

**PLANNING APPLICATIONS COMMITTEE**  
**30 April 2014**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	13/P4058	19/02/2014
<b>Address:</b>	<b>3-5 Dorian Road, Raynes Park, SW20 8EL.</b>	
<b>Ward:</b>	<b>Raynes Park</b>	
<b>Proposal:</b>	Demolition of part of the existing business/light industrial building [B1(c)] covering floor space of 195 square metres and erection of a new three storey building comprising 9 self-contained flats [2 one bedroom and 7 two bedroom].	
<b>Drawing No's:</b>	0214-PP01-100C, 0214-PP02-050A, 101A, 102B, 103, 200C, Site Location Plan; Sustainable Design and Energy Report and Design and Access Statement.	
<b>Contact Officer:</b>	Tony Ryan [020 8545 3114]	

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions and a S106 legal agreement.**

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**CHECKLIST INFORMATION.**

- S106: Education, Affordable Housing and permit free.
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted: No
  - Press notice: Yes
  - Site notice: Yes
  - Design Review Panel consulted: No
  - Archaeological Priority Zone: No
  - Area at risk of flooding: No;
  - Controlled Parking Zone: Yes [Zone RPS];
  - Conservation Area: No
  - Trees: No Tree Preservation Orders or trees of particular amenity value.
  - Number of neighbours consulted: 34
  - UDP: Proposal Site 34 allocated for residential use;
  - External consultations –Apostles Residents Association;
  - PTAL: 4 [TFL Planning Information Database];
  - Density – 500 habitable rooms per hectare [site area of 0.05 hectares and 25 habitable rooms];
  - Number of jobs created: N/A.
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**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration due to the level of interest shown in the application as a result of public consultation and to obtain authority to enter into a section 106 agreement.

## **2. SITE AND SURROUNDINGS**

- 2.1 The 'L' shaped application site [0.05 hectares] is located on the west side of the cul-de-sac Dorien Road close to the junction with Kingston Road. Dorien Road is within the area known as the 'the Apostles' that consist of twelve roads that form a grid road pattern that run between Kingston Road and Bushey Road [no vehicular access is provided from these roads on to Bushey Road]. Dupont Road is located to the east of Dorien Road and Edna Road to the west.
- 2.2 The application site is currently occupied by a company manufacturing windows and comprises the commercial building at 3 Dorien Road [part of which is derelict]. The site includes the two storey residential property at 5 Dorien Road that has been converted into an associated office use. The site also includes an off street parking area for approximately five cars.
- 2.3 The local area is of mixed character, with residential uses located to the south along Dorien Road and a mixture of residential and commercial uses along Kingston Road to the north. At the rear [east] of the site are the two storey residential properties at 5 and 6 Fountain Court [assessed from Kingston Road]; the part one, part two storey commercial building called 'The Old Bakery' assessed from Edna Road and two storey terraced residential properties in Edna Road.
- 2.4 To the north of the site are two storey residential properties in Kingston Road that have been converted into flats, to the south is the two storey residential infill residential development at 7 Dorien Road. On the opposite side of Dorien Road is the open yard to the rear of 542 Kingston Road that appears to be in use in connection with the tool hire business at this address.
- 2.5 The site is located within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL] of 4 [where 1a represents the least accessible areas and 6b the most accessible]. The site is not in an archeological priority area or in an area at risk from flooding as designated by the Council's Unitary Development Plan. The site is also not located in a conservation area
- 2.6 The land at 3-5 Dorien Road is a proposals site [34P] within the adopted Unitary Development Plan [October 2003]. A planning brief was adopted in September 1999 for the site that allocated the whole site for residential use.

## **3. CURRENT PROPOSAL**

- 3.1 The land at 3-5 Dorien Road is occupied by a business manufacturing windows. The land is occupied by the detached two storey property at 5 Dorien Road that is used as offices, a two storey commercial building constructed of brick and metal cladding with a 21 metre long street frontage and the adjacent off street parking area to the rear of two storey residential buildings fronting Kingston Road. A section of the

commercial building with an 11 metre frontage on to Dorien Road and adjacent to the car park is currently derelict.

- 3.2 The current application involves the retention of the commercial floor space that is currently in use, the demolition of the derelict section of the building and the construction of a new residential building on this land and the adjacent off street car parking area. The proposed residential building has accommodation over two floors and within the building roof space. The ground floor of the building provides three, two bedroom flats. The first floor of the building provides three, two bedroom flats and the second floor provides two, one bedroom flats and a two bedroom flat.
- 3.3 The external areas of the site provide private amenity space for the ground floor flats and communal amenity space for the occupiers of the flats on the upper floors of the building. An area to the side of the building provides space for the storage of bicycles and refuse. The front building elevation is set back from the pavement and provides separate entrances for two of the proposed ground floor flats. There are also two entrances providing access to accommodation on the upper floor levels and one of these entrances is shared with the third ground floor flat.
- 3.4 An assessment of the proposal against internal space and external amenity space standards in the London Plan, the adopted UDP and emerging standards in the Sites and Policies DPD is provided in the table below.

**Table 1: bedrooms, bed spaces, areas and amenity space.**

Unit	Bedrooms	Bed spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity space [Sq. M]	UDP standard [Sq. M]	Emerging DPD standard
1	2	3	71	61	10 private space.	30	6
2	2	3	65	61	10 private space	30	6
3	2	4	70	70	29 private space	30	6
4	2	3	65	61	120 shared space	30	6
5	2	3	65	61	120 shared space	30	6
6	2	4	73	70	120 shared space	30	6
7	1	2	51	50	120 shared space	20	5
8	2	3	61	61	120 shared space	30	6
9	1	2	51	50	120 shared space	20	5

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

-Relevant history for the application site

- 4.1 Planning permission was refused in December 2011 [LBM ref 11/P2220] for the demolition of existing business/light industrial building

[b1(c) 151 square metres and erection of a new three storey building comprising 9 self-contained flats [3 one bedroom and 6 two bedroom]. The reasons for the refusal of planning permission were as follows:

**“1. The proposed development by reason of its design, appearance, proportions, bulk and massing would fail to respect the character of the Dorien Road street scene and would represent an overbearing and visually intrusive feature when viewed from neighbouring properties and their rear gardens contrary to policies BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16 [Urban design]; and BE22 [Design of new development] of the Adopted Unitary Development Plan [October 2003] policies 3.5 [Quality and design of housing developments and 7.6 [Architecture] of the London Plan and policy CS14 [Design] of the Adopted Core Strategy [July 2011]”.**

**“2.The proposed development by reason of poor internal layout and external amenity space provision would fail to provide an adequate standard of residential accommodation for future occupiers contrary to policies HS1 [Housing layout and amenity]; BE16 [Urban design]; and BE22 [Design of new development] of the Adopted Unitary Development Plan [October 2003] policies 3.5 [Quality and design of housing developments of the London Plan and policy CS14 [Design] of the Adopted Core Strategy [July 2011]”.**

**“3. The proposed development would increase the demand for on-street parking and servicing in the area and the applicant has failed to demonstrate that additional vehicles likely to be generated by the development can be accommodated on the road network without compromising highway safety and efficiency contrary to Policy CS20 (Parking, Servicing and Delivery) of the Adopted Core Planning Strategy (2011).**

**“4. The proposed development would generate additional pressure on educational and open space facilities in the area. In the absence of a legal undertaking securing a financial contribution toward education provision and open space improvements locally to offset the impact of the proposals within these identified areas, the proposals would be contrary to policies C.13, L.8 and L.9 of the Adopted Unitary Development Plan (October 2003) and Supplementary Planning Guidance: Planning Obligations (2006)”.**

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

- 4.2 A subsequent appeal made against the Council's refusal of planning permission in relation to the above application under reference 11/P2220 was dismissed in July 2012. The Inspector's decision letter is attached as an appendix to this committee report.

**Table 2: Comparison between current application and earlier refused planning application**

<b>Unit</b>	<b>Earlier refused application under reference 11/p2220</b>	<b>Current application under reference 13/P4058</b>
<b>Existing floor space to be lost</b>	151 square metres	195 square metres
<b>Number of flats</b>	9	9
<b>Flat size</b>	3 one bedroom and 6 two bedroom	2 one bedroom and 7 two bedroom
<b>Front elevation design</b>	Irregular design with different spacing	Uniform design with regular spacing
<b>Height</b>	Two floors and the roof space	Two floors and the roof space

- 4.3 Planning permission [LBM ref 09/p0372] was granted in April 2009 for the conversion of the existing two storey office building to provide a one bedroom flat at first floor level with office use retained at ground floor level with formation of new doors to ground floor rear and side elevations.
- 4.4 Outline planning permission for siting and access [LBM ref 05/p1339] was granted in April 2009 for the retention of 5 Dorien Road, the demolition of all other buildings and erection of 5 three-bedroom houses and 4 studio flats.
- 4.5 Planning permission [LBM ref 97/p1418] was refused in June 1998 for the erection of stained timber fencing on the frontage of the site involving the removal of the existing metal railings and raising the existing brickwork to 0.75 metres, together the with the erection of replacement plywood clad, tubular metal gates to give overall height of 2 metres.
- 4.6 An established use certificate was granted [LBM ref 92/p0021] in May 1992 in respect of a use as a light industrial workshop and offices. Planning permission [LBM ref 91/p0350] was refused in July 1991 for the use of the premises for storage and distribution with some trade sales, ancillary light industry and office accommodation.
- 4.7 Planning permission [LBM ref MER295/77] was granted in September 1977 for alterations and extensions to both sides of the factory building.

Planning permission [LBM ref M/M6413] was granted in February 1953 for the change of use from general industrial to a photographic and metal engineering and processing use.

-Relevant history for adjoining sites

- 4.8 Planning permission was approved in April 1992 [LBM ref 92/P0135] at 7 & 9 Dorien Road for the erection of a pair of semi detached houses involving the demolition of a church hall.
- 4.9 Planning permission was approved in [LBM ref 87/P1185] at 548 Kingston Road for the conversion of the property into four flats including erection of a single storey rear extension and an extension at roof level involving removal of existing dormer windows on front and rear elevations and the removal of existing workshop/store buildings at rear and erection of two houses with car parking and landscaping [5 and 6 Fountain Court are to the rear of the application site].
- 4.10 Planning permission was refused in April 2003 [LBM ref 03/P0365] for a part single, part double storey extension to the existing building at The Old Bakery, 2D Edna Road [located to the rear of the application site] and change of use to provide 2 residential dwellings. The reasons for the refusal of permission were as follows:

**“1.The proposed residential development would result in the loss of employment land to the detriment of long term job opportunities in the Borough contrary to Policy W.9 of the Adopted Unitary Development Plan (April 1996) and Policies ST.14, E.9 of the Second Deposit Draft Unitary Development Plan (October 2000).**

**2. The proposed first floor extension represents an undesirable and unneighbourly form of development which would result in the loss of amenity to neighbouring occupiers in Edna Road as a result of overlooking, loss of privacy and visual intrusion contrary to Policy EB.18 of the Adopted Unitary Development Plan and Policies HS.1, BE.22, BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000).**

**3. The proposal fails to make provision for off-street parking and represents an over intensive development of the site contrary to Policies M.28 of the Adopted Unitary Development Plan (April 1996) and PK2 of the Second Deposit Draft Unitary Development Plan (October 2000)”.**

**5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 37 neighbouring properties. As a result of this consultation, responses have been received from six neighbours objecting to the proposal on the following grounds:

- The development is too high;
- The development will block light to nearby homes in Dorien Road and Kingston Road;
- The proposed building is out of character with the other properties in Dorien Road;
- The proposed flats would increase population density;
- The proposed development is out of character with the area as the accommodation does not have front gardens;
- There is no mention of continued future maintenance of the landscaping;
- The higher population density will lead to noise nuisance and nuisance from extra traffic;
- The proposed accommodation is sub standard;
- The development will adversely impact local property values;
- The development will lead to parking problems on nearby roads;
- The development is too dense for this site.

5.2 LB Merton Transport Planning There is no objection to the development subject to planning conditions relating to the submission of further details of cycle parking, the reinstatement of redundant crossovers and an informative relating to the need for separate approval for any works affecting the public highway.

## 6 **POLICY CONTEXT**

### **The London Plan [July 2011].**

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality] and 8.2 [Planning obligations].

### **Mayor of London Supplementary Planning Guidance**

6.2 The following supplementary planning guidance is considered relevant to the proposals: The Housing Supplementary Planning Guidance (2012).

### **Adopted Unitary Development Plan [October 2003]**

6.3 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE16

[Urban design]; BE22 [Design of new development]; BE25 [Sustainable development]; C1 [Location and access of facilities]; C13 [Planning obligations for educational facilities]; F2 [Planning obligations]; HS1 [Housing layout and amenity]; PE7 [Capacity of water systems]; PE9 [Waste minimisation and waste disposal]; PE11 [Recycling points]; PE12 [Energy generation and energy saving] and RN3 [Vehicular access]. The application site is UDP proposal site 34 and is allocated for residential use.

#### **Merton Supplementary Planning Guidance**

- 6.4 The key supplementary planning guidance note relevant to the proposals is New Residential Development [1999].

#### **Merton LDF Core Planning Strategy [adopted July 2011]**

- 6.5 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.8 [Housing choice]; CS.9 [Housing provision]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport] and CS.20 [Parking; servicing and delivery].

#### **National Planning Policy Framework [March 2012]**

- 6.6 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.7 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.8 The NPPF states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.9 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the



need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

**Emerging policies within the Draft Sites and Policies Plan.**

- 6.10 Paragraph 216 of the National Planning Policy Framework advises that a decision maker may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.
- 6.11 Following the Council's approval, the Merton's Sites and Policies Plan was submitted to the Secretary of State on 2 October 2013. The independent Planning Inspector appointed by the Secretary of State considered the Sites and Policies Plan at a public hearing held between 21 and 29 January 2014.
- 6.12 The relevant policies within the Draft Sites and Policies Plan are as follows: DMD1 [Urban design and the public realm]; DMD2 [Design considerations and the public realm]; DME1 [Employment areas in Merton]; DMEP2 [Reducing and mitigating against noise]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; DM T3 [Car parking and servicing standards].

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle residential accommodation, the design and appearance of the proposed buildings, the standard of the residential accommodation, the impact on residential amenity and the impact on car parking, traffic generation and highway safety.

**Loss of employment land**

- 7.2 The current application involves the loss of an area of 195 square metres of employment floor space. This floor space is currently derelict but originally would have been used in association with the adjacent business that is retained as part of the current proposal.
- 7.3 The land that makes up the current application site and the adjacent employment land both make up proposal site 34 in the adopted Unitary Development Plan with the recommended land use of residential. Outline planning permission was approved in 2009 for the demolition of the whole commercial building at 3-5 Dorien Road and the construction of a building providing 5 three-bedroom houses and 4 studio flats.
- 7.4 With the allocation of the application site for residential use within the adopted Unitary Development Plan and the previous planning permission, the proposed loss of the employment floor space is considered acceptable in this instance.

**Need for additional housing, residential density and housing mix.**

**Need for additional housing**

- 7.5 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.6 Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2011] state that the Council will work with housing providers to provide a minimum of 4,800 additional homes [320 new dwellings annually] between 2011 and 2026. This minimum target that should be exceeded where possible includes a minimum of 500 to 600 homes in the Raynes Park sub area where the proposal site is located. The housing delivery trajectory set out in the latest Council's Annual Monitoring Report has identified future challenges in ensuring an adequate supply of housing is delivered in the borough to meet the minimum targets in the Core Strategy and the London Plan.
- 7.7 The Core Strategy states that the Council will encourage housing in 'sustainable brownfield locations'. The Core Strategy states that that it is expected that the delivery of new housing in the borough will be achieved in various ways. The current application site is on brownfield land in a sustainable location adjacent to other existing residential properties and benefiting from good access to public transport and other local facilities.
- 7.8 In conclusion the provision of additional residential accommodation on this site which is in a sustainable location is considered acceptable in principle subject to other considerations including matters of design, scale and layout, the standard of accommodation and the impact on amenity.

**Residential density**

- 7.9 The London Plan states that in areas such as the application site with a Public Transport Accessibility Level of 4 the residential density should be within a range of 200 to 700 habitable rooms per hectare.
- 7.10 With the application site covering a site area of 0.05 hectares and provision of 25 habitable rooms the residential density of the development is 500 habitable rooms per hectare. The proposed residential density is within the density range set out in the London Plan.

**Housing mix**

- 7.11 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.

- 7.12 Dorien Road and neighbouring roads are typically made up of terraced family housing. Whilst development along this part of Kingston Road typically consists of ground floor commercial uses with residential flats above, all of the floor space in the buildings adjacent to the application site at 544 to 548 Kingston Road is in residential use.
- 7.13 The proposed development will provide a total of 9 residential units including 2 one bedroom and 7 two bedroom. It is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

**Layout, scale and design**

- 7.14 The London Plan policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, scale and orientation that enhances, activates and appropriately defines the public realm, comprises details that complement, not necessarily replicate the local architectural character.
- 7.15 Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.
- 7.16 Retained UDP policies BE.16 and BE.22 require proposals for development to compliment the character and appearance of the wider setting. This is achieved by careful consideration of how the density, scale, design and materials of a development relate to the urban setting in which the development is placed.

**Design and scale**

- 7.17 The application site is in Dorien Road which is one of a number of roads leading off the south side of Kingston Road known as 'The Apostles'. The character of these roads can be described as two storey residential terraces that have a uniformity and rhythm in their design and appearance. In contrast to this general uniformity and rhythm, there is currently some variety in development along the section of Dorien Road where the application site is located, including detached and semi-detached residential properties, the 21 metre long factory building constructed of brick and metal cladding and the adjacent car park.

- 7.18 The proposed development will involve the loss of the existing derelict commercial building that is considered out of keeping with the character with the surrounding area in terms of its design, scale and construction materials. The design of the proposed building with individual entrance doors located in the front elevation and the proposed plot widths is considered to reflect the typical rhythm of existing properties in Dorien Road. The design of the proposed building is also considered in keeping with the surrounding area in terms of the uniform appearance to the front elevation, the window scale and proportions and the front window bays. The overall height of the proposed building is also in keeping with adjacent buildings in Kingston Road and other nearby buildings.

#### Layout

- 7.19 Whilst the side elevation of the adjacent property at 544 Kingston Road extends to the back edge of the pavement in Dorien Road, the main front elevation of the proposed building is set back by 1.5 metres from the pavement in Dorien Road; this layout reflects other nearby properties in Dorien Road.
- 7.20 The side elevation of the proposed building is set back from the side boundary of the site to provide an area for cycle and refuse storage and for access to the rear of the site. This is considered an efficient layout that makes best use of the space available.
- 7.21 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy BE.16, policy BE.22 Unitary Development Plan, policy CS14 of the Core Strategy and policy 3.5 of the London Plan. It is considered that the development satisfactorily addresses the reasons for the refusal of the earlier planning permission and the subsequent comments from the appeal inspector.

#### Neighbour amenity.

- 7.22 Policy HS.1 of the adopted Unitary Development Plan [October 2003] states that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties in terms of maintaining adequate daylight and sunlight and the protection of privacy. Policy BE15 of the Unitary Development Plan states that new buildings will be expected to maintain sunlight and daylight levels to adjoining buildings and gardens; ensure the privacy of neighbours; protect from visual intrusion and not result in harm to living conditions through noise or disturbance.
- 7.23 To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing

habitable room windows located on the upper floor levels of residential accommodation.

Residential properties to the rear in Edna Road

- 7.24 A distance of 25 metres will separate the rear of the new building from the rear elevation of properties in Edna Road with a distance of 10 metres from the rear elevation of the new building and the rear boundary. These separation distances are in line with the standards set out in the Council's Supplementary Planning Guidance and with this separation it is considered that the development will not result in visual intrusion or any loss of privacy, sunlight or daylight.

Fountain Court and the Old Bakery

- 7.25 Fountain Court at 548 Kingston Road consists of 4 residential units within the main building fronting Kingston Road with a rear driveway providing access to a two storey building at the rear that provides, 2 two storey residential units. The application site wraps around the side and rear of this building known as 5 and 6 Fountain Court which does not have any windows to the side and rear elevations that face towards the application site.
- 7.26 At the closest point the rear elevation of the proposed building will be 3 metres from the side boundary of the property at Fountain Court. The new building will extend 2.6 metres past the front elevation of this adjacent building. The front entrance to 5 Fountain Court is located adjacent to the rear boundary of the application site with the ground floor living room window located 3 metres from the boundary.
- 7.27 The Council's Aspect Value test has been used to assess the impact on daylight and sunlight to 5 Fountain Court. After considering the separation distance between the new building and the nearest existing habitable room window; the height of the new building and the north facing orientation the development was found to pass the Aspect Value Test.
- 7.28 Whilst it is acknowledged that the windows to the front elevation are the only source of natural daylight and sunlight to 5 and 6 Fountain Court it is considered that the proposed development is acceptable in terms of natural daylight and sunlight provision to these properties.
- 7.29 The rear elevation of the proposed building has a first floor bedroom window that will be 3 metres away from the side boundary of 5 Fountain Court and the external area to the front of this dwelling. With the public nature of this area and existing overlooking from windows on nearby buildings, it is not considered that the current proposal will result a loss of privacy.
- 7.30 The Old Bakery is a two storey brick commercial building at the rear of the application site that is accessed from the adjoining Edna Road. With this commercial building facing away from the application site and

towards the rear of properties in Edna Road it is considered that the proposed development will not have an harmful impact on the use of this building.

#### Residential properties Dorien Road

- 7.31 The application site is located directly opposite the two storey residential properties at 2 and 4 Dorien Road and an adjacent yard used for the storage of building materials.
- 7.32 In terms of building heights and separation distance the relationship between the front elevation of the proposed building and the residential properties on the opposite side of Dorien Road is the same as the existing properties along Dorien Road. Although a storey higher than the existing derelict building, the additional storey to the proposed residential building will be within the roof space of the building that has a roof sloping away from the front boundary.
- 7.33 With the separation distance and the height and design of the proposed building it is not considered that the development will result in a loss of sunlight, daylight or sunlight to properties on the opposite side of Dorien Road. Whilst overlooking the public road, a distance of 25 metres will separate the proposed first floor windows from the existing windows on the opposite side of Dorien Road. This distance is in excess of the minimum distance of 21 metres that is set out in the Council's Supplementary Planning Guidance to avoid overlooking and loss of privacy between directly opposing first floor windows.

#### Residential properties in Kingston Road

- 7.34 The side elevation of the proposed new building will face towards the rear elevation of adjacent two storey residential properties in Kingston Road. The proposed flank wall of the new building does not include any windows and therefore it is considered that the proposed development will not result in any loss of privacy to these properties.
- 7.35 Whilst there are habitable room windows at first floor level, the rear elevation of these adjacent properties in Kingston Road do not have any habitable room windows at ground floor level close to the application site boundary. In response to concerns about the impact of the development, the design of the development has been revised from a gable end roof to a hip roof design. It is considered that with the revised roof design and the distance of ground floor habitable room windows from the boundary the proposed development will not result in loss of daylight or sunlight or result in visual intrusion.
- 7.36 In conclusion, as a result of the separation distances it is considered that the proposed development will not have a detrimental impact on the residential amenity of residents in adjoining buildings in terms of the bulk and massing of the building and proximity to the property boundary.

**Standard of residential accommodation.**

- 7.37 Policy HS.1 and BE.15 of the adopted Unitary Development Plan [2003] states that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

**Internal layout and room sizes**

- 7.38 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The tables provided in section 3 of this report sets out the gross internal areas for the proposed accommodation. The internal layout of the accommodation is considered to make good and efficient use of the space that is available in line with the London Plan with an appropriate internal layout and good provision of natural light to all habitable rooms.

**External amenity space**

- 7.39 Retained Unitary Development Plan policy HS.1 requires that all proposals for residential development provide adequate private amenity space to meet the needs of future occupiers. The standards within policy HS.1 state that private rear garden space for flats should be a minimum of 10 square metres per habitable room. The standard within the emerging Sites and Policies DPD that is in accordance with the London Housing Design Guide states that 5 square metres of external space should be provided for one and two bedroom properties with an extra square metre provided for all additional bed spaces
- 7.40 The proposed development provides private amenity space for the ground floor flats at a level that is in accordance with the standards set out within emerging policy. The standard in adopted policy states that a total amenity space area of 160 square metres should be provided for the flats on the upper floors. The standard in emerging policy states that a total amenity space area of 34 square metres should be provided for the flats on the upper floors. Whilst the amenity space provided for the flats on the upper floors is communal rather than private space, the proposed development provides an area of 120 square metres.
- 7.41 With the total area of amenity space meeting the requirement within emerging policy it is a matter of planning judgment as to the relative weight that should be attached to the failure to meet external amenity space standards set out in Unitary Development Plan policy HS.1. It is considered by officers that the proposed residential accommodation is of a good general standard and that this overall assessment should be given greater weight than meeting individual amenity space standards.

Lifetime Homes and wheelchair accessible standards.

- 7.42 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

**Traffic, transport, car parking, servicing and access.**

Car parking

- 7.43 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current maximum car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.44 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with one or two bedrooms. The proposed development does not include any off street car parking and this is in line with these maximum standards within the London Plan.
- 7.45 Emerging planning policy DM T3 in the Sites and Policies DPD states that within areas of good public transport accessibility or in areas of parking stress within a Controlled Parking Zone, the council will expect new developments to restrain the amount of on-site parking and also restrict access to on-street resident parking permits. As the application site has good access to public transport [PTAL 4] and is in an area of parking stress and within a Controlled Parking Zone a s106 obligation is proposed that will prevent future occupiers of this development from receiving on street parking permits.
- 7.46 Whilst the submitted proposal will result in the loss of six off street spaces connected to the existing employment use it is considered that with the planning obligation restricting on street parking generation the submitted proposal is considered acceptable and in line with emerging and adopted planning policies.

Refuse storage and collection.

- 7.2 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.47 The applicant has stated that refuse and recycling storage will be provided adjacent to the side elevation of the new building. This storage location is considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to



ensure that these facilities are provided and retained for the benefit of future occupiers.

#### Cycling and pedestrian access

- 7.48 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.
- 7.49 In line with the London Plan and as part of the current planning application the applicant has confirmed that the application will provide cycle storage for the proposed accommodation. A planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.
- 7.50 The current proposal includes the reinstatement of the redundant crossover in Dorien Road that currently provides access to the existing off street car parking area. In order to ensure that this work is carried out to a suitable standard for the benefit of pedestrians in Dorien Road a planning condition is recommended in relation to the works to remove the crossover and reinstate the pavement in this location.

#### Trees and landscaping

- 7.51 Policy CS.13 within the Adopted Core Strategy [2011] states that development should seek to integrate new or enhanced habitat or design and landscaping that encourages biodiversity.
- 7.52 There are no trees or landscaping currently on the application site that are of any value. A planning condition is recommended to seek details of proposed landscaping and for this landscaping to be provided prior to occupation of the proposed dwellings.

#### Sustainable design and construction.

- 7.53 The Council's Core Strategy reinforces the wider sustainability objectives of the London Plan with policy CS15 requiring all development to demonstrate how the development makes effective use of resources and materials and minimises water use and CO2 emissions. All new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.54 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

### **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The application site is less than 0.5 hectares in area and therefore falls outside the scope of Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. In this context there is no requirement for an Environmental Impact Assessment as part of this planning application.

**9. LOCAL FINANCIAL CONSIDERATIONS**

**Mayor of London Community Infrastructure Levy**

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The provisional Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would be £20,090. This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 574 square metres].

**London Borough of Merton Community Infrastructure Levy**

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The provisional London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would be £126,280. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 574 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.
- 9.6 The provisional London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would be £126,280. This is based on the charge of £220 per square metre and information provided by the applicant that states that there will be additional floor space of 574 square metres]. This levy is subject

to future reassessment in terms of whether the employment floor space to be lost as part of this proposal has been in lawful use.

### **Planning Obligations**

- 9.7 Regulation 122(2) of the CIL Regulations 2010 (continued in the CIL Regulations 2011) introduced three tests for planning obligations into law, stating that obligations must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development;
  - fairly and reasonably related in scale and kind to the development.

- 9.8 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

### **Financial contribution towards provision of affordable housing:**

- 9.9 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing tenures at a local level to meet the needs of all sectors of the community including provision for those unable to compete financially in the housing market sector.

- 9.10 Having regard to characteristics such as site size, site suitability, financial viability issues and other planning contributions Core Strategy policy CS 8 states that affordable housing provision on developments of ten or fewer residential units should include an off site financial contribution towards affordable housing equivalent to 20% of new units on the site. Using the valuations provided by the applicant the off site financial contribution towards affordable housing would be £178,892.

### **On street car parking permit restriction**

- 9.11 Emerging planning policy DM T3 in the Sites and Policies DPD states that within areas of good public transport accessibility or in areas of parking stress within a Controlled Parking Zone, the council will expect new developments to restrict access to on-street resident parking permits. As the application site has good access to public transport [PTAL 4] and is in an area of parking stress and within a Controlled Parking Zone a s106 obligation is proposed that will prevent future occupiers of this development from receiving on street parking permits.

### **Monitoring and legal fees**

- 9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £5168.95 with legal fees of £500.

## **10. CONCLUSION**

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units on the site allocated for residential use in the adopted Unitary Development

Plan. The development incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. The proposed revised design is considered to satisfactorily address the Council's earlier reasons for refusal. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION subject to the completion of a Section 106 Agreement and planning conditions.**

1. Provision of a financial contribution towards off site affordable housing provision [£178,892].
2. A restriction preventing future occupants from obtaining on street car parking permits.
3. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£5,168.95].
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£500.00].

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

1. Standard condition [Time period] 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 for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: 0214-PP01-100C, 0214-PP02-050A, 101A, 102B, 103, 200C, Site Location Plan; Sustainable Design and Energy Report and Design and Access Statement.. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
4. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall have been submitted to and approved in writing by the Local Planning Authority providing details of how to accommodate vehicle parking for construction 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 carried out except in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

5. Non standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
6. Non standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings details of walls and fences or other means of enclosure including the sub division of amenity areas as shown on the approved plans shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details for the lifetime of the development. Reason for condition: To ensure a satisfactory and safe development in accordance with policies BE.16 and BE.22 of the Adopted Merton Unitary Development Plan.
7. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 and a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor shall be submitted to and approved in writing by the Local Planning Authority with the letter confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and the design stage report demonstrating that the development achieves improvements in the dwelling emissions rate in accordance with current policy standards. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
8. Amended standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, prior to first occupation of the

proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum together with confirmation that improvements in the dwelling emissions rate have been achieved in accordance with current policy standards Reason for condition: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies BE.25 of the Adopted Merton Unitary Development Plan 2003, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

9. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
10. Amended Standard condition [Redundant Crossovers] Prior to first occupation of the proposed new dwellings the existing redundant crossover shall have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
11. Non standard condition [Landscaping] Prior to first occupation of the proposed new dwellings or the first planting season following occupation new landscaping shall be in place that is in accordance with a landscaping scheme that will have previously been submitted to and approved in writing by the Local Planning Authority, with the submitted plan including full details of the size, species, spacing, quantities and location of plants, landscaping along the front boundary and landscaping of rear amenity areas Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to provide an adequate standard of accommodation in line comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
12. Non standard condition [Cycle storage] Prior to first occupation of the proposed new dwellings cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of cycles and to comply with policy CS18 of the Adopted Core Strategy [July 2011].

13. Non standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies BE.15 and PE.11 of the Adopted Merton Unitary Development Plan 2003.
14. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy PE.3 of the Adopted Merton Unitary Development Plan 2003.
15. Amended Standard condition [Hardstanding areas] All areas of proposed hardstanding 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 boundaries of the application site before the development hereby permitted is first occupied. Reason for condition To reduce surface water run off and to reduce pressure on the surrounding drainage system in accordance with Policy CS 16 of the Adopted Merton Core Planning Strategy 2011.
16. Non standard condition [Land contamination – site investigation] Prior to the commencement of development, a detailed site investigation shall be been completed to survey and assess the extent of potential ground contamination on the site and from the surrounding environment (including any controlled waters), considering historic land use data and the proposed end use with the site investigation report (detailing all investigative works and sampling, and the results of the analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation), submitted to and approved by the Local Planning Authority and the residential units hereby approved shall not be occupied until the approved remediation measures/treatments have been implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003
17. Non standard condition [Land contamination – construction phase] If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis,

risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination

18. Non standard condition [Land contamination – validation] Prior to first occupation of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with policy PE.8 of the Adopted Merton Unitary Development Plan 2003 and to protect controlled waters as the site is located over a Secondary Aquifer and may be affected by historic contamination.

**INFORMATIVES:**

- a) The applicant is advised that details of Lifetime Homes standards can be found at [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk)
- b) The applicant is advised that 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.
- c) The applicant is advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences.
- d) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection



- under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).
- e) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.

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