (which addresses London Road) would be setback from the highway by 13m, following the building line established by the adjacent buildings; it would be set in from the north eastern boundary by approximately 2.8m; it would be set in from the south western boundary by approximately 2.8m and setback from the resulting flank wall (resulting from the demolition of the building on site, Holt Lodge) of Holt Cottage by 1.22m. The northern block would be setback from the southern block by 8.6m; it would be set in from the north eastern boundary by 2.6m; it would be set in from the south western boundary (adjacent to the storage garages) by 1.7m and set back from the rear boundary by 5m.

- 3.3 The main building envelope would be regular in shape with projecting balconies to the front and rear and vertically orientated projecting windows along the north eastern (flank) elevation; a pyramid style roof would be utilised to the front, behind which would be a flat roof housing a series of solar panels. The front elevation would incorporate recessed brick detail which would be vertically orientated. The building façade would predominately be red brick. The pyramid style roof would be clay tiles. Windows would be recessed and would utilise aluminium frames. Balconies would utilise glass balustrades. The projecting windows would be clad in Larch (wood) and would utilise zinc for the roof.
- 3.4 The main access to the southern block would be provided from the southwestern (flank) elevation and would comprise a stair core and lift serving all floors; the ground floor units would have private entrances and would also be provided from this elevation. The main entrance to the northern block would be provided from the south eastern elevation (elevation directed toward London Road) and would comprise a stair core; the ground floor unit would have a private entrance accessed via the southwestern elevation.
- 3.5 The proposed buildings would have the following key dimensions:
- Southern block:
    - 22m deep/long
    - 7.3m wide
    - 9.1m high to the eaves
    - 12.1m maximum height
    - 9.5m high to the flat roof component
  - Northern block
    - 12.7m deep/long
    - 7.4m wide
    - 9.5m high to the flat roof
- 3.6 Following the initial submission of the drawings, concerns were raised by officers regarding the design, form and appearance of the proposed building and how it would address the streetscene, revised drawings were subsequently submitted which sought to address these concerns. The revisions included:

- Adding a pyramid style roof to the front
- Reducing the width of the balconies to the front
- Providing vertically orientated brick detail to the front elevation
- Providing defensible space to the ground floor units

3.7 It is noted that the application site benefits from extant planning permission 14/P2817, which is for the construction of an MOT warehouse building (equivalent of two storey in height) toward the front of the site and a 3 storey flat roof building toward the rear of the site which would provide 9 flats; the proposal would involve the demolition of both halves of the semi-detached dwellings (both Holt Lodge and Holt Cottage). Following the granting of planning permission 14/P2817 it became apparent that acquiring the site of Holt Cottage would be problematic; as such, this revised scheme has been submitted which would utilise the site of Holt Lodge only.

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

4.1 Relevant planning history is summarised as follows:

4.2 14/P2817: Application for planning permission for the demolition of the existing single storey building providing a car sales office [22 square metres], and two storey buildings providing a three bedroom house, and 2 two bedroom flats on land known as Holt Lodge and Holt Cottage [located between The Holt and 190-192 London Road] and the construction of two new buildings consisting of a vehicle repair workshop providing MOT testing [Use Class B2 and 235 square metres] at the front of the site with a front yard using the existing vehicular access from London Road and a three storey building at the rear of the site providing 9 flats [6 two bedroom flats and 3 one bedroom flats] with pedestrian access to London Road – Granted.

#### **5. CONSULTATION**

5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 107 neighbouring properties. In addition, re-consultation was undertaken for a 14 day period due to amendments being received, the most notable being the addition of the pyramid roof. The outcome of the combined consultation periods is summarised as follows:

5.2 Two representations were received which objected to the proposal, albeit it is noted that these were received from the same person and were submitted in response to the two separate consultation periods. The objections are summarised as follows:

- Building too close to the neighbouring sites
- Compromise privacy and security
- Loss of daylight and sunlight
- Loss of outlook
- Out of keeping with the area
- Adverse impact upon parking
- Lack of employment on site

## **Internal:**

- 5.3 Transport/Highways Officers: No objection. The site is not within a CPZ. PTAL is 3 but increases to 6a within 100m. Given the excellent public transport links available the parking provisions are considered to be acceptable. Cycle parking provisions are acceptable. Refuse storage are considered to be appropriately located. Proposal will not generate a significant negative impact on the performance or safety of the highway network. Consultation with TFL required given London Road is a 'Red Route'.
- 5.4 Climate Change Officer: No objection. The Energy Statement indicates that the proposal should achieve a 42% improvement on Part L 2013 (CO2 emissions) which far exceeds the policy requirement of a 19% improvement. Recommended a condition requiring policy compliant CO2 improvements and water efficiency.
- 5.5 Environmental Health: No objection. Recommended conditions relating to contamination, external lighting and measures to reduce disturbance during the construction period.
- 5.6 Waste Services: No objection. The storage provisions are in line with Merton requirements.

## **External:**

- 5.7 Transport for London (TFL): No objection. Advised that the applicant will need to enter into a legal agreement with TFL for any works to the highway. Advised that the footway and carriage must not be blocked and that it must be safe for pedestrians during the construction phase.
- 5.8 Historic England – Greater London Archaeological Advisory Service: No objection. Advised that while the proposal is located within an archaeological priority zone, the limited size of the proposal along with the anticipated levels of previous ground disturbance pose a limited risk to archaeology.
- 5.9 Metropolitan Police – Designing out Crime Officer: No objection. Advised that the dwarf wall should be designed so it cannot be used as seating, a gate should be added to the defensible space of the ground floor unit to the front, cycle storage should be secure.
- 5.10 Environment Agency: No objection.

## **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;
- 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

Other NPPF sections 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 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 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 H2 Housing mix
- DM D1 Urban Design
- DM D2 Design considerations
- 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 – Nationally described space standard 2015

**7. PLANNING CONSIDERATIONS**

7.1 Material Considerations

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

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network and parking
- Refuse storage
- Sustainability
- Contamination
- Developer contributions

#### Principle of development

- 7.2 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. 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.
- 7.3 The site is within a residential area and benefits from excellent public transport links. The site is an underutilised brownfield site which is considered to present opportunities for a more intensive residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.
- 7.4 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.

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

- 7.5 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.
- 7.6 The building incorporates a considerable setback from London Road to align with the building line established by the adjacent developments. The building is set in from all boundaries and it is considered to fit comfortably within the site. The development has been proposed as two separate blocks, with the space between the blocks aligning with the rear garden of Holt Cottage to the south west. Planting and gates are proposed in front of the ground floor units to create defensible space and to delineate between communal and private areas. Given the above, the footprint and layout of the building is considered to be well thought out and appropriate for the site.
- 7.7 Immediately to the north east of the site is a 3 storey block of flats with a high pitched roof (positioned to the front of the building), behind the pitched roof the building reduces in height to a flat roof. Immediately to the south west of the site is a two storey with pitched roof building. Immediately opposite the site is a 3 storey block of the flats. Considering the existing built environment, the proposed 3 storey building, with an additional pitched roof, is considered to be well justified in terms of bulk and height and that it would sit comfortably within its context. In addition, the massing approach, which focuses the bulk

toward the wide streetscape of London Road and reduces in bulk toward the rear, is considered to be appropriate.

- 7.8 The surrounding development is characterised by a variety of architectural styles and scales. However, a common characteristic which is considered to make a positive contribution to the streetscene is the vertical emphasis of the buildings. Given the above, discussions ensued between the developer and Merton Council to provide a building which would more readily harmonise with the surrounding context and pick up on this architectural cue. Revisions to the scheme were subsequently received which added a pyramid style roof to the front of the building, added vertically orientated brick recesses/detailing to the front elevation and reduced the width of the balconies to the front. These architectural treatments create a vertical emphasis to the building which is considered to sit comfortably within its context.
- 7.9 The external appearance would be characterised by a red brick façade, a clay tile pyramid roof, wooden cladded projecting bay windows, recessed aluminium windows, vertically orientated brick detail to the front and glazed projecting balconies. It is considered that the materials pallet along with the different elements of the façade harmonise to create an interesting, high quality and coherent design. However, the success would be very much dependant on the exact materials used; therefore, a condition is recommended requiring specific details of materials to be submitted for approval prior to the commencement works above foundation level.
- 7.10 As viewed holistically, it is considered that the proposal would constitute a high quality scheme, responding appropriately 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.

#### Impact upon neighbouring amenity

- 7.11 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:**

- 7.12 Light spill from the proposal is not expected to be significant given the scheme is entirely residential. However, there are external spaces which would require lighting. As such, it is recommended to include a condition which would require any external lighting to be positioned away from residential properties.

#### **Privacy:**

- 7.13 The primary outlook would be provided to the front and rear, where the scheme would overlook the public highway and a carpark. Bay windows would be incorporated which would also provide directional outlook from the flank elevations toward the front and rear.

- 7.14 To address concerns of overlooking, the scheme proposes a combination of obscure glazed and fixed shut windows, 1.7m high obscure glazed screening to balconies and projecting bay windows to provide directional outlook (to avoid direct overlooking). It is considered that this combination of techniques could suitably address any undue overlooking. However, the details of obscure glazed windows and balcony screening as currently submitted are not considered to be sufficient, it is therefore recommended to require further details to be submitted by way of condition.

**Visual intrusion:**

- 7.15 Given the proposed buildings would be 3 storey in height it would be replacing a two storey (with additional pitched roof) dwelling which only covers a small section of the site, visual intrusion should be closely scrutinised.
- 7.16 With regard to the surrounding development: it is noted that the primary outlook to 190-192 London Road (existing development to the south west and toward the front of the site) it directed toward the front and the rear, which does not face the development site; in addition, the building is setback from the amenity space of this property by some 6.5m. With regard to Holt Cottage (existing development positioned centrally and to the south west of the site), while the proposal would be in very close proximity to this property (1.22m at the closest point), it is noted that there would be no windows in its flank elevation facing the proposed development; furthermore, the gap between the two blocks of flats would align with the amenity space of Holt Cottage. With regard to The Holt (block of flats to the north east), the proposed buildings would maintain a setback of approximately 8.5m; in addition, the gap between the two buildings would break up the bulk of the proposal.
- 7.17 To further mitigate the impact of visual intrusion, the proposed building would utilise a flat roof, thus reducing the overall height and trees would be planted along the north eastern boundary to help obscure the proposal.

**Loss of daylight and sunlight:**

- 7.18 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), daylight distribution and average daylight factor (ADF) for daylight and annual probable sunlight hours (APSH) for sunlight. Habitable rooms from all immediately surrounding dwellings have been assessed.
- 7.19 With regard to 190-192 London Road and Holt Cottage (dwellings to the south west): 190-192 London Road has 4 windows which serve habitable rooms which would experience reductions in VSC beyond the recommended 20%; however, all of these windows meet BRE guidelines in terms of daylight distribution. All remaining windows, and all windows at Holt Cottage, would meet BRE guidelines in terms of daylight and sunlight. Furthermore, the amenity space of both of these properties would retain BRE guideline levels of

daylight and sunlight. Given the above, it is not considered that the proposal would unduly impact upon 190-192 London Road or Holt Cottage in terms of loss of daylight or sunlight.

7.20 With regard to the Holt (block of flats to the north east), all windows would meet BRE guidelines with the proposal in place in terms of sunlight (APSH), both in winter and annually. However, 21 windows/rooms would experience a reduction in VSC and daylight distribution below BRE guidelines. 15 of these windows would retain close to the recommended 27% VSC, being in excess of 20% VSC. The remaining 6 windows would retain at least 16.9% VSC.

7.21 The developer makes the following argument in their daylight and sunlight assessment:

- 16.9% VSC would still provide a reasonable amount of daylight to the rooms beyond
- The main living space of the affected flats are understood to be on the opposite side of the building, which would be unaffected
- The most affected windows are those opposite areas of the site that are currently undeveloped; in such locations, reductions in daylight beyond 20% are more likely (even when reasonable development is proposed) as the windows rely on light 'borrowed' from the adjacent site. In such situations, strictly adhering to the 20% BRE guidelines can lead the underdevelopment of site.

7.22 As confirmed by the developer's submitted daylight and sunlight assessment, 21 windows within The Holt would experience a reduction in daylight beyond BRE guidelines. However, it should be noted that the proposal is considered to be suitable in terms of the way it addresses streetscene and its impact upon the character and appearance of the area, it is not considered to be unduly visually intrusive or to unduly impact upon the privacy of neighbouring dwellings; and as per the remaining assessment, the proposed units are considered to offer a high standard of living, and the proposal is considered to be compliant with transport, refuse and sustainability objectives and policies. Furthermore, the proposal accords with a key planning objective in delivering new housing. Given the above, it is considered that significant weight should be given to the delivery of housing and that some level of flexibility may be awarded given to the characteristics of the site and the surrounding development (relying on 'borrowed light') - it may be considered unreasonable in this instance to withhold permission based on loss of daylight alone.

Standard of accommodation

7.23 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.	Unit Size/ Type	Required Area	Proposed Area	Compliant
1	1b2p	50	50.5	Yes
2	2b4p	70	71	Yes
3	1b2p	50	53	Yes
4	1b2p	50	51	Yes
5	2b4p	70	70	Yes
6	2b4p	70	70.5	Yes
7	1b2p	50	51	Yes
8	2b4p	70	70	Yes
9	2b4p	70	71	Yes

Where b = beds (no. of bedrooms) and p = persons (maximum occupancy)

- 7.24 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 ground floor units which incorporate defensible space to screen and separate their windows from communal space. 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); all units achieve dual aspect.
- 7.25 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 ground level gardens or balconies, 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 landscaped communal space which would be positioned between the two blocks.
- 7.26 The southern block, which would contain 6 of the 9 flats, would be served by a lift, thus providing step free access. As such, 7 of the 9 proposed units would benefit from step free access (the ground floor unit of the northern block included). Given the layout of the proposal, it would appear impracticable to install an additional lift to achieve step free access to the remaining 2 units; as such, in this instance the provision of step free access to 7 of the 9 units is considered to be acceptable.

#### Transport, highway network, parking and sustainable travel

- 7.27 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. 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 and to provide parking spaces on a restraint basis (maximum standards).

7.28 Transport for London along with the London Borough of Merton Transport Planner and Highways Officer have reviewed this application; their comments are integrated into the assessment below.

7.29 The development would provide 2 off street parking spaces which is considered to be acceptable given the excellent public transport links within close proximity of the site. Given the low level of parking provisions which include electric charging points, the excellent public transport links and the 14 cycle storage spaces (policy compliant) proposed, the scheme is considered to promote sustainable transport objectives.

7.30 The proposed development is not considered to result in a significant trip generation nor is it considered to negatively impact upon highway performance or safety. It is noted that the forecourt could easily accommodate delivery and servicing requirements.

#### Refuse storage

7.31 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.

7.32 The proposed refuse storage provisions are in line with Merton requirements and the collection location is considered to be appropriate.

#### Sustainability

7.33 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.

7.34 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. The submitted energy statement indicates that the proposed development could achieve a 42% improvement on Part L which far exceeds the minimum policy requirements. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

#### Site contamination

7.35 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.

7.36 Due to the potential for ground contamination on site, 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.

Developer contributions

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

**8. CONCLUSION**

- 8.1 The proposal is considered to be acceptable in principle, 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.
- 8.2 The proposal is not considered to unduly impact upon neighbouring amenity in terms of visual intrusion or loss of privacy. The proposal would offer a high standard of living for prospective occupants. The proposal would not unduly impact upon the highway network or surrounding parking provisions 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.
- 8.3 It is acknowledged that the proposal would result in loss of daylight, to a point below BRE guidelines, to a number of flats within the adjacent block of flats, The Holt. As summarised above, the proposal is considered to be acceptable in terms of all other material considerations. Given the above, it is considered that significant weight should be given to the delivery of housing and that some level of flexibility may be awarded given to the characteristics of the site and the surrounding development (relying of 'borrowed light').
- 8.4 The application is therefore recommended for approval on balance, subject to appropriate conditions.

**RECOMMENDATION**

Grant planning permission subject to the following conditions.

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 works above foundation level shall take place until details of particulars and 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 [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions, including the electric charging points, shown on the approved plan 597.2/ 008K has been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times thereafter.

Reason: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Policies Plan 2014.

5. 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 Polices Plan 2014.

6. 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: It is necessary for the condition to be discharged prior to the commencement of development ensure vehicle and pedestrian safety and to

protect 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.

7. Standard condition [External lighting]: 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 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.

8. Standard condition [Refuse]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plan 597.2/ 008K 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.

9. 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 CO2 reductions not less than a 19% improvement on Part L of the Building Regulations 2013 and internal water usage of not more than 105 litres per person per day.

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

10. Amended standard condition [Obscure glazing and screening]: Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of obscure glazing to windows and screening of balconies 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.

11. Amended standard condition [Use of flat roof]: Access to the flat roof of the development hereby permitted, shall be for maintenance or emergency purposes only, and these areas 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.

12. Amended standard condition [Hardstandings]: Notwithstanding the approved plans, the hardstandings 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.

13. Non-standard condition [Contamination investigation]: Prior to the commencement of development, an investigation and risk assessment scheme, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons, in accordance with the approved scheme and prior to the commencement of development and a written report of the findings must be produced. The written report is subject to the written approval of the Local Planning Authority. The report of the findings must include where relevant:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: It is necessary for the condition to be discharged prior to the commencement of development in order to protect any 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.

14. Non-standard condition [Contamination remediation]: Prior to the commencement of development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: It is necessary for the condition to be discharged prior to the commencement of development in order to protect any 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.

15. Non-standard condition [Remediation verification]: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: It is necessary for the condition to be discharged prior to the commencement of development in order to protect any 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.

16. Non-standard condition [Unexpected contamination]: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

Reason: In order to protect any 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.

17. Standard condition [Landscaping]: Prior to the use or occupation of the development hereby approved, full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: 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.

18. Amended Standard condition [Cycle storage]: The development hereby permitted shall not be used or occupied 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.

#### Informatives:

a) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any

issues that may arise in the processing of their application. In this instance LBM officers have provided feedback and allowed for additional time and amendments to improve the scheme. In addition, the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

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

c) 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).

d) Carbon emissions evidence requirements for Post Construction stage assessments must provide:

- Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address); **OR**, where applicable:
- A copy of revised/final calculations as detailed in the assessment methodology based on 'As Built' SAP outputs; **AND**
- Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO<sub>2</sub> emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation

e) Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
  - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
  - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
    - Water Efficiency Calculator for New Dwellings; **or**
    - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
    - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

Continued over page:

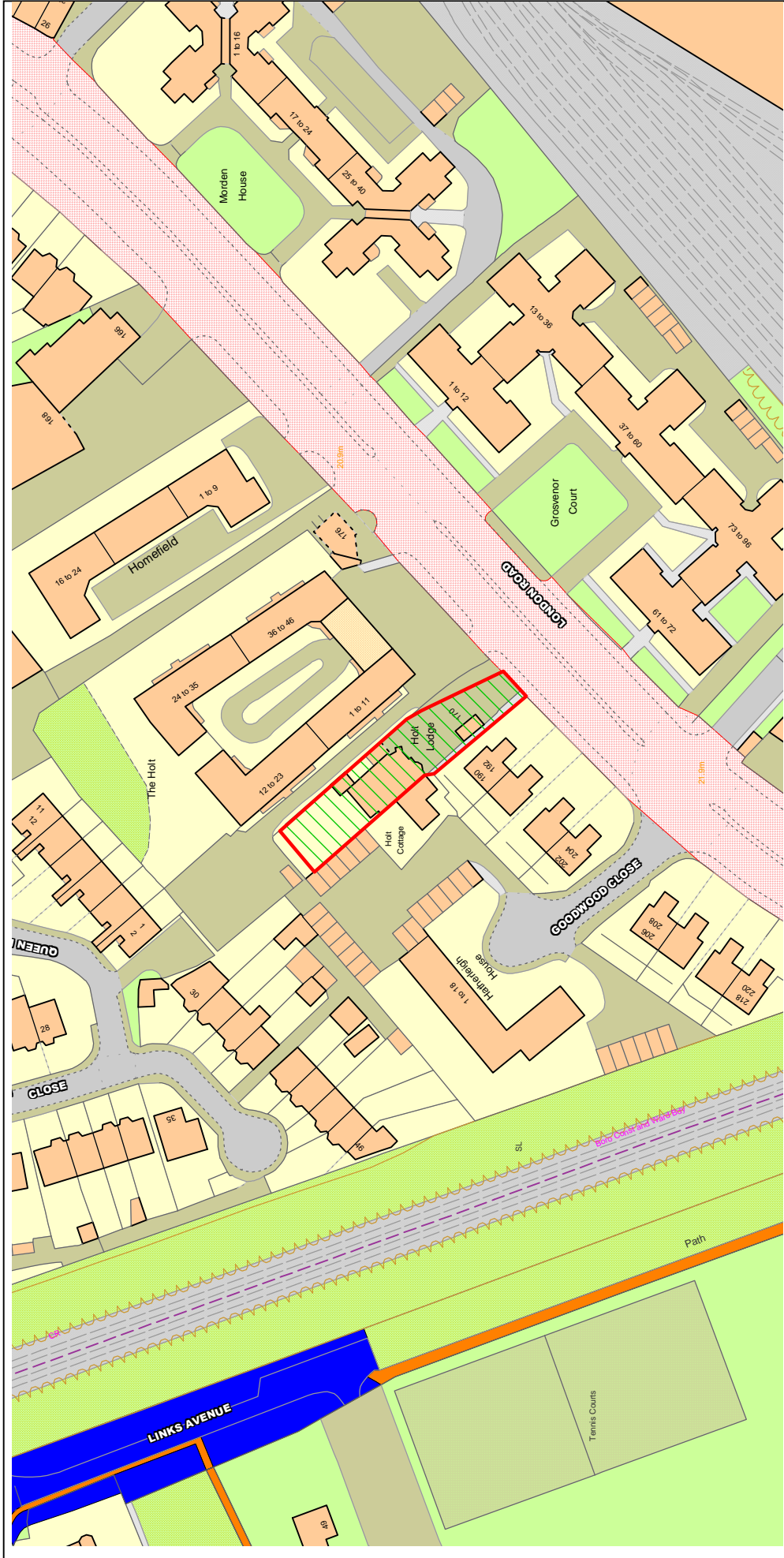
[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

This page is intentionally left blank



# NORTHGATE SE GIS Print Template



Text Details **Holt Lodge, London Rd**

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

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE 17 AUGUST 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P1139	20/03/2017
<b>Address/Site</b>	1a Mostyn Road, Merton Park, SW19 3LH
<b>Ward</b>	Merton Park
<b>Proposal:</b>	Erection of a part single, part two storey rear extension with extension of front porch and rear roof extension.
<b>Drawing Nos</b>	001 rev A (site location plan), 100 rev C, 101 rev E, 102 rev E, 103 rev F, 120 rev D, 121 rev B, 125 rev A
<b>Contact Officer:</b>	Arome Agamah (8545 3116)

---

### RECOMMENDATION

**GRANT Planning Permission subject to conditions**

---

### CHECKLIST INFORMATION

- Heads of agreement: no
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 6
- 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 received and a call in by the local ward member.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is a large 5 bedroom detached residential dwelling with integrated garage located on the west side of Mostyn Road in Merton Park. The property dates from the 1980s and was erected on an infill site, which was formerly part of the rear gardens of 1 Mostyn Road. The resulting plot is L shaped, with most of the garden footprint slightly offset from the main house. The property has a prominent hipped main roof with steep slopes and two storey gable ends to the front elevation. The rear elevation has a centrally located two storey gable end addition with a single storey rear addition alongside, which is in line with a previously granted permission (reference 09/P2911).
- 2.2 The site is located within the John Innes (Merton Park) Conservation area and is on an adjoining plot to the locally listed building at number 1 Mostyn Road. The existing house is not of historical or architectural interest and has been specifically highlighted in the local character assessment as one of the buildings regarded to be a negative attribute of conservation area.

## 3. **CURRENT PROPOSAL**

- 3.1 The current application is for the erection of a part single, part two storey extension to the rear of the property and the erection of a rear roof extension. The rear additions comprise of two storey gable end extensions to match the positioning of the front gables and a centrally located single storey addition. The rear roof extension will be centrally located above the existing rear gable end addition. The proposals also include an increase in depth to the existing front porch and the formation of a single access door to the existing integrated garage at the front of the property.
- 3.2 A number of amendments have been made to the proposals following feedback from council officers, and in response to some of the objections raised by the residents of neighbouring properties as follows:
- Change in design of rear roof extension from a box dormer to a twin gabled addition with tile cladding
  - Reduction in depth of rear two storey extension
  - Change in rear elevation window and doors types
  - Retention of tree at front boundary
  - Redesigned front boundary wall to accommodate tree

## 4. **PLANNING HISTORY**

- 4.1 13/P3513 – Erection of a part single, part two storey rear extension with extension of front porch and rear roof extension. Refused 07/02/2014.

### Refusal Reasons:

The proposed extension by reason of its height, size and siting in relation to site boundaries, including 1 Mostyn Road and 184 Kingston Road, would be

overly dominant and unduly intrusive, unsympathetic to the bulk and proportions of the original building, to the detriment of the visual amenities of neighbouring occupiers and would be contrary to policies 7.6 of the London Plan (2011), CS.14 of the Merton LDF Core Planning Strategy (2011) and BE.1, BE.15 and BE.23 of the Merton Unitary Development Plan (2003).

- 4.2 10/P1357 – Part single, part two storey rear extension with extension of front porch, formation of a double garage door and excavation of a new basement level with lightwell to be enclosed by safety railings. Granted 05/07/2010.
- 4.3 09/P2911 – Part single, part double storey rear extension with extension of front porch, formation of a double garage door and alterations to the side elevation. Granted 31/03/2010.
- 4.4 87/P1259 – Erection of detached five bedroom dwelling house with integral double garage. Granted 26/11/1987.
- 4.5 Planning history also includes applications for various tree works.

## 5. **CONSULTATION**

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

Eight objections to the proposals were received following the initial notifications on the following grounds:

- Development is out of scale and excessive for the setting
- Overlooking and intrusion on privacy of neighbours
- Loss of outlook for neighbours
- Potential damage on the protected trees on the site

Following amendments to the scheme a reconsultation was carried out, with two additional representations from neighbours raising the following concerns:

- Loss of views from neighbouring gardens
- Risk of damage to trees on the site
- Overdevelopment on small site
- Loss of open feel to the collective rear garden area
- Potential adverse impact on local biodiversity
- Overlooking and intrusion on privacy

- 5.2 Representations were received from The John Innes Society to both rounds of consultations, objecting to the scheme on the following grounds:

- Out of scale development with respect to height and bulk
- Undue visual intrusion and dominance of neighbouring properties
- Overshadowing and loss of outlook of neighbouring properties
- Detailing out of character with the conservation area.

5.3 The application has been subject to a call-in from the local ward member, on the grounds of significant intrusion on the immediate vicinity and overdevelopment on the site.

5.4 Tree Officer Comments:

- The applicant proposes the removal of a mature Lime tree in the front garden, which is listed as T16 in the Merton (no.9) TPO 1975. This officer strongly objects to the proposed removal of this tree. (officer comment: scheme amended to retain tree)
- The existing boundary wall is damaged and this seems to be the ideal opportunity to rethink the boundary treatment next to the Lime tree. A fence would be the ideal material as this can accommodate the growth of the tree and can be adjusted as suits the situation.
- The revised location of the driveway gates will mean cutting through the existing green verge. The green verge should be re-instated over the old crossover and a new street tree could be planted.

## 6. **POLICY CONTEXT**

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

The relevant policies with the Adopted Core Strategy (July 2011) are CS13 (Open space, nature conservation, leisure and culture) and CS14 (Design).

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

The relevant policies contained within the adopted Merton Sites and Policies Plan (July 2014) are DM D2 (Design Considerations in all developments), DM D3 (Alterations and extensions to existing buildings) and DM D4 (Managing Heritage Assets).

## 7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are design, the impact on the adjoining conservation area, tree protection issues and impacts on neighbouring amenity

### Design and Impact on conservation area

7.2 Three prior applications have been submitted with respect to the subject property, of which two have been granted. The applications have generally had the same principle of alterations to the front façade and part single and part two storey rear additions with a rear roof addition. The most recent

permission included a basement/lower ground floor level to the rear of the property and as far as can be determined has not been implemented.

- 7.3 The existing building has been identified as a negative contribution to the conservation area. As such its impact has been assessed on the basis of what, if any, additional harm the proposals would bring about to the character of the conservation area overall and the visual amenity of the immediate local area.
- 7.4 The most significant elements of the scheme are proposed for the rear of the existing house and the alterations to the front/principal elevation are of a relatively small scale in the context of the façade. The increases in the footprint of the building are not towards the sides and as such the existing gaps and setbacks to the property boundaries are not reduced.
- 7.5 The proposed extensions are considered to be broadly subordinate and in proportion to the existing dwelling, and to have a form that is respectful to the existing design, particularly by keeping to the shape and pitch of the main roof form. It is also noted that the depth of the rear additions have been reduced to minimise the bulk and massing, and the roof addition has been amended in its design to be more in keeping with the overall roof design.
- 7.6 Although there has necessarily been a loss of some of the rear garden footprint, the majority of the rear outdoor space will not be directly affected by the scheme and the aforementioned loss is considered to be modest in the context of the site.
- 7.7 The proposed scheme includes the replacement of all the existing uPVC window fittings with white framed aluminium windows. Although timber windows are a feature of several properties in the immediate vicinity, the use of aluminium fittings is considered to be a marked improvement with respect to appearance, quality of materials and performance and as such their use will be acceptable in this instance.
- 7.8 Taking into account the siting of the proposed works, the impact on the principal elevation and the scale of the scheme including the amendments, it is not considered that the scheme will create additional adverse impacts on the character of the conservation area or the street scene than is already the case. The proposal is not considered to be of lower design merit than the previously approved schemes, and as such it is deemed to be acceptable for the location.

#### Impact on Neighbour Amenity

- 7.9 The neighbouring property likely to experience the most direct impacts is number 1 Mostyn Road, located to the immediate north of the application site. It is a detached residential dwelling with a generous setback from the shared boundary.

- 7.10 The existing setbacks between the existing dwelling and the north and southern boundaries are 2.3 metres and 5 metres respectively are retained in the current scheme, as the two storey additions project from the rear walls and do not have any side elements.
- 7.11 The preservation of non-protected views is not in itself a material planning consideration, and the impact on amenity is assessed with respect to available levels of outlook from habitable internal and also external spaces. Taking into account the retained setbacks and reduced depth of the additions, it is not expected that there would be an unacceptable loss of outlook from the neighbouring properties or an unacceptable increase in the sense of enclosure. The gable ended rear additions retain the form and steep pitch of the main roof, and this is expected to mitigate the impact created by the additional massing of the extensions.

#### Boundary Treatments & Tree Protection

- 7.12 The scheme as initially proposed sought to remove the Lime tree located on the front boundary of the site, on the basis of mitigating the damage to the front boundary wall. Following feedback from officers the tree has been retained in the amended scheme, and alterations to the front boundary wall design will be carried out in order to accommodate the trees growth.
- 7.13 The proposals include a repositioned front gate and the formation of new crossover, with the formation of an infill in the former gate opening to match the existing wall design. Conditions will be attached to the current permission requiring the restoration of the grass verge and approval of the wall and gate designs.

### **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 Although the existing building is not considered as one of the positive attributes of the conservation area, the proposed scheme does not bring about a further detraction to the character of the building as it currently exists and as such does not bring further harm to the wider conservation area. The amendments have satisfactorily addressed concerns about the design and massing of the extensions and the impact on the street scene.
- 9.2 The concerns of the neighbours with respect to the impacts of the scheme have been noted and it is considered that the amendments to the proposal in response have addressed the potential impacts on the immediate neighbours'



amenity with regards to the creation of an overbearing structure or an unacceptable sense of enclosure.

9.3 Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.4 (External Materials to be approved)
4. B.5 (Boundary Treatment)
5. D.10. (Construction Times)
6. F.5. (Tree Protection)
7. F.8. (Site supervision (Trees))
8. H.4 (Provision of vehicle parking)
9. H.14 (Garage Doors/Gates)

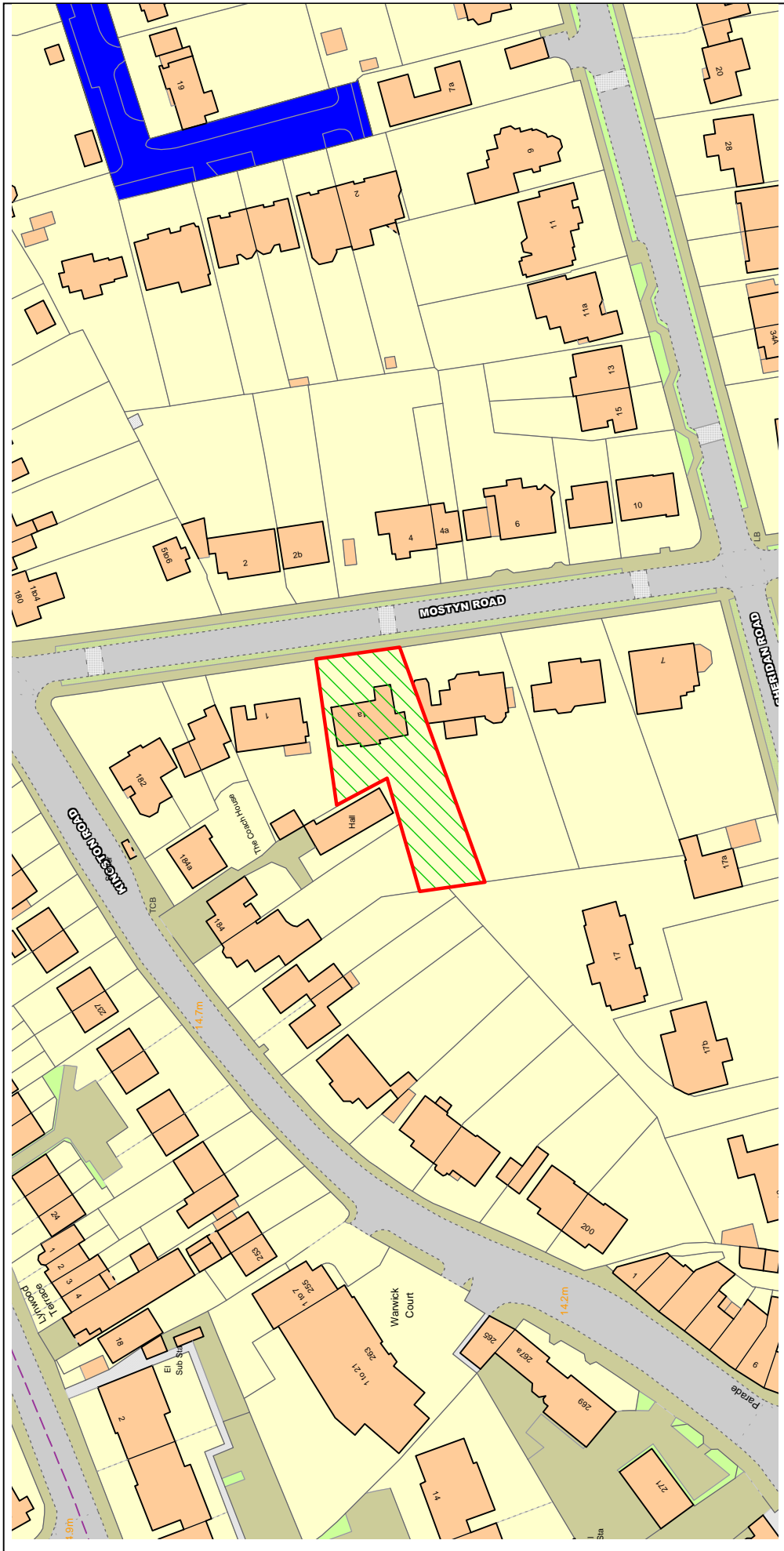
---

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

Please note these web pages may be slow to load

This page is intentionally left blank

# NORTHGATE SE GIS Print Template



Text Details **1a Mostyn Rd**

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

This page is intentionally left blank

**Committee:** Planning Applications

**Date:** 17 August 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)

---

### **DETAILS**

Application Numbers: **17/P0793**  
Site: 96 Elm Walk, Raynes Park SW20 9EG  
Development: Erection of single storey rear extension  
Recommendation: Refused (Delegated)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 19<sup>th</sup> July 2017

**[Link to Appeal Decision Notice](#)**

---

## **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.

This page is intentionally left blank