

# Agenda Item 7

**PLANNING APPLICATIONS COMMITTEE**  
**15 OCTOBER 2015**

**Item No:**

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	12/P1707	02/07/12

**Address/Site** Land rear of 7 Somerset Road, Wimbledon, SW19 5JU

**(Ward)** Village

**Proposal:** Erection of a new detached 2 storey dwelling on land fronting Lincoln Avenue and comprising an existing rear tennis court within the rear curtilage of 7 Somerset Road.

**Drawing No's:** 0193\_e001, 0193\_e002 b, 0193\_p101 g, 0193\_p102 h, 0193\_p103 d, 0193\_sk059 B, Tree Survey and Arboricultural Implication Assessment, Trees and Proposed Building drawing, Basement Impact Assessment for 7 & 9 Somerset Road, Engineering, Design, and Construction Statement, Phase 1 Hydrology Desk Study, Arboricultural Report, and Natural England Licence to Close Sett.

**Contact Officer:** Sabah Halli (0208 545 3297)

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## **RECOMMENDATION**

**GRANT Planning Permission subject to a S.106 Agreement and conditions**

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## **CHECKLIST INFORMATION**

- Heads of Agreement: Affordable Housing and 'permit free'
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 19
- External consultations: No
- Controlled Parking Zone: No

### **1. INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee (PAC) following its deferral at the January 2013 PAC in order to allow the

applicant to carry out further investigations following the discovery of a badger sett within the rear curtilage of 9 Somerset Road.

- 1.2 The application is also being brought to PAC for determination due to the number of objections received and requirement for a Section 106 agreement in respect of a financial contribution towards affordable housing in the borough and the development being 'permit free'.
- 1.3 In addition to further information within the report relating to badgers, the application has also been amended to reduce the height of the proposed house.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises part of the large rear garden area of a detached house, no 7 Somerset Road, Wimbledon. It occupies the rear part of the garden and is laid out as a hardsurfaced tennis court but is in very poor condition. The site is bounded by the side and rear garden boundaries of adjoining properties.
- 2.2 The application site is not within a Conservation Area. Properties along Somerset Road and Lincoln Avenue are subject to an Article 4 direction prohibiting the erection of marquees and other temporary structures. The site is not subject to any Tree Preservation Orders.

## **3. CURRENT PROPOSAL**

- 3.1 This application comprises the erection of a new detached, 4 bedroom dwelling within the rear curtilage of 7 Somerset Road, with accommodation at basement level. The application also includes a proposed parking and landscaping scheme.
- 3.2 The proposed house would be two storeys in height with a flat roof (with accommodation at basement level), and would have the same front building line as the existing adjoining double garage at 3 Lincoln Avenue. The new property would be set 2.0m from the existing property at 7 Somerset Road and would be lower in maximum height than 7 Somerset Road and 3 Lincoln Avenue.
- 3.3 It would have a height of 6.2m from ground level. It was recently amended to reduce its height from that proposed in the original submission so that it is broadly the same as previous approvals 09/P2458 and 13/P2414 for a new single dwelling. The main flat roof would be constructed as a Green Roof. As well as containing roof lights to the bathrooms and hallway, it is indicated to include solar hot water panels and photovoltaic panels.
- 3.4 The basement level would have a smaller footprint than the main dwelling and would provide a garage, playroom, study, and w.c towards the front. The bedroom would open out into a sunken courtyard area at the rear. The basement would receive natural light from the courtyard and light wells.

- 3.5 Accommodation at ground floor level would comprise a sitting room, hall, kitchen/family room, coat room, and W.C, and the first floor level would comprise 3 bedrooms with en-suite facilities.
- 3.6 The property would be located at 17.95m from the rear boundary.
- 3.7 It is proposed to create a new access to the dwelling from Lincoln Avenue. The dwelling would include a single integral garage and one parking space in front of the garage. A rear garden would be provided as amenity space, which could be accessed from the basement or ground floor level.
- 3.9 The proposed dwelling would be of a simple, modern design and be constructed of 'fairfaced' brickwork of a buff colour, timber louvres, timber doors/windows, grey aluminium window frames, and white render. It is also proposed install/retain the side and rear boundary treatments as 1.8m timber fencing.

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

##### Tennis Court Land at 7 Somerset Road

13/P2414 - ERECTION OF NEW DETACHED 6 BEDROOM DWELLING (TO BE BUILT ON EXISTING TENNIS COURT AREA AT REAR) FRONTING LINCOLN AVENUE – Members resolved to approve at August 2014 PAC subject to a S106 legal agreement however was withdrawn by the applicant prior to completion of the legal agreement. (\*This application was made by Banner Homes however it is the site owners who are the applicants for this current application.)

12/P0181 - ERECTION OF NEW DETACHED 3 - STOREY DWELLING (TO BE BUILT ON EXISTING TENNIS COURT AREA AT THE REAR) FRONTING LINCOLN AVENUE – Withdrawn.

09/P2458 - ERECTION OF A 4 BEDROOM SINGLE FAMILY DWELLING ON LAND FRONTING LINCOLN AVENUE PREVIOUSLY FORMING PART OF SITE AT 7 SOMERSET ROAD - Approved at June 2010 PAC (but not implemented – permission expired 4th June 2013)

09/P1855 - ERECTION OF A 4 BEDROOM SINGLE FAMILY DWELLING ON LAND FRONTING LINCOLN AVENUE PREVIOUSLY FORMING PART OF SITE AT 7 SOMERSET ROAD – Withdrawn

##### 7 and 9 Somerset Road

13/P2401 - DEMOLITION OF 2 X EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT DETACHED HOUSES (INCLUDING REAR POOL HOUSE) – Approved September 2013 and is still extant.

\*This application was made by Banner Homes

13/P1625/NEW - PRE APPLICATION ADVICE FOR THE DEMOLITION OF EXISTING DWELLINGS AND ASSOCIATED GARAGES. ERECTION OF 3 X DETACHED DWELLINGS AND ASSOCIATED GARAGES.

12/P2102 - DEMOLITION OF 2 x EXISTING DETACHED HOUSES AND ERECTION OF 3 HOUSES ( 2 x 3 STOREY REPLACEMENT DWELLINGS FRONTING SOMERSET ROAD AND NEW DETACHED 2 STOREY DWELLING TO REAR OF 9 SOMERSET ROAD) – Previously deferred at January 2013 PAC for further investigation of Badger sett to the rear of 9 Somerset Road and would be heard at a PAC if Officers are minded to approve.

\*This application has been made by the site owners.

12/P1709 - DEMOLITION OF TWO EXISTING DETACHED HOUSES AND ERECTION OF 2 REPLACEMENT HOUSES DETACHED HOUSES – Approved December 2012 and is still extant.

12/P0179 - ERECTION OF TWO NEW DETACHED 3 STOREY DWELLINGS REPLACING TWO EXISTING DETACHED HOUSES (FRONTING SOMERSET ROAD) – Withdrawn

## 5. CONSULTATION

There have been two consultations carried out on the application:

### 1<sup>st</sup> Consultation (July 2012)

The application originally was advertised by site notice and letters of notification to occupiers of neighbouring properties. There were 6 objections received and on the following grounds:

- Overdevelopment of the local area and marked reduction in green space
- The development is not in keeping with the surrounding area
- Loss of privacy to the properties to the rear of the site
- Increased level of traffic from construction activities
- The contemporary design is out of keeping with the local area
- Loss of trees from the site
- Increased traffic along Lincoln Avenue
- The height of the new dwelling would negatively impact the amenities of the occupiers of 3 Lincoln Avenue
- The dwelling would not sit comfortably within the street scene
- Overshadowing to the rear garden of 3 Lincoln Avenue due to the height of the dwelling

### 2<sup>nd</sup> Consultation (August 2015)

Following the receipt of additional information in August 2015 clarifying the level of Badger activity within the site, and submission of a construction method statement, hydrology and ground survey, and additional drawings superimposing the proposed development with previously approved schemes 09/P2458 and 13/P2414, a second consultation was carried out.

A further 11 objections have been received and on the following grounds:

- There is bomb damage and contamination from this, to the rear of 5 Lincoln Avenue
- The proposed development is an overdevelopment when combined with the proposed redevelopment of 3 Lincoln Avenue (15/P1972
- Loss of privacy from the front and rear windows
- The proposed dwelling is not in keeping with the character of the area in terms of its height or flat roofed design
- Contrary to the applicants submitted information, there is still Badger activity within the site
- The principle of building within back garden area sets a negative precedent for the area
- The application should be considered in the context of the current application to replace 7 and 9 Somerset Road and with one additional dwelling to the rear of no.9
- The proposed dwelling is larger than that previously approved
- Existing parking and traffic issues along the road will be worsened

#### Amended Plans

Subsequent to the 2<sup>nd</sup> consultation, the building has been lowered in height to be comparable with the two previous approvals.

Natural England comments for application 13/P2414 – Advise that the proposed development is not likely to have a significant effect on the interest features for which Wimbledon Common has been classified as an SSSI and SAC and that the SSSI does not represent a constraint in determining this application.

Natural England Standing Advice should be applied to this application. Standing Advice is a material consideration in its determination in the same way as any individual response received from Natural England following consultation. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Tree Officer – No objections subject to conditions in respect of tree survey, tree protection, levels, landscaping, and basement construction being added to any approval.

Conservation Officer – Initial comments were that this proposal is larger than the previous approval with greater mass and they may be trying to put too much on the site although welcomed a contemporary approach to this site

and acknowledged that the height is in line with the neighbouring properties (height now been revised)

Transport Officer – No comments on this application however comments on the previous approval (12/P) were:

‘Somerset Road has double yellow lines along both sides of the road but is not in CPZ however Lincoln Ave is therefore any new access will be subject to a change in the Traffic Management Order. There are no transport objections subject to a condition in respect of details of the new vehicular access being submitted to the Council for approval and an informative in respect of construction of accesses impacting upon a controlled parking zone being added to any approval.’

## 6. **POLICY CONTEXT**

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

CS 8 (Housing Choice), CS 9 (Housing Provision), CS 6 (Wimbledon Sub - Area), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 15 (Climate Change), and CS 20 (Parking, Servicing, and Delivery)

The relevant policies within the Adopted Sites and Policies Plan (October 2003) are:

DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM H3 (Support for Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM T2 (transport Impacts of Development), and DM T3 (Car Parking and Servicing Standards)

New Residential Development – SPG  
Design – SPG  
Planning Obligations – SPD

The relevant policies in the London Plan (2015) are:

3.3 (Increasing Housing Supply);  
3.4 (Optimising Housing Potential);  
3.5 (Quality and Design of Housing Developments)  
3.11 (Affordable Housing Targets)  
5.7 (Renewable Energy)  
8.2 (Planning Obligations).

Natural England Standing Advice on Protected Species  
National Planning Policy Framework (2012)

## 7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations concern the principle of the erection of a new dwelling within the rear curtilage of 7 Somerset Road, the design and appearance of the proposed dwelling, and its effect upon neighbour amenity and the Lincoln Avenue street scene.
- 7.2 Principle of Development
- 7.3 An earlier very similar proposal for a new detached dwelling on the tennis court land was approved at Planning Applications Committee in August 2014 (ref. 13/P2414) but which was withdrawn by the applicant prior to the completion of the legal agreement (which was Banner Homes, rather than the current applicant). Prior to that, a similar development was also approved at June 2010 PAC (ref.09/P2458) and expired two years ago. As such, there are no extant permissions at the site however, if the legal agreement for approval 13/P2414 been completed, that scheme would be extant and capable of implementation.
- 7.4 Similarly to this application, the 2 previous approvals were also for a flat roofed modern design. The approved plans are attached as an appendix to this report. Although neither approval 09/P2458 nor 13/P2414 are now capable of implementation, the general principle of development for a two storey flat roofed house with basement has been previously considered to be acceptable.
- 7.5 Since the approval granted in June 2010, permission has also been granted for the demolition of the existing houses at 7 and 9 Somerset Road and the erection of two detached replacement dwellings (refs. 12/P1709 and 13/P2401). These applications were considered and approved in the context of both the existing situation and the relevant approval/s for a new dwelling on the tennis court land (09/P2458 and 13/P2414).
- 7.6 The existing property has a very generous rear garden. The property is not within a Conservation Area, nor is it statutorily or locally Listed. Government guidance encourages the more intensive use of land for residential purposes. As such, there is still no objection in principle to the redevelopment of the site for residential purposes subject to its impact on the street scene, adjoining properties, and the existing property.
- 7.7 Design
- 7.8 The proposed dwelling would front onto Lincoln Avenue, which is a residential road comprising detached properties of a similar design on the opposite side of the road. On the application side of the road, there is the flank elevation of no 7 Somerset Road, and the large house at 3, Lincoln Avenue, both of individual design. Some have been extended two storeys to the side and/or the rear.
- 7.9 As per the previous approvals, the proposed dwelling is of a simple, modern design, with its flat roof and detailing, and it is proposed that high quality

materials would be used. The upper level roofs would be 'green roofs', and include roof lights serving the rooms below. The houses on the opposite side of Lincoln Avenue comprise relatively modern properties of a traditional design and finished with hipped, pitched roofs. This proposed development retains the more modern design approach of the previous approvals. This is still considered to be acceptable because the site sits between two large properties of individual designs - 7 Somerset Road and 3 Lincoln Avenue. The new dwelling has also been designed and sited so as to respect the front building line along Lincoln Avenue and not appear excessively prominent within the street scene.

- 7.10 The proposed dwelling is the same height as the previously approved dwellings and is therefore considered to have been designed with a satisfactory height and bulk, relative to 7 Somerset Road and 3 Lincoln Avenue. The eaves are at the same height as the eaves of the houses on the opposite side of Lincoln Avenue. The dwelling is broadly comparable to both previous approvals in terms of its width and height with a slightly adjusted siting, being more centrally placed. The proposed materials are also in keeping with those of the previous approvals whereby 09/P2458 proposed pale and medium grey coloured brickwork, timber or dark grey aluminium window frames and doors and 13/P2414 proposed through coloured render with powder coated aluminium window frames and doors.
- 7.11 It is considered that the architectural appearance of the scheme is similar to and an improvement on the original approvals, that this new dwelling would sit comfortably within its plot and would not appear cramped or excessively high within it.
- 7.12 There is a range of spacing between dwellings within the street. In this instance, the property would be set away from the side boundary with 3 Lincoln Avenue by 1.6m and it would further be separated from the main dwelling by no.3's double garage. To the opposite boundary, the new dwelling would be set 2m from its side boundary/the rear boundary of 7 Somerset Road. The set in of the dwelling from both sides in addition to the smaller footprint of the first floors will retain the feeling of openness between the site and adjoining dwellings.
- 7.13 The amenity space provision for the property exceeds the Council's SPG minimum levels and is acceptable in terms of the mix and split between hard and soft areas. The existing house of 7 Somerset Road would retain a garden well in excess of the Council's standards and commensurate with its size. The room sizes comply with the minimum room sizes within the table 3.3 of the London Plan (2015).
- 7.14 The recently approved replacement dwellings at 7 and 9 Somerset Road are larger in footprint than the existing dwellings however not significantly so and are sited in broadly the same locations. This proposed scheme has an acceptable relationship with both the existing dwellings and the approved dwellings if they were to be built.



- 7.15 In light of the above, the proposed development is considered to be acceptable in terms of its design, layout, and form, and satisfies the aims of policy CS 14 of the Core Strategy and policy DM D1 and D2 of the Sites and Policies Plan.
- 7.16 Landscaping/Trees
- 7.17 Representations received have voiced concerns regarding the potential impact of the development on the semi-rural nature of area. The site as it currently exists comprises a rear hard surfaced tennis court and part of the rear garden of 7 Somerset Road, which has been unused and has become overgrown since the site became vacant over 3 years ago.
- 7.19 The proposed development would result in less than half of the plot being built on and with the remainder to the front, sides, and rear being soft landscaped. Concerns have been raised regarding a loss of privacy if the existing side and rear vegetation is lost however it is intended that a scheme of landscaping be installed which enhances the appearance of the site, complements the proposed dwelling, and retains the existing level of amenity and privacy. It is recommended that a condition be added to any approval requiring that prior to development commencing a scheme of landscaping be submitted to and approved by the Local Planning Authority (LPA).
- 7.20 There are no protected trees on site however there is a tree of amenity value located within the curtilage of 3 Lincoln Avenue, in close proximity to the site and it is recommended a condition be added to any approval requiring that prior to development a scheme of tree protection be submitted to and approved by the LPA.
- 7.21 The Council's Tree Officer has requested that conditions in respect of tree survey, site supervision, levels, basement construction, and landscaping also be added to any approval
- 7.22 Neighbour Amenity
- 7.23 It is considered that there would not be an unacceptable impact on the outlook of the occupiers of the properties nearest to the site as the unit would be set in from both side boundaries and would be of lower overall height than 3 Lincoln Avenue and no.7 Somerset Road. It is not considered that there would be a detrimental impact on the daylight/sunlight of the occupiers of the adjoining properties as they do not have any main windows close enough to be affected and due to the low height of the unit and its distance from them.
- 7.24 There are flat roofed areas above the single storey projections to the rear and side, as well as the main flat roof. These are shown as green roofs. A condition is proposed requiring details of the specification of the green roofs, and prohibiting the use of the flat roofed areas at upper levels as terraces. As such there would not be a loss of privacy to the occupiers of the adjoining properties from the proposed side windows or flat roofed areas. A condition is

also proposed preventing installation of any further windows in the side elevations of the property.

- 7.25 The property would be a minimum of 16 - 17m from the rear of 7 Somerset Road and 17.95m from the side boundary of 9 Somerset Road. There are no side windows facing 3 Lincoln Avenue or 7 Somerset Road. It is also not considered that the new building would result in a significant loss of daylight/sunlight to the occupiers of the adjoining properties as the front building line is the same as the adjoining garage at no. 3, which itself is only set 0.4m forward of the front building line of that property. The main rear building line is the same as that of 3 Lincoln Avenue aside from a projecting part which would project 3.7m further to rear however this would be set 6.8m from the side boundary with no.3
- 7.26 Conditions are proposed prohibiting the insertion of any new windows/doors without planning permission and removing permitted development rights in order to protect residential amenity.
- 7.27 In light of the above, the proposals would not result in a detrimental loss of amenity to the occupiers of neighbouring properties and the proposal accords with policy DM D2 of the Sites and Policies Plan.
- 7.28 Standard of Accommodation
- 7.29 Table 3.3 of the London Plan (2015) advises a minimum of 106m<sup>2</sup> gross in internal floor area for new dwellings. The GIA of the proposed dwelling would be in keeping with this guidance.
- 7.30 The proposed internal layout is considered acceptable and each habitable room is considered would have a satisfactory light and circulation area.
- 7.31 The rear garden amenity space meets the 50m<sup>2</sup> minimum size required by policy DM D2 and the Council's guidelines.
- 7.32 Basements
- 7.33 There has been a marked increase in the number of applications within the Borough including extensive basements and as a consequence, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, a new policy has recently been adopted within Merton's Sites and Policies Plan July 2014, which requires a construction method statement to be submitted as well as details of impact on surface water and ground water.
- 7.34 In this instance, given that the application was submitted some time ago and a long time prior to the adoption of this policy, in combination with the changing levels of the site and the distances from adjoining properties, was considered that a hydrology and ground conditions survey be carried out and a Construction Method Statement submitted prior to determination of the application. Both submitted reports conclude that the proposed development

would not result on an undue impact on hydrology and ground conditions within the site and that the proposed development can be constructed in such a way as to ensure that this remain so both during and after construction.

7.35 Parking and Traffic Issues

7.36 The proposed parking provision is for 2 spaces (one single garage and one space in front of the garage, and this is considered acceptable.

7.37 The proposed access arrangements are also considered to be acceptable in principle, subject to exact details being submitted to the Council for approval prior to development commencing.

7.38 Ecology/Protected Species

7.39 Following the deferral of the application at PAC in 2013, a full survey and investigation was undertaken of both 7 and 9 Somerset Road in respect of the Badger sett to the rear of no.9 and a Licence was subsequently granted by Natural England in 2014 for the sett to be closed down. This took place in June 2014 in accordance with the terms of the licence and was permitted on the basis that it a low status outlier sett.

7.40 Residents have stated that there is still however Badger activity at the site and following this, the applicants have carried out further investigations. A site visit was carried on the 2<sup>nd</sup> October 2015 to the rear of 7 and 9 Somerset Road and to the rear of 7 Lincoln Avenue by the applicant, their specialist Ecologist, the application case Officer, and the Council's specialist Ecologist.

7.41 The site visit has confirmed again that the sett to the rear of 9 Somerset Road has been closed and that there is no evidence of badgers associated with the closed sett, the wider site, or now 7 Lincoln Avenue.

7.42 As such, it has been confirmed by the relevant experts that the proposed development will not have any significant adverse impact on the local badger population either directly through sett loss or indirectly through disturbance or loss of foraging resources.

7.43 Proposed Redevelopment of 3 Lincoln Avenue

7.44 Residents have raised concerns regarding the potential quantum of development along Lincoln Road and Somerset Road should this proposed development, the proposed redevelopment of 7 and 9 Somerset Road (current application ref. 12/P2102), and the proposed redevelopment of 3 Lincoln Avenue (current application ref. 15/P1972) be approved.

7.45 Application 12/P2102 proposes the demolition of 7 and 9 Somerset Road and the erection of 3 replacement dwellings. Application 15/P1972 currently proposes the demolition of 3 Lincoln Avenue and the erection of 4 detached properties with accommodation at basement and roof level.

- 4.46 Officers have noted residents' concerns however all three schemes are individual and need to be assessed on their own merits and on the basis of the sites and surroundings as they are at the time of consideration. Furthermore, should one or all of the applications be approved, there is no guarantee that one or all would be built out. In addition, this is a site where Members have twice considered the principle of a single house of modern design with a similar siting and massing at Planning Applications Committee and found it be acceptable and there has been no change in circumstances that would affect this conclusion.
- 7.47 Members are also asked to note that should Officers be minded to approve either application 15/P1972 or 12/p2102, they would be heard at Committee due to the number of objections received.
- 7.48 **LOCAL FINANCIAL CONSIDERATIONS**
- 7.49 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.
8. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**
- 8.1 The new dwelling would be required to be built to Lifetime Homes Standards.
- 8.2 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.
9. **SECTION 106 LEGAL AGREEMENT**
- 9.1 Core Strategy policy CS 8 requires that all sites capable of providing between 1-9 units (net) will be required to make provision for affordable housing as an off-site financial contribution. In this instance there will be a net gain of 1 new unit on the site and so a financial contribution will be required (£214, 552)
- 9.2 The development would also need to be 'permit free'.
- 9.3 The Applicant has confirmed that they would be willing to enter into such an agreement.
10. **CONCLUSION**
- 10.1 The proposal makes efficient use of this generous garden area and will not be to the detriment of the residential amenities of the occupiers of the surrounding properties, the existing house, local parking, or pedestrian safety. The protected species issue has been thoroughly investigated and the proper procedures have been adhered to in relation to Natural England and

their licensing process. The proposed dwelling has overcome previous design related concerns through a reduction in height and the previous reason for deferral of the application has been addressed.

Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to a Section 106 Obligation covering the following heads of terms:

1. The provision of a financial contribution towards affordable housing (£214,552)
2. That the development be 'permit free'
3. The developer agreeing to meet the Council's costs of preparing drafting and monitoring the Agreement.

And the following conditions:-

1. A.1 Commencement of Development (Full Application)
2. A.7 Approved Plans
3. B.1 Approval of Facing Materials
4. B.4 Details of Site Surface Treatment
5. B.5 Details Walls/Fences
6. B.6P Levels
7. C.1 No Permitted Development (Extensions)
8. C.2 No Permitted Development (Windows in first and Second Floor Side Elevations)
9. C.4 Obscure Glazing (Side Elevation Windows at First Floor Level)
10. C.6 Refuse and Recycling (Details to be Submitted)
11. C.7 Refuse and Recycling (Implementation)
12. C.8 No Use of Flat Roof
13. D.11 Hours of Construction
14. E.6 Ancillary Accommodation (Basement)

15. F.4 Tree Survey
16. F5P Tree Protection
17. Non – Standard Condition: No development shall take place until there has been submitted to and approved in writing by the LPA a scheme of hard and soft landscaping which shall include a semi-mature (20 – 25 cms girth) replacement Beech tree to be planted in the frontage area of 7 Somerset Road, and furthermore, a scheme that shall include a plan, full details of the size, species, spacing, quantities and location of plants, in addition to details of the approved ‘green roof’ together with any hard surfacing, and means of enclosure to the whole development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS 13 of the Adopted Merton Core Strategy 2011.

18. F.2 Landscaping (Implementation)
19. F9 Hardstanding
20. Non-Standard Condition: No works or development shall commence until a scheme of supervision for the arboricultural protection measures required by condition 16 has been approved in writing by the LPA. This scheme will be appropriate to the scale and duration of the works and will include details of:
  - a) Induction and personnel awareness of arboricultural matters
  - b) Identification of individual responsibilities and key personnel
  - c) Statement of delegated powers
  - d) Timing and methods of site visiting and record keeping, including updates
  - e) Procedures for dealing with variations and incidents
  - f) The scheme of supervision will be carried out as agreed
  - g) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the LPA.

Reason: To safeguard the existing retained trees in accordance with policy CS13 of the Adopted Merton Core Strategy 2011.

21. Non-Standard Condition: The basement hereby permitted shall be constructed using a sheet/contiguous piling method of construction. The method of excavation and construction of which shall form part of the Arboricultural Method Statement and Tree Protection Plan.

Reason; To safeguard the trees in accordance with policy CS 13 of the Adopted Merton Unitary Development Plan 2011.

22. H.10P Site Operatives

23. H.15 Provision of Vehicle Parking
24. J.1 Lifetime Homes
25. Non-Standard Condition: No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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

Informatives:

1. INF12 Works affecting the public highway
2. It is current Council policy for the Council's contractor to construct new vehicular accesses and to reinstate the footway across redundant accesses. The developer is to contact the Council's Highways team, prior to the commencement of construction, to arrange for any such work to be done. If the developer wishes to undertake this work the Council will require a deposit and the developer will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be
3. Note 1 to Applicant

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