

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Philip Jones (Chair)

John Bowcott (Vice-Chair)

David Dean

John Dehaney

Richard Hilton

Ian Munn BSc, MRTPI(Rtd)

Peter Southgate

Geraldine Stanford

Gregory Patrick Udeh

Simon Withey

#### Substitute Members:

Agatha Mary Akyigyina

Karin Forbes

Maurice Groves

Janice Howard

Sam Thomas

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

**Date: 12 December 2013**

**Time: 7.15 pm**

**Venue: Council chamber - Merton Civic Centre, London Road, Morden  
SM4 5DX**

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3357

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# Planning Applications Committee

## 12 December 2013

- 1     Declarations of interest
- 2     Apologies for absence
- 3     Minutes of the previous meeting 1 - 12  
Officer Recommendation  
That the Minutes of the meeting held on 7 November 2013 be agreed as a correct record.
- 4     Town Planning Applications - Covering Report 13 - 16  
Officer Recommendation:  
The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).
- 5     Ground Floor, 149 Cannon Hill Lane, Raynes Park, SW20 9BZ (Ref. 13/P3021) (Cannon Hill Ward) 17 - 26  
Officer Recommendation:  
Grant Permission subject to conditions
- 6     Clock Tower - Upper Green East, Mitcham , CR4 3NH (Ref. (A) 13/P2657) & (B) 13/P2664) (Figges Marsh Ward) 27 - 60  
Officer Recommendations:  
(A) Grant Permission subject to conditions  
(B) Resolve that had the Council been able to determine the application, it would have granted Listed Building Consent, and to advise the DCLG accordingly.
- 7     Garages to the rear of 44-49 Firstway, Raynes Park, SW20 0JB (Ref. 13/P2577) (West Barnes Ward) 61 - 108  
Officer Recommendation:  
Grant Permission subject to S.106 Obligation and conditions
- 8     1a Leopold Terrace, Wimbledon, SW19 7EY (Ref. 13/P2197) (Wimbledon Park Ward) 109 - 150  
Officer Recommendation:  
Grant Permission subject to S.106 Obligation and conditions
- 9     Cricketers PH, 340 London Road, Mitcham CR4 3ND (Ref. 13/P1077) (Cricket Green Ward) 151 - 166  
Officer Recommendation:  
Grant Permission subject to S.106 Obligation and



	conditions	
10	<u>336 Lynmouth Avenue, Morden, SM4 4RS</u> (Ref. 13/P1163) (Lower Morden Ward)  Officer Recommendation: Grant Permission subject to conditions	167 - 176
11	<u>Canons Leisure Centre, Madeira Road, Mitcham, CR4 4HD</u> (Ref. 13/P1744) (Cricket Green Ward)  Officer Recommendation: Grant Permission subject to conditions	177 - 298
12	<u>Delatre Media Ltd, 3 Palmerston Road, Wimbledon, SW19 1PG</u> (Ref. 13/P1028) (Abbey Ward)  Officer Recommendation: Grant Permission subject to S.106 Obligation and conditions	299 - 322
13	<u>1a St Marys Road, Wimbledon, SW19 7DF</u> (Ref. (1) 13/P2332 & (2) 13/P2334) (Hillside Ward)  Officer Recommendations: (1) Grant Permission subject to conditions (2) Grant Conservation Area Consent	323 - 350
14	<u>1 Wydell Close, Morden, SM4 4NS</u> (Ref. 13/P2385) (Lower Morden Ward)  Officer Recommendation: Grant Permission subject to S.106 Obligation and conditions	351 - 364
15	<u>Tree Preservation Order (No. 647) at 14 Cumberland Close &amp; 27 The Downs, West Wimbledon, SW20 8AT</u> (Raynes Park Ward)  Officer Recommendation: The Merton (No.647) Tree Preservation Order 2013 be confirmed without modification.	365 - 368
16	<u>Tree Preservation Order (No. 646) at 10 Hillside, West Wimbledon, SW19 4NH</u> (Hillside Ward)  Officer Recommendation: The Merton (No.646) Tree Preservation Order 2013 be confirmed without modification.	369 - 374
17	<u>Tree Preservation Order (No. 644) at Land adjacent to 2 Thornton Hill, Wimbledon, SW19 4HP</u> (Hillside Ward)  Officer Recommendation: The Merton (No.644) Tree Preservation Order 2013 be confirmed without modification.	375 - 378
18	Planning Appeal Decisions	379 - 382

Officer Recommendation:  
That Members note the contents of the report

19 Planning Enforcement - Summary of Current Cases 383 - 388

Officer Recommendation:  
That Members note the contents of the report

**Declarations of Pecuniary Interests**

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

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

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

## NOTES

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

## Procedure at meetings of the Planning Applications Committee

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

### 1 Public speaking at the Planning Applications Committee

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

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

## **2 Submission of additional written evidence at meetings**

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

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

## PLANNING APPLICATIONS COMMITTEE

7 NOVEMBER 2013

(19.15 - 23.10)

**PRESENT:** Councillors Philip Jones (in the Chair), John Bowcott, John Dehaney, Richard Hilton, Russell Makin, Ian Munn, Peter Southgate, Gregory Udeh, Simon Withey and Maurice Groves

**ALSO PRESENT:** Councillors Margaret Brierly, Andrew Judge, Diane Neil Mills and Rod Scott.

Sam Amoako-Adofo (Planning Enforcement Team Leader), Neil Milligan (Development Control Manager, ENVR), Tony Ryan (South Team Deputy Leader - Development Control) and Michael Udall (Democratic Services)

### 1 DECLARATIONS OF INTEREST (Agenda Item 1)

Councillor John Bowcott declared an interest (but not a disclosable pecuniary interest) in the following items by reason that he had been Chairman of the Merton Design Review Panel which had considered these applications, but that in each case he hadn't taken a part in the debate or voted on the proposal –

Item 8 - 247 The Broadway, Wimbledon, SW19 1SD (Ref.13/P0952);

Item 11 - 18 Commonside West, Mitcham, CR4 (Ref. (A) 13/P1479 & (B) 13/P1480);

Item 13 - Fair Green, Market Square, Mitcham CR4 2PE (Ref. 13/P2575);

Item 18 – Land at the former Grove Hotel, 2 Morden Road, South Wimbledon, SW19 3BH (Ref. 13/P1238)); and

Item 20 – Pelham Primary School, Southey Road, Wimbledon, SW19 1NU

### 2 APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from: Councillor David Dean.

### 3 MEMBERSHIP (Agenda Item )

It was noted that since the publication of the agenda, Councillor Geraldine Stanford had resigned from the Committee and had been replaced by Councillor Russell Makin.

### 4 MINUTES OF THE MEETING HELD ON 10 OCTOBER 2013 (Agenda Item 3)

**RESOLVED:** That the Minutes of the meeting held on 10 October 2013 be agreed as a correct record.

### 5 TOWN PLANNING APPLICATIONS - COVERING REPORT (Agenda Item 4)

The published agenda and the modifications list tabled at committee form part of the Minutes.

a) Modifications: A list of modifications for items 6, 7, 8, 9, 11, 12, 13, 16, 17, 18, 20 & 23 and additional letters/representations and drawings received since agenda publication, were tabled at the meeting.

(b) Oral representations: The Committee received oral representations at the meeting made by third parties and applicants/agents in respect of items 8, 13, 14, 15, 17 & 19. In each case where objectors spoke, the Chair also offered the applicants/agents the opportunity to speak; and the Chair also indicated that applicants/agents would be given the same amount of time to speak as objectors for each item.

The Committee also received oral representations at the meeting from the following Councillors (who were not members of the Committee for this meeting) in respect of the items indicated below –

Items 8 & 18 – Councillor Diane Neil Mills; and  
Item 15 – Councillor Rod Scott.

(c) Order of the Agenda: Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following –  
13, 8, 15, 19, 17, 14, 24, 18, 5, 6, 12, 11, 9, 23, 20, 7, 10, 16, 21 & then 22.

RESOLVED: That the following decisions are made:

6 30 ARTHUR ROAD, WIMBLEDON, SW19 7DU (VILLAGE WARD) (REF. (1) 13/P2263 & (2) 13/P2342) (Agenda Item 5)

Decision: Item 5(1) - Ref. 13/P2263 (30 Arthur Road, Wimbledon, SW19)

GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

Decision: Item 5(2) - Ref. 13/P2342 (30 Arthur Road, Wimbledon, SW19)

GRANT CONSERVATION CONSENT subject to the conditions set out in the officer case report and the tabled modifications sheet.

7 THE GLASS HOUSE, 177-187 ARTHUR ROAD, WIMBLEDON, SW19 8AE (VILLAGE WARD) (REF. 13/P0426) (Agenda Item 6)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

8 52 THE BROADWAY, WIMBLEDON, SW19 1RQ (TRINITY WARD) (REF.13/P1113) (Agenda Item 7)



Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

9 247 THE BROADWAY, WIMBLEDON, SW19 1SD (ABBEY WARD)  
(REF.13/P0952) (Agenda Item 8)

1. Extra Conditions – Officers suggested that extra conditions should possibly be imposed regarding -  
(i) Obscured Glazing (for balconies); and  
(ii) Planting.

1.1 As indicated below, the Committee subsequently agreed to these extra conditions and that officers be delegated authority to agree the detailed wording.

2. Privacy/Overlooking – Reference was made to concerns about privacy and overlooking from objectors particularly due to the proposed balconies at the rear of the development. Officers drew attention to the proposed measures, including screening, to mitigate overlooking and advised that the development complied with Merton policies and Supplementary Planning Guidance in this regard including meeting requirements for separation distances.

3. Approval Motion - It was moved and seconded that permission be granted. The motion was carried (Councillors Maurice Groves and Richard Hilton dissenting).

Decision: Item 8 - ref. 13/P0952 (247 The Broadway, Wimbledon, SW19)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet., and subject to the following extra conditions -

(i) Obscured Glazing (for balconies) - subject to (B) below; and  
(ii) Planting - subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above two extra conditions.

10 2A CHESTER ROAD, WIMBLEDON, SW19 4TW (VILLAGE WARD) (REF. 13/P2485) (Agenda Item 9)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

11 45 CHESTER ROAD, WIMBLEDON, SW19 4TS (VILLAGE WARD) (REF. 13/P2186) (Agenda Item 10)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report.

- 12 18 COMMONSIDE WEST, MITCHAM CR4 4HA (FIGGES MARSH WARD)  
(REF. (A) 13/P1479 & (B) 13/P1480) (Agenda Item 11)

Decision: Item 11(A) - ref. 13/P1479 (18 Commonsides West, Mitcham CR4 4HA)

GRANT CONSERVATION AREA CONSENT subject to the conditions set out in the officer case report and the tabled modifications sheet.

Decision: Item 11(B) - ref. 13/P1480 (18 Commonsides West, Mitcham CR4 4HA)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

- 13 LAND WITHIN CURTILAGE OF 17A COPSE HILL, WIMBLEDON, SW20 0NB  
(VILLAGE WARD) (REF. 13/P2072) (Agenda Item 12)

1. Side Extension – Officers confirmed that the proposal didn't include a side extension.

2. S.106 Contributions – A Member referred to the lack of figures for some of the proposed S.106 financial contributions in the report's recommendation (on page 162) Officers explained the background to the calculation of S.106 contributions and confirmed that the relevant amounts would be sought in each case, and that figures would normally be shown where appropriate, including a specific figure for the proposed contribution towards sustainable transport.

3. Trees - A Member referred to the proposal involving the removal of 9 trees and the need for replacement trees. Officers advised that the proposed tree/landscaping conditions would enable the Council to specify the number/type/location of replacement trees and undertook to draw the issue to the attention of the relevant officer.

Decision: Item 12 - ref. 13/P2072 (Land within curtilage of 17a Copse Hill< Wimbledon, SW19)

GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

- 14 FAIR GREEN, MARKET SQUARE, MITCHAM CR4 2PE (FIGGES MARSH  
WARD) (REF. 13/P2575) (Agenda Item 13)

1. Design Review Panel (DRP) – Officers drew attention to the list of modifications circulated at the meeting which included -

(a) the Panel's latest views on the application including objections to the proposal and a "Red" verdict; and

(b) Officer's comments on the Panel's objections.

2. Refusal Motion: Following extensive discussion, it was moved and seconded that permission be refused as detailed below, subject to the detailed grounds of refusal being agreed by officers. The motion was carried by 8 votes to 1 (Councillor Russell Makin dissenting). Subsequently the Committee also agreed (C) below.

Decision: Item 13 - ref. 13/P2575 (Fair Green, Market Square, Mitcham CR4 2PE)

(A) REFUSE permission on the grounds relating to the following -

(i) inappropriate size and design that fails to complement the character and heritage of the local Fair Green area and fails to enhance the Fair Green open space ;

(ii) the lack of quality of proposed materials, including the polycarbonate roof; and

(iii) economic viability, including that the proposal will not necessarily enhance Mitcham Town Centre's retail provision; and

(iv) Contrary to the following policies

(a) Policy BE.22 (Design of New Development) of the Merton Unitary Development Plan (2003):

(b) Policy CS.2 (Mitcham Town Centre), paragraphs (c) & (e), and Policy CS.13 (Open Space) of the Merton LDF Core Planning Strategy.

(B) Delegation: The Director of Environment & Regeneration (in consultation with the Chair and Vice-Chair) be delegated authority to agree the detailed grounds of refusal, including any appropriate amendments, additions and/or deletions to the proposed grounds/policies.

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee considered that officers had given insufficient weight to the views of the Design Review Panel.

15 15C LANDSDOWNE ROAD, WEST WIMBLEDON, SW20 8AN (RAYNES PARK WARD) (REF. 13/P1409) (Agenda Item 14)

Objection letters – As part of their oral representations, an objector referred to the Council web-site showing six objection letters, but that the report (in para. 6.1) only mentioned two letters of objection being received. Officers apologised if the incorrect figure had been shown.

Decision: Item 14 - ref. 13/P1409 (15c Landsdowne Road, West Wimbledon, SW20)

GRANT PERMISSION subject to the conditions set out in the officer case report.

16 REAR OF ASTON COURT, 18 LANDSDOWNE ROAD, WEST WIMBLEDON, SW20 8AW (RAYNES PARK WARD) (REF.13/P1118) (Agenda Item 15)

1. No car parking space – As part of their oral representations, the applicant's representative referred to the possibility of an off-street parking space at the front of Aston Court. Officers advised that (a) the current application didn't include such a parking space; and (b) the current application was proposed to be designated as a "permit free" development (meaning that the occupiers of the proposed new house couldn't apply for a parking permit within the local CPZ (Car Parking Zone)).

2. Windows at rear of Aston Court – In response to queries from Members, Officers confirmed that there were windows (including bedroom windows) at the rear of Aston Court which would face the proposed development and that these windows should have been shown, including for Flat 1, on the submitted drawing (on page 225). It was also noted that the proposed development had a blank walls with high-level glazed windows facing the rear of Aston Court.

3.. Refusal Motion – Whilst Members considered that the proposed development overcame the previous grounds for refusal shown in paragraph 4.11 in relation to the existing flats at 4 – 11 Aston Court, Members considered the proposed development hadn't done so in relation to the existing flats at 1 – 3 Aston Court. Accordingly it was moved and seconded that permission be refused on the same grounds again but in relation to flats at 1 – 3 Aston Court as shown below. The motion was carried unanimously. Subsequently the Committee also agreed (B) below.

Decision: Item 15 - ref. 13/P1118 (Rear of Aston Court, 18 Landsdowne Road, West Wimbledon, SW20)

(A) REFUSE permission on the following grounds -

'The proposed dwelling would, by reason of its height and siting have an unsatisfactory relationship with the existing flats at 1 - 3 Aston Court and would constitute a visually intrusive form of development that would be detrimental to the amenities of the occupiers of the flats, contrary to retained Policy BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise) of the Merton UDP (October 2003)'.

(B) Reasons for not following Planning Officers' recommendation for permission: The Committee disagreed with the officer assessment of the impact of the proposed development on neighbouring residents.

17 PICFARE HOUSE, 197 LONDON ROAD, MORDEN, SM4 5PT (ST HELIER WARD) (REF. 13/P1641) (Agenda Item 16)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet.

18 14 MARRYAT ROAD, WIMBLEDON, SW19 5BD (VILLAGE WARD) (REF. 13/P0543) (Agenda Item 17)

1. Extra Condition - Construction Method Statement – In response to a neighbouring objector’s concerns regarding the effect of the proposed development, which included a basement, on the stability of neighbouring properties and on flooding and the water table level in the area, Officers suggested that an extra condition be added requiring that a Construction Method Statement be submitted for approval. As indicated below, the Committee subsequently agreed to this suggestion. (NB. The applicant’s representative had earlier indicated in their oral representations that the application papers included a construction methodology report.)

2. Extra Condition - Noise/Disturbance to neighbours – As part of their oral representations, a neighbouring objector expressed concern regarding noise emanating from the proposed development after its completion, and in particular from ventilation condensers on pillars in the rear garden near the boundary with No.16 Marryat Road.

2.1 It was noted that list of modifications for various items circulated at the meeting, included in relation to this item that “Amendments include existing path moved away from boundary with 16 Marryat Road and underground condensers moved to front of house.” In the circumstances, the Chair requested the applicant’s representative to clarify the situation regarding ventilation condensers and the proposed pillars in the rear garden.

2.2 As requested by the Chair, the applicant’s representative addressed the Committee and their advice included that

- (a) the condensers had been moved to the basement at the front of the house;
- (b) the condensers would still need inlet/outlets but these would be noise attenuated;
- and
- (c) there would be no condensers or inlet/outlets on the pillars in the rear garden.

2.3 Officers suggested that a standard extra condition be imposed requiring that, after construction, there be no excessive noise/disturbance to neighbours. As indicated below, the Committee subsequently agreed to this suggestion and that officers be delegated authority to agree the details of both extra conditions.

Decision: Item 17 - ref. 13/P0543 (14 Marryat Road, Wimbledon, SW19)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following extra conditions -

(i) Construction Method Statement – Submission for approval subject to (B) below.

(ii) Noise/Disturbance to neighbours - subject to (B) below.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to agree the detailed wording of the above two extra conditions.

19 LAND AT THE FORMER GROVE HOTEL, 2 MORDEN ROAD, SOUTH

WIMBLEDON, SW19 3BH (ABBEY WARD) (REF. 13/P1238) (Agenda Item 18)

1. Extra Condition – Landscaping – As part of her oral representations, Ward Councillor Diane Neil Mills requested that trees be planted within the application site on its boundaries with Milner and Morden Roads. In response, Officers suggested that an extra Standard Landscaping Condition possibly be added. As indicated below, the Committee subsequently agreed to this extra condition.

2. Amendment to Condition (20) (Refuse and Recycling Facilities) – As part of her oral representations, Ward Councillor Diane Neil Mills also expressed concern about the frequency of rubbish collection. In response, Officers suggested that proposed Condition (20) be amended so as to allow officers to ask for details about the frequency of rubbish collection. As indicated below, the Committee subsequently agreed to such an amendment and that officers be delegated authority to agree the detailed wording.

3. Financial Contribution towards amenity/open space improvements – Officers advised that a S.106 financial contribution towards the provision of amenity/open space improvements wasn't proposed in the report by Officers because it was understood, following consultation with the Council's Green Spaces Team, that there were no suitable projects in the vicinity of the site which could use such monies.

3.1 As part of her oral representations, Ward Councillor Diane Neil Mills advised that a residents association had submitted a list of green projects for the Morden Road area. A Committee Member also referred to the need for improvements to the nearby Nelson Gardens. In the circumstances Officers undertook to liaise with the Green Spaces Team to ascertain why no list of potential amenity/open space projects had been available for a possible S.106 financial contribution.

3.2 Officers explained that in the absence of a list of potential projects, it was not possible to require the applicant to make a financial contribution towards the provision of amenity/open space improvements in the vicinity, but that it would be possible to request the applicant to make a voluntary financial contribution. As indicated below, the Committee subsequently agreed that such a request be made.

Decision: Item 18 - ref. 13/P1238 (Land at former Grove Hotel, 2 Morden Road, South Wimbledon, SW19)

(A) GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report and the tabled modifications sheet, and subject to the following -

(i) The addition of an extra Standard Landscaping Condition.

(ii) Subject to (B) below, an amendment to proposed Condition (20) (Refuse and Recycling Facilities) so as to allow officers to ask for details about the frequency of rubbish collection.

(B) Delegation: The Director of Environment & Regeneration be delegated authority to amend condition (20).

(C) Financial Contribution towards amenity/open space improvements – The applicant be requested to make a voluntary financial contribution towards the provision of amenity/open space improvements in the vicinity of the application site.

20 237-239 NORTHBOROUGH ROAD, NORBURY, SW16 4TR  
(LONGTHORNTON WARD) (REF. 12/P1937) (Agenda Item 19)

1. Deliveries and Servicing - As part of her oral representations, the representative of the Longthornton Development Working Party requested that the revised delivery arrangements of one delivery per day between 6.30am and 7am to the retail unit (now proposed by the applicant and included with the application papers), be specifically set out in the conditions attached to any permission for this site.

2. Officers confirmed that this could be looked at when the applicant submitted a Delivery and Servicing Plan for approval further to proposed Condition (8). A Member suggested that delivery times included in the Delivery and Servicing Plan be subject to further consultation with Ward Councillors and the Longthornton Development Working Party. As indicated below, the Committee subsequently agreed to this suggestion.

3. As part of her oral representations, the representative of the Longthornton Development Working Party also expressed concern that the provision of parking for servicing and deliveries for the site could decrease the width of pavement available to pedestrians outside the application site. Officers gave an assurance that it was not proposed to use part of the existing footway.

Decision: Item 19 - ref. 12/P1937 (237-239 Northborough Road, Norbury, SW16)

(A) GRANT PERMISSION subject to the conditions set out in the officer case report, and subject to (B) below.

(B) Delivery times included in the Delivery and Servicing Plan - to be submitted (to Officers) for approval further to Condition (8) - be subject to further consultation with Ward Councillors and the Longthornton Development Working Party.

21 PELHAM PRIMARY SCHOOL, SOUTHEY ROAD, WIMBLEDON, SW19 1NU  
(ABBEY WARD) (REF. 13/P2659) (Agenda Item 20)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case report and the tabled modifications sheet.

22 28-32 TRAMWAY PATH, MITCHAM, CR4 4BD (RAVENSBURY WARD)  
(REF. 13/P1838) (Agenda Item 21)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report.

- 23 50 WANDLE ROAD, MORDEN, SM4 6AQ (RAVENSBURY WARD) (REF. 13/P2290) (Agenda Item 22)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case report.

- 24 FOOTBRIDGE (OVER RIVER WANDLE) CONNECTING WANDLE MEADOW NATURE PARK TO BEWLEY STREET, WIMBLEDON, SW19 1XF (COLLIERS WOOD WARD) (REF. 13/P2573) (Agenda Item 23)

Decision: GRANT PERMISSION subject to the conditions set out in the officer case officer report.

- 25 FLAT B, 168 WORPLE ROAD, RAYNES PARK, SW20 8PR (HILLSIDE WARD) (REF. 13/P2010) (Agenda Item 24)

Decision: GRANT PERMISSION subject to the completion of a Section 106 Agreement and subject to the conditions set out in the officer case officer report.

- 26 MEETING BREAK (Agenda Item )

After consideration of item 24 at about 10.15pm, the Committee adjourned its discussions for about 10 minutes.

- 27 PLANNING APPEAL DECISIONS (Agenda Item 25)

Officers drew attention to the list of modifications for various items tabled at the meeting which included an amendment correcting the address in paragraph 1.2.

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- 28 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 26)

(a) Burn Bullock PH, London Road, Mitcham (para.3.4); and  
(b) Cricketers PH, 340 London Road, Mitcham (paragraph 2.08) – Councillor Ian Munn thanked officers for their work to date in relation to these two sites.

(c) 23A Bruce Road, Mitcham (para.2.05) – Officers outlined the background to this case and undertook to look at the case further and assess possible options.

(d) Rookwood Avenue, New Malden – Officers also reported on action being taken and proposed regarding a triangular site in Rookwood Avenue (not included in the officer report), formerly owned by Kingston Council, located behind the nearby B & Q store, which had been subject to the unauthorised dumping of gravel.



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**Committee:** PLANNING APPLICATIONS COMMITTEE

**Date:** 12/12/2013

**Agenda item:** AGENDA ITEM NO. 4

**Wards:** ALL

**Subject:** TOWN PLANNING APPLICATIONS – Covering Report

**Lead officer:** John-Francis Hill - Head of Public Protection & Development

**Lead member:** COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Forward Plan reference number:** N/A

**Contact officer:** For each individual application, see the relevant section of the report.

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## **Recommendations:**

- A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).

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

- 1.1. These planning application reports detail site and surroundings, planning history, describe the planning proposal, cover relevant planning policies, outline third party representations and then assess the relevant material planning considerations.

## **2 DETAILS**

- 2.1. This report considers various applications for Town Planning permission, including Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.
- 2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination **to be made** under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In Merton the Development Plan comprises The London Plan: Consolidated with Alterations Since 2004 (February 2008) and the Unitary Development Plan (adopted October 2003) excluding those policies that were not saved in September 2007, following scrutiny by the Government Office for London".
- 2.3. Members' attention is also drawn to Section 16 (2) of the **Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act)**, regarding applications for Listed Building Consent which places a statutory **duty** on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 2.4 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.5 Each application report details policies contained within the Adopted Unitary Development Plan (October 2003). For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. Recommended reasons for refusal as well as reasons for approval cover policies in the Adopted Unitary Development Plan.
- 2.6 All letters, petitions etc making representations on the planning applications which are included in this report will be available on request for Members at the meeting.
- 2.7 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission and that certain, generally routine, applications are delegated to Officers under the agreed Delegated Powers.

## **2.8 SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**

- 2.8.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on "Sustainable Development". This has been defined as "a development which meets the needs of the present without compromising the ability of future generations to meet their own needs." A sustainability checklist has been drawn up which takes into account the conservation of resources, improvements to the quality of life and the physical and natural environment, and the idea of stewardship of resources/quality of life for present and future generations.
- 2.8.2 The precise criteria are being re-examined and further refinements will be necessary before the assessment referred to in each item can be treated as an accurate assessment of sustainability. It should be noted that at the present time this Council is the only Authority in London including a sustainable development assessment in its development control reports and to some extent therefore it is necessary to continually evaluate the methodology by which the sustainability levels are calculated. A plus score indicates a development which is generally sustainable and a minus score a development which is not sustainable.
- 2.8.3 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) (England and Wales) Regulations 1999. Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application.

## **3 ALTERNATIVE OPTIONS**

- 3.1. None for the purposes of this report.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. None for the purposes of this report.

**5 TIMETABLE**

5.1. As set out in the body of the report.

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. None for the purposes of this report unless indicated in the report for a particular application.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. As set out in the body of the report.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. These applications have been considered in the light of the Human Rights Act (“The Act”) and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.

8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and especially to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material planning considerations will outweigh the views of third parties and/or those of the applicant.

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. As set out in the body of the report.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. As set out in the body of the report.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

None for the purposes of this report.

**12 BACKGROUND PAPERS**

**Background papers – Local Government (Access to Information) Act 1985**

Planning application files for the individual applications.

Unitary Development Plan October 2003.

Appropriate Government Circulars and Guidance Notes.

Town Planning Legislation.

Merton's Planning Guidance Notes.

Merton's Standard Planning Conditions and Reasons (as updated and approved by Planning Applications & Licensing Committee July 2009).

Report to Development Control Sub-Committee on 17th August 1995 on Sustainability

Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999

## PLANNING APPLICATIONS COMMITTEE

12th December 2013

Item No:

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	13/P3021	18/09/2013
<b>Address/Site:</b>	Ground floor, 149 Cannon Hill Lane, Raynes Park, SW20 9BZ	
<b>(Ward)</b>	Cannon Hill	
<b>Proposals</b>	Application for the change of use of the existing hairdressers (Use Class A1) to a tattoo parlour (Sui Generis)	
<b>Drawing No's</b>	Site location plan and drawings 'Proposed tattoo Studio Layout' dated 20 November 2013	
<b>Contact Officer</b>	Leigh Harrington (020 8545 3836)	

## RECOMMENDATION

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

## CHECKLIST INFORMATION

- Head of agreement: No.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted – No
- Number of neighbours consulted – 9
- Press notice – No
- Site notice – Yes
- External consultations: One
- Density - N/A
- Number of jobs created - 2
- Flood risk assessment – N/A

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee due to objections received which relate to the principle of the use and which cannot be addressed by condition and thereby falls outside the scheme of delegation for officers to determine the application.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site is a ground floor shop unit located within a designated Neighbourhood Parade on the Northeast side of Cannon Hill Lane near the junction with Monkleigh Road in Raynes Park. The premises were in use as a hairdressers until June 2013 since when it has remained vacant.
- 2.2 The site has a Public Transport Accessibility Level of 2 with part on-pavement parking outside the front of the parade. The site is not within a flood risk zone nor a conservation area.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal seeks planning permission to change the use of the currently vacant hairdressing salon from Use Class A1 to a tattoo parlour which is a Sui Generis use.
- 3.2 The internal layout would remain similar to the existing use with the front of the premises being used for the customer area with a reception desk and customer seating area. The tattooing would occur in a partitioned area towards the rear of the premises whilst the rear of the site would remain a staff area. The exterior of the premises would remain unaltered other than a new shop name advert in place of the existing.

## **4. PLANNING HISTORY**

- 4.1 06/P2904 planning permission granted for erection of a single storey rear extension to provide a store in connection with the use of the ground floor as a shop (use within Class A1).
- 4.2 11/P0408 Planning permission granted on appeal for first floor rear extension, to provide storage space for the ground floor retail use, to be accessed via an external staircase.



## 5. CONSULTATION

- 5.1 The proposal was advertised by means of a neighbour notification letter and a Site Notice. There were four written objections to the proposal raising concerns relating to;
- Little local demand for a tattoo parlour.
  - Inappropriate business for a family residential neighbourhood.
  - Proposal will not be a service for the local community and benefit very few people
  - 'It will not improve the outlook of the local parade'
  - The use is not compatible with a shopping frontage
  - The use will harm the vitality and viability of the neighbourhood parade
  - The council should protect the A1 use for the benefit of the elderly and less mobile.
- 5.2 An E-petition was submitted signed by 12 persons including the local MP and two Councilors. Objections included it being an inappropriate use and one that would not serve local needs.
- 5.3 Five letters of support were received from local residents.
- 5.4 Metropolitan Police Designing out Crime Officer raised no concerns or objections.
- 5.5 Environmental Health officers had no objections to the proposal. If approved, the use will be subject to the requirements of a Special Treatments Licence that is issued and monitored on an annual basis by the Council.

~~CONVINCED THIS CAN BE JUSTIFIED AND SEEMS EXCESSIVE~~

- 5.6 Future Merton - Retail Policy officer. No objection to the proposal.

## 6. POLICY CONTEXT

### London Plan (2011)

- 6.1 The relevant policies in the London Plan (2011) are:  
4.1 Developing London's Economy

### LDF Core Planning Strategy 2011

- 6.2 The relevant policies in the LDF Core Strategy 2011  
CS 12 Economic Development  
CS 14 Design  
CS 20 Parking, servicing and delivery

Unitary Development Plan (2003)

- 6.3 The relevant policies in the Council's Adopted Unitary Development Plan (October 2003) are:  
S 4 Neighbourhood Parades  
BE 22 Design of new development.

**7.0 PLANNING CONSIDERATIONS**

- 7.1 The principal planning considerations relate to the impact of the change of use of these premises on the neighbourhood parade within which it is located including the impact on neighbour amenity.
- 7.2 Saved UDP policy S4 relates to developments within designated Neighbourhood Parades and states that permission for uses outside Class A1 (shops) will be permitted where; 'The proposed use is compatible with a shopping frontage and provides a direct service to the general public'
- 7.3 It is considered that the proposed tattoo parlour is a form of development that would be expected to be found within a parade of shops. Whilst there have been objections to the proposal, stating that this type of use/activity is not suitable for a family residential area, although the new use would not be A2 (financial and professional services) or A3 (food and drink) (as recommended in the policy as alternative suitable uses) it would offer a direct service to the public whereby, as with the previous use.
- 7.4 Saved UDP policy S4 also requires that 'The proposal does not harm the vitality or viability of the shopping parade or result in a significant break in the A1 frontage.'
- 7.5 The existing hairdressers have been vacant for five months and consequently it does not contribute to the existing vitality and viability of the shopping parade. It is considered that given the current difficulties with the economy a proposed new use that will create employment opportunities and bring a vacant unit back into use should be encouraged. The site is located within a small terrace of four commercial units within the overall parade and it will remain neighboured by an A1 Locksmiths, a Mini Market food retailer and a pharmacy. Either side of this terrace there is a dental practice and a medical centre. It is considered that the replacement of the vacant hairdressers with the tattoo parlour would not lead to a significant break in the A1 frontage. A significant break is defined in policy S4 as being two adjoining units.
- 7.6 Saved UDP policy S4 also requires that 'The use will not result in a significant diminution of local pedestrian accessible shopping facilities'. Whilst the previous use fell within use Class A1 it did not offer A1 retail

- shopping facilities and the site will remain adjacent to a mini market offering convenience shopping facilities to local residents. Consequently officers consider that the proposal will not reduce the availability of this form of convenience shopping facility and given that the proposed use is sui generis, any future change of use would require planning permission thereby allowing the Council a degree of control over future uses.
- 7.7 Policy S4 criteria (iv) requires that 'A window display is provided'. The proposal will not alter the appearance of the front of the premises with the windows still offering a view into the premises and the reception desk and seating area that will occupy the front of the premises.
- 7.8 Finally S4 requires 'No adverse effects on the amenities of nearby residents, road safety, car parking or traffic flows would result'.
- 7.9 The use would operate from 10am to 6pm on Mondays to Fridays and 10am to 5pm on Saturdays being closed on Sundays and bank holidays and consequently would not be introducing any unsocial out of hours activities as may have been the case under an A3 use as suggested by policy S4 as being a suitable replacement use. Due to the nature of the tattooing process the applicant estimates that the maximum capacity for the premises would be of a similar level to that of the hairdressing use and therefore the use is not considered one that would create noise and disturbance to residents from either pedestrian based customers or those choosing to drive and as such would have no more impact than was experienced from the previous use. The tattooing equipment would generate no more noise than equipment in the hairdressing salon and therefore conditions relating to noise are not considered to be required.
- 7.10 In the draft Merton Sites and Policies Plan (2013) this parade of shops will be amalgamated with the adjoining parade at 242-262 Martin Way and change of use applications would be subject to policy 'DMR4; Protection of shopping facilities within designated shopping frontages'. This policy sets out broadly similar criteria as UDP policy S4 but with the addition of a requirement for an active shop frontage, which this proposal would provide. Consequently whilst this policy cannot be given the same weight as adopted UDP policies at this stage it is considered that the proposal would still accord with the Council's emerging planning policies.
- 7.11 Design and Appearance.  
Other than a change of name and signage in the same positioning as the existing signage there will be no alteration to the appearance of the site and therefore it is considered that the proposal does not require consideration under policy BE 22.

7.11 Parking and servicing.

Core Strategy Policy CS 20 requires developers to demonstrate that their proposals will not adversely affect the safety and convenience of local residents nor increase pressure on on-street parking capacity. Officers consider that the site has sufficient on road parking in front of the site to accommodate the numbers of customers that will utilise the site without contravening policy CS20.

7.12 Economic development and employment opportunities

London Plan policy 4.1 and Core Strategy policy CS 12 encourage the development of a diverse local economic base in the borough and this proposal will introduce a new small business into a unit that has stood vacant for nearly a year and has the potential to increase footfall and provide custom for the adjoining businesses.

**8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT**

Environmental Impact Assessment

- 8.1 The proposals fall outside the scope of Schedule 2 development under the Town and Country Planning [Environmental Impact Assessment] Regulations 2011 and therefore there are no requirements for an Environmental Impact Assessment in this instance.

**9. CONCLUSION**

- 9.1 The National Planning Policy Framework 2012 has a presumption in favour of sustainable development whilst the London Plan 2011 and the LBM Core Strategy 2011 seeks to encourage economic diversity in the borough. The existing unit has remained vacant for nearly a year and the new use as a tattoo parlour is considered to be one that accords with all the requirements of saved UDP Policy S4 in utilising a vacant A1 site and thereby improving the existing vitality and viability of the shopping parade without having a negative impact on the amenity of local residents.

- 9.2 The application is considered to accord with all relevant planning policies and is therefore recommended for approval subject to planning conditions.

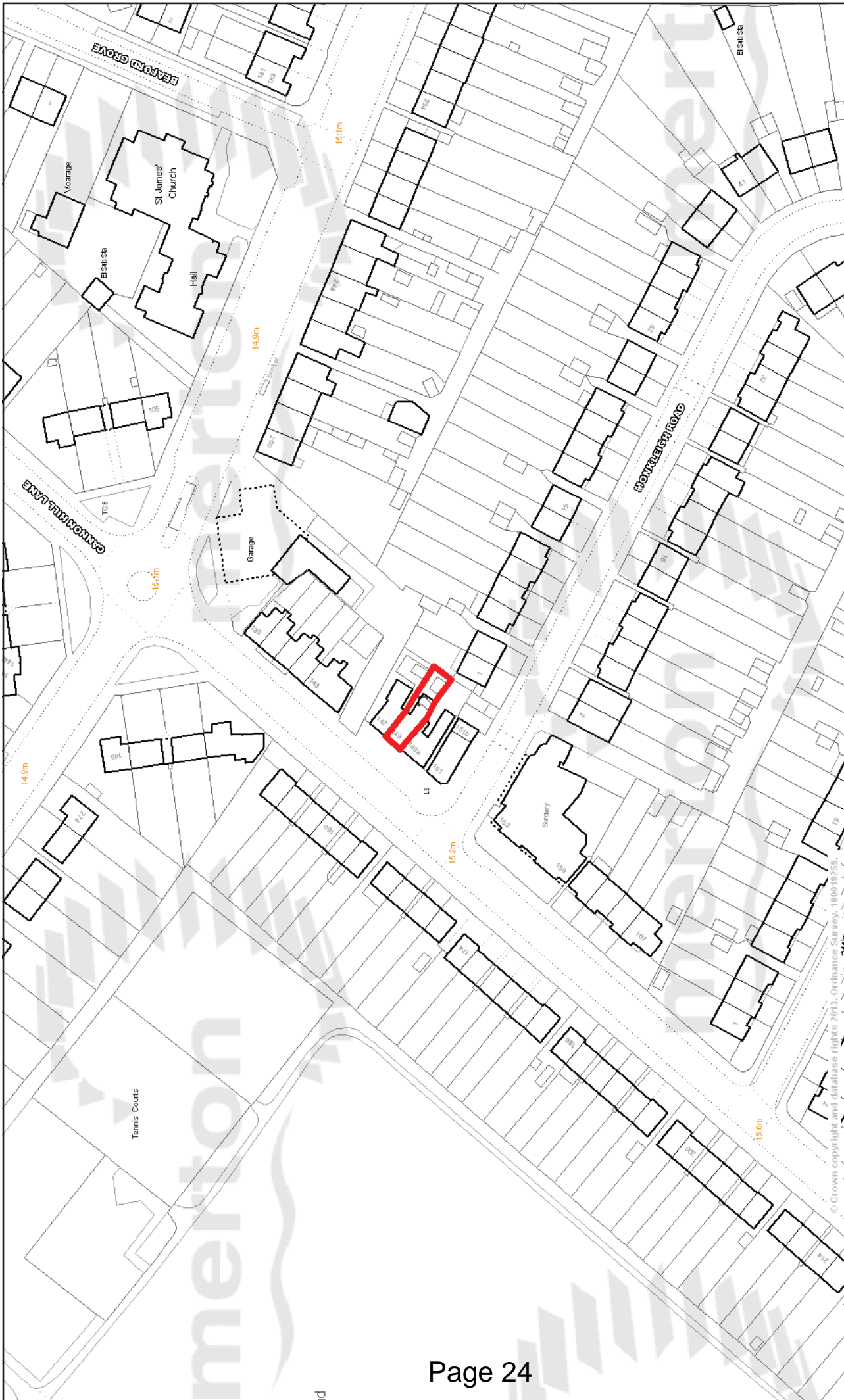
**10. RECOMMENDATION**

Grant planning permission subject to the following conditions:

1 A1 Commencement of Development

The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2 A7 Construction in accordance with plans Site location plan, drawing  
'Proposed tattoo Studio Layout' dated 20 November 2013



London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

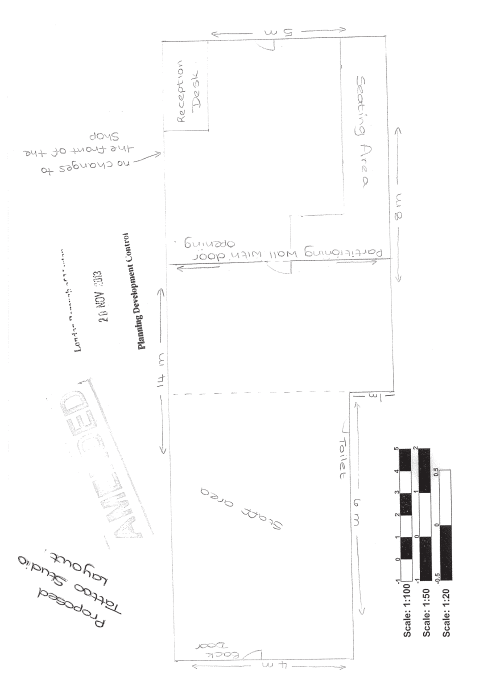
Scale 1/1250

Date 26/11/2013

149 Cannon Hill Lane

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DEVELOPMENT CONTROL



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# Agenda Item 6

## PLANNING APPLICATIONS COMMITTEE 12 December 2013

Item No:

UPRN

APPLICATION NO.

DATE VALID

13/P2657 & 13/P2664

08/10/2013

**Address:**

Upper Green East CR4 3NH

**Ward**

Figges Marsh

**Proposals (A)**

Relocation of Grade II Listed Victorian Clock Tower from current location to a site 55.5m to the south and located to the west of 17-19 Upper Green East including: provision of a replacement plinth; restoration of gas lamps in the form of 4 reproduction lamps; restoration of drinking water fountain; and associated hard landscaping including new uplighting set into the paving pattern; information panels; wall and seating surround.

**Proposal (B)**

Concurrent application for listed building consent to relocate Grade II Listed Victorian Clock Tower.

**Drawing No's**

380.02 Rev.B, Design and Access statement & arboricultural report.

**Contact Officer**

Joyce Ffrench [020 8545 3045]

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**RECOMMENDATION**

**(A) GRANT PLANNING PERMISSION** subject to planning conditions and;

**(B) Resolve** that had the Council been able to determine the application it would have granted listed building consent and to advise the DCLG accordingly.

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**CHECKLIST INFORMATION.**

- S106: N/A
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Press notice – Yes
- Site notice – Yes
- Design Review Panel consulted – No
- Number of neighbours consulted – 106
- External consultations – English Heritage GLAAS, Mitcham Cricket Green Community & Heritage, Ancient Monuments Society, The Council for British Archaeology, The Historic Monuments of England, The Georgian Group, The Society for the preservation of Ancient Buildings and the Victorian Society. As part of the Listed Building consent process English Heritage were consulted.

- PTAL: 4 [TFL Planning Information Database]
- 

## **1. INTRODUCTION**

- 1.1 These applications are brought before Committee for Members' consideration as they are proposals by the Council that have generated public interest and the applications fall outside the scheme of delegation. Members are advised that the Council is not the decision maker on their own applications for listed building consent.

## **2. SITE AND SURROUNDINGS**

- 2.1 The Clock Tower, a Grade II listed structure, at Fair Green was erected in 1898 to commemorate Queen Victoria's Diamond Jubilee the previous year. It originally stood on the site of the old village pump, but has since been moved to a site adjacent to the Kings Arms Public House.
- 2.2 The clock tower was moved in 1993 to its present position and has a circular patterned paving surround of 314m<sup>2</sup>. It was originally sited on a pavement with no surrounding space but since relocation the hard landscaped area within which it is located is used for a variety of religious and Remembrance events and services.
- 2.3. There are a number of trees which form part of the soft landscaping of Fair Green in the vicinity none of which are protected.
- 2.4 The application site is in an archeological priority area; it is not in an area at risk from flooding.

## **3 CURRENT PROPOSALS**

- 3.1 (A) The planning application seeks planning permission and listed building consent to relocate and restore the Grade II listed Clock Tower as part of the Rediscover Mitcham scheme; it will have a circular surround of 72m<sup>2</sup>. incorporating hard landscaping with wall and seating surround.
- 3.2 The restoration involves reinstatement of the 'gas' lamps, water fountain and the provision of a replacement plinth
- 3.3 Uplighting will be set into a surrounding paving pattern; information panels will be provided in the surrounding landscaped area providing historical information about the Clock and Mitcham in general.
- 3.4 The proposal has won funding from the Heritage Lottery Fund.
- 3.5 The only alteration to the current appearance/structure of the tower is the re-instatement of the lost gas lamps. Technically this may be considered an alteration, but it is essentially restoring the tower to its original appearance and design.
- 3.7 No trees are affected by the relocation of the clock itself. The proposed surrounding hard landscaping area will result in the removal of two lime

trees. However, the wider Rediscover Mitcham project incorporates a strategy for suitable tree replacement.

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

- 4.1 94/P0623 - listed building consent for the manufacture and fixing of replica original lanterns to refurbished and relocated clock tower – granted
- 4.2 93/P1300 - listed building consent for refurbishment and relocation of clock tower 25 metres to north, as a feature in new pedestrianised, landscaped scheme – granted
- 4.3 93/P1344 - refurbishment and relocation of clock tower 25 metres north as a feature in a new pedestrianised and environmental improvement scheme. (Council application)- granted.

#### **5. CONSULTATION**

- 5.1 The submitted planning application has been publicised by means of a site notice and 106 individual consultation letters sent to neighbouring properties.
- 5.2 As a result of this consultation ten letters have been received objecting to the proposal and 3 in support. The letters of objection raise the following concerns:-

- Clock Tower was controversially moved in 1994, has consideration been given to moving it back to its historic location?
- The clock tower is an iconic symbol in the area;
- Numerous events use it as the focal point;
- New location would not be prominent as it is now denigrating it to a second rate site lost to public use;
- The current location allows gatherings such as Remembrance Service and tributes (i.e. the death of Tia Sharp) to be held in relative peace whereas the new location would disrupt services due to traffic noise;
- Previous relocations have always sited it where it can be seen
- Not enough in the reduced paved area around the new site to accommodate for the crowds (approx. 1000 people gathered for the Armistice service) that gather for services and events while still leaving a respectful area around the cloth for the wreath laying. This will result in preventing the peoples of Mitcham from bonding and will be to the detriment of, not for the benefit, of the people of Mitcham
- Loss of trees unacceptable;
- Arboricultural report is biased;
- The Hope Bus which provides a service to the general public (e.g. drop in Citizens Advice Bureau) require ample space to park in the area of the Clock Tower
- It should have a physical distance from other structures to emphasise its presence, the trees that will be adjacent to the clock tower will invariably dwarf it

- The artists Impression provided with the Rediscover Mitcham survey was misleading as it illustrates an over-sized Clocktower.
- 5.3 Two of these letters, while objecting to the relocation of the Clock Tower, do give support to the proposed restoration plans.
  - 5.4 Three letters were received which support the scheme as it will enable development of a ' bus street' which will help local businesses which have suffered since the streets were pedestianised
  - 5.7 English Heritage has been consulted as to any archaeological interest there may be in this site and consider the proposal to be low impact.
  - 5.8 English Heritage has been consulted in regard to the listed building consent and has advised that this application should be determined in accordance to national and local policy guidance.
  - 5.9 Future Merton – Transport Planning.  
No objections to proposals.
  - 5.9 Merton Highways  
The Highways Officer supports the relocation as part of the wider scheme.
  - 5.11 Future Merton - Conservation Officer  
The conservation Officer has commented that she has no objection to the re-siting of the Clock Tower and welcomes its restoration.
  - 5.12 Development Control - Tree Officer  
The relocation of the Clock Tower is not responsible for any need to remove trees.
  - 5.13 Future Merton Regeneration Comments

The significance and role of the clock tower as a community focus has been recognised throughout the planning of the Rediscover Mitcham project and the proposed location has been designed specifically around the focus of the Clock Tower within the context of a revitalised town centre.

As such, the restoration and relocation of the clock tower should be considered in the context of the Rediscover Mitcham town centre improvement scheme, a multifaceted improvement regeneration programme with community and support measures.

Phase 1 of the scheme, relating to the works in the Fair Green area, has been approved by the council and works are due to commence early in 2014. The works are intended to introduce a number of changes in the area, including the introduction of a new market square, a perimeter street to provide short-term access for shopping and parking, new paving, lighting and seating. In addition, the green space itself will become two district areas; the main area of Fair Green to the

west that will be used for community events and informal usage, with seating and a water feature, whilst a more formal garden space will be located immediately to the south of the market square and will include the Clock Tower.

The new setting will include a new garden area, with formal paths, trees and seating, and will provide a suitable location where the clock tower can be accessed and enjoyed. The improved setting will enhance its role as a focal point and community asset.

As part of the second Rediscover Mitcham consultation the following question was asked:

Q. Do you agree or disagree with the proposal to create a formal garden with the Clock Tower at its centre piece.

In response, 66% of respondents strongly agreed to this proposal and 20% slightly agreed, whilst 3% slightly disagreed and 7% strongly disagreed.

The strong public endorsement of this element of the scheme has helped shape the wider Rediscover Mitcham proposals.

In terms of future remembrance events, whilst the new circle around the clock tower has reduced in size, the three paths leading to it, along with the perimeter path, will still offer good sightlines. The combined space of the viewing zones from the new circle and paths will be in excess of the area of the existing circle.

## **6 POLICY CONTEXT**

- 6.1 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. 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.
- 6.2 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 looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.

- 6.3 Pertinent to the assessment of the applications is paragraph 126 (Conserving and enhancing the historic environment) which states that local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - the desirability of new development making a positive contribution to local character and distinctiveness; and
  - opportunities to draw on the contribution made by the historic environment to the character of a place.

The London Plan [July 2011].

- 6.4 The relevant policies in the London Plan [July 2011] are 2.16: Strategic Outer London Development Centres; Policy 7.8: Heritage Assets and Archaeology

Policies retained in Adopted Unitary Development Plan [October 2003]

- 6.5 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.5: Listed Buildings' Maintenance and Restoration; BE.7 Listed Buildings; Alterations and Extensions; BE.8: Setting of Listed Buildings, ancient monuments, historic parks and gardens and the wider historic landscape; BE16 [Urban design]; BE22 Design of new development; BE.33: Street furniture and materials L.15: Protection of facilities; NE.11: Tree Protection; TC.4: Town Centre Management;

Policies within the Merton LDF Core Planning Strategy [July 2011]

- 6.6 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; CS2: Mitcham Town Centre; CS7: Centres; CS 12 Economic Development; CS 13 Open Space, Nature conservation, Leisure and Culture; CS 14: Design.

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include the setting and restoration of the listed structure, design and impact on visual amenity and the function of public spaces and loss of trees,
- 7.2 LDF Core Planning Strategy policy CS.2 states, as one of its key objectives, to improving the overall environment of Mitcham town centre by enhancing the public realm, improving public spaces and connectivity to the town centre. The proposed relocation of the Clock Tower is part of a larger scheme intended to regenerate Mitcham Town Centre in order to simulate business and provide an improved Town centre for the residents of Mitcham.
- 7.3 The Clock Tower is currently sited on the route of a proposed new bus lane; therefore its relocation is integrated into the wider scheme. The submitted Arboricultural Report and Design and Access statement do not exclusively deal with issues relating to the relocation of the Clock Tower but report on the wider scheme which includes the proposed



new bus street. Nevertheless, the movement of the clock tower to a specifically designed, lit and landscaped garden space can be assessed on its merit in terms of planning control.

Restoration of Clock Tower, design of works and impact on surrounding area.

- 7.4 Adopted UDP policy BE.5 states that in seeking to ensure the preservation of listed buildings/structures the Council will encourage their maintenance, repair and restoration. BE.8 requires that in considering the design of development, special regard will be had to the desirability of protecting the setting of listed buildings. Policy BE.33 states that the council will endeavour to use ' paving materials and details that will contribute to the image of the locality' and 'in the vicinity of listed buildings special attention will be paid to the existing character and appearance of areas and where possible the Council will endeavour to re-introduce materials and details or appropriate alternatives.
- 7.5 The replacement plinth will result in the tower rising to a height of 3.4m. (currently 3m). the original colour will be restored, the (non original) clock hands will be replaced and reproduction replacement gas lamps will be installed (power to be advised). The 2 step plinth will be replaced with a concrete 3 step plinth with granite cladding.
- 7.6 The restoration of the clock is welcomed and meets the objectives of policy BE.5 of the UDP.
- 7.7 The surround, which incorporates seating and up-lighting, is a welcome addition to the setting of this listed structure which has become a focal point in Mitcham Town Centre.
- 7.8 In this case the original siting of the Clocktower was not in an area that could serve as a meeting point. This use, as a venue for religious and Remembrance Day Services, came about as a result of the relocation to its present position which allows for large gatherings of people. However, it is not a war memorial and the hard and soft landscaping scheme into which the Clock Tower would be located has been designed to fulfil a wider civic function and is addressed below.
- 7.9 Policy L.15 states that the council will not grant permission for development that will result in the loss of religious facilities in use by the community. Correspondence received in support of the scheme dismisses the use of the Clock tower as a meeting point as a 'one occasion a year'. It should be noted that this venue, as well as being used for the commemoration service for the victims of past wars, is also used for Easter & Christmas events (Carol singing), for the Hope Bus to help the local community and for individual ceremonies exclusive to the residents of Mitcham.
- 7.10 The relocation of the Clock Tower still allows for it to remain a focus for these events and ceremonies fulfilling the wider civic function

objectives which flow from policy L.15. The Clock Tower will sit within a garden space but with paths and a new streetscape which will allow visibility of the clock and participation in events as before. Thus, the proposals, when considered in the overall context of the streetscape improvement works, would provide an appropriate setting both for the listed Clock Tower and meet the design objectives of policies BE.8 and BE.33

#### Trees and landscaping

- 7.11 UDP policy NE.11 states that development will not be permitted where it would damage or destroy one or more trees unless removal is necessary in the interests of good arboricultural practice or the reasons for the development outweigh the amenity value of the trees.
- 7.12 An arboricultural report has been submitted which refers to the 'Rediscover Mitcham' scheme. Contained in this report is a reference to 2 (Lime) trees which will be affected by the landscaping surround of the relocated Clock Tower. The report concludes that the row of Lime would be well served by some selective removal to ensure the surviving trees grow to their full potential. The Arboricultural Manager has commented that the moving of the clock is not altogether responsible for the removal of the 2 Lime trees. New trees are scheduled to be planted as part of the greater 'Rediscover Mitcham' scheme.
- 7.13 The D&A statement asserts that one of the key objectives of the relocation of the Clock Tower is to ensure that the clock tower is accessed and enjoyed. The current location is considered to 'poorly lit and the clock 'lost' within the wider townscape and part of the wider street clutter'
- 7.14 The landscaping scheme surrounding the relocated clock is a direct replication of the current 'star' setting and incorporates lighting and seating. This seating and landscaping will provide opportunities to sit and relax in the vicinity of the tower that currently do not exist at present.
- 7.15 Thus, while the development itself does not necessitate the removal of the trees, their removal, as part of the overall works within which the clock tower is to be relocated, and which will have a positive impact on the public realm in Mitcham are considered justified when judged against adopted policy. The hard and soft landscaping provides an appropriate setting for the listed structure fulfilling the requirements of UDP policies BE.8.

#### Archaeological Impact

- 7.16 The area is a designated archaeological priority zone. English Heritage has been consulted and has commented that the proposal would be considered to have a low impact on potential buried archaeology and that no further assessment will be necessary.



## 8. **LOCAL FINANCIAL CONSIDERATIONS**

### **Mayor of London Community Infrastructure Levy**

The proposed development is not liable to pay the Mayoral Community Infrastructure Levy [CIL].

## 9 **CONCLUSION**

### Application (A)

9.1 The proposed development meets the objectives of policy CS 2 of the Core Planning Strategy which is committed to the regeneration of Mitcham Town Centre and BE.5 of the UDP which encourages restoration of listed structures.

9.2 The new location would provide a seating area enabling a wider use of the area than its current location. Although the loss of trees is regrettable the Arboricultural report has flagged up the need to reduce the number of trees in order that remaining trees grow to their full potential. The proposed scheme will achieve this objective

### Application (B)

9.3 The proposed restoration of the listed structure is welcomed. The proposed relocation would not diminish the historical association of the structure with the town centre. The hard and soft landscaping scheme into which the Clock Tower would be relocated would provide a suitable and appropriate setting for the listed structure. The listed building proposals would fulfil the objectives of both national and local planning guidance and policies pertaining to heritage assets.

## **RECOMMENDATION**

### **(A) GRANT PLANNING PERMISSION subject to conditions.**

1. A1 - commencement of development
2. A7 - approved plans
3. B1 - materials to be approved (need to be specific is this the plinth – prior to implementation of works)
4. B4 - details of surface treatment
5. F1 - landscaping/planting scheme (prior to
- 6 F2 - landscaping (implementation)
- 7 FP5 - Tree protection
- 8 F11 - Specific tree replacement

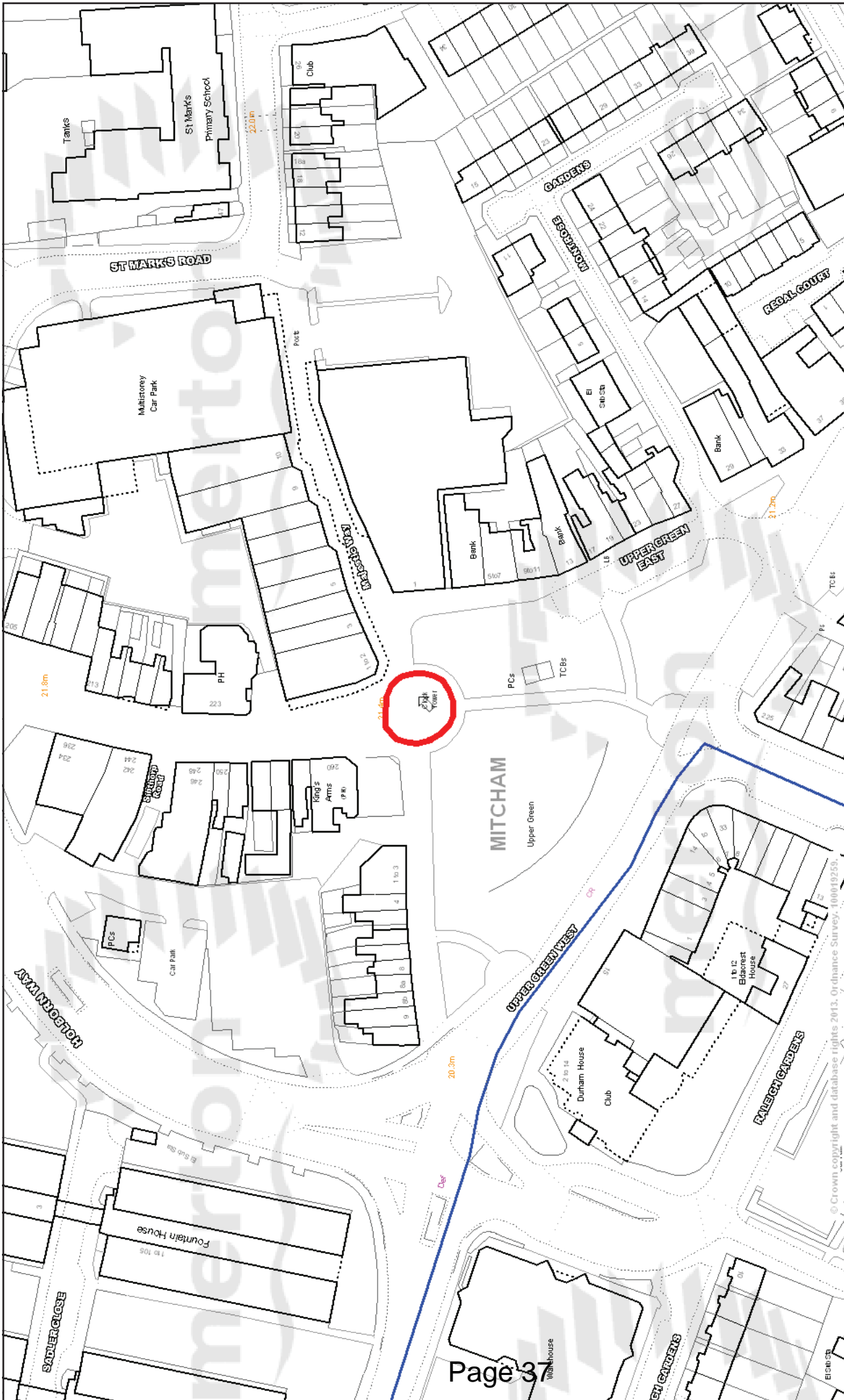
### Informatives

INF12 works affecting the public highway

**(B) Resolve that had the Council been able to determine the application it would have granted listed building consent and to advise the DCLG accordingly.**

- 1) A.5 – listed building consent time limits
- 2) A.7 – approved plans and documents

3) N1 – start on site (listed building)



London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250

Date 26/11/2013

Clock Tower Mitcham

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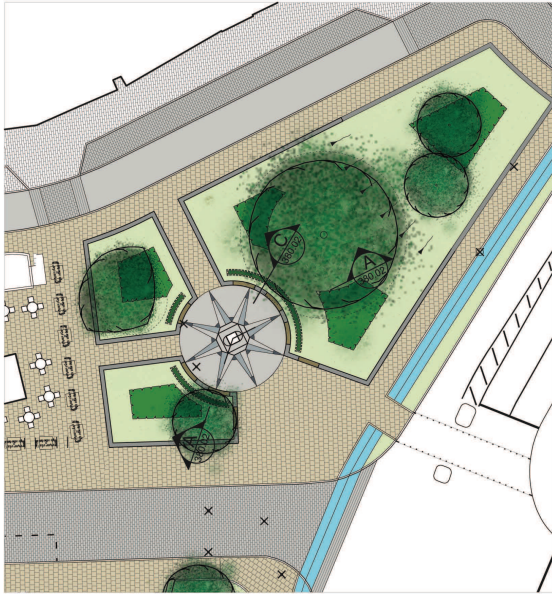
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Relocation of Mitcham Clock Tower  
 Showing current town centre road layout

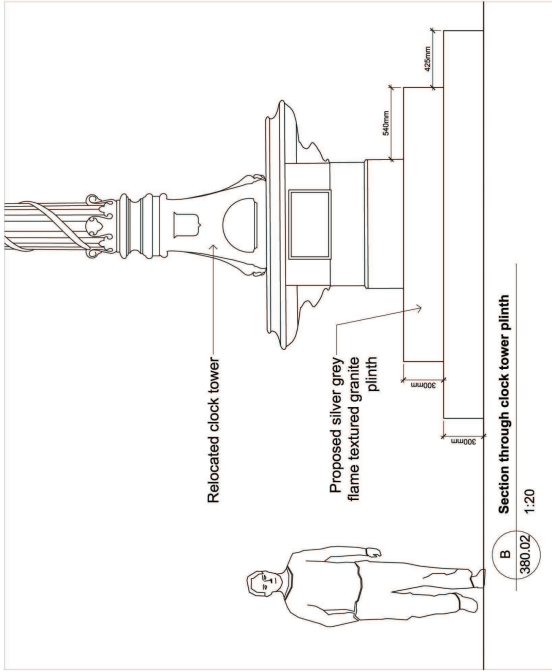
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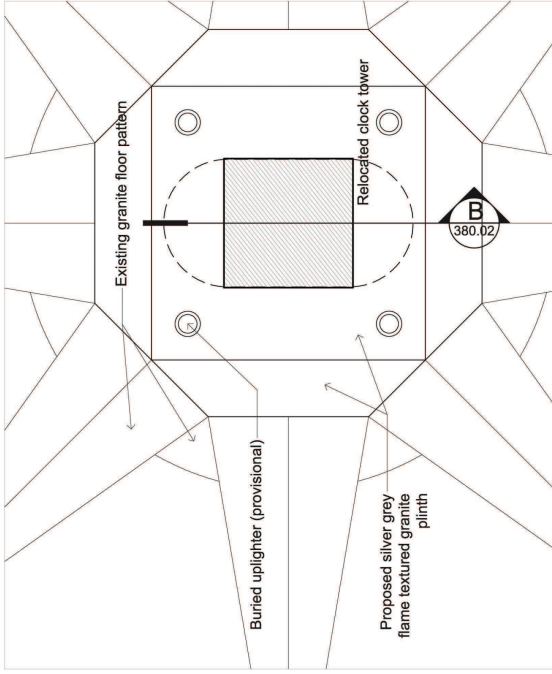




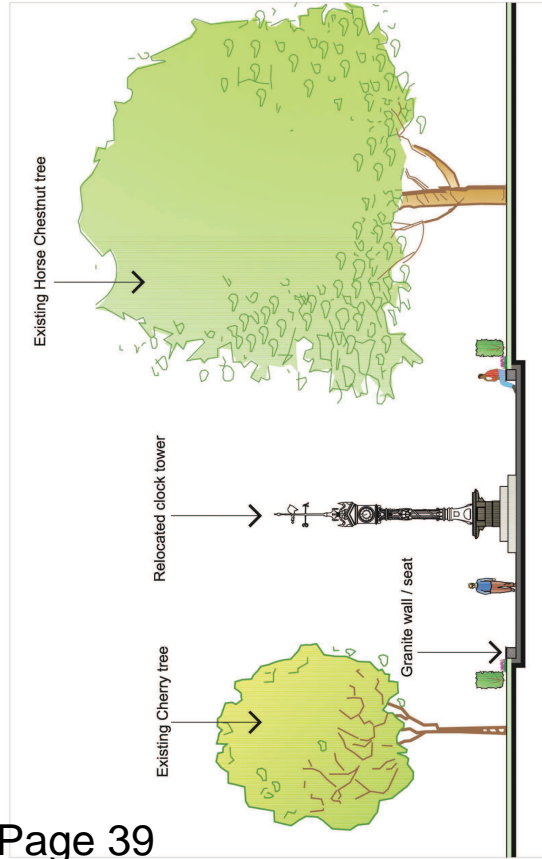
Location Plan - 1:250@A1



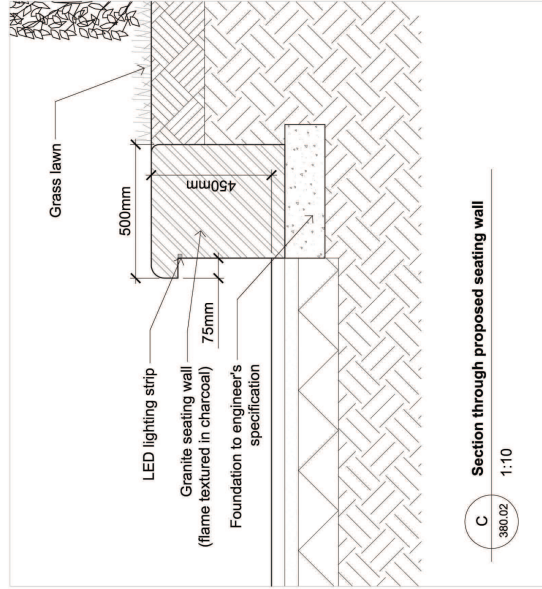
Section through clock tower plinth  
1:20



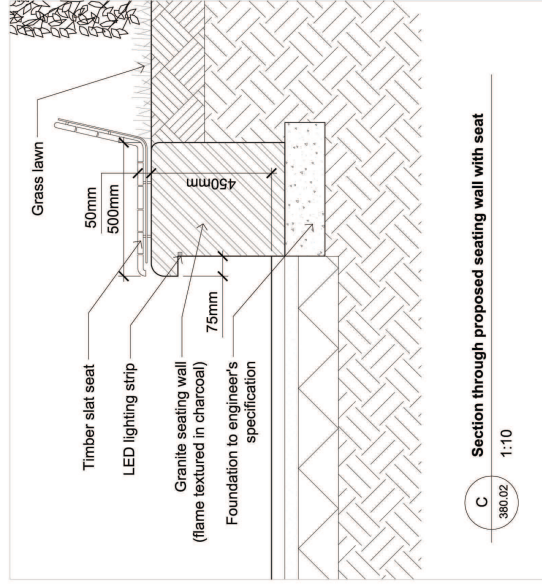
Detail Plan - 1:20@A1



Section A-A - 1:100@A1



Section through proposed seating wall  
1:10



Section through proposed seating wall with seat  
1:10

## **Mitcham Clock Tower – Restoration and Relocation Design and Access Statement. V2**

**Prepared by**

**London Borough of Merton.**

**Project Manager, Rediscover Mitcham.**

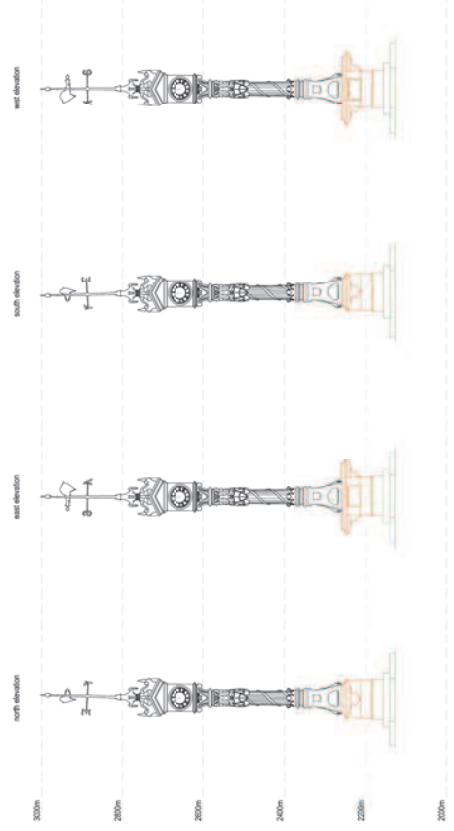
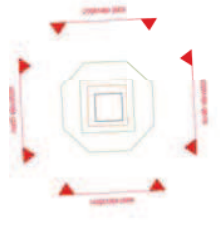
### **1. Introduction and Background**

This document sets out the key considerations as to the proposal to move the Clock Tower to a new location. The Clock Tower is a Grade II listed building. It is not situated in a conservation area.



**Photo 1:** The Clock Tower with surrounding paving pattern in current location

**Diagram 1** sets out an elevation drawing of the Clock Tower.



<p>NOTES</p> <p>1. All work shall be in accordance with the contract.</p> <p>2. The client shall be responsible for providing all necessary information and data.</p> <p>3. All drawings shall be submitted to the client for approval.</p>	<p>PROJECT TITLE</p> <p>Michigan Fair Green Clock Tower</p>	<p>DATE</p> <p>01/11/2024</p>	<p>SCALE</p> <p>1:100</p>	<p>PROJECT NO.</p> <p>SECS/081001</p>	<p>REV</p>
<p>ISSUED FOR INFORMATION</p> <p>REVISIONS</p>	<p>DATE</p> <p>01/11/2024</p>	<p>BY</p> <p>01/11/2024</p>	<p>DATE</p> <p>01/11/2024</p>	<p>BY</p> <p>01/11/2024</p>	<p>DATE</p> <p>01/11/2024</p>



The proposal should be seen in the context of the 'Rediscover Mitcham' town centre improvement scheme which is a multifaceted regeneration programme with community and business support measures.

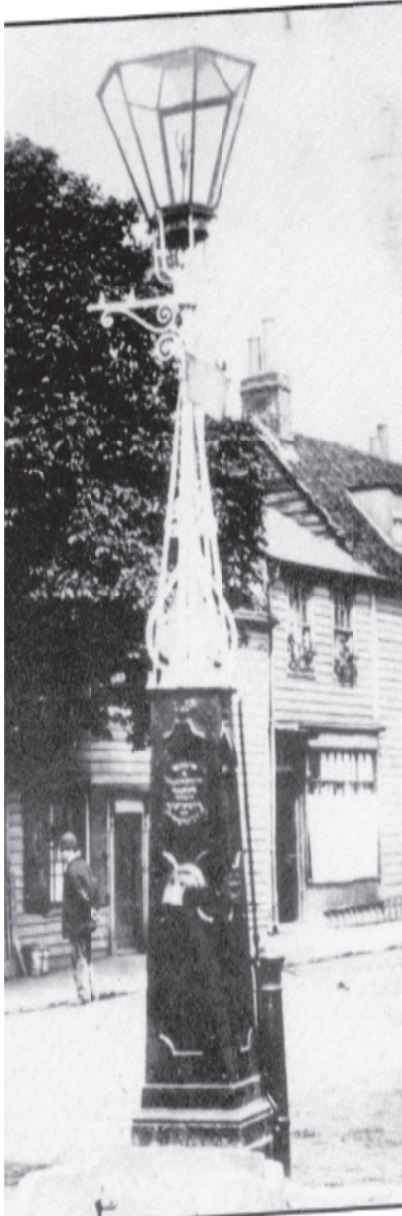
Rediscover Mitcham aims to enhance business opportunities and create a vibrant town centre. This is partly through a series of events and initiatives to bring people to the town and to give businesses the capacity to explore marketing opportunities, and partly through redesigning the physical layout and urban realm of the area.

The core strategic objectives are around improving the accessibility and attractiveness of the Fair Green. This recognises that the Fair Green is the 'heart' of the town centre physically and also in terms of the identity of Mitcham. As such a number of pedestrian and cycling enhancements to increase the connectivity of the area are proposed primarily around the main junctions and routes to/ through the Fair Green. In addition it is proposed to reintroduce buses into the currently pedestrianized London Road section between Upper Green and St Marks Road, with the objective of increasing footfall (estimated at 6000 extra pedestrian trips per day) in this area to the benefit of local shops, businesses and general vitality. There will also be a one way circulatory street around the perimeter of the Fair Green to allow short term parking and loading in support of shops and the operation of the local market. The area will benefit from a general upgrade to include new paving and street furniture.

The market area will be upgraded with a separate (and yet to be agreed) proposal for a fixed canopy to allow for longer operation and weather protection. The market will also benefit from a small coin operated toilet, new paving, lighting and electrical points for traders.

The green space itself will become 2 distinct areas. The main Fair Green will be an area mainly for community events and informal usage, with seating and a water feature. A more formally laid out garden space will be located immediately to the south of the market and in this space it is intended to relocate the Clock Tower.

## 2. History



**Picture 2 – The old Village Water Pump and Street Light in the first half of the 19<sup>th</sup> Century**

The ornate Victorian clock tower was originally constructed on the former site of the village water pump as shown in Picture 2. Gas lighting came to Mitcham in 1849 with the opening of the Mitcham Gas Light and Coke Company works in Western Road. At this point the pump was topped with a lamp lit by an open gas jet. The Salvation Army regularly met here on Sundays. The pump was also a rallying point for open-air orators, evangelists and local politicians. In 1898, the pump was replaced with an

ornate cast iron column incorporating a drinking fountain. This was supplied with mains water and supported a clock lit by four gas lamps, topped by a weathervane. Funded by public subscription and designed to commemorate Queen Victoria's Diamond Jubilee, the new clock tower was formally opened in November 1899 by James Salter White, chairman of the Croydon Rural District Council.



**Picture 3 shows the new clock tower being unveiled in November 1899**

During its early history, the clock tower was often the cause of some confusion – not least because its four clock faces often showed different times. At one stage they started to run backwards as condensation affected the internal mechanism. Since it was converted to electricity the Clock has continued to keep good time. The integral drinking fountains went out of use following World War II.

The Clock Tower has been moved on a number of occasions in its history, most recently in 1994 as part of the pedestrianisation scheme facilitated by Holborn Way (the town centre bypass) and closed part of London Road to traffic. It is worth noting that there was significant opposition to moving the Clock Tower to its current location as evidenced by petitions to the council and public meetings. The loss of historical continuity was one of the key reasons for objections.

### **3. Features of Existing Site**

Currently the Clock Tower is located at the intersection of Majestic Way, London Road and the currently pedestrianized areas of Upper Green East and West, immediately to the North West of the market space. The Clock is located on a bespoke granite set star shaped paving pattern and a small 2 step granite plinth. The Clock is bordered by a number of free standing seats placed in a circular location. The clock is used for wreath laying and generally wreaths are in evidence most of the year. A number of original features of the clock are either not in situ or non operational. The clock mechanism itself has stopped working and this is understood to be part of a pattern of unreliability over a number of years. Currently the time is shown at 11 o'clock since the Remembrance ceremonies in November 2012. There is also historical evidence of 4 gas lamps attached to the clock tower at times in the past, but post war pictures do not include these gas lamps and they are presumed

lost. The clock tower originally features a drinking water fountain which may reflect its original location close to the town's water pump, however this is now no longer in use.



**Picture 4 – The Clock in its current location on Fair Green/ London Road**

The paintwork is white with a black base. There is only minor evidence of weather damage. It is not known if the weather vane was ever functioning as such, however in any case it currently does not operate.

The area is poorly lit. There are no street lights 24m to the east, 56m to the south, 86m to the west 18m to the north. This creates a 'dark zone' of which the clock tower is at the centre.

The surrounding green areas are disconnected from the clock tower providing no natural means of access to it. The area is one of relatively high footfall being at the end of the most successful retail area of the Fair Green (Majestic Way) however the recent closure of McDonalds has negatively impacted the overall activity levels in the area. Immediately to the NW of the clock tower is an impressive public house which does, together with the Clock Tower provide a historical aspect for Mitcham, however to the NE and SE, significantly less attractive buildings are in place, in one case the sheer wall of the rear of a gym and in the other the boarded up McDonalds shop front.

There is no enclosure around the clock although the tower is centred on a granite and red brick 'star' shaped paving pattern that creates the idea of the clock as focal point within the open space.

The current location is characterised by a very large open space with the clock 'lost' within the wider townscape. This creates the paradox of the clock which is highly visible but very much part of the wider street 'clutter'.

The current operation of the town centre, which includes informal loading for the market as well as vehicles using the pedestrian space for ad hoc purposes, makes the clock vulnerable to damage. As such the overall sense is of the clock lacking status and respect as well as providing a focus for the town centre.

#### **4. Access**

There are 2 reasons behind the proposal to relocate the clock

- a) The clock has to move as part of the town centre improvements
- b) It is desirable to move the clock to a more appropriate location both in itself and in support of the wider town centre improvements

The key issue is that the town centre street layout is changing as a consequence of Rediscover Mitcham and therefore the evaluation of the new location of the Clock must be in the context of this new layout. The existing location is not appropriate in the context of the Rediscover Mitcham proposals. Primarily this is due to it being in the centre of the planned bus lane.

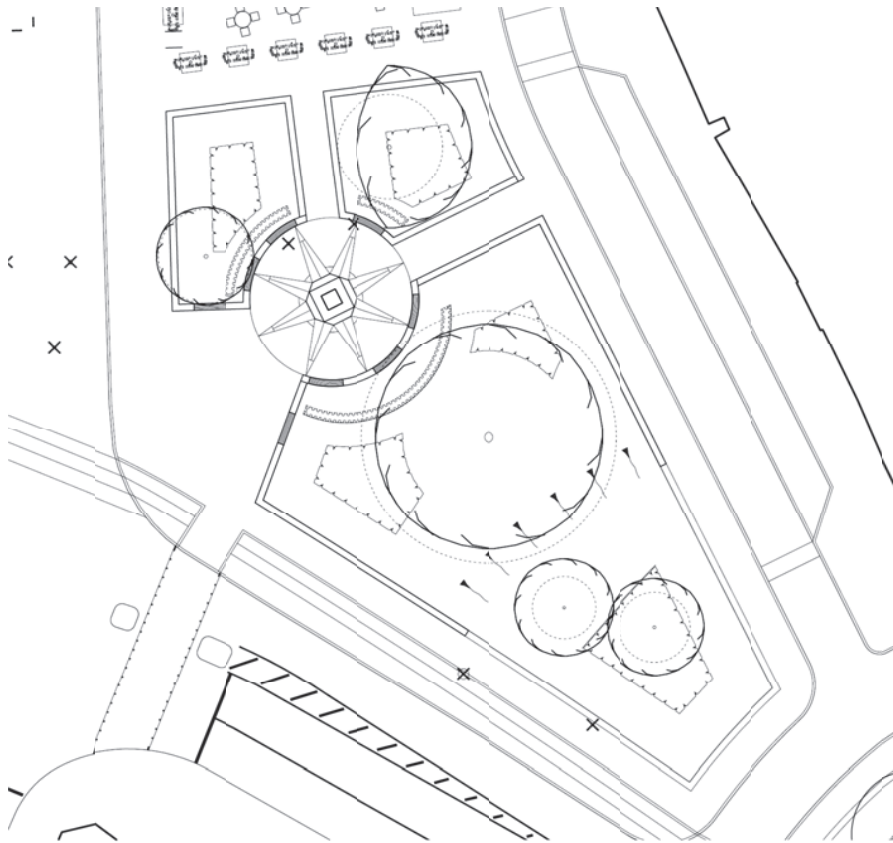
As can be seen from the layout plan Diagram 2 below the clock tower is moved to a new setting in a new garden area with formal paths, trees and seating. This purpose designed area which will become a hub for the new town centre as its location is on key desire and sight lines into and around the Fair Green.



Diagram 2 - Location Plan

Diagram 3 – Specific Location Plan



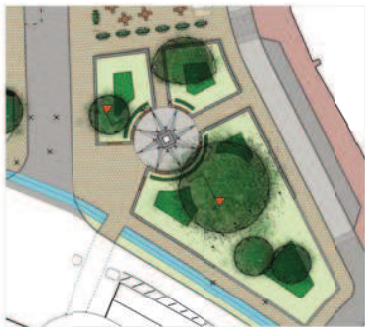


One of the key objectives of the relocation is to ensure that the Clock Tower is accessed and enjoyed. The Clock Tower is placed in centre of a series of pathways, of a York Stone construction and at least 2m wide and suitable for wheelchair and buggy users.

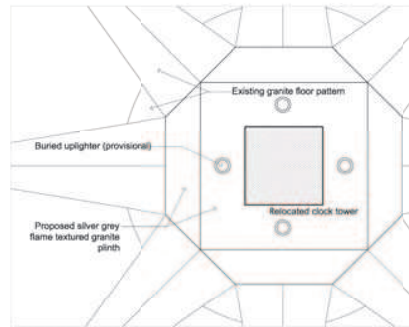
Sight lines to the clock tower will be clear from the east and west directions where there will be vehicular traffic (buses are to the west and cars to east).

To the south the Tower will be framed by the attractive horse chestnut tree and to the north the clock tower will be visible from within the market canopy and through the central 'walkway' between the market stalls.

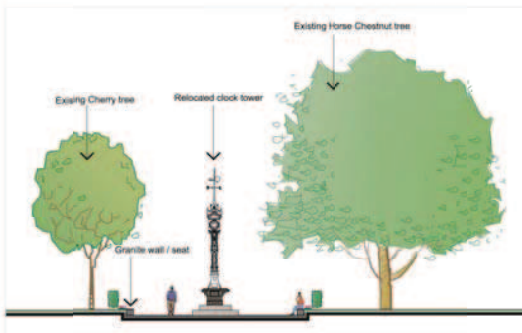
The following diagram 3 sets out the Clock Tower within the context of these trees and the new proposed plinth



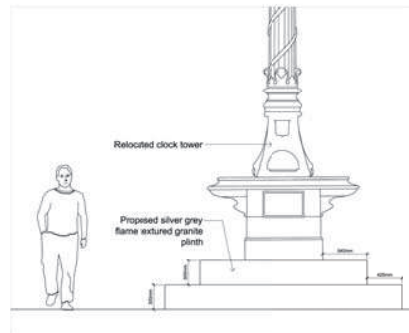
Location Plan - 1:250@A1



Detail Plan - 1:20@A1



Section AA - 1:100@A1



Detail Section - 1:20@A1



The pathways are bounded to the north by the market square and toilet facility, with a direct through route to the Clock Tower. On the market square will be a fixed canopy to provide weather protection for the market traders and encourage greater use of the market.

This canopy will be of an elevation of approximately 7.25m at the apex with a clearance of at least 4m from the street level to the edge of the side panels. The side panels will help define the physical extent of the market and help temper wind movement through the structure. This canopy will be designed in a style consistent with the historical context of the area. The architects have stated

“Our design references Mitcham’s heritage more directly, in a way that creates a structure that is arguably more fitting to a historic area, but realised in a contemporary way. We are not proposing a pastiche, but a design that enjoys the decorative heritage and realises it with contemporary fabrication technologies. This structure would complement a key Mitcham landmark, the Victorian clock tower.”

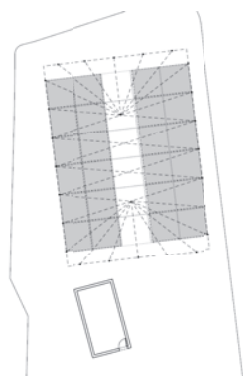
An illustration of the canopy is set out below (this is still subject to agreement from planning)



Between the clock and the canopy, is proposed an external food area, café building, café seating area, public toilet building and a row of pleached trees enclosing the space. There will then be a couple of trees in part of the formal landscaped space. Exiting from the south side of the market canopy, there will be reasonably clear views of the top third of the clock tower. This could encourage people to walk

through the café area to explore the formal garden. Similarly, the top of the market canopy should be visible through the foliage, from within the formal garden and act as a draw northwards

The market stalls themselves are to be laid out in a 2 block structure to allow direct passage through the market toward the clock tower



To the east a semi formal crossing is in place across the perimeter street. To the west the paths emerge at the bus street which at this point will be at the same level as the footpath, creating the sense of a 'shared surface'. To the south a garden area is provided with a direct through route to the town centre toward Three Kings Piece. The location of the clock tower is on a key 'desire line' from the market/Majestic Way to the Post Office and bus stops on Upper Green East. This is facilitated by the relocation of a pedestrian crossing across Upper Green East to opposite the post office therefore encouraging greater footfall past the Clock Tower as currently there is no direct crossing at this point.

Short term car parking is provided immediately adjacent to the Clock Tower on the Perimeter Street and cycle access will also be facilitated by the Perimeter Street as well as the bus lane. Buses will be stopping in new locations on London Road (currently pedestrianized area) with bus stops northbound on the main Fair Green side (29m from Clock Tower) of the road and southbound adjacent to the former McDonalds (67m from Clock Tower).

There will be cycle parking in the vicinity of the Clock Tower and the area will be covered by CCTV.

## **5. Wider Context**

Moving beyond the immediate Fair Green, the wider scheme diagram sets out the overall context of the proposals in terms of general upgrades to accessibility on the routes into the town centre. The core principles of the overall scheme are

- To increase pedestrian access to and from the Fair Green through reducing and rationalising key disconnection points in particular the Western Road junction

- To facilitate multi modal access to the key shopping areas of the Fair Green through the provision of bus, cycle and vehicular routes
- To provide for short term parking and loading in areas where this would benefit the usage of the town centre
- To enhance public convenience through the provision of such items as benches, public toilet and improved lighting
- To upgrade the overall public realm in the town centre through new paving materials and well considered and designed spaces and features
- To increase the feel of vitality and personal safety in the town centre, particularly at night
- To improve permeability of the town through decluttering, improved signage, improved sight lines
- To enhance the character of the area as both a town centre but also a gateway to the wider green spaces of Mitcham Common through measures such as tree planting and landscaping



## **6 . Scale and Appearance**

There is no intention to alter the appearance of the Clock Tower. The current wrought iron structure is painted in white and black but this is (from evidence from historical photographs) assumed to be non original colouring. Once dismantled the tower will be scrapped to identify the original colouring and this will be restored.

The Clock hands are not to the original design and therefore it is proposed to supplying four 600 mm dia. Stainless Steel skeleton dials, etch primed and finished in high grade black gloss. To gilding the three rings as original with 24 carat best quality extra thick, English gold leaf. In addition it is proposed to supply four sets of 'Spade' type design hands fabricated from heavy gauge copper being suitably stiffened and counter balanced. (this being the traditional design), etch primed and finished in a high grade black gloss. Finally it is proposed to supply glazed panels of 5 mm Perspex Opal 028 and secured to the dial using silicone sealant.

The Clock tower itself is currently placed on a 2 step plinth of approximately 600mm and it is intended to replace the clock tower on a new 3 step plinth of approx. 800mm to 1m in height. The plinth will be of a concrete construction with granite cladding and will be stepped to allow for wreath laying at appropriate times. The total height of the Clock Tower will be 30.4m (currently 30m) which represents a slightly increased height to the plinth.

The Clock Tower originally featured 4 gas lamps as shown in the photo below which is from the beginning of the 20<sup>th</sup> century. These gas lamps have not been in evidence for a number of years and it is assumed they are lost. The proposal will reinstate the lamps using authentic reproductions. If possible the reproduction lamps will be electric powered but if this proves impractical lighting will be provided by ambient up lighting to emphasis the character and features of the clock tower. In either case energy efficient LED bulbs will be used.





**Picture 4 – Gas Lamps located on Clock**

The redundant drinking water fountain will be restored to working order using an up to date and compliant water supply and tap. The tap itself will be styled to reflect the heritage of the clock tower although with sufficient resilience to withstand day to day usage.

The Clock Tower will be reset on the existing 'star' shaped granite and red brick paving pattern which will be transferred from the current location. The proposed up lighting will be set into the pattern using flush lighting units.

An historical information panel will be free standing or integrated into the surrounding seating (see below) which will contain details of the clock and other historical buildings in the vicinity.

### **Surrounding landscaping**

The Clock will sit in a circular space (diameter 10m). The space will be bounded by low concrete walls at approximately 4-500mm in height with integrated wooden benches (some with backs) to provide for seating. As such the Clock will gain and improved status benefiting from clear views but also an improved pedestrian environment and tranquil setting. Beyond the walls will be slightly raised landscaped areas comprising of lawn and planting beds. Trees of higher value are to be retained but each will have at least 4.5m clearance from the canopy to the Clock tower which will allow for maintenance of both trees and the clock itself. The existing trees to be maintained are

- 1) Horse Chestnut tree immediately to SE of Clock
- 2) Ash 'Westhof's Glorie' immediately to north of Clock

The objective of the landscaping design is to provide an appropriate and respectful location for the Clock to sit, but also provide an area that is functional and supports the core objectives of the wider Rediscover Mitcham Scheme, in particular the provision of seating and lighting to encourage usage of the area both in terms of through pedestrian traffic and leisure/ community functions. The requirement to move the clock is an opportunity to improve its setting and role as focal point and historical asset.

The image below show the Clock Tower in its new setting



## **7. Historical Integrity**

The proposal retains the historical integrity of the Clock Tower which is Grade II listed. The Clock Tower has significant importance in the local area as an iconic representation of the town centre and the Fair Green in particular. The proposal will enhance this through ensuring that the Clock Tower location best reflects the new functional layout of the town centre, in particular making best use of the new landscaping features and ensuring the visibility and accessibility of the Clock Tower is maximised particularly in terms of pedestrian activity.

## **8. Consultation**

The proposal to relocate the Clock into a new formal garden space was included within the wider "Rediscover Mitcham" consultation which involved the distribution of 25,000 leaflets around the CR4 postcode as well as extensive promotion of the consultation on social media and internet sites. The question was asked

Do you agree or disagree with the proposal to create a formal garden with the Clock Tower as its centre piece?

The following responses were received

Rediscover Mitcham 2		Frequencies	
	Weighted bases		Total bases
	Unweighted bases		
Formal Garden	Strongly Agree		969
	<input type="checkbox"/> Graph		969
	Slightly Agree		%
	<input type="checkbox"/> Graph		644
			66%
	Slightly Disagree		192
	<input type="checkbox"/> Graph		20%
		31	
		3%	
		69	
		7%	
		33	
		3%	

This shows 86% of respondents supported this proposal either strongly or slightly and 10% had some level of disagreement with the proposal.

## 9. Heritage Statement

Overall the proposal is line with Merton's conservation policy BE.1 within the UDP:

### **CONSERVATION AREAS, NEW DEVELOPMENT, CHANGE OF USE, ALTERATIONS AND EXTENSIONS.**

WITHIN A CONSERVATION AREA A PROPOSAL FOR NEW DEVELOPMENT, ALTERATION OR EXTENSION TO A BUILDING OR FOR THE CHANGE OF USE OF LAND OR BUILDINGS WILL BE REQUIRED TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF THAT CONSERVATION AREA.  
PROPOSALS

WILL BE EXPECTED TO:

- (i) RESPECT OR COMPLEMENT THE DESIGN, SCALE, FORM AND
- (ii) MATERIALS OF EXISTING BUILDINGS AND SPACES
- (iii) (ii) RESPECT STREET PATTERNS OR OTHER FEATURES
- (iv) CONTRIBUTING TO THE CHARACTER, HISTORIC VALUE OF THE AREA OR THE PATTERN OF DEVELOPMENT IN THE AREA
- (v) (iii) MAINTAIN IMPORTANT VIEWS WITHIN AND OUT OF THE AREA
- (vi) (iv) ENSURE THAT THE LEVEL OF ACTIVITY, TRAFFIC, PARKING SERVICES OR NOISE GENERATED BY THE PROPOSAL WOULD NOT DETRACT FROM THE CHARACTER OR APPEARANCE OF THE AREA



The proposal is also in line with Policy DM D3 Managing Heritage Assets of the Sites and Policies Development Plan

### **DM D3 Managing Heritage Assets**

Planning permission will be granted for:

a) Development proposals affecting a heritage asset or its setting where they are in accordance with the following criteria:

i. Principles set out in PPS5 (or the National Planning Framework) and the detailed guidance set out in the accompanying Historic Environment Planning Practice Guide, the London Plan, and further English Heritage Guidance; ii. Merton's published conservation area character appraisals and management plans and the guidance statements set out in the Borough Character Study.

b) All development proposals associated with the borough's heritage assets or their setting will be expected to demonstrate, within a Heritage Statement, how the proposal conserves and where appropriate enhances the significance of the asset in terms of its individual architectural or historic interest and its setting.

c) Proposals that will lead to substantial harm to the significance of or the total loss of heritage assets will only be granted in exceptional circumstances where the requirements of PPS5 (or the National Planning Framework para.184) have been met.

d) Outline applications will not be acceptable for developments that include heritage assets

A visual analysis of the Fair Green some areas to more visible from the approaching streets than others. The most visible area is that proposed for the Clock Tower. As this is the smaller part of the Fair Green, this is more appropriate for a formal contemplative space. This provides an opportunity to design a space around and specifically for the setting of the Clock Tower. At the same time the Clock Tower is at the heart of the town centre and the Fair Green yet secluded from its busiest points. It is also highly accessible being close to the market, key road junctions and pedestrian crossings, post office and local shops.

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# Agenda Item 7

## PLANNING APPLICATIONS COMMITTEE

12 December 2013

Item No:

### UPRN

### APPLICATION NO.

### DATE VALID

13/P2577

13/08/2013

**Address:** Garages to the rear of 44 to 49 Firstway, Raynes Park, SW20 0JD.

**Ward:** West Barnes

**Proposal:** Demolition of the existing 36 garages and erection of a terrace of 7 four bedroom houses with accommodation over two floors and the roof space with 8 car parking spaces using the existing vehicular access between 43 and 44 Firstway.

**Drawing No's:** 1208-01A; 1208-04B; 1208-06A; 1208-10A; 1208-11A; 1208-12A 1208-13A; 1208-14A; 1208-15A; 1208-16A; 1208-20A; 1208-21; 1208-22A; 1208-23A; 1208-24; 1208-25; 1208-26A; 1208-27; 1208-28; 1208-29; 1208-30; 1208-31; 1208-32A; 1208-33; 1208-34A; 1208-35A; 1208-36; 1208-37; Design and Access Statement; Arboricultural Assessment and Method Statement; Planning Statement, Energy Report, Code for Sustainable Homes Pre-Assessment Report.

**Contact Officer:** 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: Affordable Housing; Education; Cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted: No
  - Press notice: No
  - Site notice: Yes
  - Design Review Panel consulted: No
  - Number of neighbours consulted: 28 [1-11 and 41-51 Firstway]
  - External consultations: Environment Agency and Thames Water.
  - Public Transport Accessibility Level [PTAL]: Zone 4 TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
  - Density: 291 habitable rooms per hectare [site area of 0.12 hectares and provision of 35 habitable rooms]
  - Number of jobs created: NA.
-

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Application's Committee to seek member's authority to enter into a S106 legal agreement and as the current application has been the subject of objections and comprises amended proposals following refusal of planning permission for the original proposal contrary to officer recommendation in May 2013, and which is the subject of an appeal.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site (0.12 hectares) is currently occupied by 35 single storey brick built garages that are arranged around a central courtyard. The garages are constructed with concrete bases with the central internal courtyard also surfaced in concrete.
- 2.2 The vehicle access to the garages is provided by a private concrete surfaced service road that is included as part of the application site and located between the end of terrace properties at 43 and 44 Firstway. The vehicle access has some variation in width. The vehicle access is widest at the rear corner of the building at 43 Firstway [7.8 metres] and narrowest at the northeast corner of the garden of this property [5.6 metres]. Separate rights of way exist along the vehicle access road to an additional private garage in the rear garden of 44 Firstway and to pedestrian gates providing access to the rear garden of 43 Firstway.
- 2.3 Immediately to the east of the application site is a single storey brick building providing an electrical sub station and a builder's yard with vehicle access provided to the side of 51 Firstway. Semi detached two storey residential properties in Grand Drive and buildings in Approach Road are located further to the east. The buildings at 57 to 69 Approach Road are within the secondary shopping frontage of Raynes Park Local Centre; these buildings have commercial uses at ground floor level with two storeys of residential use above. The residential roads to the north of Approach Road known as 'the Apostles' are within a Controlled Parking Zone.
- 2.4 The Rainbow Industrial Estate access road, the three-storey building known as Station House and Raynes Park Railway Station are located to the north east of the application site with a railway embankment located to the northwest. To the west and south are the rear gardens of existing residential properties in Firstway.
- 2.5 The area to the south of the application site is predominantly residential in character with a mixture of terraced; semi detached and detached residential properties. These residential properties are mostly two storeys in height with several nearby properties including the adjacent property at 43 Firstway extending into the roof space with an additional storey of accommodation. The area to the north of the site is of mixed character with a general increase in building heights to three storeys and an increase in development density within the town centre and around Raynes Park Railway Station.

2.6 The site is not located within a Conservation Area, not located in an Archaeological Priority Zone, not in a Controlled Parking Zone and not in an area at risk from flooding. The application site has a PTAL rating of 4 [where 1a represents the least accessible areas and 6b the most accessible]. Nearby land to the north and west of the application site [Rainbow Industrial Estate and access road] is the subject of a development brief adopted in August 2013 and a green corridor [railway embankment].

### **3. CURRENT PROPOSAL**

3.1 The proposal involves the demolition of the existing single storey buildings that provide 36 garages and the redevelopment of the site to provide a terrace of 7 four bedroom houses. The current application is a resubmitted application following the decision by the Council's Planning Applications Committee to refuse planning permission for the application under reference 13/P0333 in May 2013.

3.2 The changes made by the applicant in response to the concerns raised by the Planning Applications Committee are as follows:

- The proposed terrace of 7 houses has been redesigned to allow a two metre wide footpath along the front of the houses;
- Permanent 'American' shutters have been introduced to the front elevation to reduce the potential for overlooking and loss of privacy;
- The proposed dormer windows have been reduced in size;
- A pedestrian path has been provided along the access from Firstway;
- A timber boarded fence has been provided to separate the access path from the Rainbow Industrial Estate access road;
- Details of new weld mesh fencing has been provided that will both maintain a sense of visual openness for future residents and provide security for Network Rail;
- Details of external lighting have been provided for pedestrian pathways within the development.

3.3 The proposed development will retain the existing access road to the 36 garages located between the properties at 43 and 44 Firstway and will maintain the existing rights of way. The original proposal included a pedestrian access from the site on to the Rainbow Industrial Estate access road. As agreement could not be reached with the adjacent landowner there is no pedestrian access from the site on to the Rainbow Industrial Estate access road.

3.4 The proposed layout of the site includes a parking and servicing area at the western end of the site that provides 8 off street car parking spaces including one disabled space. The use of the parking spaces will be controlled by telescopic bollards. The proposed terrace of houses will have south facing rear gardens of 45 or 46 square metres. The front elevation of the houses will be separated from the rear northern

boundary of the site by a pedestrian footpath and front gardens measuring 5 square metres.

- 3.5 The houses are two storey in height with additional accommodation provided within the roof space. The submitted plans show adaptable internal space at ground floor level, with the removal of an internal partition allowing for an open plan arrangement if preferred by future occupants. The first floor provides two bedrooms with en suite bathrooms and two further bedrooms within the roof space with a shared bathroom.
- 3.6 The houses will be constructed of brick with hardwood windows and a standing seam Zinc roof with dormer windows to the front and rear elevations. The concrete access road is shown on the submitted drawings as being replaced with permeable paving with the parking bays marked with brick kerbs and filled with hoggin gravel. Landscaping at the front of the parking areas provide overrun areas and separate the parking bays from other parts of the site.
- 3.7 The houses have been designed with individual integral ventilated refuse, recycling and meter cupboards to the front elevation with the submitted drawings showing a refuse collection point on the widest part of the access road. A separate shed in the rear gardens will provide cycle storage. The following table provides the internal floor space amenity space areas for the 7 new terraced houses

**Table 1: Floor areas and amenity space.**

	<b>Floor area</b> [Sq. M]	<b>London Plan standard</b> [Sq. M]	<b>Amenity space</b> [Sq. M]	<b>SPG standard</b> [Sq. M]
<b>House 1</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 2</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 3</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 4</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 5</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 6</b>	122	113 [four bed six person]	50 [rear 45 & front 5]	50
<b>House 7</b>	122	113 [four bed six person]	51 [rear 46 & front 5]	50

- 3.8 As part of the application the applicant has submitted the following documents:
- Design and Access Statement The statement concludes that the proposal will make best use of a redundant and neglected

brownfield site, providing much needed family homes in an ideal location with a distinctive contemporary design that meets current legislation

- Planning Statement The statement concludes that the proposal will provide high quality residential accommodation without any adverse impacts on surrounding residential properties or the highway network.
- Tree Assessment and Protection Report Whilst there are no trees on the application site itself the proposed construction will be undertaken in the vicinity of trees on adjacent land with some of these trees overhanging the application site. The main trees were found to be self seeded Sycamores and Oak on the railway embankment with a small group of Leyland Cypress in the rear garden of 43 Firstway. It is concluded that the proposed development is unlikely to impact upon the root systems of these trees, however following the pruning of overhanging branches tree protection measures should be used to prevent damage during construction work.
- Code for Sustainable Homes – Pre-Assessment Report The pre-assessment report concludes that based on the current design development the proposed development would achieve Code for Sustainable Homes Level 4.

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

- 4.1 On the 23 May 2013 the Planning Applications Committee resolved to refuse planning permission [reference 13/p0333] for the demolition of the existing 36 garages on the application site and the erection of a terrace of 7 four bedroom houses with accommodation over two floors and the roof space with 8 car parking spaces using the existing vehicular access between 43 and 44 Firstway. The reasons for the refusal of planning permission which were as follows:

**“The proposals by reason of their design, size, siting and layout, and location in relation to Raynes Park station would result in a cramped and unsatisfactory development that would: (a) fail to create routes that are attractive, or demonstrate that they are safe and accessible to all members of the community; (b) fail to cater for the ease of movement between buildings, services and amenity spaces so that places connect with each other and are easy to move through; (c) fail to adequately protect privacy of future occupiers, and to protect residents from visual intrusion; contrary to policies HS.1 (ii), BE.15, BE 16 (iii) & (iv) of the Merton Unitary Development Plan (2003); policy CS.8 of the Merton LDF Core Planning Strategy (2011) and London Plan Policy 3.5 (quality and design of housing developments)”.**

- 4.2 The applicant has submitted an appeal to the Secretary of State against the above Council’s refusal of planning permission [reference 13/P0333] and a decision on this appeal is currently awaited following an appeal site visit on 5<sup>th</sup> November.



- 4.3 The following entries on the planning register relate to planning history for adjacent plots of land that are considered relevant to the current application.

43 Firstway

- 4.4 The end of terrace property at 43 Firstway is located immediately to the south west of the road providing access to the application site from Firstway.

- 4.5 In August 2005, a Certificate of Lawfulness was approved under delegated powers [ref: 05/P1522] for a proposed hip to gable end roof extension at 43 Firstway and a rear dormer window extension.

- 4.6 In November 2005, planning permission was granted under delegated powers [ref: 05/P2047] for the conversion of the single-family property at 43 Firstway into two flats with a single storey rear extension. As part of this planning permission a new bedroom window was inserted into the side elevation of this property at ground floor level.

44 Firstway

- 4.7 The end of terrace property at 44 Firstway is located immediately to the north east of the road providing access to the application site from Firstway.

- 4.8 In December 2010 planning permission was granted under delegated powers [ref: 10/P3011] for the construction of a rear ground floor extension to the property at 44 Firstway

Station House

- 4.9 Station House is located to the north east of the application site immediately adjacent to Raynes Park Station and the railway line.

- 4.10 On the 14 February 2013 the Planning Applications Committee resolved to approve planning permission [reference 12/P0434] for the conversion of existing three-storey office building called Station House in Approach Road to provide 6, self-contained flats [3 studio flats and 3 one bedroom flats]. Discussions are currently on going with the applicant in relation to the s106 agreement that will be attached to this development.

**5. CONSULTATION**

- 5.1 The planning application was publicised by means of a site notice displayed in the vicinity of the application site, together with individual letters to 28 nearby addresses.

- 5.2 In response to this public consultation 3 letters have been received objecting to the planning application on the following grounds:

Transport, Access and Traffic

- The access road to the site is inadequate due to its narrow width;



- The development provides inadequate off street parking that will lead to extra on street parking pressure;

#### Impact on Amenity

- The development would give rise to an unbearable increase in vehicle traffic, noise, smoke and pollution that would adversely affect residents' quiet enjoyment of their homes;
- There are security issues if the new access path to Raynes Park Station is provided;
- The development would adversely impact on the quality of life of neighbours.
- The development will lead to an increase in the local population

#### Standard of Accommodation

- The proposed houses would be of a poor standard due to the proximity to the railway line and noise from the train station;

#### Other comments

- The development would adversely affect local property values;
- Any pedestrian access from this site;
- There is Japanese Knotweed on this site and there is no indication of how this is to be removed;
- The fire brigade access is often blocked with parked cars;

#### Raynes Park and West Barnes Residents Association

5.3 The association object to the planning application and recommend refusal of planning permission on the following grounds:

- The development provides to many houses which would result in a cramped, unsuitable environment for families contrary to policies CS. 8 and CS. 9.
- The development "...would fail to provide attractive, safe and easy to access spaces for the potential residents" contrary to policy BE.16
- The proposals would fail to protect the privacy and protect residents from noise, vibration, dust and disturbance and visual intrusion from the railway contrary to policy BE.15 and HS.1;
- The development would be contrary to policy 3.5 of the London Plan as it would fail to provide residential development in a suitable location being too close to the railway;
- The proposal would fail to provide housing in a safe, comfortable and attractive place to live and therefore would fail to achieve sustainable development contrary to the National Planning Policy Framework.

#### Environment Agency

5.4 The development has been assessed as having a low environmental risk and the Environment Agency have no further comments to make.

Thames Water

- 5.5 There are no objections to the development and there are no indications that the development will have any impact on public sewers.

London Fire Brigade

- 5.6 The proposal provides access for fire appliances in accordance with the relevant design guidelines and there will be adequate water supplies for fire fighting purposes.

LB Merton Transport Planning

- 5.7 Transport Planning have no objection to the proposal on the basis that planning conditions are attached to any approval of planning permission to ensure that the off street parking spaces are retained. The site has a good access to public transport and whilst the site is not in Controlled Parking Zone, the majority of existing properties in Firstway have vehicular crossovers and as a result there is very little opportunity to park on street. The proposal provides off street parking of one space per unit with plus one visitor including 2 disabled bays this is adequate. The loss of garages would not be deemed as sufficient to object to this application. The application uses an existing access and has provided information to demonstrate that cars can access the site and exit in forward gear.

LB Merton Environmental Health

- 5.8 Environmental Health department have no objection to the proposal on the basis that planning conditions are attached to any approval of planning permission relating to external lighting; an existing noise survey; restriction on construction times electro-magnetic radiation emissions from the sub station and investigations into potential land contamination.

5.9 LB Merton Climate Change Team

With the submission of the design stage report, the Climate Change team is satisfied that the development can achieve Code Level 4 in line with the minimum requirements of Core Strategy Policy CS15. The intention to meet the highest standard for domestic water consumption in line with Code 5/6 is welcomed.

**6. POLICY CONTEXT**

National Planning Policy Framework [March 2012]

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates 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, not to hinder or prevent development.

- 6.3 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 – looking 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.
- 6.4 The National Planning Policy Framework [NPPF] urges local authorities to significantly boost the supply of housing. Local authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with other policies set out in the NPPF. This process should include identifying key sites that are critical to the delivery of the housing strategy over the plan period.
- 6.5 The National Planning Policy Framework states that local authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.
- 6.6 The National Planning Policy Framework states that local authorities should normally approve planning applications for change to residential use from commercial buildings where there is an identified need for additional housing in that area, unless there are not strong economic reasons why such development would be inappropriate.

The London Plan [2011].

- 6.7 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]; 5.12 [Flood risk management]; 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]; 7.8 [Heritage assets and archaeology]; 7.14 [Improving air quality]; 7.15 [Reducing

noise and enhancing soundscapes]; 7.21 [Trees and woodlands] and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

- 6.8 The supplementary planning guidance relevant to the proposal is that on housing [November 2012],

Merton Unitary Development Plan [2003]

- 6.8 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are BE.15 [New buildings and extensions; daylight; sunlight; privacy; visual intrusion and noise]; BE.16 [Urban design]; BE.22 [Design of new development]; BE25 [Sustainable development]; C.1 [Location and access of facilities]; C.13 [Planning obligations for educational facilities]; E2 [Access for disabled people]; F.2 [Planning obligations]; HS.1 [Housing layout and amenity]; L.9 [Children's play facilities]; NE.8 [Green corridors] NE11 [Trees protection]; PE 2 [Pollution and amenity]; PE.5 [Risk from flooding]; PE.7 [Capacity of water systems]; PE.9 [Waste minimisation and waste disposal]; PE.11 [Recycling points]; PE.12 [Energy generation and energy saving]; RN.3 [Vehicular access].

Merton Supplementary Planning Guidance

- 6.9 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999], Design [2004] and Planning Obligations [2006]. In August 2013 the Council adopted the planning brief for the adjacent Rainbow Industrial Estate.

Merton LDF Core Planning Strategy [2011]

- 6.10 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.8 [Housing choice]; CS.9 [Housing provision]; CS.13 [Open space; nature conservation; leisure and culture]; CS.14 [Design]; CS.15 [Climate change]; CS.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the need for additional housing; the design, massing and siting of the proposed buildings; the impact of the development on neighbour amenity; the impact of the development on trees and the adjacent neighbour amenity the standard of the proposed residential accommodation, potential issues relating to transport, parking and cycling; and matters relating to potential flooding and sustainability.

- 7.2 The current application is a resubmitted proposal following the decision of the Planning Application Committee in May 2013 to refuse planning permission for the earlier application. The reason for the refusal of planning permission related to the standard of the proposed residential accommodation and impact on neighbour amenity. The specific concerns that were raised are addressed in the relevant section of this report.

### **Need for additional housing and housing mix.**

#### Need for additional housing

- 7.3 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.
- 7.4 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 additional new 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.
- 7.5 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 including the development of 'windfall sites'. The current application site is a 'windfall site' and 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.
- 7.6 In conclusion the provision of residential development on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.
- 7.7 There is no planning policy that safeguards the retention of the existing lock up garages and as a result the current proposal that has the positive benefit of providing additional housing would not be at the expense of another land uses that the Council seeks to safeguard.

#### Housing type

- 7.8 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.

- 7.9 The majority of recent new housing developments in the local area including Raynes Park Local Centre have provided new accommodation in the form of flats [Waitrose site at 21 Coombe Lane, site at 213 Worple Road and Station House]. It is considered that the current proposal that will provide 7 new terraced houses will contribute to the mix of new housing types and sizes in the local area and help create a socially mixed and sustainable neighbourhood.

**Layout, scale, design, massing and density**

- 7.10 Retained adopted Unitary Development Plan 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 scale, design and materials of a development relate to the urban setting in which the development is placed.
- 7.11 Policy CS8 within the Council's Adopted Core Strategy [July 2011] states that the Council will require redevelopment proposals to be well designed. 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. Policy CS14 advises that this should be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density.
- 7.12 In terms of local character and massing, the general pattern of local development consists of larger semi detached residential properties located along Grand Drive running north to south, with back to back terraces of 6, 7 and 8 residential properties with matching features located to the west of Grand Drive running east to west on both sides of Bushey Road and in Firstway. These properties are generally two storey in height with some extended into the roof space. Station house located to the northeast of the site is three storeys in height and there is three-storey development in Approach Road and Kingston Road with flats above ground floor commercial uses.
- 7.13 The current application involves the construction of a new terrace of 7 residential properties located between the existing terrace of 8 properties at 44 to 51 Firstway and the railway line. It is considered that this proposal makes efficient and sustainable use of this site and is in keeping with the general pattern of local development with the back gardens of the new dwellings adjoining the back gardens of the nearby properties in Firstway. The proposal reflects the bulk and scale of nearby development with proposed buildings of two storeys in height with pitched roofs and dormer windows providing light to living space within the roof.



- 7.14 The interwar properties in Firstway built by George Blay are of a typical design for this period with pitched roofs, front bay windows, and covered porches, with facing materials of brick and render. These adjacent properties that are located outside a conservation area have been altered in various ways including replacement windows, roof extensions and other alterations. The proposed new terrace of houses is located to the rear of the existing houses in Firstway and will also face in the opposite direction towards buildings of a different design. In this context it is not considered appropriate or necessary for the design of the new houses to be a pastiche of buildings in Firstway.
- 7.15 The proposed new houses will be constructed of brick with hardwood windows and a standing seam zinc roof with dormer windows to the front and rear elevations. Further details of the proposed roof including images have been included at the end of this report. The design and appearance of the new houses is considered acceptable and would complement the character and appearance of the surrounding area.
- 7.16 In the event that redevelopment of Rainbow Industrial Estate takes place, the nature and use of the access road adjacent to the current application site will change and the prominence and visibility of the northwest and northeast site boundaries will increase. The orientation of the residential accommodation to face towards the Rainbow Industrial Estate access road is considered the most appropriate layout. This layout properly addresses the site context to the rear of properties in Firstway; it provides an improved standard of residential accommodation and with maximum separation distance from adjacent existing properties it reduces any potential impact on residential amenity.
- 7.17 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.

#### Residential density

- 7.18 Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. Policy 3.4 of the London Plan states that after taking account of local context and character, design principles and public transport capacity development should optimise housing output within the relevant density range. The relevant density range for the application within a short distance of Raynes Park Local Centre is between 200 and 700 habitable rooms per hectare.
- 7.19 The proposed development providing 35 habitable rooms on this site of 0.12 hectares has a residential density of 291 habitable rooms per hectare. The site has a Public Transport Accessibility Level [PTAL] of 4

[On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility].

- 7.20 In conclusion, the proposed development is considered appropriate in terms of local context and character, design principles and public transport capacity and is within the density range specified in the London Plan of 200 and 700 habitable rooms per hectare in accordance with policies 3.4 and 3.5 of the London Plan.

**Neighbour amenity.**

- 7.21 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.

**Privacy and visual intrusion**

- 7.22 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing first floor residential windows.
- 7.23 The closest existing residential properties to the proposed new housing are the end of terrace properties at 43 and 44 Firstway. The proposed new housing is located directly to the rear of the property at 44 Firstway. A distance of 23 metres will separate the existing first floor windows at 44 Firstway from the windows in the rear elevation of the proposed new houses.
- 7.24 A distance of 20 metres will separate the windows of the ground floor rear extension at 44 Firstway from the ground floor windows within the new building. The separation distance between this nearest existing residential window and the new development meets minimum standards, with additional screening provided by the new boundary wall or fence and an existing single storey garage in the rear garden of 44 Firstway.
- 7.25 The proposed new housing is not located behind the existing building at 43 Firstway and there are no windows proposed as part of this development that would face the existing building at 43 Firstway. The building at 43 Firstway has a ground floor rear extension, a rear roof extension and has been converted into two flats. The ground floor flat has patio doors within the rear elevation and an obscured glass window to the side elevation.



- 7.26 It is considered that due to the angle of the buildings only limited views of the new building would be possible from the existing rear ground floor patio doors. The window to the side elevation of 43 Firstway faces the existing vehicle access road and the side elevation of 44 Firstway where there is also an existing obscured glass window at ground floor level. Any views of the new development from the side elevation of 43 Firstway would be restricted by the existing 2 metre side boundary wall of 44 Firstway and by the fact that the window is currently fitted with obscured glass.
- 7.27 In consultation responses objections have been made to the loss of the 'open aspect' at the rear of the properties in Firstway. Whilst the loss of a view is not a valid planning consideration in this instance the new housing will replace existing garages and will be seen from the houses in Firstway in front of the existing railway embankment.

#### Daylight and sunlight

- 7.28 In order to avoid loss of daylight and sunlight where new housing is orientated to face directly towards an existing residential area, Supplementary Planning Guidance uses a simple rule that a spacing of 10 metres for two storey buildings is required by Supplementary Planning Guidance between the new rear elevation and the site boundary.
- 7.29 A distance of 8.8 metres separates the proposed new building from the rear boundary of the closest existing property in Firstway. As this separation distance is below the minimum distance provided in Supplementary Planning Guidance the applicant has conducted an additional more detailed daylight and sunlight assessment following the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: a guide to good practice'.
- 7.30 The proposal was found to pass this more detailed assessment. In meeting this more detailed test it is considered that the new development is acceptable in terms of the potential impact on daylight and sunlight. It is also highlighted that the closest residential property to the proposed development has a 14.3 metre rear garden that includes an existing single storey garage, with sheds also located in the rear gardens of adjacent properties.

#### Noise and nuisance

- 7.31 The vehicle and pedestrian access road to the existing 36 garages on the application site is provided from Firstway between the residential properties at 43 and 44 Firstway. This road is owned by the applicant. In addition to the 36 garages there is right of way along the access road to a garage in the rear garden of 44 Firstway and pedestrian access to the rear garden of 43 Firstway.

- 7.32 The residential properties at 43 and 44 Firstway both have windows at ground floor level in the side elevation facing the access road. These windows, currently both fitted with obscure glazing, are a bedroom window at 43 Firstway and a dining room window at 44 Firstway. The access road is 7.3 metres wide adjacent to the window in the side elevation of 43 Firstway and 7.4 metres wide adjacent to the window to 44 Firstway.
- 7.33 The ground floor windows to the side elevations of 43 and 44 Firstway overlook the access road to 36 garages. These garages currently benefit from unrestricted 24 hour access past these windows with the potential to generate significant vehicle and pedestrian activity. Further potential activity will be generated by the right of way along the access road. The land outside these windows on the access road is also used for car parking. This situation would result in an existing noise and disturbance to these windows caused by general activity along the access road.
- 7.34 The current application involves the demolition of the existing 36 garages and the construction of a new development with 8 car parking spaces. The current application will therefore remove 28 car parking spaces from the application site and the potential vehicle movements linked to these spaces. The proximity of Raynes Park Railway Station and shopping facilities available within Raynes Park Local Centre offer good alternatives to future occupants to the use of a private car and as a result the proposed parking spaces like the existing garages may not be in daily use.
- 7.35 The submitted plans show the provision of a refuse day collection point on the existing access road. The collection point has been located on part of the access road with sufficient width to maintain vehicle access. The collection point has been located adjacent to the rear extension of 44 Firstway to avoid the side elevation windows at 43 and 44 Firstway. Whilst there is likely to be some noise generated around bin collection day, this would be similar to noise levels generated by existing residential properties on bin collection day.
- 7.36 In order to minimise the disruption caused by construction works planning conditions are recommended restricting the timing of construction works and for the submission of details of control measures including dust from the demolition process. If the existing garages contain asbestos it will be the developer's responsibility to ensure that this material is removed in accordance with the relevant legislation that is enforced by the Health and Safety Executive. A planning condition is also recommended seeking details of new boundary treatment following the removal of the garages.
- 7.37 In order to minimise any impact from new external lighting within the new development a planning condition is recommended seeking the submission of details for approval.

7.38 It has been suggested in consultation responses that the site may be contaminated due to the 'industrial use' of some of the garages. The applicant has stated that the garages are in storage use and there is no evidence to suggest that the site is contaminated. Whilst it is unlikely that the site is contaminated in order to protect the amenity of future residents it is considered prudent to attach conditions to planning permission that will ensure that proper investigation is carried out and the land remediated where this is necessary.

**Standard of residential accommodation.**

7.39 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.

7.40 In resolving to refuse planning permission for the earlier planning application the Planning Applications Committee expressed the following concerns regarding the amenity for future residents as part of the third reason for refusal: **"The proposals by reason of their design, size, siting and layout, and location in relation to Raynes Park station would result in a cramped and unsatisfactory development that would (c) fail to adequately protect privacy of future occupiers, and to protect residents from visual intrusion..."**

7.41 To minimise the impact of new development on the privacy of existing dwellings the Council's Supplementary Planning Guidance on 'New Residential Development' sets out minimum separation distances between habitable room windows. This guidance states that there should be a minimum separation distance of 20 metres provided between directly opposing first floor residential windows.

7.42 In response to the concerns expressed by the Planning Applications Committee the applicant has confirmed that a distance of 20 metres will separate the edge of the nearest platform at Raynes Park Railway Station from the windows within the first floor elevation of the proposed new buildings down the existing railway embankment. The proposed windows within the loft space are set back behind those at first floor level. It is also highlighted that the railway embankment includes various mature trees that will provide screening between the new houses and the railway station.

7.43 In addition to the separation distance from the station platform and the existing screening the revised proposal includes permanent 'American' or 'Plantation' shutters to the windows at first floor and roof space

levels facing the railway station. The applicant has set out that these shutters fitted to the inside of the windows at first floor level and within the loft space will provide flexibility for future residents as they can be partially or fully opened and let daylight in to the new floorspace whilst restricting views from Raynes Park Station. A planning condition is recommended to ensure that these shutters are provided to the windows at first floor level and within the loft space facing towards the railway on the north west building elevation.

- 7.44 At the Planning Applications Committee members expressed concerns about the privacy of the ground floor accommodation within the proposed houses. The main front elevation of the proposed houses and the kitchen/dinning room window is set back 1.2 metres from the pedestrian access path. The five square metres of amenity space to the front of the building is under a glass canopy and provides 'defensible' space in front of the new window.

#### Internal layout and room sizes

- 7.45 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 standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council's Supplementary Planning Guidance – "New Residential Development" [1999].

- 7.46 The proposed accommodation provides internal residential floor space in accordance with the London plan and in excess of minimum floor space standards. The London Plan standard for a 4 bedroom 6 person dwelling is 113 square metres and the development will exceed this minimum requirement providing dwellings with a floor space of 124 square metres. The layout of the accommodation makes good use of the space available with an appropriate internal layout, the provision of main and en-suite bathrooms and good provision of natural light to habitable rooms.

- 7.47 The ground floor of the proposed accommodation has been designed to provide flexibility for future occupiers in terms of providing a choice between an open plan layout and provision of individual rooms. This layout will allow independent use of areas with different functions [kitchen, dining, living area] with direct access to new individual rooms provided from a hallway.

#### External amenity space

- 7.48 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 residential development would be expected to comply with the amenity space standards provided within the Council's Supplementary Planning Guidance on New Residential Development. These standards state

that new houses should have a minimum private external amenity area of 50 square metres.

- 7.49 The submitted application includes a total of 52 square metres of external space for each new house with 5 square metres located to the front of the buildings and 47 square metres to the rear. Overall the garden provision exceeds adopted standards and while the back gardens on their own would be slightly below the overall standard sought for family housing (3 square metres), this is not considered grounds to refuse planning permission.

#### Lifetime Homes

- 7.50 Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards. The submitted Design and Access Statement advises that the proposed development has been designed to reflect Lifetime Home Standards and a planning condition is recommended to ensure that the development is constructed to these standards.

#### Noise and nuisance

- 7.51 Policy PE.2 of the Unitary Development Plan states that noise sensitive developments will not be permitted near to existing sources of significant noise. Where acceptable environmental information has been received the acceptable operation of developments will be secured by the imposition of planning conditions.
- 7.52 A railway line running along the top of an embankment is currently located to the rear of existing residential properties in Firstway. Whilst the rear gardens of adjacent residential properties directly abut the railway embankment, the application site currently occupied by 36 garages separates the railway line from the rear of existing residential properties at 44 to 51 Firstway. At the closest point a distance of 11 metres up a railway embankment with a 20° incline and that includes several trees will separate the proposed new housing from the railway.
- 7.53 After assessment of the submitted proposal including the proximity of existing residential buildings to the railway, it is considered that the proposed residential accommodation can provide a good standard of accommodation that is acceptable in this location. Environmental Health officers have assessed the proposal and recommended that planning permission can be approved subject to a planning condition that requires the submission and approval of a noise attenuation scheme.
- 7.54 It is highlighted that there are existing residential properties in Firstway that are a similar distance from the railway line to the dwellings currently proposed. Station House, located to the north east of the application site, is located closer to Raynes Park Station and the railway line than the application site. In February 2013 the Planning Applications Committee resolved to approve planning permission

[reference 12/P0434] for the conversion of this existing three-storey office building into residential accommodation with 6, self-contained flats.

Proximity to electrical sub station.

- 7.55 Whilst not located within the application site, an electrical sub station is located adjacent to the north east boundary of the application site. The sub station will be located adjacent to the side elevation of the proposed end of terrace house.
- 7.56 As part of the submitted planning application the applicant has stated *“Whilst there is no undisputed scientific evidence that the electromagnetic radiation from sub stations is harmful to humans, it can be disruptive to electronic equipment, Shielding can be provided by a Faraday cage”*. The applicant has also submitted a drawing [1208-32] showing electromagnetic screening in the form of a steel mesh embedded within the side elevation wall of the closest building to the sub station.
- 7.57 After consultation with the Environmental Health team a planning condition is recommended seeking a survey to assess potential electromagnetic fields from the sub station and if the conclusions of the survey consider it necessary proposed mitigation measures.
- 7.58 In conclusion the proposed development including in terms of its general layout, design and size will provide a good standard of residential accommodation in line with relevant policy requirements and guidance. The development is considered in line with policy CS 20 of the adopted Core Strategy; UDP policies HS.1 of the Unitary Development Plan, Supplementary Planning Guidance – “New Residential Development” [1999] and the London Plan.

Pedestrian access

- 7.59 In resolving to refuse planning permission for the earlier planning application the Planning Applications Committee expressed the following concerns regarding the environment for pedestrians as part of the first reason for refusal: ***“The proposals by reason of their design, size, siting and layout, and location in relation to Raynes Park station would (a) result in a cramped and unsatisfactory development that would fail to create routes that are attractive, or demonstrate that they are safe and accessible to all members of the community....”***
- 7.60 Design guidance on the layout of streets and roads and how street design can help create better places is provided in the document called ‘Manual for Streets’. This advice is published by the Department for Transport. There has also been research commissioned by Transport for London into pedestrian comfort levels on streets and footpaths. These two documents confirm where there are low pedestrian flows a footpath width of 2 metres is acceptable. Inclusive Mobility (2002)



advises that ideally the width of the footway should be 2 metres which would then allow two people in wheelchairs to pass each other comfortably.

- 7.61 In response to the concerns of the Planning Applications Committee the proposed development has been revised to include a wider two metre wide pedestrian access path along the front of the proposed residential terrace. It is considered that the pedestrian flow associated with the 7 proposed houses along this footpath would be below that expected on a normal public footpath and in this respect a two metre wide footpath is considered acceptable. The width of the footpath is considered sufficient to allow access to the proposed development and would be suitable for all members of the community.
- 7.62 In order to improve the attractiveness of the pedestrian access route to the proposed accommodation and to ensure that it is safe and accessible the applicant has provided details of low level lighting on freestanding 0.6 metre posts along the pedestrian pathway. A planning condition is recommended seeking the provision and retention of this lighting.
- 7.63 In response to the concerns of the Planning Applications Committee and to improve the attractiveness of the pedestrian route the applicant has provided details of the new weld mesh fencing that will be provided at the side of the new path. It is considered that the new weld mesh fencing will both maintain a sense of visual openness for future residents and provide the necessary security for Network Rail.
- 7.64 In resolving to refuse planning permission for the earlier planning application the Planning Applications Committee expressed the following concerns regarding access arrangements as part of the second reason for refusal: **“The proposals by reason of their design, size, siting and layout, and location in relation to Raynes Park station would result in a cramped and unsatisfactory development that would (b) fail to cater for the ease of movement between buildings, services and amenity spaces so that places connect with each other and are easy to move through...”**
- 7.65 In response to the concerns of the Planning Applications Committee the revised plans show a pedestrian path provided along the vehicular access from Firstway. A planning condition is recommended to ensure that the surface demarcation of this path is provided prior to occupation of the new residential accommodation and maintained permanently
- 7.66 The access road to the Rainbow Industrial Estate is located immediately to the north of the application site. The Council adopted the Supplementary Planning Document: providing the planning brief for the adjacent Rainbow Industrial Estate in August 2013. The preferred land uses on this adjacent site include both residential and employment uses.



- 7.67 In order to encourage sustainable transport choices and improve connectivity the applicant has been encouraged by officers to provide a new direct pedestrian and cycle route from the application site on to the Rainbow Industrial Estate access road which would then allow access to Raynes Park Railway Station beyond. It is highlighted that the provision of this new pedestrian and cycle access would entail crossing land that is not part of the application site and which is owned by a separate landowner.
- 7.68 The adjacent landowner has confirmed in writing that they are unable to support the provision of this access at this time and as a result it was removed from the proposed development. If these circumstances change the applicant has provided a timber-boarded fence at the end of the pedestrian footpath that could be removed or replaced with a gate to provide a new access.
- 7.69 In order to maintain the current pattern of development the proposed development has been designed to ensure that the private rear gardens of the proposed houses are adjacent to existing private rear gardens. In response to concerns expressed about the relationship of the new terrace to Firstway, the applicant has provided an artist's impression of how the development would appear when viewed from Firstway.
- 7.70 The Planning Applications Committee considered that the development was contrary to policy 3.5 of the London Plan in that it failed to take account of the physical context and local character in terms of the location of the buildings behind the properties in Firstway and failed to provide a sense of arrival.
- 7.71 In conclusion the proposal is considered in line with policies HS.1, BE.15 and BE.16 of the Merton Unitary Development Plan (2003); policy CS.8 of the Merton LDF Core Planning Strategy (2011) and London Plan Policy 3.5 (quality and design of housing developments).

**Car parking, servicing, access cycling and walking.**

- 7.72 The site is located in a residential cul-de sac within a short distance of Raynes Park Local Centre and has the benefit of the shops and other facilities that are easily accessible on foot. The site also benefits from good access to public transport with Raynes Park Railway Station nearby and a Public Transport Accessibility Level of 4 [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility].

**Loss of the existing garages.**

- 7.73 The proposal site currently provides 36 individual garages that would be demolished as part of the development; one of these garages is currently vacant. The applicant has stated that the garages are currently used for storage purposes with only 4 tenants living within 100 metres of the site and 27 tenants living over a kilometre away. It is

considered that the loss of the garages is therefore unlikely to lead to any additional on street parking or impact on vehicle movements and road safety.

Car parking.

- 7.74 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.75 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. The current maximum car parking standards are set out within the London Plan at table 6.2 and require between 1.5 and 2 car parking spaces for properties with four bedrooms.
- 7.76 The application site is located outside a Controlled Parking Zone; however the roads to the west of Grand Drive are within a Controlled Parking Zone. As the majority of existing properties in Firstway have vehicular crossovers there is very limited on street parking available in Firstway. Firstway and Grand drive also have single yellow line parking restrictions that operate between 8am and 6.30 pm Monday to Saturday.
- 7.77 The submitted layout plan shows the provision of eight off street car parking spaces at the south west end of the site using the existing vehicular access from Firstway. This parking includes one off street space for each dwelling and a visitor space; the visitor space and one of the allocated spaces are suitable for those with a disability. To prevent unauthorised use the parking will be controlled with telescopic bollards. This level of off street car parking is line with the maximum parking standards provided within the London Plan and reflects the sustainable location of this site where occupants are able to meet daily needs without the use of a car.

Servicing and access

- 7.78 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.79 The existing access from Firstway provides access to 36 garages and is considered acceptable for the proposed 7 houses in terms of the junction with Firstway and its width. A detailed layout drawing of the proposed parking area [1208-22A] has been submitted with the planning application. This plan demonstrates that there is adequate

space provided on the site for vehicles to manoeuvre and to avoid the need for vehicles to reverse on to the public highway.

- 7.80 The proposed houses each have integral refuse storage areas with an area shown on the submitted plans for the refuse bins to be located on collection day. The collection location is considered acceptable as it located on the widest part of the access road; it will allow bins to be collected by the refuse vehicle and will maintain vehicle access to the site on refuse collection day. These collection day locations for bins will avoid creating an obstruction for pedestrians, vehicles or to vehicle sightlines.
- 7.81 In order to allow emergency vehicle access the London Fire Brigade require an access road width of at least 3.7 metres between kerbs and 3.1 metres between gate posts; a fire vehicle is able to reverse up to a distance of 20 metres before a turning circle is required [London Fire Emergency Planning Authority Fire Safety Guidance Note GN29]. The access road to the application site is widest at the rear corner of the building at 43 Firstway [7.8 metres] and narrowest at the northeast corner of the garden of this property [5.6 metres].
- 7.82 Consultation responses have said that cars parked on the access road would block fire brigade access to the application site. Whilst parked cars can block access in many circumstances on the public highway; the cars are parked on the widest point of the access road and this would still allow fire brigade access to the development site. An emergency fire vehicle parked on the Rainbow Estate access road or a vehicle that has reversed from Firstway by a distance of 20 metres to the widest part of the access road could be used in the event of a fire.
- 7.83 In order to reduce carbon dioxide emissions and promote sustainable transport use, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan seek an on site facility for charging electric vehicles. The parking area layout plan [1208-22] submitted with the planning application shows the provision of a facility to charge electric vehicles and a planning condition is recommended to ensure that this facility is provided.
- 7.84 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements that will also allow access by the fire brigade in an emergency.

Cycling and walking.

- 7.85 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage. The proposed development shows parking for cycle within the rear gardens of the proposed houses

### **Biodiversity and trees**

- 7.86 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. LDF policy CS13 along with Unitary Development Plan policy NE.8 state that development adjacent to green corridors will be expected to enhance the nature conservation value of the land and must not adversely affect the amenity, quality or utility of the open space.

### **Biodiversity**

- 7.87 The application site is located adjacent to a railway embankment that is designated as a green corridor in the Unitary Development Plan. As part of the current application the existing garages will be demolished and replaced with 7 houses. The current proposal will reduce the existing areas of hard standing on the site and will introduce measures to encourage biodiversity in the form of bat and bird boxes.

### **Trees**

- 7.88 Unitary Development Plan policy NE.11 states that development will not be permitted if it would damage or destroy trees which have significant amenity value as perceived from the public realm area unless either removal is necessary in the interest of good arboricultural practice, or the reason for the development outweighs the amenity value of the trees.

- 7.89 Whilst there are no trees within the application site there are a number of trees close to the boundaries of the proposal site. As part of the planning application the applicant has carried out a survey of these trees and tree assessment and protection report.

- 7.90 The main trees were found to be self seeded Sycamores and Oak on the railway embankment with a small group of Leyland Cypress in the rear garden of 43 Firstway. It was found that the proposed development is unlikely to impact upon the root systems of these trees. However, following the pruning of overhanging branches, tree protection measures should be used to prevent damage during construction work. It is recommended that a planning condition is used to ensure that the recommended tree protection measures are implemented.

### **Sustainable design and construction.**

- 7.91 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.

- 7.92 As part of the current planning application the applicant has submitted a Code for Sustainable Homes – Pre-Assessment Report. The pre-assessment report concludes that based on the current design development the proposed development would achieve Code for Sustainable Homes Level 4.

**Flooding issues.**

- 7.93 The issue of local flooding has been raised by adjacent residents in consultation responses. The current application site is occupied almost entirely either by the existing 36 garages or other areas of hard standing including turning areas and the main part of the access road. The current proposal will greatly increase the permeability of the site with the introduction of rear gardens and the use of permeable surface materials for access and parking areas. The application site is not located in an area at risk from ground water flooding and the development has been assessed by the Environment Agency and found to have a low environmental risk.
- 7.94 In terms of assessing any potential capacity issues with existing drainage or sewage systems in the vicinity of the application site Thames Water were consulted on the current planning application. Thames Water has not raised any objection to his proposal.

**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. CONCLUSION**

- 9.1 The proposed development represents an effective and sustainable use of this brownfield site and 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. Notwithstanding the earlier officer recommendation to approve, amendments to the scheme have sought to address members' concerns. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

**10. LOCAL FINANCIAL CONSIDERATIONS**

**Mayor of London Community Infrastructure Lev**

- 10.1 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.

- 10.2 The CIL charge that would be payable, for the proposed development, providing 896 square metres, under the Mayor of London Community Infrastructure Levy would be £31,360

**Planning Obligations**

- 10.3 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.
- 10.4 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:

- 10.5 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.
- 10.6 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing under ten residential units affordable housing provision should be equivalent to 20% of the new units with this provision achieved through an off site financial contribution.
- 10.7 As part of the planning application the applicant has submitted a viability assessment that concludes that a full contribution (£274,626) towards affordable housing would make the proposed development unviable. This viability assessment has been the subject of an independent test by a viability assessor. Following this assessment it has been agreed between officers and the applicant that a contribution towards affordable housing provision of £87,222 would be acceptable in order to provide a viable development that can progress.

Financial contribution towards education provision;

- 10.8 Saved UDP policy C13 recognises that new housing developments will lead to additional pressure on local educational facilities, and seeks financial contributions to be used towards the extra demand placed on local schools as a result of the development. The proposed development will provide 7 four bedroom residential units, in line with policy C13 and to meet the additional pressure that would be placed on local schools a financial contribution of £73,498 is recommended towards education provision.



- The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;
- 10.9 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be £8,036 calculated on the basis of 5% of the monetary contribution. Legal fees would need to be agreed at a later date.

### **RECOMMENDATION**

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

1. Financial contribution towards affordable housing provision (£87,222).
2. Financial contribution towards education provision (£73,498).
3. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [to be agreed].
4. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£8,036].

#### **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 & 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: 1208-01A; 1208-04B; 1208-06A; 1208-10A; 1208-11A; 1208-12A 1208-13A; 1208-14A; 1208-15A; 1208-16A; 1208-20A; 1208-21; 1208-22A; 1208-23A; 1208-24; 1208-25; 1208-26A; 1208-27; 1208-28; 1208-29; 1208-30; 1208-31; 1208-32A; 1208-33; 1208-34A; 1208-35A; 1208-36; 1208-37; Design and Access Statement; Arboricultural Assessment and Method Statement; Planning Statement, Energy Report, Code for Sustainable Homes Pre-Assessment Report.] 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. Non standard condition [Demolition dust and noise] No development [including demolition] shall commence until a method statement outlining the method of demolition, and measures to prevent nuisance from dust and noise to the surrounding occupiers has been submitted



to and approved in writing to the Local Planning Authority for approval. Once approved, the scheme shall be implemented and retained thereafter. 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.

5. Amended standard condition [Construction phase impacts] No development shall commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate: parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be 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.
6. Non standard condition [Pedestrian routes] Notwithstanding the submitted plans a demarcated pedestrian route along the access road shall be in place prior to first occupation of the proposed accommodation that is in accordance with details that have previously been submitted to and approved in writing by the local planning authority with this approved pedestrian route maintained permanently thereafter.. 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. Non standard condition [External lighting - pedestrian routes] External lighting to the proposed pedestrian routes within the application site shall be in place prior to first occupation of the dwellings hereby approved in accordance with details of the lighting locations that have previously been submitted to and approved in writing by the local planning authority with this approved lighting maintained permanently thereafter. 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.
8. Standard condition [External lighting - buildings] 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.2 of the Adopted Merton Unitary Development Plan 2003.
9. Non Standard condition [Shutters] The shutters detailed on approved drawing 1208-37 shall be provided to the windows at first floor and within the building loft space to the north west elevation facing the railway prior to first occupation of the accommodation hereby

approved. Reason for condition: To ensure a satisfactory and safe development in accordance with policies HS.1 and BE.15 of the Adopted Merton Unitary Development Plan.

10. Non Standard condition [Noise assessment] Prior to the commencement of the development a noise report shall be submitted to and approved in writing by the Local Planning Authority, to include (i) the existing noise environment and potential sources of noise likely to impact on the development including the railway line and Raynes Park railway station (ii) the likely noise impact of the development on the existing noise environment. (iii) Attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development and the noise impact of the proposed development on the existing noise environment. The approved methods detailed in section (iii) shall be implemented in strict accordance with the approved details prior to the first occupation of the development and retained permanently thereafter. Reason for condition: To safeguard the occupiers of the proposed properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan.
11. Non Standard condition [Electromagnetic Radiation] Prior to the occupation of the development the applicant shall have provided written evidence to the local planning authority that electro-magnetic radiation emissions from the adjacent sub station do not exceed ICNIRP (international commission on non-ionizing radiation protection) guidance levels of 100 microteslas and 5 kilovolts per metre. Reason for condition: To safeguard the residential amenity for the future occupiers of the proposed residential units.
12. Non standard condition [Land contamination – site investigation] No development shall commence until a detailed site investigation has 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, together with the results of 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.
13. Standard condition [Land contamination – construction phase] If during construction works further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and 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.

14. Standard condition [Land contamination – validation] No residential unit hereby approved shall be occupied until a validation report has been submitted to and approved in writing by the Local Planning Authority to demonstrate that remediation works have been carried out in accordance with the agreed remediation strategy. The validation report shall provide a full record of all remediation activities carried out on the site including post remedial sampling and analysis, waste management documentation and evidence that the agreed site remediation criteria have been met (including waste materials removed from the site; an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post remediation sampling that has been carried out. 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.
15. Standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] No development shall commence until a copy of 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 that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 has been submitted to and approved in writing by the Local Planning Authority. 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.
16. Standard condition [Code for Sustainable Homes Pre-Occupation- New build residential] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Final Code Certificate confirming that it has achieved not less than a Code 4 level for Sustainable Homes has been submitted to, and acknowledged in writing by the Local Planning Authority. 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.

17. Standard condition [Lifetime homes] The new dwelling units shall meet Lifetime Homes Standards, and shall not be occupied until the applicant has provided written evidence to confirm this has been achieved 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].
18. Amended standard condition [Details of walls and fences] Prior to occupation of the development hereby permitted details of all boundary walls or fence shall be submitted to and approved in writing by the Local Planning Authority. The residential units shall not be occupied until the walls and fences have been erected in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. 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.
19. Non standard condition [Car parking spaces] Prior to occupation of the development hereby permitted the car parking spaces shown on the approved drawing including the on site facility for charging electric vehicles shown on layout plan [1208-22] to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
20. Non standard condition [Refuse and recycling facilities] Prior to occupation of the development hereby permitted the residential refuse and recycling facilities shown on the submitted plans shall be provided and retained 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.
21. Amended standard condition (Parking management strategy) The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to

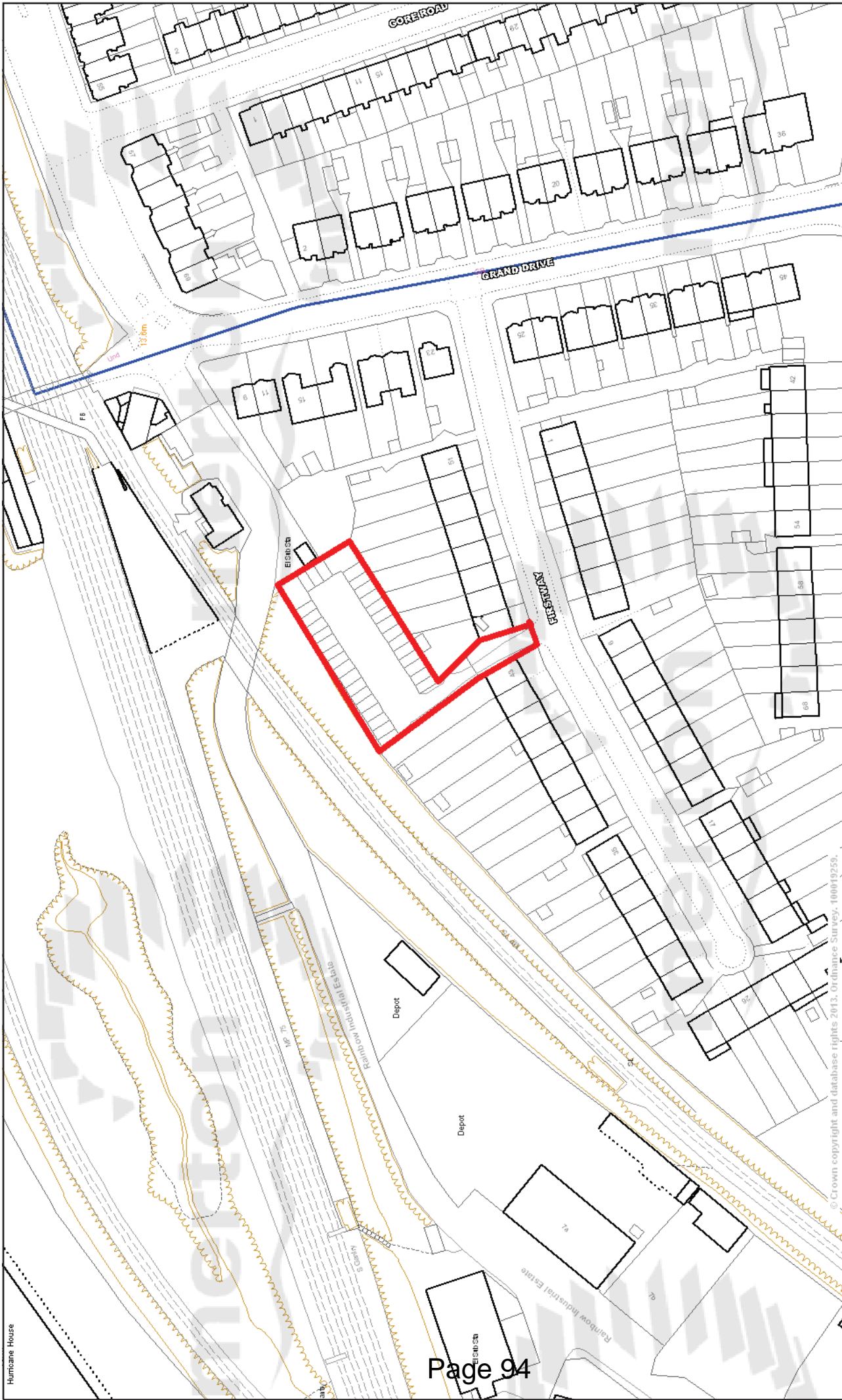
any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

22. C.1 Permitted development restrictions. Amended standard condition. To restrict rear extensions and outbuildings.

**INFORMATIVES:**

- a) INF2 Lifetime Homes
- b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- c) The development hereby approved is liable to the Community Infrastructure Levy (CIL). The provisional chargeable amount of CIL that would be payable (subject to any successful applications for relief, surcharges or late payment interest charges) is £31,360. To avoid substantial surcharges an Assumption of Liability Notice and a Commencement Notice must be submitted to the Local Planning Authority prior to commencement of the development hereby approved. A Liability Transfer Notice can be submitted prior to the day the final payment falls due should parties who will be liable to pay change. These notices can be found on the planning portal at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). For more information regarding CIL visit [www.merton.gov.uk/CIL](http://www.merton.gov.uk/CIL) or email [cilevy@merton.gov.uk](mailto:cilevy@merton.gov.uk).
- d) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway
- e) The applicant is advised that the demolition of the building on the application site 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 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 (tel: 020 7831 6922).





London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

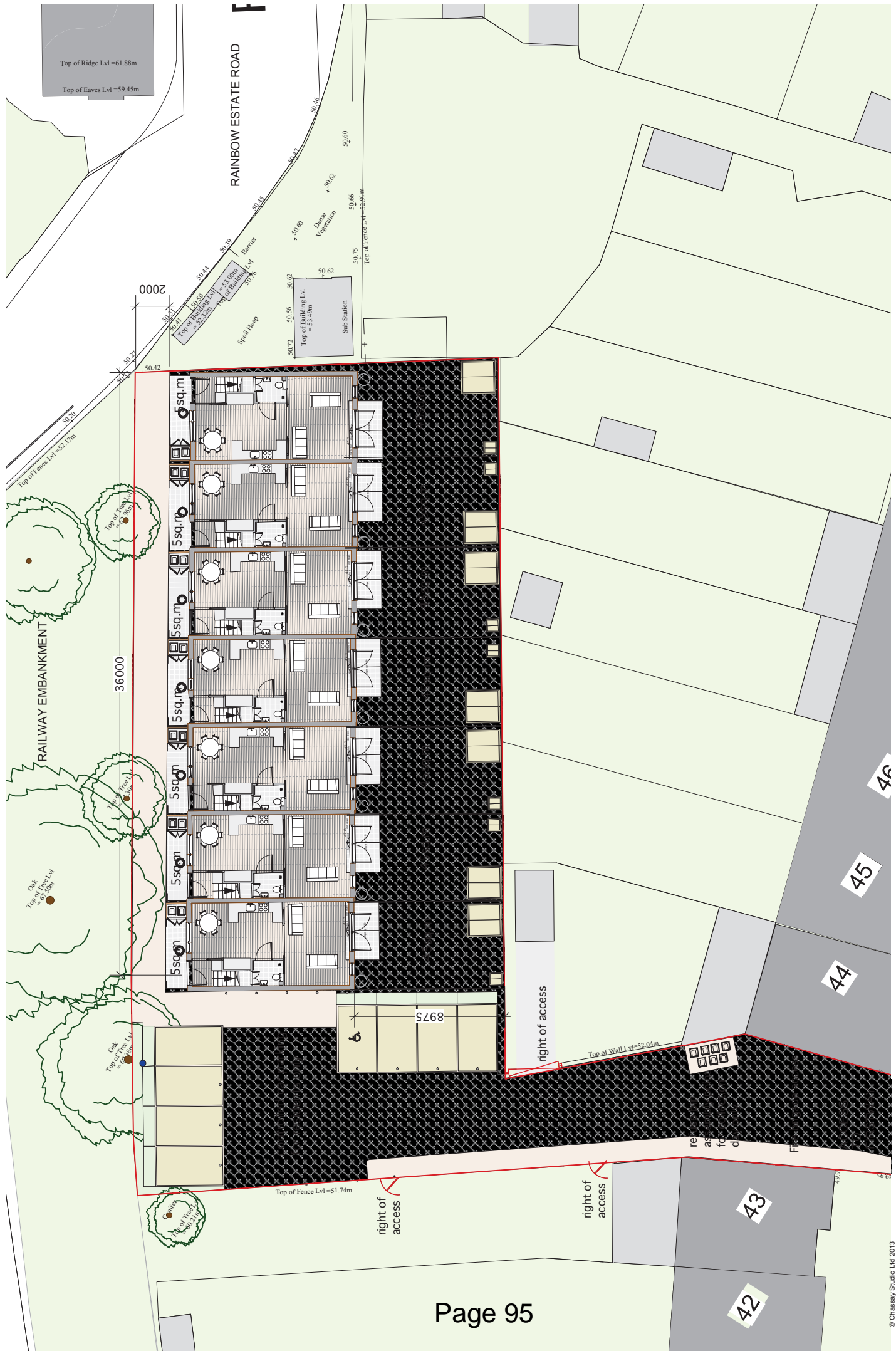
Scale 1/1250

Date 26/11/2013

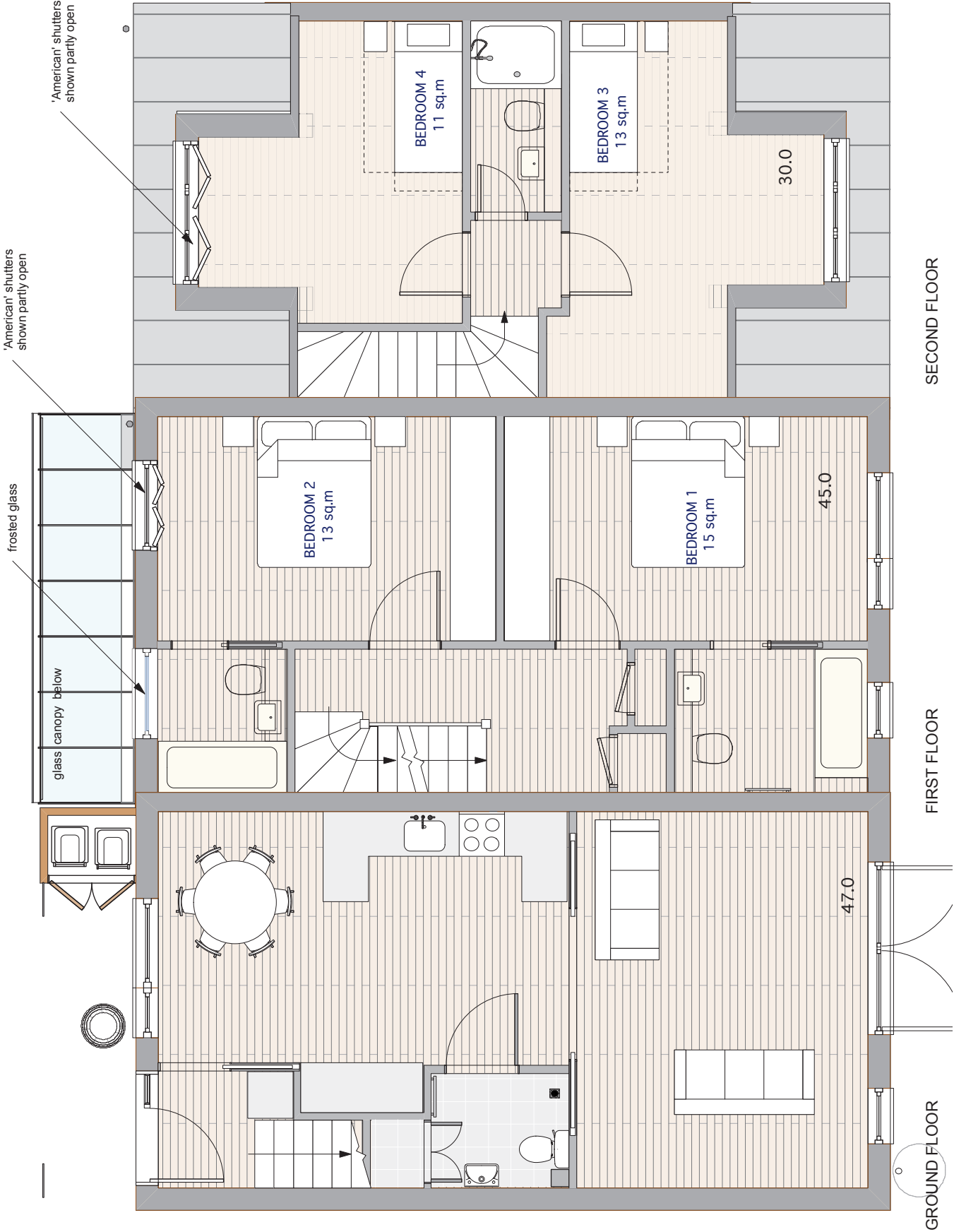
RO 44-49 Firstway

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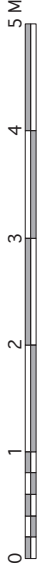
DEVELOPMENT CONTROL







NIA 122 sq.m

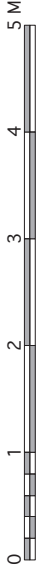
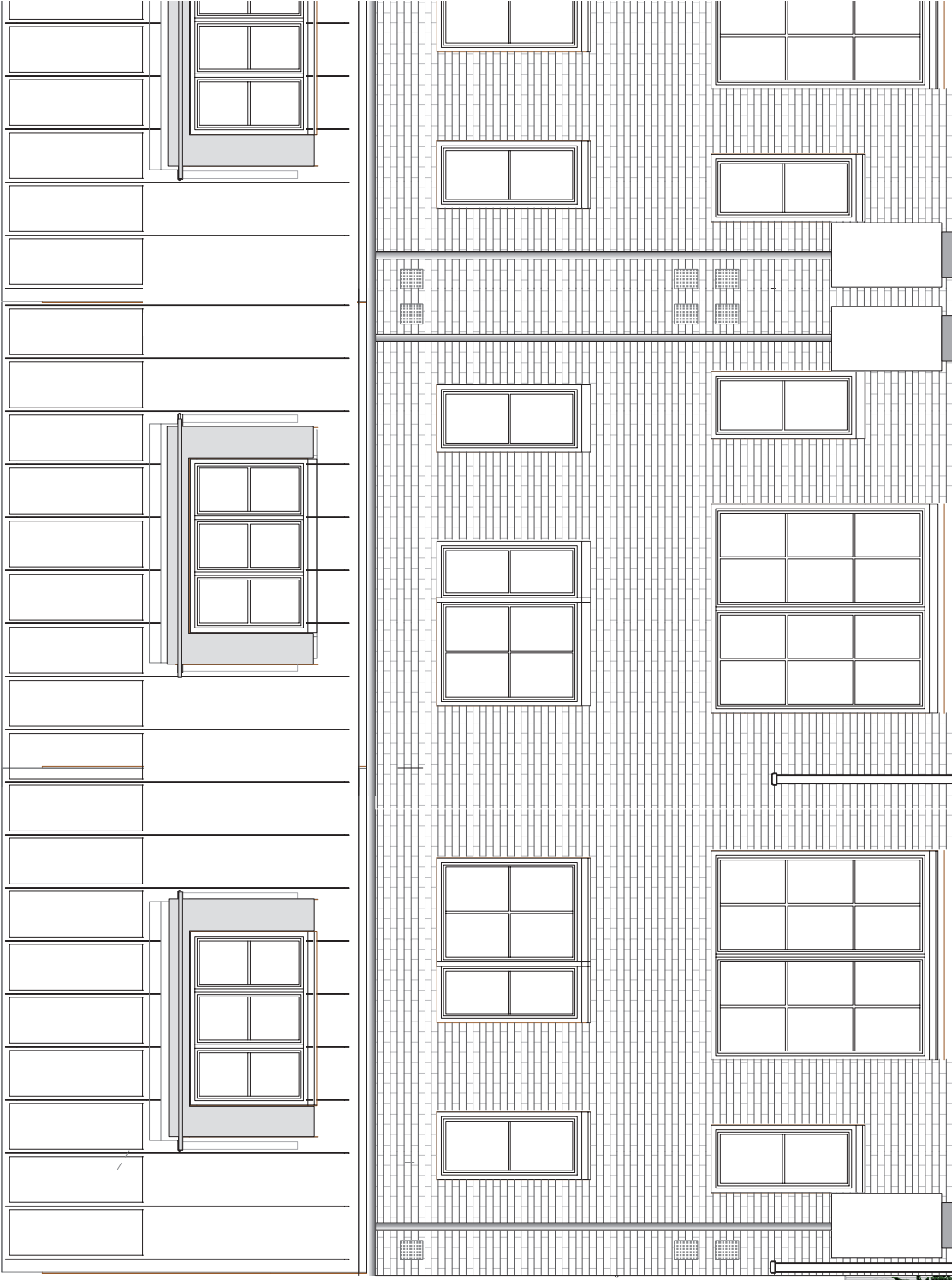
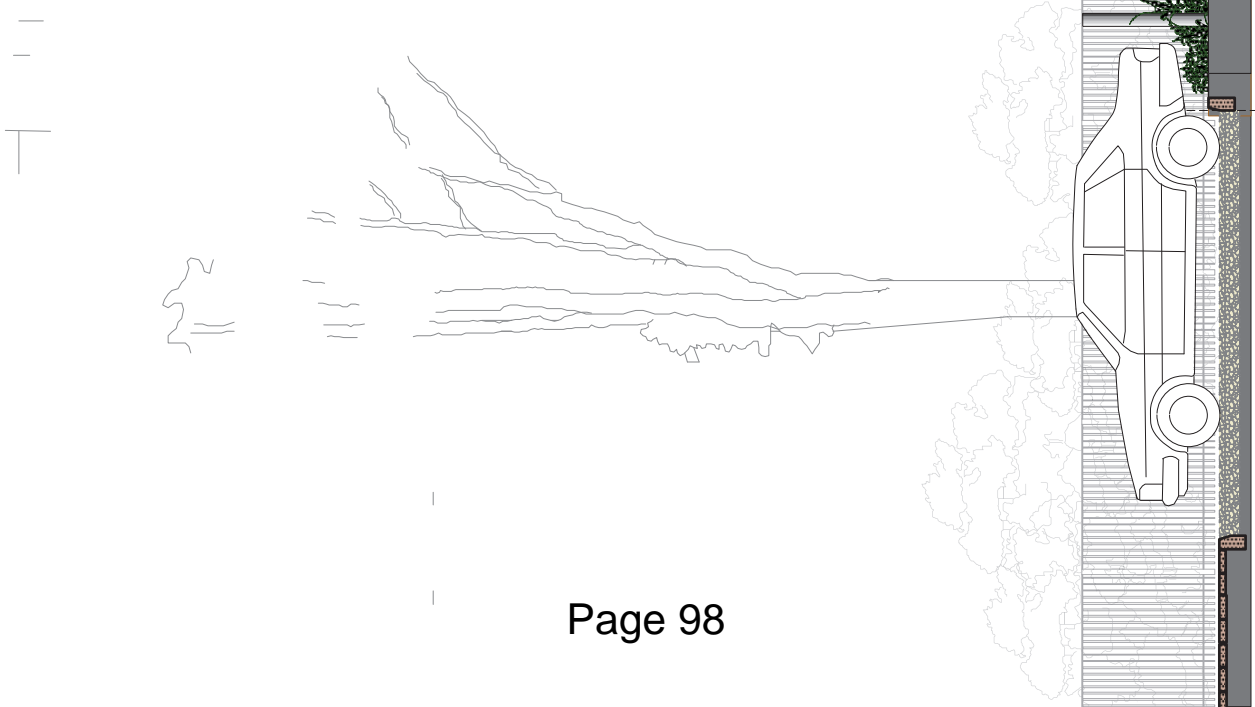


SECOND FLOOR

FIRST FLOOR

GROUND FLOOR







© Chassay Studio, Ltd 2013



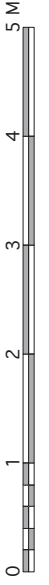
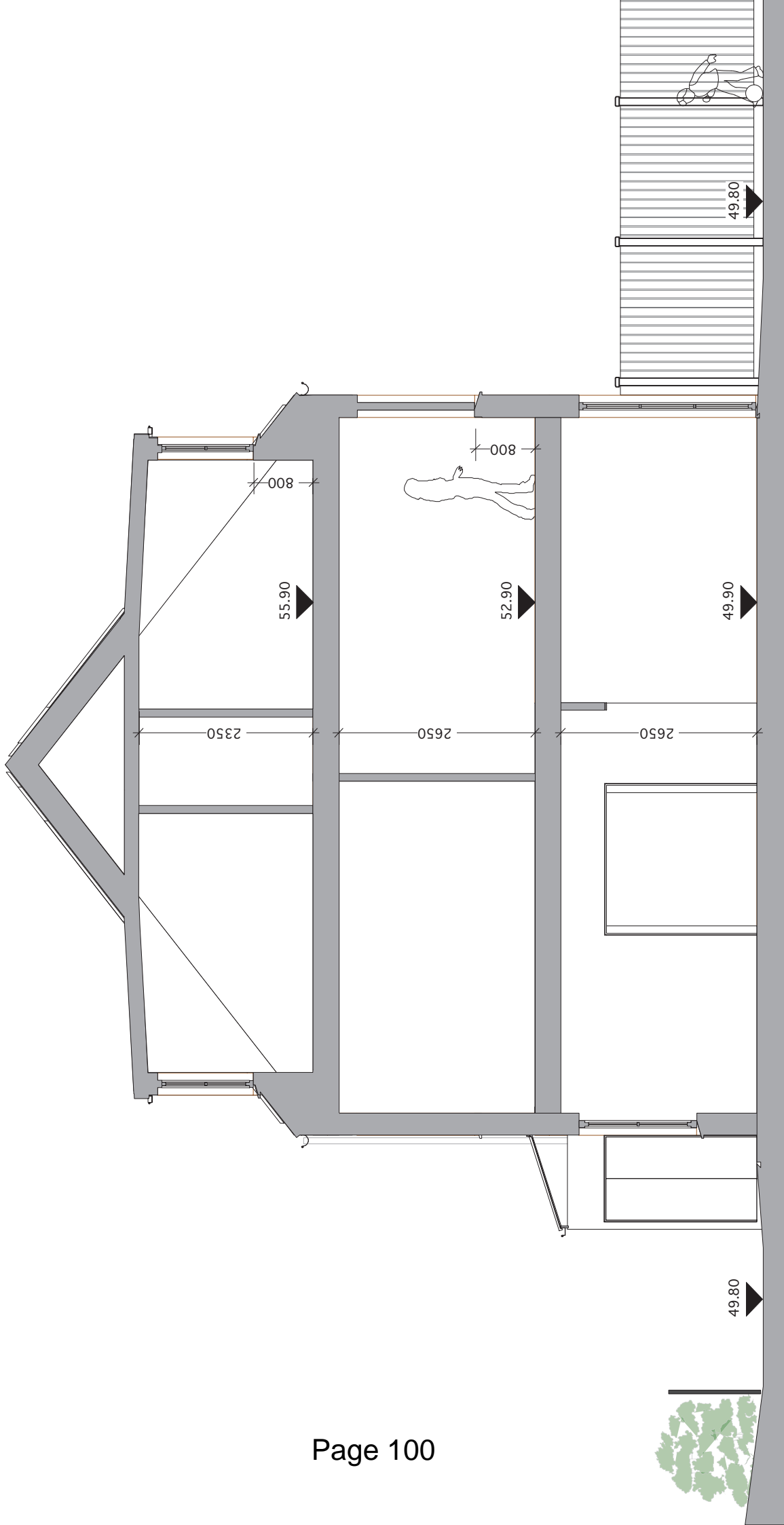
AE111035 - Firstway, London, SW20 0JD

NORTH-SOUTH SECTION THROUGH SITE SCALE 1:200

version 14

drwg no. 1208-20

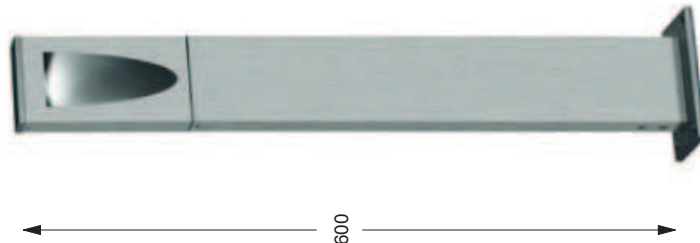
rev. A





Aurora LED Post Light is a highly efficient solution to outdoor pathway lighting.

- Dimensions: 80mm x 25mm x 600mm
- Power: 3W
- Lamp: 3 x High Power LED
- Lamp Colour: 4000K White
- IP: 54 Rated
- Downward light projection
- Minimal light pollution
- Integral LED Driver
- Anodised corrosion resistant finish



AURORA LED LIGHTING POST

600



BETAFENCE NYLOFOR WELDED MESH FENCING

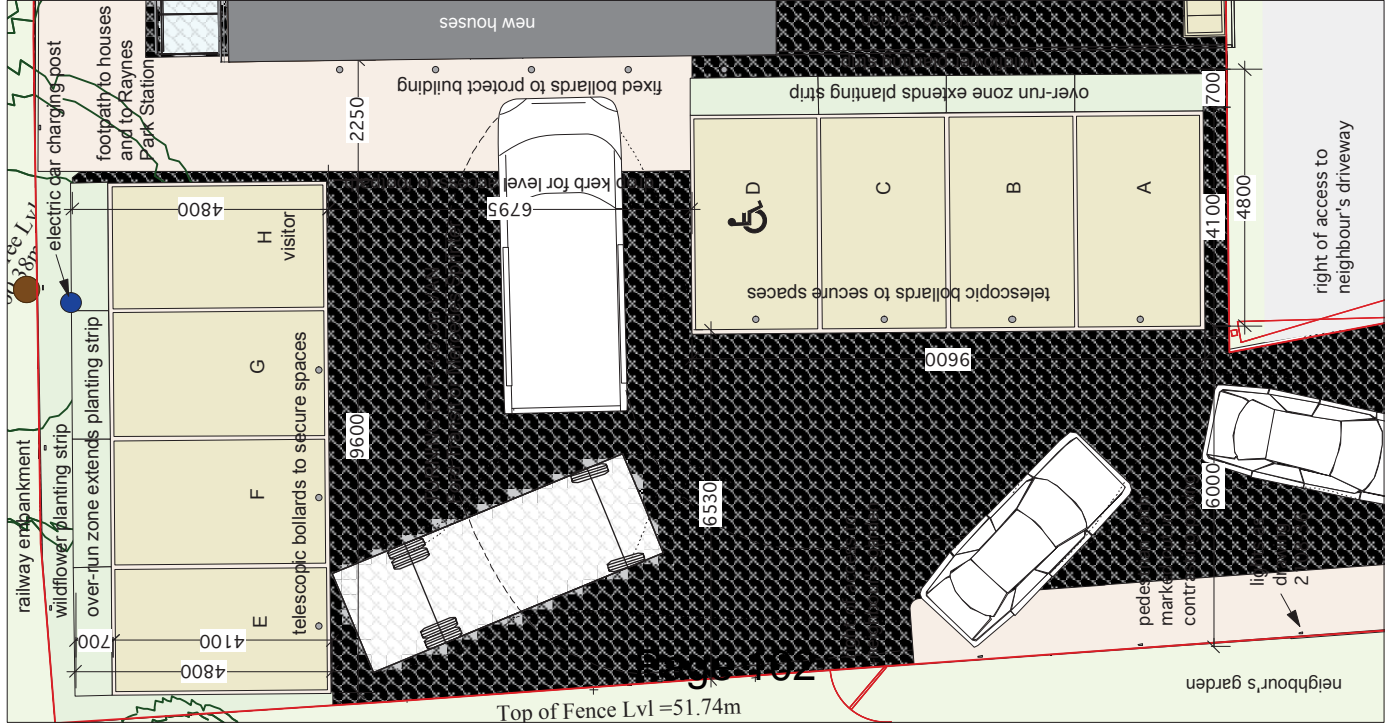


CLOSE BOARDED FENCE TO RAINBOW ESTATE

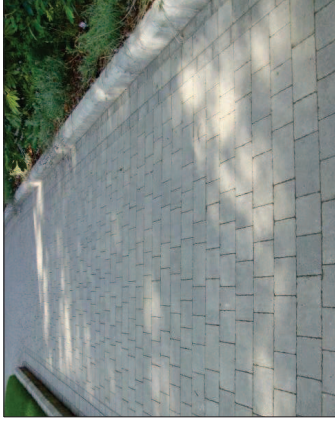
Fence to the railway embankment must comply with Network Rail requirements. Betafence Nylofor welded mesh fence system (left) is approved and provides security to the railway whilst having a very neat appearance, and an open pattern which gives a feeling of openness to the large, gently sloping embankment.

A robust, timber boarded fence will be provided between the private pathway and the road to the Rainbow Estate. If future developments permit access across this road, as Merton Planning intend, then this can be converted to be a secure exit towards Raynes Park station. Above is shown panel fencing by Jacksons Fencing.

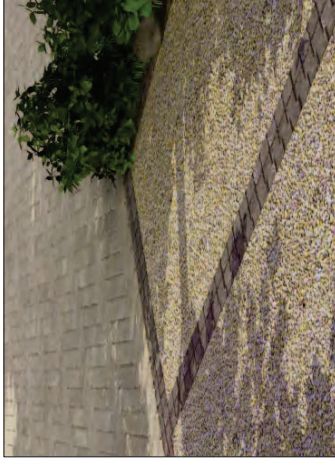




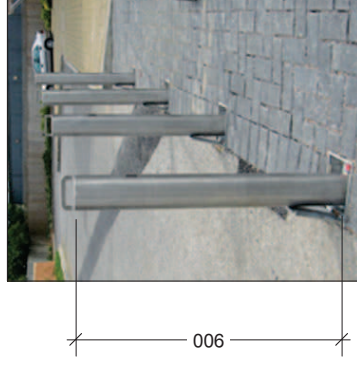
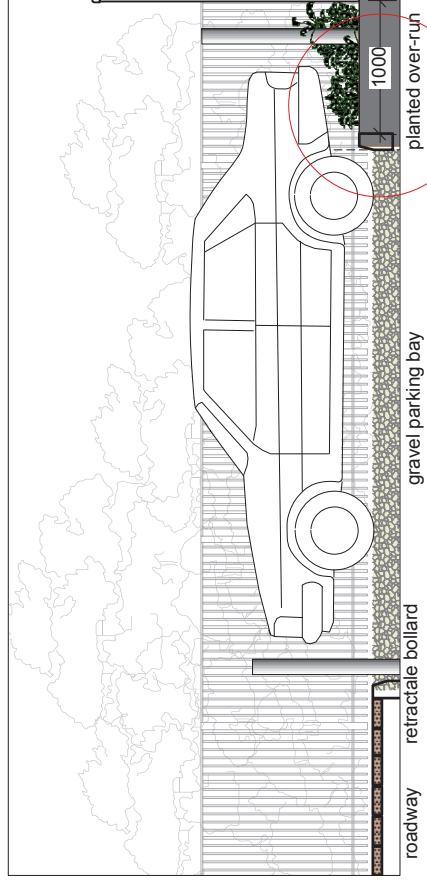
2. VANDELPROOF EV CHARGING BOLLARD with lockable door closed during charging - EV Streetserv by Roltec [www.roltecserv.com](http://www.roltecserv.com)



6. ROADWAY paved with Marshall Tegula Pennant Grey: rumbled finish permeable paving



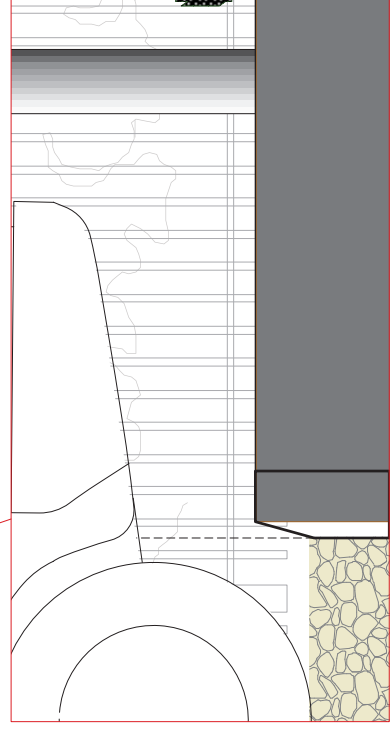
7. PARKING SPACES marked out with brick kerbs and filled with hoggin gravel



8. Bollards to be 140mm dia. stainless steel, fully retractable into ground with gas strut lift assist - Retratable GL by Autopa. Fixed bollards to match.



4. TYPICAL PLANTED OVER-RUN





Path serves the 7 new houses only, visible neighbours fosters a sense of community. Permanent 'American' blinds inside allow residents to control privacy

Path widened to 2m - as big as a pavement on a public highway, pedestrians can walk further from the property boundary.

Natural surveillance from living-room windows is an important aspect of security.

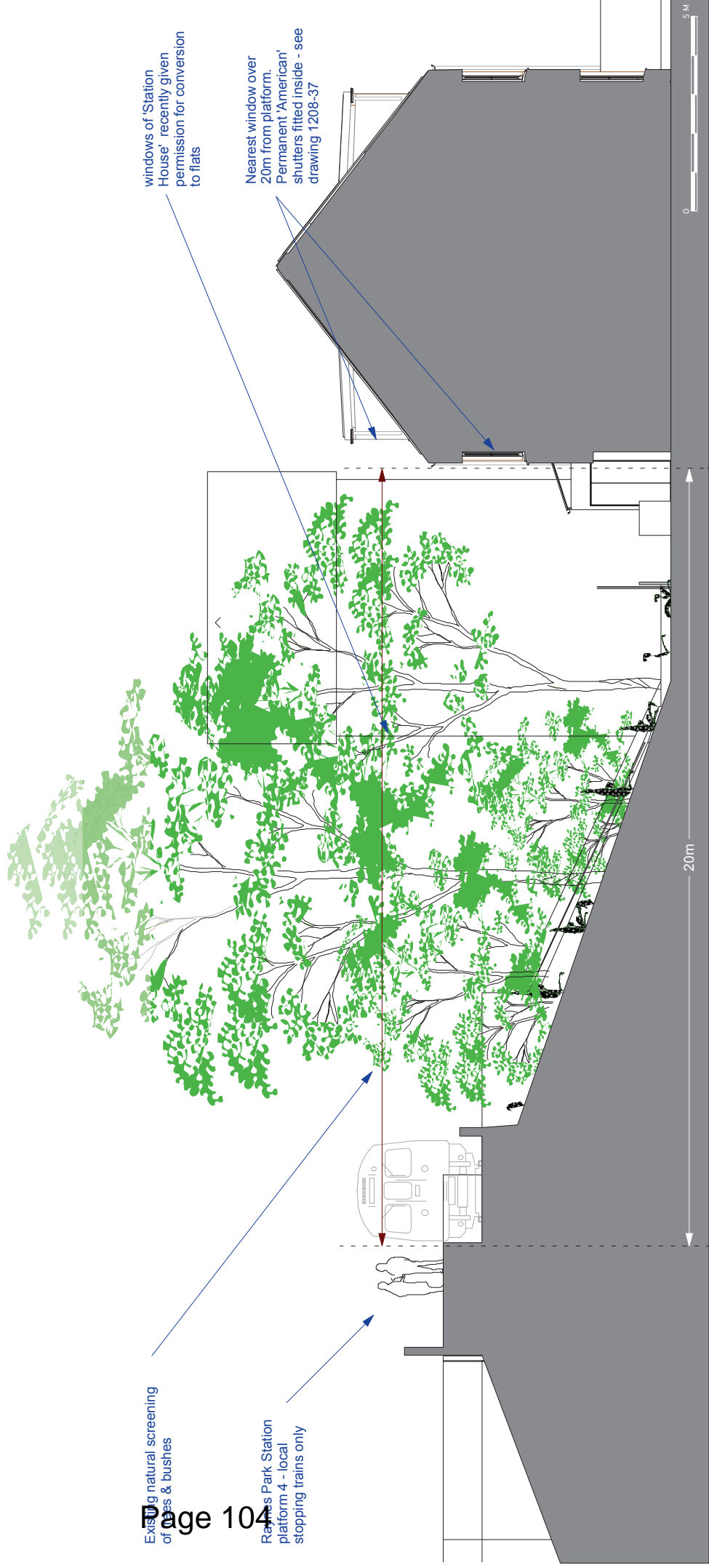
Private front area is clearly defined by paving pergola and projecting store cupboards & glass roof, which provides a buffer space of 1.2m





Left: Composite photograph taken from Raynes Park Station platform, showing natural screening of trees & bushes.

Below: Detailed section through railway platform on embankment and proposed new homes below.



Existing natural screening of trees & bushes

Raynes Park Station platform 4 - local stopping trains only

windows of 'Station House' recently given permission for conversion to flats

Nearest window over 20m from platform. Permanent 'American' shutters fitted inside - see drawing 1208-37







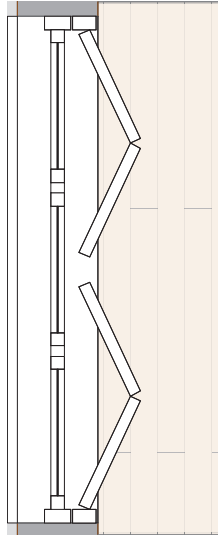


NOTE : close boarded fence omitted to show building behind

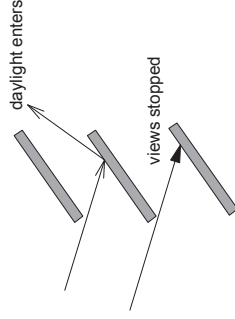


'American' shutter to be fitted inside all windows facing railway & access path.  
Shutters are robust hardwood fixtures designed to last the lifetime of the house. Each shutter has adjustable hardwood louvres and each part is hinged for opening.

Shutters split at eye level, so the upper part can be opened while the lower kept closed



PLAN SHOWING WINDOW WITH SHUTTERS PARTLY OPEN



Louvres are specially effective in preventing overlooking from a higher level

Louvre blades of shutters are adjustable to allow light levels to be adjusted, and to vary the degree of privacy.



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## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a broadly triangular piece of land attached to 1 Leopold Terrace, which is itself an end of terrace property situated on the south west side of Dora Road, a well-established residential road. Leopold Terrace is a three storey modern block of flats and previously on the application site there was a two storey dwellinghouse which has since been demolished. To the rear of the site are the rear gardens of residential properties at Vineyard Hill Road.
- 2.2 The application site is not within a Conservation Area; however it adjoins the Vineyard Hill Conservation Area. It is also located within a Controlled Parking Zone.
- 2.3 There is a Tree Preservation Order on the site (ref is (621) 2012).

## 3. **CURRENT PROPOSAL**

- 3.1 The previous complex history of the site requires explanation to provide a context for the current application. This is set out below ;
- The site was previously occupied by a narrow four-storey house added to the end of Leopold Terrace in the 1970's. Two separate planning applications were then granted in 2005 and 2006 (Refs 05/P1506 and 06/P2390 for a four storey side extension and conversion into four flats.
  - In 2007, the house was completely demolished . Shortly before the 2006 application lapsed in 2009, the site owners attempted to submit details required by conditions attached to the 2006 permission. They were advised that the 2006 permission to extend and convert could not be implemented as the house had been demolished, and a fresh application would be required.
  - An application was submitted in January 2010 (10/P0106) for a new building of the same general size, height and design as the previous approval for extension and conversion of the previously existing house. The site owners started construction before that application had been determined.
  - The application, recommended for approval, was deferred from June 2010 PAC because it emerged that a small triangle of land included in the application site was part of a neighbour's garden. When a corrected plan was received and re-consulted on, there was an increased level of objection to the development which the then applicants had continued to construct without the benefit of planning permission. A Temporary Stop Notice was served in August 2010, planning permission was eventually refused in June 2011 and an Enforcement Notice was issued in August 2011 requiring the unauthorised building to be demolished, which the then applicants appealed. This appeal was dismissed, with the Inspector concluding that the existing building was not acceptable in terms of its scale,

height, siting, materials and forward projection beyond Leopold Terrace on the Dora Road frontage the resultant impact of this on the streetscene. The Inspector also concluded that these issues could potentially be resolved through alterations to the building and that the applicants would be given 6 months from the date of the decision notice (22<sup>nd</sup> February 2012) to submit, and have considered by the Council, an application with proposed amendments to overcome these issues. The Inspector's appeal decision notice is appended.

- Following the enforcement appeal decision, an application was submitted (12/P1730) as suggested by the Inspector. However, only very minor alterations to the existing building were proposed which were not considered to have addressed the Inspector's concerns. Consequently, the application was refused.

3.2 The site was then purchased by new owners (the current applicants) who sought to work with the Council to develop a scheme to retain the existing building with significant enough alterations to the structure to address the Planning Inspector's and the Council's concerns. The current application is the result of pre-application discussions with the Council to achieve this end.

3.3 The Inspector considered the main appeal issues to be (a) the impact on the street scene, (b) impact on living conditions of 1 Leopold Road, and (c) whether the deficit in private outdoor amenity space could be adequately compensated by a financial contribution for the improvement of public open space elsewhere. He concluded that although the application was acceptable in relation to (b) and (c) subject to suitable conditions to overcome privacy concerns, the impact on the street scene was unacceptable. He highlighted the following as being the main areas of concern in this regard:

- The amount by which the building projects forward of the building line of Leopold Terrace, resulting in a bulky and obtrusive appearance, reinforced by the height and angular flat roof design.
- The excessive use of white render, at odds with the brickwork or mix of brickwork and render on adjoining properties

3.4 The current application proposes the following alterations to the existing building:

- Reduction in the number of flats from 4 to 3
- Significant pulling back of the front building line at all levels
- Pulling back of rear building line at 3<sup>rd</sup> floor level
- Minor reduction in maximum height
- Significant reduction in footprint of fourth floor
- Change in materials to make brick work the dominant material
- Internal reconfiguration
- Creation of small roof terrace for upper duplex unit
- Addition of a single storey side entrance to the block

- 3.5 The pulling back of the front building line of the property and the reduction in the fourth floor footprint would result in 2 x 2-bed flats and 1x 3-bed flat instead of 4x 2/3 bed flats.
- 3.6 In terms of car parking, each unit would be provided with one off-street car parking space. It is also proposed to provide a separate cycle store to the front of the site adjacent to the parking area.
- 3.7 It is proposed to provide a separate bin store to the front of the site adjacent to the parking area.
- 3.8 Additional soft landscaping is also proposed.

4. **PLANNING HISTORY**

13/P0345/NEW - PRE APPLICATION ADVICE FOR MODIFICATION AND ALTERATIONS TO EXISTING BUILDING FOR RESIDENTIAL USE

12/P1730 - ALTERATIONS TO EXISTING BUILDING TO CREATE 4 X 2 BEDROOM FLATS WITH ASSOCIATED PARKING AND LANDSCAPING – Refused, on the following grounds:

1. The proposed amendments to the development do not overcome the issues raised by the Inspector in their Enforcement appeal decision noticed dated 22nd February 2012, in respect of refused application 10/P0106, by virtue of the bulk, scale, height, materials, enlarged front balconies, retention of the internal lift, and siting of the building still significantly forward of the front building line of the adjoining Leopold Terrace and which would still result in an excessively large and overbearing development to the detriment to the visual amenities of the street scene and contrary to policies BE.15, BE.16, and BE.22 of the London Borough of Merton UDP - October 2003, policy CS 14 of the London Borough of Merton Core Strategy - July 2011, the Council's New Residential Development - SPG, policy 3.5 of the London Plan (2011), and the National Planning Policy Framework (2012).

2. The proposed vehicular access to the proposed off-street parking spaces would cross two proposed new parking bays to be laid outside of the site, along Dora Road, and as such the proposed off-street parking would not be implementable or useable and would result in an undue burden on adjoining controlled parking zones. As the development is contrary to policy CS 20 of London Borough of Merton Core Strategy - July 2011.

3. The proposed works would result in the loss of two Lime trees to the front of the site which are subject to a Tree Preservation Order (reference (621) 2012) and are of significant amenity value, and as such the development is contrary to policy CS 13 of the London Borough of Merton Core Strategy - July 2011.

10/P0106 - ERECTION OF A FOUR STOREY BUILDING CONTAINING FOUR 2/3 BEDROOM FLATS – Refused, on the following grounds;

1. The proposed development, by virtue of its bulk, scale, height, plot coverage, and siting significantly forward of the front building line of the adjoining Leopold Terrace, would result in an excessively large and overbearing development to the detriment to the visual amenities of the street scene and would fail to preserve or enhance the character and appearance of the adjoining conservation area. As such the proposed development is contrary to policies BE.3, BE.16, and BE.22 of the London Borough of Merton UDP - October 2003, and the Council's New Residential Development - SPG.
2. The proposed development would provide a substandard form of accommodation, by failing to provide adequate outside amenity space for the proposed 2/3 bedroom flats. The development would therefore be contrary to Policy HS.1 of the Adopted Merton Unitary Development Plan (October 2003) and to the Council's Supplementary Planning Guidance for New Residential Development. INFORMATIVE: Please note that the Council is aware that works have begun on site which do not have the benefit of planning permission and the matter has been passed onto the Council's Enforcement section.
3. The proposed development, by virtue of its bulk, scale, height, and siting significantly forward of the front building line of the adjoining Leopold Terrace, would result in an excessively large and overbearing development to the detriment of the visual amenities and privacy of the adjoining and surrounding properties, particularly 1 Leopold Terrace. As such, the proposed development would be contrary to policy HS.1 and BE.15 of the London Borough of Merton UDP - October 2003, and the Council's New Residential Development - SPG.

The following informative was also added:

INFORMATIVE: Please note that the Council is aware that works have begun on site which do not have the benefit of planning permission and the matter has been passed onto the Council's Enforcement section. Appeal against Enforcement action was dismissed (see Inspector's appeal decision notice).

An appeal against Enforcement action requiring the applicants to demolish the unauthorised building was varied by substituting six months in place of three months as the time for compliance. Subject to this variation the appeal was dismissed and the enforcement notice upheld (See Inspector's appeal decision notice appended).

06/P2390 - ERECTION OF FOUR STOREY SIDE EXTENSION TO EXISTING DWELLING AND CONVERSION OF PROPERTY INTO 4-SELF CONTAINED FLATS (Amendment to planning approval 05/P1506) - Approved

05/P1506 - ERECTION OF FOUR STOREY SIDE EXTENSION TO EXISTING DWELLING AND CONVERSION OF PROPERTY INTO 4 SELF CONTAINED 2 BEDROOM FLATS - Approved

05/P0414 - ERECTION OF FOUR STOREY SIDE EXTENSION TO EXISTING DWELLING AND CONVERSION OF PROPERTY INTO 4-SELF CONTAINED FLATS - Withdrawn by Applicant on design grounds.

5. **CONSULTATION**

The application was advertised by a site notice, press notice, and individual letters to occupiers of properties adjoining the site and in neighbouring roads. 12 objections have been received, and on the following grounds:

- This scheme does not address the key elements on which the previous scheme was refused
- The scale and building lines are not acceptable
- The rear building line needs to be reduced to be more in line with the adjoining terrace
- The adjoining property is enclosed because of the rearward projection of the building
- The height should be reduced further
- Trees to the rear of the site need protecting from building works
- Overlooking to the rear of the development
- The building still dominates the adjoining terrace in terms of its height and scale
- The roof terrace will lead to a loss of privacy for surrounding buildings
- The amount of glazing for the top floor unit is excessive
- The development is too dense for the plot site
- The configuration of the vehicular access would result in safety issues along Dora Road
- Only 3 parking spaces will be provided which will result in increase parking along Dora Road

Wimbledon Society – This application proposes modifications to an existing structure which was the subject of an Enforcement Notice upheld by an Inspector in February 2012 . A previous application to modify the building

(12/P1730) was rejected on the ground that the proposed amendments did not overcome the issues raised by the Inspector.

The main issues raised in the Inspector's Report were:

- projection forward of the building line
- undue bulk, reinforced by excessive height and the angular flat roof
- adverse visual effect on the street scene.
- poor relationship to its surroundings in terms of scale, design, and materials (particularly the excessive use of white render),

The decision notice on 11/P1730 rejected that application on the same grounds, plus the fact that the works would result in the loss of two Lime trees subject to TPO's.

The present application attempts to meet the Inspector's points by omitting the lift structure, by partial setting back the front elevation, and by the use of materials on the front elevation more in keeping with neighbouring buildings. It also appears to allow for the preservation of the two Lime trees on the Dora Road frontage.

However the major requirements set out in the Society's objection to 11/P1730 remain:

- Compliance with building lines. The building would still be well in advance of the building line in Dora Road. There would be no setting back in Leopold Road; where the adverse effect on the street scene identified by the Inspector (and in our objection to 12/P1730) is a key issue. This problem is compounded by the addition of a new ground floor structure bringing the building right up to the back of the Leopold Road pavement. (The excavation required for this would also damage or destroy the roots of the trees on that frontage.)
- The need to reduce the building's bulk. Comparison of the "before and after" views shows that the mass outlines are only slightly different. The changes proposed have little effect here, and height, the overall footprint; and the closeness of the building to Leopold Road mean that bulk remains a problem. The massing of the rear of the building where it encroaches on the trees along Leopold Road is particularly unfortunate.
- The need to reduce height by at least one complete storey. Although it appears that the area of the top storey is somewhat reduced, this is not sufficient to meet the Inspector's criticism of the building in terms of scale and effect on the street scene. Reducing the height of the building would also reduce the degree of overlooking inherent in the current plan. (Evidence given at the inquiry into the Enforcement Notice accepted that omission of the top floor would be practicable.)
- It appears that an attempt will be made to use more acceptable materials for the replacement of the Dora Road frontage, but the large Leopold Road



frontage is unaltered in terms of materials used, and the whole building remains incongruous

In his Report the Inspector recorded his view that it ought to be possible to alter the building to make it acceptable, and that this would be less wasteful of resources than demolition as provided for in the Enforcement Notice. This is a valid consideration, but unless a solution can be found that is in accordance with the Council's established planning policies, full implementation of the Notice must be the only answer.

The Society remains firmly of the view that the application should be refused. We consider that the following changes are required to the building:- reducing its capacity to two flats/maisonettes or preferably a single dwelling (the attempt to cram more units on to the site inevitably increases the danger involved in putting vehicle accesses so close to the Leopold Road/Dora Road junction.

In addition:-

- The frontage to Dora Road to be set back to align with that of Leopold Terrace,
- The frontage to Leopold Road to be set back to accord with the building line laid down before the development of the site in 1963-64)
- The height of building to be reduced (removing the second floor) so that the eaves height is no higher than that of the Terrace.

Unless this can be achieved, the Society's view is as indicate above that the Notice requiring demolition should be enforced.

#### Transport Planning Officer

Leopold Avenue is a predominantly residential road in the Wimbledon Park area of Merton. It is located in Controlled Car Parking Zone (CPZ)-P2(s).

The proposal provides for 3 car spaces for the development accessing from an existing vehicle crossover on Dora Road. To ensure there is minimal impact on the CPZ it is recommended that the development is made permit free secured by S106. There is also cycle parking which should be secured through condition.

In conclusion, there is no transport objection; however the following obligation and condition will apply. The applicant should also be provided an informative below in respect of works affecting the public highway.

#### Tree Officer

No objections subject to conditions in respect of tree protection, site supervision, landscaping, and landscaping implementation being added to any approval.

### Climate Change Officer

- In accordance with Policy CS15 of the Core Planning Strategy we require all new development comprising the creation of new dwellings to achieve Code for Sustainable Homes Level 4. Given that the development has already commenced, it will be incredibly challenging for the site to achieve Code Level 4. The development should register with the BRE and produce a design stage assessment to demonstrate the approach that the development has taken to conform with the requirements of Policy CS15 even if the overall design fails to achieve an overall score of Code 4; specifically:
  - How the development has made effective use of resources and materials and sought to minimise water use and CO2 emissions
  - How the development has sought to make the fullest contribution to minimising carbon emissions in accordance with the energy hierarchy approach of: be lean (use less energy), be clean (supply energy efficiently) and be green (use renewable energy).
  - How the site is designed to withstand the long term impacts of climate change
- Where code certification is not deemed viable, the applicant should supply sufficient evidence of the above to sufficiently demonstrate compliance with Policy CS15.
- In addition, as required under the mandatory elements of Code for Sustainable Homes Level 4, the development should achieve a 25% improvement in the Dwelling Emissions Rate over the Target Emissions Rate under category ENE1 of the Code. The development should also sufficiently demonstrate that they have explored and applied a 'fabric first' approach to mitigating CO2 emissions arising from the development, as advocated by the energy hierarchy outlined above.
- Prior to occupation, we would also require a copy of the completed code certificate as per the standard pre-occupation condition.

### Conservation Officer

No comments.

## 6. **POLICY CONTEXT**

The relevant policies contained within the Adopted Merton Unitary Development Plan (October 2003) are:

HS.1 (Housing Layout and Amenity)

NE.11 (Trees-Protection)

BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise)

BE.16 (Urban Design)

BE.22 (Design of New Development)

BE.3 (Development Adjacent to a Conservation Area)  
C.13 (Planning Obligations for Education Provision)  
F.2 (Planning Obligations)

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

CS 8 (Housing Choice)  
CS 9 (Housing Provision)  
C 13 (Open Space, Nature Conservation, Leisure and Culture)  
CS 14 (Design)  
CS 15 (Climate Change)  
CS 18 (Active Transport)  
CS 20 (Parking, Servicing, and Delivery)

The relevant Supplementary Planning Guidance's (SPGs) are:

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

London Plan 2011:

3.3 (Increasing Housing Supply];  
3.4 (Optimising Housing Potential];  
3.5 (Quality and Design of Housing Developments)  
3.11 (Affordable Housing Targets)  
3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)  
5.7 (Renewable Energy)  
7.4 (Local Character)  
7.6 (Architecture)  
8.2 (Planning Obligations)

London Housing Design Guide (2012)  
National Planning Policy Framework (2012)

## 7. **PLANNING CONSIDERATIONS**

### 7.1 Key Issues

7.2 The history leading up to the submission of this application is set out earlier in this report. The current applicants bought the site after the existing unauthorised structure had been built and after the enforcement appeal and have had discussions with Council officers in order to seek to satisfactorily address the Inspector's grounds for refusal.

7.3 Although the Inspector considered the current structure to be unacceptable in terms of its impact on the streetscene, he made reference to the range of options put forward at the appeal to alter the building to make it acceptable

without demolishing the whole structure, including a reduction in the top floor and a reduction in the forward facing projection facing Dora Road. He indicated that it ought to be possible to alter the building to make it acceptable, and advised that in order to avoid the requirement to demolish, a scheme should be prepared that had particular regard to the reasons given in his decision notice for the refusal of planning permission for the existing building. As set out earlier, these reasons related to the impact on the streetscene, more specifically:

- The amount by which the building projects forward of the building line of Leopold Terrace, resulting in a bulky and obtrusive appearance, reinforced by the height and angular flat roof design.
- The excessive use of white render, at odds with the brickwork or mix of brickwork and render on adjoining properties

The sections below set out how these issues have been addressed.

#### 7.4 Impact on Streetscene-Design, Scale, Siting, Height, and Massing

7.5 Policies BE.16 and BE.22 of the UDP and policy CS 14 of the Core Strategy seek to ensure that new developments are of high quality design and which relate to their surroundings.

7.6 The Inspector determining the enforcement appeal raised the issues of the height, massing, and forward projection of the building with particular reference to the projection forward of the building line of Leopold Terrace on Dora Road. The existing building broadly follows the building line of Leopold Terrace for 4m before stepping out 2.85m beyond with a projecting bay then steps back slightly towards the corner with Leopold Road. It is proposed to demolish this forward projection and rebuild it, pulling it back by 1.85m for the main bay and 1.31m for the section beyond, with the result that the building would project only 1m beyond the adjoining building line 4m away from Leopold Terrace. Although the rear building line has remained the same, it projects only 0.9m rearwards of no.1 and was not an issue raised by the Inspector.

7.7 In addition, although the maximum height of the development will only be marginally lower, the footprint of the 4<sup>th</sup> floor has been very significantly reduced through set-backs to the front, side and rear, and the loss of the external lift riser. This reduction in footprint is significant enough to reduce the total number of flats from 4 to 3.

7.8 In relation to the Inspector's concern about the excessive use of white render, the new front elevation to Dora Road (resulting from the part demolition and re-siting of the front bay) will be constructed in brick, with only a small section of render remaining. On the partially retained side/rear elevation to Leopold Road, the majority of the render will be replaced by brick slips to match the front elevation. Consequently, the principal material will become brick with

small render elements. A condition requiring sample materials would be imposed.

7.9 The proposed changes, combining a reduction in forward projection with the setting back of the fourth floor and a principally rendered to a principally brick building, are considered to suitably address the Inspector's concerns regarding impact on the street scene

7.11 Residential Amenity

7.12 The enforcement appeal Inspector considered the impact of the existing building on the living conditions of the occupiers of 1 Leopold Terrace with particular regard to privacy, the effect on daylight and sunlight and visual amenity. He found the impact to be acceptable in terms of daylight, sunlight and outlook. He expressed concern about inter-visibility from the side facing window of the bay and the front habitable rooms of No 1 Leopold Terrace. The proposed revisions result in the removal of these side windows as part of the significant reduction in the size of the bay, which will now have a solid brick side wall of limited depth.

7.13 The Inspector did not consider any overlooking from the north-west facing windows of the flat bedrooms to significantly affect existing low levels of privacy to the back garden of 1 Leopold Terrace,. They could be obscure glazed if considered necessary as the bedrooms would also retain south-west facing clear glazed windows.

7.14 The proposed roof terrace for the 3-bed maisonette on the two upper floors created by utilising part of the set back of the upper floor is considered acceptable in privacy terms because it would be small in size and would be set approximately 25m from the nearest properties on would not directly look into any nearby residential dwelling.

7.15 In light of the alterations proposed, it is considered that the resultant development would not result in a detrimental impact on the amenities of the occupiers of the adjoining and surrounding properties.

7.17 Standard of Residential Accommodation and Amenity Space

7.18 The flats are 2 bed/4 person and 3 bed/6 person and comply with the guideline gross internal area given in table 3.3 of the London Plan 2011.

7.19 The stacking of the units is considered acceptable and the units are all dual aspect and so would receive adequate levels of daylight/sunlight.

7.20 Policy HS.1 includes the objective that new residential developments should provide adequate private or communal amenity space, based on a standard for flats of 10sq.m per habitable room. There would be a small garden space for the ground floor flat and a roof terrace for the maisonette development but there would be a shortfall in private amenity space as for the existing unauthorised development. The previous appeal Inspector considered that a

financial contribution towards the upgrade of public open spaces to offset the shortfall would be appropriate. In addition, he considered the planning history to be relevant and considered that it would be unreasonable to make the issue of private amenity space an insurmountable obstacle at this stage..

7.21 A condition would be added to any approval requiring the unit to be built to Lifetime Homes standards.

7.22 Landscaping

7.23 No trees will be affected by the proposed revisions and new soft landscaping is proposed on the footprint of the existing projecting bay.

7.24 The Council's Tree Officer has assessed the scheme and has no objections subject to conditions in respect of tree protection, site supervision, landscaping, and landscaping implementation being added to any approval.

7.25 Parking and Highways/Refuse Storage

7.26 Three parking spaces are proposed for the 3 flats in addition to bike storage. The parking standards contained within Schedule 6 of the UDP are maximum standards and should therefore not be exceeded unless it can be demonstrated that a higher level of parking is needed. The site has a high PTAL rating and is located within a CPZ (W3). The Inspector considered the adequacy of the parking as part of the enforcement appeal and concluded that 1 parking space per flat combined with a legal agreement preventing future occupiers from obtaining residential parking permits for on-street parking would prevent undue pressure being placed on limited on-street parking spaces.

7.27 As part of the proposal there would be the loss of at 3 off-street parking spaces and it is proposed to provide some cycle storage adjacent to the car parking area. Exact details can be required to be submitted to the Local Planning Authority for approval prior to development commencing, through a condition added to any approval.

7.29 A refuse storage area is also proposed adjacent to the car parking area. Exact details can be required to be submitted to the Local Planning Authority for approval prior to development commencing, through a condition added to any approval.

7.30 Local Financial Considerations

7.31 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 Given the history and the need to adapt and principally reduce the size of an existing structure it is not considered reasonable to require that the development achieve Code for Sustainable Homes 'Level 4' rating.
- 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 an affordable housing contribution on sites providing between 1-9 units where there is a net increase in the number of units and as such, a contribution will be required in this instance (£88, 336).
- 9.2 The proposed development would attract a financial contribution towards education in the borough as required by policy C.13 of the UDP since it would be likely to result in the need for additional educational provision resulting from the increase from formerly one house on the site to 2 x 2 bed and 1 x 3 bed flats.
- 9.3 There is a deficiency in private amenity space provided for the development and in line with the Council's New Residential Development SPG and Planning Obligations SPD; a financial contribution is required in lieu and to be used for the maintenance of nearby public space (£7,320).
- 9.4 The residential units are required to be 'permit free'.
- 9.5 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

<http://www.merton.gov.uk/environment/planning/s106-agreements.htm>

10. **CONCLUSION**

- 10.1 This scheme is considered to have addressed the enforcement appeal Inspector's specific grounds for refusal in terms of impact on the streetscene. The Inspector considered it possible and less wasteful to alter to make the building acceptable rather than requiring total demolition. The current site owners are not responsible for the unauthorised building, having purchased it after the appeal, but have worked with the Council to seek to meet the Inspector's requirements. The proposed alterations are considered to be acceptable in both design and neighbour amenity terms.
- 10.2 Accordingly, it is recommended that planning permission be granted subject to a S106 legal agreement and conditions below.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

Subject to a S106 legal agreement with the following heads of terms:

1. The provision of a financial contribution towards affordable housing (£88, 336 )
2. The provision of a financial contribution towards education (£19, 808.91)
3. The provision of a financial contribution towards the maintenance of public amenity space (£7, 320).
4. The developer agreeing the proposed flats being 'permit free' and not eligible for on-street parking permits.
5. The developer agreeing to meet the Council's costs of preparing drafting and monitoring the Agreement.

And the following conditions:-

1. Commencement of development (full application).
2. A7 Approved Plans
3. B1 External Materials to be Approved
4. B4 Details of Surfacing
5. B5 Details of Walls/Fences
6. B6 Levels
7. C.2 No Permitted Development (Windows and Doors in first, second, and third floors)
9. C6 Refuse and Recycling
10. C7 Refuse & Recycling (Implementation)
11. D9 No external Lighting
12. D11 Construction Times
13. F1 Landscaping

14. F2 Landscaping (Implementation)
15. F5P Tree Protection
16. F8 Site Supervision
17. F9 Hardstandings
18. H4 Provision of Vehicular Parking
19. H6 Cycle Parking (Details to be Submitted)
20. H7 Cycle Parking (Implementation)
21. J1 Lifetime Homes

Informatives:

Note 1 to applicant

INF12 (Works affecting public highway)

INFORMATIVE to advise applicant that the enforcement notice requiring total demolition can be invoked unless an agreed timetable to carry out the works hereby approved is agreed with the Council's enforcement section

The proposal accords with policies contained in the Council's Adopted Unitary Development Plan (October 2003), the Council's Adopted Core Strategy (July 2011), and the London Plan (February 2011). The policies listed below were relevant to the determination of this proposal:

Adopted Merton Unitary Development Plan (October 2003)

The relevant policies contained within the Adopted Merton Unitary Development Plan (October 2003) are:

- HS.1 (Housing Layout and Amenity)
- NE.11 (Trees-Protection)
- BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise)
- BE.16 (Urban Design)
- BE.22 (Design of New Development)
- BE.3 (Development Adjacent to a Conservation Area)
- C.13 (Planning Obligations for Education Provision)
- F.2 (Planning Obligations)

Adopted Merton Core Strategy (July 2011):

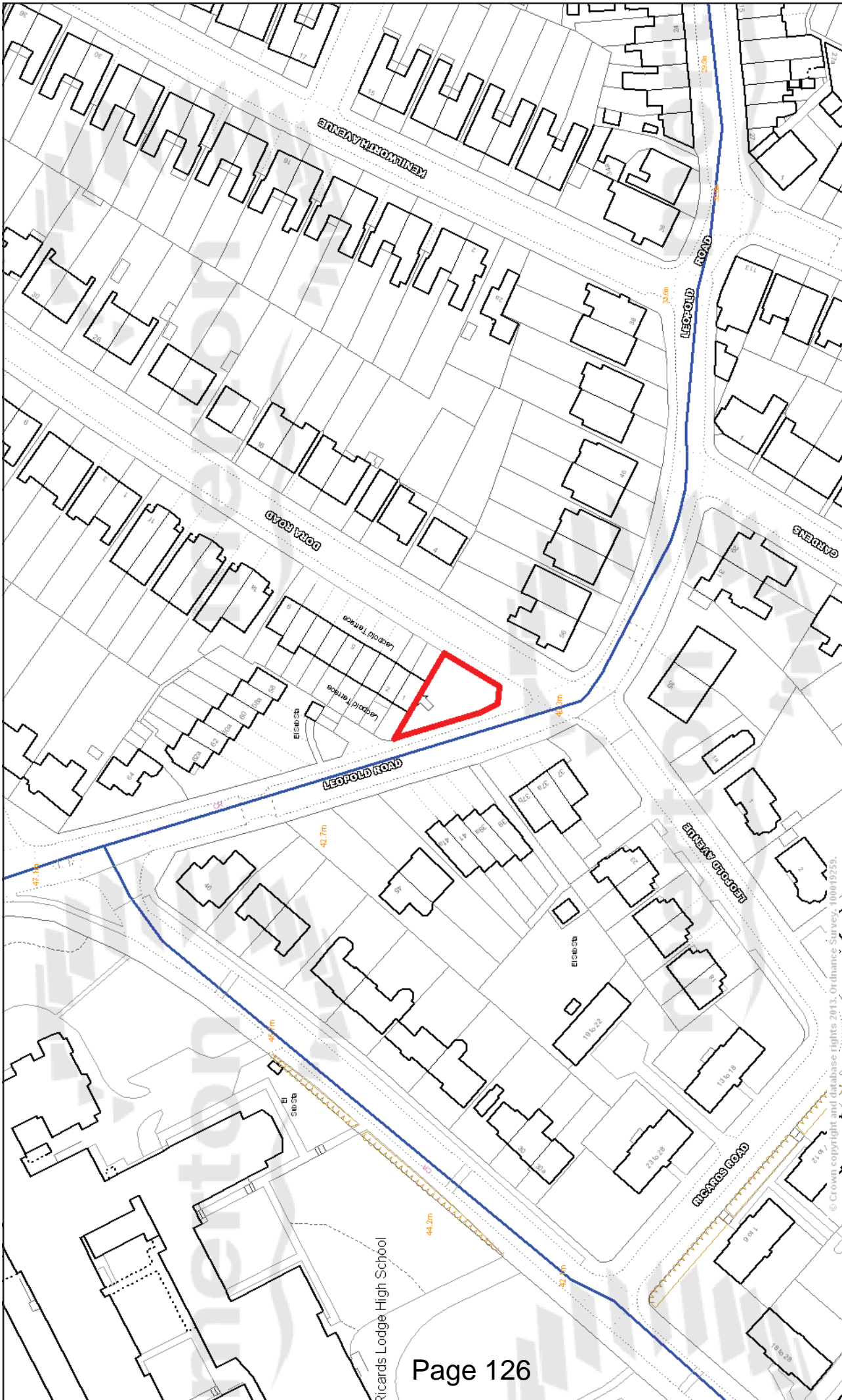
CS 8 (Housing Choice)  
CS 9 (Housing Provision)  
C 13 (Open Space, Nature Conservation, Leisure and Culture)  
CS 14 (Design)  
CS 15 (Climate Change)  
CS 18 (Active Transport)  
CS 20 (Parking, Servicing, and Delivery)

Supplementary Planning Guidance's (SPGs):

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

London Plan 2011:

3.3 (Increasing Housing Supply];  
3.4 (Optimising Housing Potential];  
3.5 (Quality and Design of Housing Developments)  
3.11 (Affordable Housing Targets)  
3.12 (Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes)  
5.7 (Renewable Energy)  
7.4 (Local Character)  
7.6 (Architecture)  
8.2 (Planning Obligations).



London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250

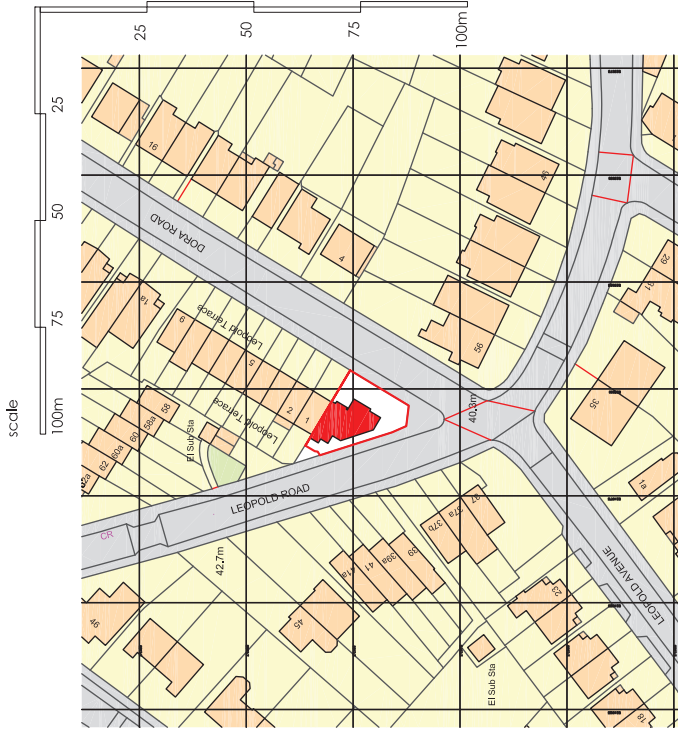
Date 26/11/2013

1A Leopold Terrace

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DEVELOPMENT CONTROL





site location plan - 1:1250 scale (site shown in red)



REV A ISSUED FOR PLANNING 10.07.2013

**h2 architecture**  
12 LADDERSTILE RIDE KINGSTON-UPON-THAMES KT2 7LP T. 0845 063 0880

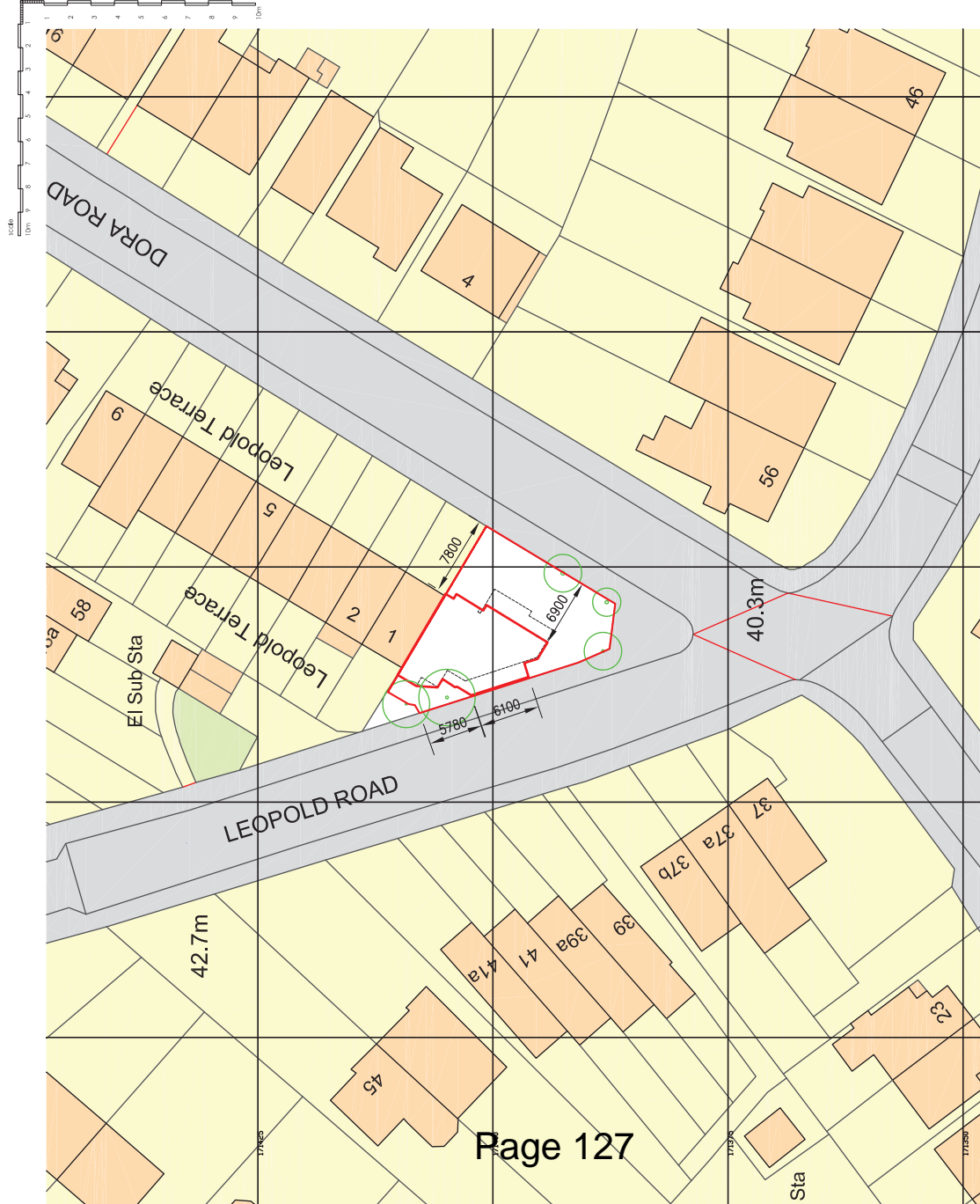
PROJECT 0242

1a leopold terrace, dora road, wimbledon sw19 7ey

CLIENT  
moez saju

**proposed** (dwg no.0242\_p001)  
location and block site plan

SCALE	DATE	DRAWN	REVISION
1:1250/500@a3	july 2013	mh	a



block site plan - 1:500 scale (proposed outline of building shown in red, existing shown in dotted)



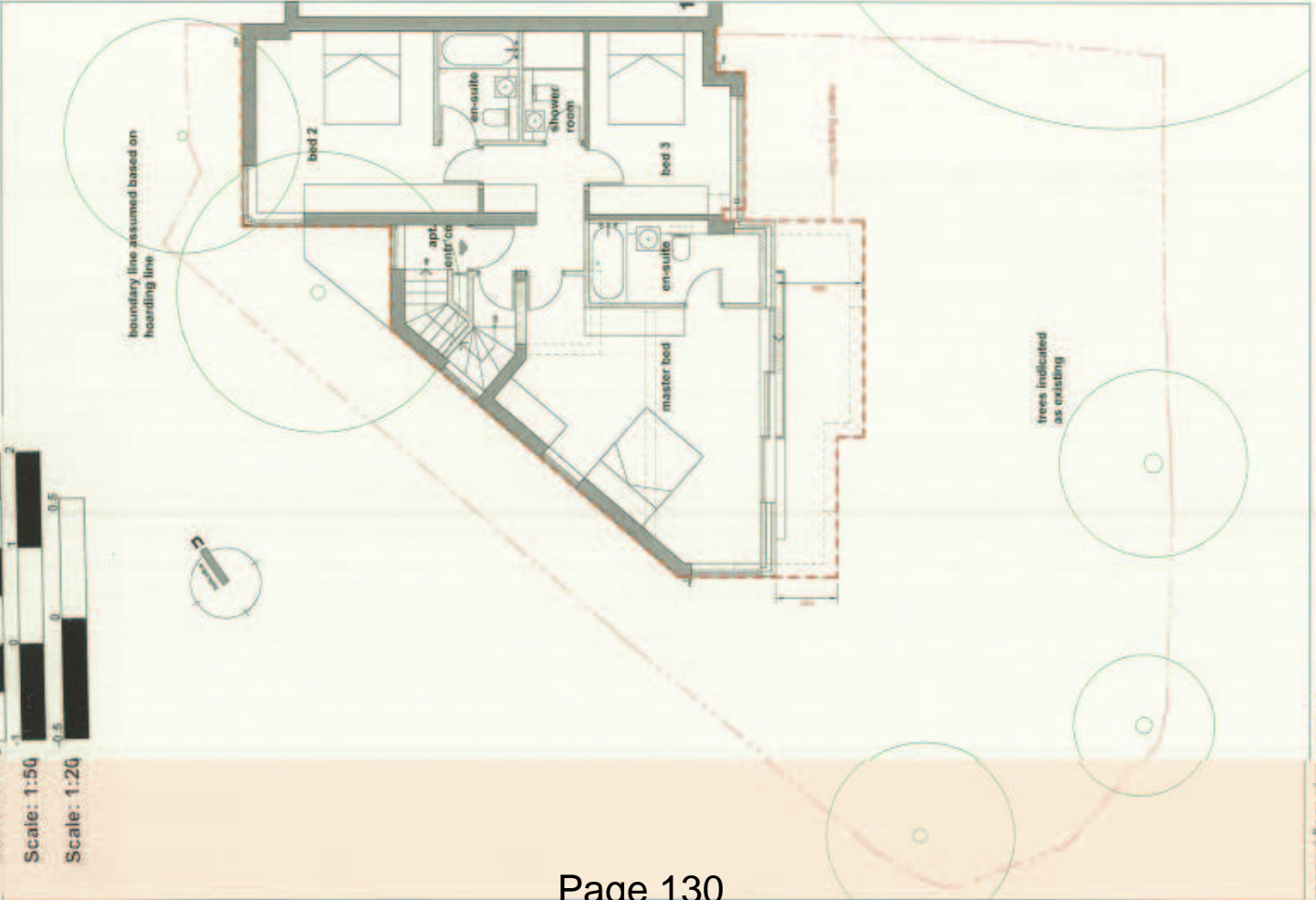






Scale: 1:100  
 Scale: 1:50  
 Scale: 1:20

boundary line assumed based on hoarding line



second floor plan 1:50@A1

**NOTES:**

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S PLANNING PERMISSIONS AND BUILDING REGULATIONS UNLESS OTHERWISE STATED.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ANY APPLICABLE PARTS OF THE BUILDING REGULATIONS.
- 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 6. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 7. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

**PLANNING**  
 Drawing No. 100/100

**WARNING:** These plans are intended for use as a guide only. They are not to be used as a basis for construction without the architect's approval. Any construction shall be in accordance with the current building regulations and any applicable parts of the building regulations.

**GENERAL NOTES:**

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL AUTHORITY'S PLANNING PERMISSIONS AND BUILDING REGULATIONS UNLESS OTHERWISE STATED.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ANY APPLICABLE PARTS OF THE BUILDING REGULATIONS.
- 3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 4. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
- 5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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- 8. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.



third floor plan 1:50@A1





London Borough of Merton

2 AUG 2013

Planning Development Control

3D images



London Borough of Merton

~ 2 AUG 2013

Planning Development Control





London Borough of Merton

- 2 AUG 2013

Planning Development Control

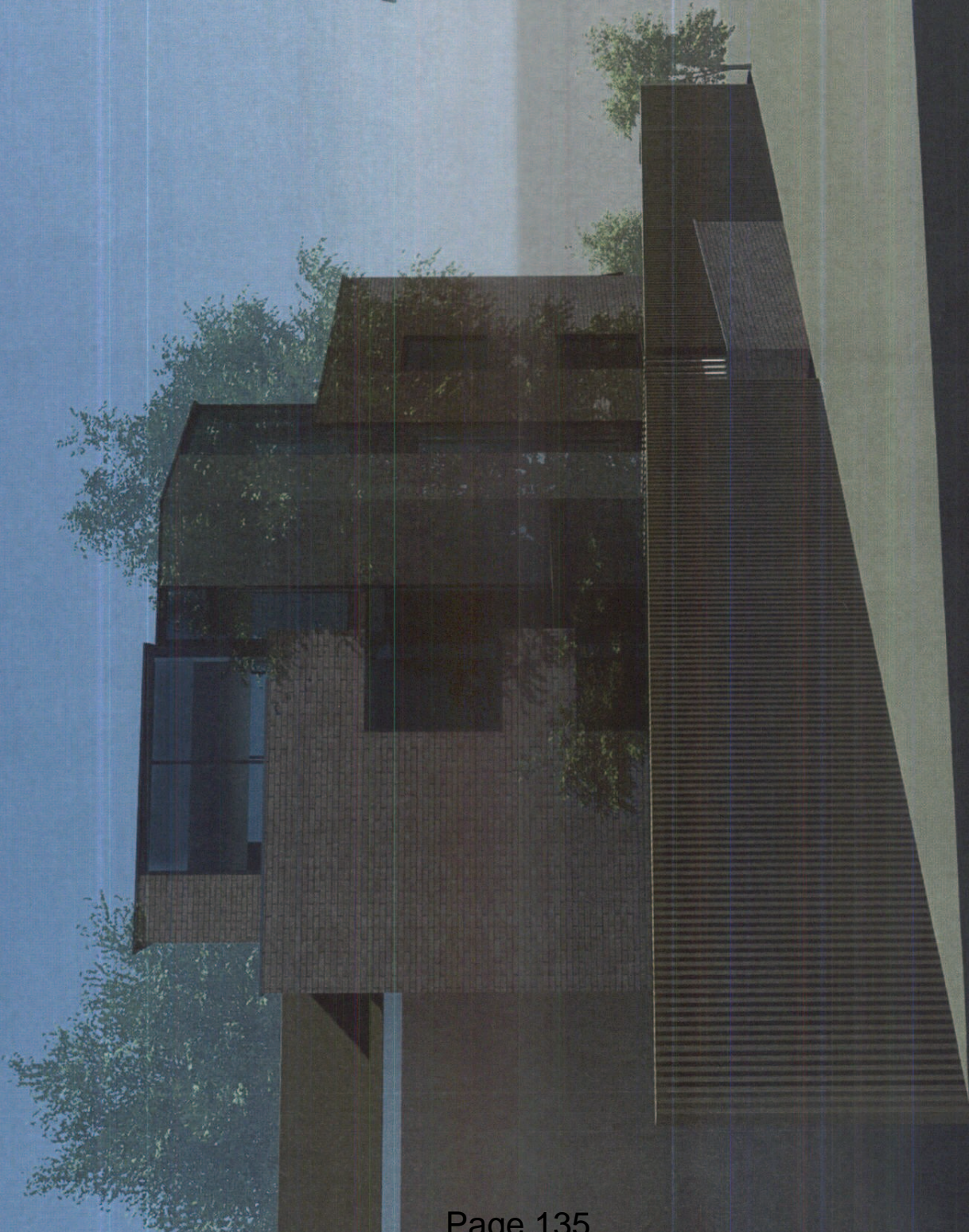




London Borough of Merton

- 2 AUG 2013

Planning Development Control







proposed 3D massing



existing photo 1



existing photo 2





proposed 3D massing



existing photo 1



existing photo 2





proposed 3D massing



existing photo





proposed 3D massing



existing photo 1



existing photo 2



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# Appeal Decision

Inquiry opened on 7th February 2012

Site visit made on 7th February 2012

**by Clive Whitehouse BA(Hons) MCD MRTPI**

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

**Decision date: 22 February 2012**

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**Appeal Ref: APP/T5720/C/11/2160816 & 17**  
**1A Leopold Terrace, Dora Road, London SW19 7EY**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Victor and Mrs Oxanna Gavrilouk against an enforcement notice issued by the Council of the London Borough of Merton.
  - The notice was issued on 12<sup>th</sup> August 2011.
  - The breach of planning control as alleged in the notice is: without planning permission, erection of a block of flats consisting of four self-contained residential units.
  - The requirements of the notice are (a) permanently demolish the block of flats constructed on the land. (b) Remove all debris and waste resulting from compliance.
  - The period for compliance with the requirements is three months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
  - The inquiry sat for 3 days on 7, 8 and 9 February 2012.
- 

## Decision

1. The enforcement notice is varied by substituting six months in place of three months as the time for compliance in paragraph 5. Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

## Procedural Matter

2. Appeals on grounds (b) and (c) were withdrawn shortly before the inquiry. The appellants accept that although the existing building is very similar to a scheme for which planning permission had previously been granted, the "as built" development does not have planning permission.

## Background

3. The appeal concerns a four-storey building in a corner position, attached to a terrace of modern, three-storey town houses. At the time of the inquiry the shell of the building had been completed, but it had not been glazed or fitted out internally. The development is intended to provide four two-bedroomed flats.
4. Both parties refer to the "unfortunate planning history" of the site, which has contributed to the present situation, and I consider it necessary to summarise the sequence of events at the outset. The appellants were described at the inquiry as experienced builders but it was explained that, coming from a

- different culture, they had relied on their advisors and the Council to negotiate their way through the intricacies of English planning legislation.
5. The site was previously occupied by an unusually narrow four-storey house that had been added to the end of Leopold Terrace in the 1970s. In 2005 planning permission was granted for a four-storey side extension to that house and conversion of the property into four flats. The appellants bought the site with the benefit of that permission but in 2006 submitted a planning application for a larger scheme. Planning permission for that scheme was granted in November 2006, subject to conditions (the 2006 permission), and it was again described as a "four storey side extension to existing dwelling and conversion of property into 4 self contained 2/3 bedroom flats".
  6. In 2007 the appellants completely demolished the house on the site (with the exception only of a small section of a rear wall that forms a party boundary with the garden of the neighbouring house), and the site was left in that condition for about 2 years.
  7. Shortly before the 2006 permission was due to lapse in November 2009, the appellants applied for approval of the details required by conditions (external materials, site layout and tree protection measures). The Council did not approve those details but instead informed the appellants that the 2006 permission could no longer be implemented because the original house had been demolished, and the scheme could not be regarded as an extension and conversion. The appellants were advised to submit a new application for a block of flats as a "new build" development, and in January 2010 an application was submitted with drawings showing a building of the same size, height and general design as had previously been permitted.
  8. The appellants started constructing the building whilst that application was under consideration. In June 2010 a Council Planning Officer prepared a report for the Planning Committee recommending that planning permission be granted, but the report was deferred before being considered because it had emerged that a small triangle of land that had been assumed to be part of the application site was in fact part of the garden of the neighbouring house. The 2006 permission had also included that land as part of the application site. Although that triangle of land was not of great significance to the layout in physical terms, it is one of the factors that led to the conclusion that the 2006 planning permission could not be implemented in the precise terms in which it had been granted. I note that the builders did adapt the building under construction by reducing the ground floor area to draw it away from the revised site boundary.
  9. Following the submission of the corrected application site plan, the Council re-consulted local residents more widely than it had done at earlier stages; by which time residents could see the size and forward projection of the building taking shape. This resulted in an increased level of objection. In August 2010 the Council served a Temporary Stop Notice, which halted construction work for a month, after which work resumed. Planning permission was eventually refused in June 2011 and the enforcement notice was issued in August 2011.
  10. One of the reasons given for the refusal of the application and the issuing of the notice was the detrimental effect of the building on the street scene by virtue of its bulk, scale, height and siting forward of the building line of the adjoining Leopold Terrace (the street scene issue). Following the appeal and



an exchange of pre-inquiry statements, the Council indicated in December 2011 that it would not rely on that reason at the inquiry.

11. Some work continued on the building after the enforcement notice was issued, including the application of white render to most of the external walls. The scaffolding and plastic sheeting that had enclosed the building was removed in late 2011. I will consider the deemed planning application as being for the building as it existed at the time of the inquiry.

### **Main Issues**

12. Although the Council did not take issue at the inquiry with the size, height and forward projection of the building in the street scene, The Wimbledon Society and a Planning consultant engaged by a group of local residents submitted written and oral evidence on the point. I indicated at the inquiry that I consider that the effect of the building in the street scene remains a main issue, notwithstanding the Council's late withdrawal of its objection on that ground.
13. The second main issue is the effect of the building on the living conditions of the occupiers of 1 Leopold Terrace with particular regard to privacy, the effect on daylight and sunlight and visual amenity.
14. The third main issue is whether the deficit in the provision of private outdoor amenity space for future residents of the flats can be adequately mitigated by a financial contribution for the improvement of public open space elsewhere.
15. The Council is satisfied that the issues of on-street parking, and financial provision for education and affordable housing, which are cited amongst the reasons for issuing the notice, have been dealt with by a Unilateral Undertaking submitted by the appellants at the inquiry. For that reason I do not regard those matters as main issues. A supplementary Unilateral Undertaking was submitted shortly after the close of the inquiry to address an issue raised concerning notification of any changes in ownership and contact details.

### **Effect on the Street Scene**

16. I will first assess the impact of the building in the street scene, based on the evidence and opinions of the parties and local residents and my own impressions. I will then assess the weight to be accorded to the planning history of the site as a material consideration in support of the existing building, before balancing all the considerations.
17. The visual impact of the development in its context inevitably involves a measure of subjective judgement, as evidenced by the differing opinions of the Council's Planning Officers at different stages. Also, it can be difficult to visualise the impact of a building accurately from standard application drawings, especially when the drawings do not show the building in its context, as was the case with the 2006 application. I have the advantage of being able to see the largely finished external appearance of the building in the street scene.
18. Development plan policies include the saved policies of the Merton Unitary Development plan (UDP). Policy BE.22 concerns the design of new development and requires that new buildings respect the siting, rhythm, scale density, proportions and local distinctiveness of the adjoining townscape. A

supplementary planning guidance note issued by the Council in 1999 for New Residential Development (1999 SPG) provides more detailed guidance. The section headed "Respecting Local Character" advises that new development should contribute positively to the character of its context, and that this requires building line continuity, expression of vertical and horizontal rhythms, regard to adjacent building heights and the use of quality detailing and materials. In respect of corner sites, the advice is that because of their visual prominence special design considerations are needed.

19. The development is described on behalf of the appellants as having an "unashamedly contemporary design" very similar to that previously approved and consistent with the mixed architectural character of the local area.
20. The development occupies an almost triangular site at the junction of Dora Road and Leopold Road. The building is one storey taller than the modern terrace to which it is attached and about 0.8m higher than shown on the 2006 scheme drawings. The flat roof design increases the bulk of the building where it rises above the pitched roof of the adjoining house. The front elevation follows the building line of Leopold Terrace for about 4m before stepping out by about 2.7m with a projecting bay and a side-facing window. The side elevation is set about 1.5m from Leopold Road, and the rear projects by 0.8m beyond the rear elevation of the house at 1 Leopold Terrace. The gable wall where it rises above the terrace is in brickwork with a small return at the corner, but otherwise the walls of the building are finished in white render. When completed the front elevation would have large windows and the upper floors would have small balconies.
21. From the submitted photographs, the four-storey house previously on the appeal site was oddly upright and narrow, but much smaller than the present building. The Council confirms that there is no objection to the loss of the original house.
22. The site is in a mixed residential area with houses ranging in style between Edwardian, inter-war semi detached and detached, 1960s terraces and modern infill development. Leopold Terrace dates from the 1960s and is finished with buff brick and a pitched roof. There is one nearby development on the opposite side of Leopold Road which bears some similarity to the appeal building. That is a staggered, three-storey development of town houses finished in white render, but it differs from the appeal building in being set well back from the road on the building line and it is less bulky, since the upper floors are recessed.
23. The older residential areas higher up the hill to the north are covered by two Conservation Area designations. The appellant draws attention to an assessment report prepared by the Council in 2007 when considering whether to extend one of the Conservation Areas. The report concluded that the area in the vicinity of the appeal site was not worthy of inclusion in the Conservation Area. In respect of the nearby section of Leopold Road (including the town houses referred to above) the report refers to the mix of post-war development and comments that "the general level of architectural interest of buildings in this area is low, in some cases very low". Whilst that is no doubt a fair assessment by Conservation Area standards, my impression of the wider area around the appeal site, including Leopold Terrace and Dora Road is that it has a pleasant, mixed suburban character.



24. The amount by which the building projects forward of the building line of Leopold Terrace in my view results in an obtrusive and unduly bulky appearance to the building. I saw that there is a distant view of central London to the north east along Dora Road, and it would appear that the forward projection is, in part at least, intended to capture that view with side-facing living room windows to the upper floor flats. The bulky impression of the building is reinforced by its height and angular flat roof design. Furthermore, the use of white render as the main finishing material is in my view excessive and at odds with the brickwork or the mix of brick and render on most nearby houses. It appears to me that the block has been designed primarily to maximise floorspace and the views from the upper floors. In my assessment this has resulted in an overly bulky building on the plot that is poorly related in terms of scale, design and materials to its surroundings.
25. Notwithstanding the Council's late withdrawal of its case on this issue, I agree with the views expressed by the Wimbledon Society and the representations made by and on behalf of local residents at the inquiry concerning the adverse visual impact of the building in the street scene.

### **Weight to be accorded to the Planning History**

26. It was argued strongly on behalf of the appellants that they have erected a building that is almost indistinguishable from what the Council had approved in the past. It is contended that it would be unreasonable and unjust to require the building to be demolished because the Council had changed its mind, especially since the Council has changed its mind back again on the street scene issue after the notice was issued. I accept that the planning history is an important material consideration in this case.
27. It is a matter of record that the Council granted planning permission in 2006 for a scheme with a similar external appearance to the present building, albeit that some elements of the original house were to be incorporated. Correspondence shows that planning officers at the time had supported the principle of a forward projection for the extended part, in the expectation that it would allow the building "to turn the corner" in architectural terms, but my own view is that this has not been successfully achieved. I note from the submitted correspondence and 2006 decision notice that the use of white render as the external finish was never supported or approved by the Council.
28. The appellants accept that, by a combination of factors, the 2006 planning permission has lapsed and can not now be implemented. Briefly, those factors were the complete demolition of the original house; the variations between the 2006 scheme and the present building and the fact that the land under the appellants' control is smaller than was shown on the 2006 application plan. Also, the pre-commencement conditions of the 2006 permission were not fully discharged before the permission lapsed. The consequence is that the 2006 planning permission does not have the force of a fall-back position, and the Council was free to make a different judgement, as it did in refusing the similar set of plans in 2011.
29. I can understand that the appellants might have thought that the revised planning application they submitted in January 2010 would be little more than a formality, given its similarity to what had gone before, but they were nevertheless taking a risk in starting to erect the new building without planning permission. The degree of risk increased significantly when it became obvious

after the deferral of the committee report in June 2010 and the issue of the Temporary Stop Notice in August 2010 that the Council had serious reservations about the scheme. The decision to continue with construction works after that point and even after planning permission was refused and the enforcement notice was issued, puts that work entirely at the appellants' risk.

### **Conclusion on the Effect on the Street Scene**

30. I consider that the adverse effect of the existing building on the street scene is significant and contrary to the objectives of UDP policy BE22 and the advice in the 1999 SPG. I have given careful consideration to the twists and turns of the planning history but I have concluded that the weight that can be accorded to that consideration is not sufficient to justify the retention of the building in its present form, and the continuing harm to the street scene that would result. I conclude on the first main issue that the existing building unacceptably affects the street scene.

### **Effect on Living Conditions of the Neighbouring Occupiers**

31. The Council contends that the size and design of the building is overbearing and unacceptably affects the living conditions of the occupiers of 1 Leopold Terrace with particular reference to visual amenities and privacy. The effect on daylight and sunlight is not specifically referred to in the reasons for issuing the notice, but has been addressed by the parties. UDP policy HS1 includes the requirement to safeguard privacy and to maintain adequate daylight and sunlight.
32. There is inter-visibility at a narrow angle between the side-facing window of the front projection and the front habitable rooms of No.1 Leopold Terrace. From my site inspection, there are small areas within both the bedroom and living room which are overlooked at a distance of only about 7m from the side living room windows of the upper floor flats. If not addressed, this would cause an unacceptable loss of privacy. The appellants therefore propose to partly obscure glaze the offending windows. They estimate that it is only possible to look into the front rooms of No.1 whilst standing against the outer third of the side window and they propose to obscure glaze that part whilst leaving the inner two thirds clear glazed (so as to retain the view of central London).
33. To the rear there is a north west facing bedroom window to each of the upper flats which gives a view down into the small rear garden of No.1. The rear gardens of Leopold Terrace are not private, since each is fully overlooked from the upper windows of neighbouring houses. The new building adds to the number of overlooking bedroom windows, but it does not in my estimation significantly affect the already low levels of privacy in the back garden. The appellants have nevertheless offered to obscure glaze the north west facing bedroom windows, leaving south west facing clear glazed windows available.
34. If the development were otherwise acceptable, I consider that a planning condition could be devised that would prevent an unacceptable loss of privacy for the occupiers of 1 Leopold Terrace. However, I consider that the need to introduce areas of obscure glazing into habitable room windows within the new development is an indication of a design failure.
35. The appellants' consultants have carried out an assessment of the effect of the forward projection of the block on daylight and sunlight reaching the front habitable rooms of No.1, using the advice and methodology in the BRE

publication "Site Layout Planning for Daylight and Sunlight". The results show that the block reduces the sunlight reaching the nearest first floor window by about 55 minutes per day (the relevant date for BRE guidance is 21<sup>st</sup> March), but the window can still receive more than 6 hours sunlight a day at that time of year, which is far in excess of the minimum standard recommended. A similar exercise has been carried out in respect of daylight. The Council does not challenge the technical assessment, and I consider that the forward projection of the block does not result in an inadequate amount of daylight and sunlight reaching the front habitable room windows of No.1 Leopold Terrace.

36. By the same methodology, the rear projection of the block by 0.8m beyond the rear wall of No.1 does not have a significant effect on daylight and sunlight to the rear-facing rooms. The block has a somewhat greater overshadowing effect of the back garden than the former four-storey house, but the orientation of the rear elevation of the terrace towards the north west is such that the back gardens already have limited sunlight except in the late afternoons. The small back garden is also shaded by evergreen trees at the corner of the appeal site and within the garden of No.1. The appellants' analysis using the Sun on Ground Indicator in the BRE guidance indicates that the garden receives more than the recommended minimum sunlight. I consider that the building does not unacceptably reduce the daylight and sunlight reaching the back garden of No.1 Leopold Terrace.
37. There is no methodology for assessing the question of overbearing appearance. From my visit, the building is only visible from within the habitable rooms of No.1 at acute angles from small areas of the rooms and I do not consider it to be overbearing in relation to the use of those rooms. From the front garden of the house the building does appear to "loom large", but I consider that there is a gradation and overlap between the perception of the building from outside the house and its wider perception in the street scene. I therefore regard "overbearing appearance" as being part of the effect of the building in the street scene, and dealt with under the first main issue.
38. I conclude on the second main issue that the building causes no unacceptable effects on the living conditions of the occupiers of 1 Leopold Terrace that could not be adequately addressed by conditions.

### **Deficiency in Outdoor Amenity Space**

39. Policy HS.1 includes the objective that new residential developments should provide adequate private or communal amenity space, based on a standard for flats of 10sq.m per habitable room. Further guidance on the provision of such space is given in the Council's 1999 SPG on new residential development.
40. The development does not include any useable communal outdoor amenity space and the private space would consist of two small front patios for the ground floor flat, and balconies for the upper flats. It is common ground that the scheme is deficient in outdoor private amenity space.
41. The Council also considers the ground floor patios to be of poor quality because of their lack of privacy and position facing the road and car park.
42. There is a proviso to policy HS.1 that in high density developments where the standard can not be achieved the Council will seek to reach an agreement for a financial contribution to upgrade nearby off-site amenity space. The appellants' Unilateral Undertaking makes provision for the payment of a sum of

- money for that purpose, calculated according to the Council's standard formula. The appellants draw attention to ten recent planning permissions where residential development has been permitted with an outdoor amenity space shortfall, subject to a payment for off-site upgrading of open spaces.
43. The Council considers on balance that that a financial contribution in this case would not overcome the deficiency because there are no nearby public open spaces that would be reasonably accessible to the occupiers of the flats. The two nearest public open spaces are 950m and 1000m from the appeal site, unlike the instances referred to by the appellants, where there are open spaces between 200m and 500m away. The Council refers to a number of appeal decisions where increasing emphasis has been placed on the importance of private outdoor amenity space.
44. I consider that a purpose-built block of four flats is capable of being considered as a high density development where it would be difficult to meet the desired private open space standard on site and where a financial contribution would be appropriate. The public open spaces which could be upgraded with the money offered are not conveniently located, but neither are they so distant that they would be unlikely to be used at all by future residents.
45. On this issue the planning history is also a material consideration. It is significant that the same amount of on-site amenity space was accepted as adequate in 2006 without any financial contribution and that the Council's committee report of June 2010 stated that a financial contribution would overcome the on-site deficiency of private amenity space. I consider that it would be unreasonable to make this issue an almost insurmountable obstacle at this stage.
46. Taking all the material considerations into account, I conclude on the third main issue that the financial contribution for off-site upgrading of public open spaces offered as part of the Unilateral Undertaking would adequately compensate for the deficiency of on-site private amenity space.

### **Other Matters**

47. Some concerns have been expressed about the adequacy of car parking for the flats. The 2006 permission would have provided 3 parking spaces for the four flats and the appellants have produced a revised layout for the appeal which could accommodate four spaces, subject to the Council's agreement. The site is within a zone where on-street parking is strictly controlled and certain spaces are reserved for resident permit holders during controlled hours. The appellants' Unilateral Undertaking would prevent future occupiers from obtaining residential parking permits for on-street parking. The Council accepts, and I agree, that the combination of on-site spaces and the terms of the undertaking would prevent undue additional pressure being placed on limited on-street parking spaces.
48. Some local objections are to the principle of the development of flats, as opposed to family houses in this neighbourhood, but that is not an objection supported by the Council. The Council's Core Strategy adopted in 2011 includes policy CS8 and the objective to "seek the provision of a mix of housing types and sizes and tenures at a local level to meet the needs of all sectors of the community". The provision of flats on the site is consistent with that objective and would make a useful contribution to the need for housing.

49. The parties have agreed the level of financial contributions necessary to address the provision of affordable housing and education services, and those are included in the completed Unilateral Undertaking made under section 106 of the Act and submitted at the inquiry and the supplementary undertaking, and I take those into account.

### **Conclusion on the Ground (a) Appeal**

50. My conclusions on the second and third main issues do not overcome the harm I have identified under the first main issue concerning the effect of the building on the street scene. I have had regard to all other matters raised. The appeal on ground (a) fails and planning permission will be refused for the development that has occurred.

### **Appeal on Ground (f)**

51. It is contended on behalf of the appellants that, if planning permission is not granted for the building as it exists, it would be wasteful and excessive to require the whole building to be demolished, since it may be possible to alter and adapt the building in order to overcome the objections. A range of options are discussed in general terms in the appellants' evidence, including a reduction in the top floor and a reduction in the forward projection facing Dora Road. These possible alterations are described as uneconomic but physically possible without total demolition.

52. I agree that it ought to be possible to alter the building to make it acceptable, and that such a course of action would be less wasteful of resources. However, there is no agreed detailed scheme before me, which could be substituted as a requirement of the enforcement notice. The notice is clearly directed at remedying the breach of planning control and in the absence of an acceptable alteration scheme, I have no option but to uphold the requirement to demolish the building.

53. To avoid the requirement to demolish, the appellants will need to urgently prepare a scheme for alterations to the building, having particular regard to the reasons given in this decision for the refusal of planning permission for the existing building. The alteration scheme will need to be discussed with the Council and considered as a formal planning application. In the event of planning permission being granted, section 180 of the Act provides that the notice shall cease to have effect so far as inconsistent with that permission.

### **Appeal on Ground (g)**

54. The enforcement notice requires compliance within 3 months, but the parties have agreed that it would be reasonable, if the notice is upheld, to extend the compliance period to 6 months to allow time for an alteration scheme to be prepared, formally considered and carried out. The time for compliance will be varied to 6 months.

*C Whitehouse*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT:

Jonathan Milner He called	Of Counsel, instructed by West and Partners Christopher Francis, Planning Consultant of West and Partners
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### FOR THE LOCAL PLANNING AUTHORITY:

Annabel Graham-Paul She called	Of Counsel, instructed by the Head of Legal Services Marcin Manikowski, Senior Enforcement Officer (Rina Odedra acted as the Council's legal representative on the morning of 7 <sup>th</sup> February due to the absence by reason of sickness of the Council's appointed barrister.)
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### INTERESTED PERSONS:

David Pincott John Rowcliffe Derek Horne	Local resident. Representing the Wimbledon Society. Planning consultant of Derek Horne & Associates representing a group of residents of Leopold Terrace, Leopold Road and Dora Road.
Michael Somerville Juliette Simpson	Occupier of the adjoining house. Local resident.

## **DOCUMENTS submitted at the inquiry**

- 1 Statement of Common Ground
- 2 Supplementary proof of evidence and appendices of Mr Francis
- 3 Completed section 106 Unilateral Undertaking dated 8<sup>th</sup> February 2012 and  
Supplementary Unilateral Undertaking dated 16<sup>th</sup> February 2012
- 4 Assessment of Unilateral Undertaking against CIL Regulations 2010
- 5 Indicative soft landscape plan.
- 6 Photograph of revised rooftop lift housing.
- 7 Copy of 2006 Planning Permission.
- 8 New Residential Development SPG (full document)
- 9 Schedule of distances from public amenity spaces.
- 10 List of conditions suggested by the Council in the event of planning  
permission being granted.
- 11 Closing submissions on behalf of the Council.
- 12 Closing submissions on behalf of the appellants.
- 13 Statement by David Pincott.
- 14 Statement by Derek Horne on behalf of local residents.
- 15 E-mail from Mr W Jakubowicz
- 16 Letter from Councillor Oonagh Moulton

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**PLANNING APPLICATIONS COMMITTEE**  
**12 December 2013**

<b>UPRN</b>	<b>APPLICATION NO.</b> 13/P1077	<b>Item No:</b> <b>DATE VALID</b> 05.04.2013
<b>Address/Site</b>	The Cricketers Public House, 340 London Road, Mitcham, CR4 3ND	
<b>(Ward)</b>	Cricket Green	
<b>Proposal:</b>	Change of use of public house (Class A4) to residential (Class C3), comprising 4 x 1 bed and 3 x studio flats	
<b>Drawing No's</b>	Site location plan, 301, 303, 305,	
<b>Contact Officer:</b>	Leigh Harrington (020 8545 3836)	

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**RECOMMENDATION**

GRANT PERMISSION SUBJECT TO S106 OBLIGATION AND  
CONDITIONS.

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**CHECKLIST INFORMATION.**

- S106 Heads of agreement: Sustainable transport
  - Is a screening opinion required: No
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted –No
  - Design Review Panel consulted – No
  - Number of neighbours consulted – 7
  - Press notice – Yes
  - Site notice – Yes
  - External consultations: None
  - Number of jobs created – n/a
- 

**1. INTRODUCTION**

- 1.1 The application is brought before PAC in order to enter into a S106 agreement the content of which would fall outside the scope of the recently amended scheme of delegation insofar as no affordable housing contributions are proposed.

**2. SITE AND SURROUNDINGS**

- 2.1 0.07 hectare site located at the junction of Lower Green West with London Road, south of Mitcham Town Centre. The Cricketers is a vacant two storey 1950s public house with ancillary living accommodation. Currently the site boundary is marked by a dilapidated wooden fence and hedging. Land on the opposite side of London Road

and the land that borders the Fire Station and Vestry Hall to the west and north, is designated as Open Space and Green Corridor.

- 2.2 The site is within Mitcham Cricket Green Conservation Area, and an Archaeological Priority Zone. To the north is Vestry Hall and to the west is Mitcham Fire Station, both of which are locally listed buildings. There are also a number of statutorily listed buildings in the immediate area. The surrounding character is mixed, comprising properties from various periods with different design features and massing, and a wide range of uses, including retail, office, school, residential and community.
- 2.3 The application site enjoys good access to public transport, (PTAL level 4), and is not in a Controlled Parking Zone.

### **3. CURRENT PROPOSAL**

- 3.1 The current proposal involves the retention of the existing building, with only minor alterations to the front elevation involving new opening casement windows at ground floor, and the installation of two new rooflights to the rear roofslope. The proposed internal layout comprises three x 1 bedroom flats at ground floor, 3x studio flats at first floor and 1 x 1 bed flat at roof level. On-site provision is made for 7 new cycle parking spaces and 4 existing car parking spaces to the side of the building are retained.
- 3.2 The existing garden area, covering 226sqm, is retained to provide shared amenity space.
- 3.3 Separate access to 2 ground floor flats is proposed from London Road with access to all remaining flats from the rear of the building.
- 3.4 The applicants are willing to provide railings in front of the building to provide a defensible space and allow for greater privacy for the occupiers and to provide railings in front of the existing hedging to the rear to make the garden more secure. Details have not been supplied at this stage.

3.5 **Table 1: Floor areas and amenity space.**

	<b>Floor area</b> [Sq. M]	<b>London Plan standard</b> [Sq. M]	<b>Amenity space</b> [Sq. M]	<b>SPG standard</b> [Sq. M]
<b>Apt 1</b>	50	50 [one bed two person]	226 shared amenity space	110 shared amenity space
<b>Apt 2</b>	50	50 [one bed two person]		
<b>Apt 3</b>	50	50 [one bed two person]		
<b>Studio 4</b>	48.1	37 [One person Studio]		
<b>Studio 5</b>	37	37 [One person Studio]		
<b>Studio 6</b>	38.6	37 [One person Studio]		
<b>Apt 7</b>	56.6	50 [one bed two person]		

**4. PLANNING HISTORY**

4.1 12/P2083- Appeal dismissed- Demolition of existing public house and redevelopment of the site with a new building providing 16 flats (11x1 bed, 5x 2bed) over four floors with associated parking. The appeal was lodged against the Council's non determination of the application although members subsequently agreed that the application would have been refused had the Council been able to determine.

**Reason for refusal:**

**i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would –**

**(a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;**

**(b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**

**(c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;**

**(d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**

**(e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011) and London Plan 2011 policies**



**7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Archaeology), 7.9 (Heritage-Led Regeneration).**

- 4.2 12/P2084 – appeal dismissed – Conservation Area Consent in respect of 12/P2083. The appeal was lodged against the Council’s non determination of the application although members subsequently agreed that the application would have been refused had the Council been able to determine

**Reason for refusal:**

**b) Had the Council been in a position to determine the application, it would have refused Conservation Area Consent for the following reason:**

**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**

- 4.3 11/P3229 – Refused at PAC 16 February 2012 – Demolition of existing public house and redevelopment of the site with a new building, providing 16 flats (11 x 1 and 5 x 2 bedrooms), over four floors, with associated parking provision.

**Reason for refusal:**

**i) The proposed development, by virtue of its design, bulk, height and scale, on this landmark site within a Conservation Area, would –**

**(a) fail to respect or complement the design, scale, massing and form of existing nearby buildings, particularly locally listed buildings Vestry Hall and the Fire Station, which both together with The Cricketers, form the most significant group of buildings in this part of the Conservation Area;**

**(b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**

**(c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area, including views of Vestry Hall;**

**(d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**

**(e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 and BE.22 of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Strategic Objective 8 and Policy CS14 of the Merton LDF Core Planning Strategy (2011).**

- 4.4 11/P3273 - Refused Conservation Area Consent at PAC 16 February 2012 - Conservation area consent for demolition of existing public house in connection with planning application 12/P2083.  
**Reason for refusal:**  
**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**  
**The above application references (11/P3229 and 11/P3273) were both dismissed at appeal.**
- 4.5 10/P1090 – Refused at PAC (9<sup>th</sup> December 2010) and dismissed at appeal – Demolition of existing public house and redevelopment with a commercial (Classes A1, A2, A3, B1 or D1uses) unit at ground floor and 17 flats (10 x 1, 6 x 2 and 1 x 3 bedroom) over part ground, first, second and third floors, with associated parking provision.  
**Reason for refusal:**  
**The proposed development, by virtue of its design, bulk and scale, on this landmark site within a Conservation Area, would –**  
**(a) fail to respect or complement the design, scale and form of existing nearby buildings, particularly Vestry Hall, a locally listed building and the Fire Station, and also Listed Buildings in the vicinity;**  
**(b) fail to respect or complement the nearby historic Mitcham Cricket Ground;**  
**(c) fail to maintain important views within and out of the Mitcham Cricket Green Conservation Area; (d) fail to enhance or preserve the character and appearance of the Mitcham Cricket Green Conservation Area; and**  
**(e) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining townscape and landscape, contrary to Policies BE.1 (iii) and BE.22 (i) & (ii) of the Adopted Merton Unitary Development Plan (October 2003).**
- 4.6 10/P1911 – Refused at PAC (9<sup>th</sup> December 2010) and dismissed at appeal - Conservation area consent for demolition of existing public house in connection with planning application 10/P1909.  
**Reason for refusal:**  
**The demolition of the existing buildings would be premature and inappropriate in the absence of suitable replacement buildings and would be harmful to the appearance of the Mitcham (Cricket Green) Conservation Area contrary to Policy BE.2 of the Adopted Merton Unitary Development Plan (October 2003).**

## **5. CONSULTATION**

- 5.1 The proposal was publicised by means of major and conservation area press and site notices, also letters to neighbouring occupiers. In response, an objection letter has been received from the Mitcham Cricket Green Community and Heritage raising the following issues:
- The proposal will result in poor quality accommodation, which may not meet space standards;
  - The proposal will result in the loss of a community facility and the future of this building should be considered along with the other buildings across the island site;
  - The inadequate car parking arrangements at the front of the building have not been addressed;
- 5.2 Transport Planning have previously confirmed that the site has good access to public transport (PTAL level 4) and is not located in a CPZ. London Road is part of the strategic road network with significant levels of pedestrian and vehicular traffic along its length. There is no on street parking in the vicinity of the site because of bus lanes and double yellow lines. The numbers of on-site parking bays are within London Plan guidelines, but a parking management condition must be imposed. Subject to appropriate conditions and S106 obligations towards sustainable transport, there are no anticipated adverse impacts in terms of traffic generation or highway safety and therefore no objections to the principle of the development.
- 5.3 Environmental Health advise that the site is located on a busy road junction, in close proximity to the Fire Station and Vestry Hall. In the event that the scheme is recommended for approval, conditions relating to a Noise Survey and an Air Quality Survey should be imposed. The noise survey and air quality surveys are requested again given the sites location on a busy 'island' site with heavy levels of vehicle traffic passing in close proximity to the site.

## **6. POLICY CONTEXT**

- London Plan (July 2011)
- 6.1 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 Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction).
- Merton LDF Core Planning Strategy (July 2011)
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

Merton UDP (2003).

- 6.3 Relevant policies in the Adopted Unitary Development Plan (October 2003) are HS.1 (Housing Layout and Amenity), BE1 (Conservation Areas), BE13 (Archaeological Protection), BE14 (Archaeological Evaluation), BE.25 (Sustainable Development), C13 (Planning Obligations), L16 (Protection of Public Houses).

**7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include the principle of conversion for residential use, involving the loss of a public house; impacts on the Mitcham Cricket Green conservation area; housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; planning obligations.
- 7.2 Redevelopment involving loss of a public house  
Adopted policy L.16 is relevant as it seeks to protect public houses outside town centre locations unless:
- i) The applicant can demonstrate that the pub is no longer economically viable
  - ii) The applicant can demonstrate that reasonable marketing has been carried out for a period of no less than 2 years.
  - iii) There is alternative provision within the local area.
- 7.3 The Cricketers ceased trading in August 2010 and the building has been vacant since. The previous applications in 2010 and 2011 both considered marketing evidence submitted by the applicant. While members resolved to refuse permission, there were no grounds of objection raised in either case regarding policy L16 and therefore to the principle of the loss of the public house. No fresh issues are raised in this regard in consideration of the current proposals.
- 7.4 Impacts on Conservation Area  
Mitcham Cricket Green Conservation Area was originally designated in 1969 and the particular features which merit the designation include its historical background, the number of listed buildings and the character and diversity of buildings generally and the generous open spaces. The Cricketers Public House stands at a prominent corner site between the Vestry Hall and Mitcham Fire Station.
- 7.5 Adopted UDP policy BE1 states that proposals for new development in conservation areas are required to preserve or enhance the character and appearance of the conservation area and development proposals are expected to complement the character and appearance of the wider setting, by careful consideration of how the proposed density, scale, design and materials relate to the urban setting in which the development is placed.
- 7.6 The most recent applications have all involved demolition of the pub and redevelopment of the site with a new building. Key reasons for

refusal had related to the negative impact that larger replacement buildings would have had, particularly in relation to height, bulk and massing. The current scheme involves only minor changes to the external appearance of the building, with conversion to form new residential accommodation. It is considered that the current scheme would preserve the character and appearance of the conservation area.

7.7 The Council published the draft Mitcham Cricket Green Conservation Area Appraisal and Management Plan in 2010 and this noted that the Lower Green and Cricket Green form the central focus of the conservation area. The Inspector noted in his consideration of the 2010 scheme that the most dominant feature of the conservation area is the visual impact of the large areas of green space, around which built form is clustered creating well defined edges. The current scheme proposes retention of the existing building and all the open space around the building, thus raising no issues in connection with the preservation or enhancement of the character and appearance of the conservation area.

7.8 Housing Targets/ Affordable Housing

The proposed residential accommodation would make a welcome contribution towards meeting the Council's housing targets, although this must be measured not only against housing need, but alongside other factors including amenity space and on site provision for parking.

7.9 Schemes for new development involving housing of less than 10 dwellings should provide a contribution towards the provision of off site affordable housing subject to justification based on a Three Dragons Toolkit financial assessment. The current proposal was submitted with an Economic Viability Assessment dated July 2012 and this has been assessed taking into consideration matters such as construction costs, S106 costs, development costs including fees etc, the assigned existing use value of the site and sales values of the scheme's market homes. This assessment concluded that the scheme is unable to support an on-site affordable housing contribution. This has been assessed and found to be sound. Thus, no off site financial contribution towards affordable housing would be sought in this instance.

Standard of Accommodation

7.10 The London Plan (2011) (Policy 3.5) and it's supporting document, The London Housing Supplementary Planning Guidance 2012 as well as Adopted UDP policy HS1 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum gross internal space standards are based on the numbers of bedrooms and therefore likely future occupiers. In the case of a one person, one bedroom unit, the minimum standard is 37 sq m, for a two person, one bedroom flat the minimum standard required is 50 sq m. Each flat either meets or slightly exceeds this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. Each flat



has an acceptable internal layout, therefore providing appropriate internal living accommodation for future occupiers.

- 7.11 The current scheme involves a mix of 1 bed and studio units. New residential development should be compliant with Lifetimes Homes Standards and therefore a condition is recommended to ensure that the new accommodation reaches this standard.

#### Amenity Space

- 7.12 Adopted UDP policy HS.1 requires that 10 square metres of amenity space should be provided on-site, per habitable room, for the communal use of occupiers of new flats. Given that a total of 11 habitable rooms are proposed for the scheme, the Council would expect provision of 110 sq m of communal on-site amenity space. The current proposal provides 226sqm of shared outdoor amenity space at ground floor, laid mainly to grass with hedging around the boundary that defines private and public space to the Lower Green West site frontage. The scheme therefore more than meets the minimum standard for the provision of on-site amenity space. In order to make this space as usable and secure as possible the provision of railings on the rear boundary, which will allow for the hedge to continue to grow and provide a level of privacy for the occupiers is recommended and a condition is proposed to address this. Similarly in order to ensure adequate privacy to the front of the site, railings are posed. While details have not been submitted this may reasonably be addressed by condition.

#### Neighbour Amenity

- 7.13 The existing public house building is a two storey structure with rooms in the roof. There is no proposed change to the bulk or massing of the building and given the separation distances to the nearest dwellings in lower green West on the opposite side of a busy through route, no direct or adverse impacts are anticipated for any existing residential occupiers with regard to overlooking or noise levels.
- 7.14 Traffic, Parking and Servicing  
Current central government guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. The current scheme makes provision for 7 cycle parking spaces with 4 cars to the side of the building and this is in line with London Plan guidelines.
- 7.15 The Council's Transport Planning Officer has previously advised that the proposal for residential use must be subject to a standard condition to provide a Parking Management Strategy. On-street parking is controlled by double yellow line restrictions and the level of additional traffic generated by the residential units is unlikely to result in undue detriment to the existing highway conditions which already carry heavy traffic loads. Given the level of on-site parking, it is considered that the

development would be unlikely to result in adverse impacts for highway safety or increased demand for on-street parking to an extent that would warrant refusal of the scheme.

7.16 The proposed level of cycle parking is satisfactory with a separate area that has been allocated at ground floor for 7 cycle parking spaces although it is recommended that the layout will need to be secured by way of condition. The existing pavement and pedestrian areas have suffered damage from car parking in front of the building and in order to restore the footway to a safe and suitable surface that encouraged pedestrian and cycle use. In the event that a scheme for 7 flats were to be approved, S106 contributions of £500 per new unit, (total £3,500) would be requested towards sustainable transport improvements in the form of improvements to the footway surfaces outside the development.

7.17 It is considered that adequate facilities would be provided for storage and collection of refuse and recycling.

7.18 Planning Obligations

The adopted Supplementary Planning Document on Planning Obligations, guided by central government planning circular 05/2005, sets out the Council's approach to obtaining obligations designed to offset the impact of new development. The developer has agreed in principle to financial contributions in respect of the following "Heads of Terms": Sustainable transport, and drafting and monitoring costs.

7.19 None of the accommodation would be suitable for family occupation and no contribution toward off setting pressure on local education facilities would therefore be appropriate.

7.20 Local Financial Considerations

The proposal would be liable for the Mayor of London's Community Infrastructure Levy, the funds for which will be applied for by the Mayor towards the Crossrail project. The CIL amount is non negotiable and planning permission cannot be refused for failure to pay the CIL.

7.21 Archaeology and contaminated land

The proposal does not involve any demolition or excavation works and therefore the imposition of conditions relating to archaeology or land contamination are not considered appropriate.

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

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

## 9. **CONCLUSION**

- 9.1 It is considered that the proposal is acceptable insofar as it involves the provision of new residential accommodation at a location that is close to Mitcham town centre. There is no change to the existing appearance, height, size and siting of the building. The proposals would have no direct or adverse impacts on the setting of adjacent locally listed buildings, and would preserve the character and appearance of the Mitcham Cricket Green Conservation Area. The principle relating to the loss of the vacant public house and the use of the site for residential purposes have previously been considered as acceptable by the Planning inspector and the current scheme raises no fresh issues in that respect.

### **RECOMMENDATION GRANT PERMISSION subject to planning conditions and the completion of a Section 106 Obligation covering the following heads of terms:**

1. Provision of financial contribution towards sustainable transport improvements (£3,500)
2. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 obligations.

And the following conditions:-

1. A.1 Commencement of development for full application
2. A.7 Approved plans Site location plan, 301, 303, 305.
3. B.4 Details of surface treatment
4. B5 Details of Walls/Fences
5. C.6 Refuse and re-cycling (details to be submitted)
6. D.10 External lighting
7. F.1 Landscaping/ Planting Scheme
8. F.2 Landscaping (Implementation)
9. H.3 Redundant crossovers
10. H.4 Provision of Vehicle Parking
11. H.7 Cycle Parking to be implemented
12. H.11 Parking Management Strategy
13. J.1 Lifetime Homes
14. J.3 Level Access
15. Non standard condition An air quality assessment shall be undertaken and submitted to the Council before development commences. The assessment report, which should include dispersion modelling, shall be undertaken having regard to all relevant planning guidance, codes of practice, British Standards for the investigation of air quality and national air quality standards. The assessment report shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme of proposed remedial measures shall be submitted for the

Council's approval and implemented to the satisfaction of the Council, prior to the occupation of the residential properties.

Reason: To safeguard the amenities of occupiers of the development hereby approved and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

16. Non standard condition; Due to the potential impact of the surrounding locality on the development, a noise survey undertaken by a competent person is to be undertaken having regard to all relevant planning guidance, codes of practice and British Standards for the investigation of noise. The survey shall include recommendations and appropriate remedial measures and actions to minimise the impact of the surrounding locality on the development. A scheme for sound insulation and noise control measures shall be submitted for the Council's approval and implemented to the satisfaction of the Council, prior to occupation of the residential properties. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.

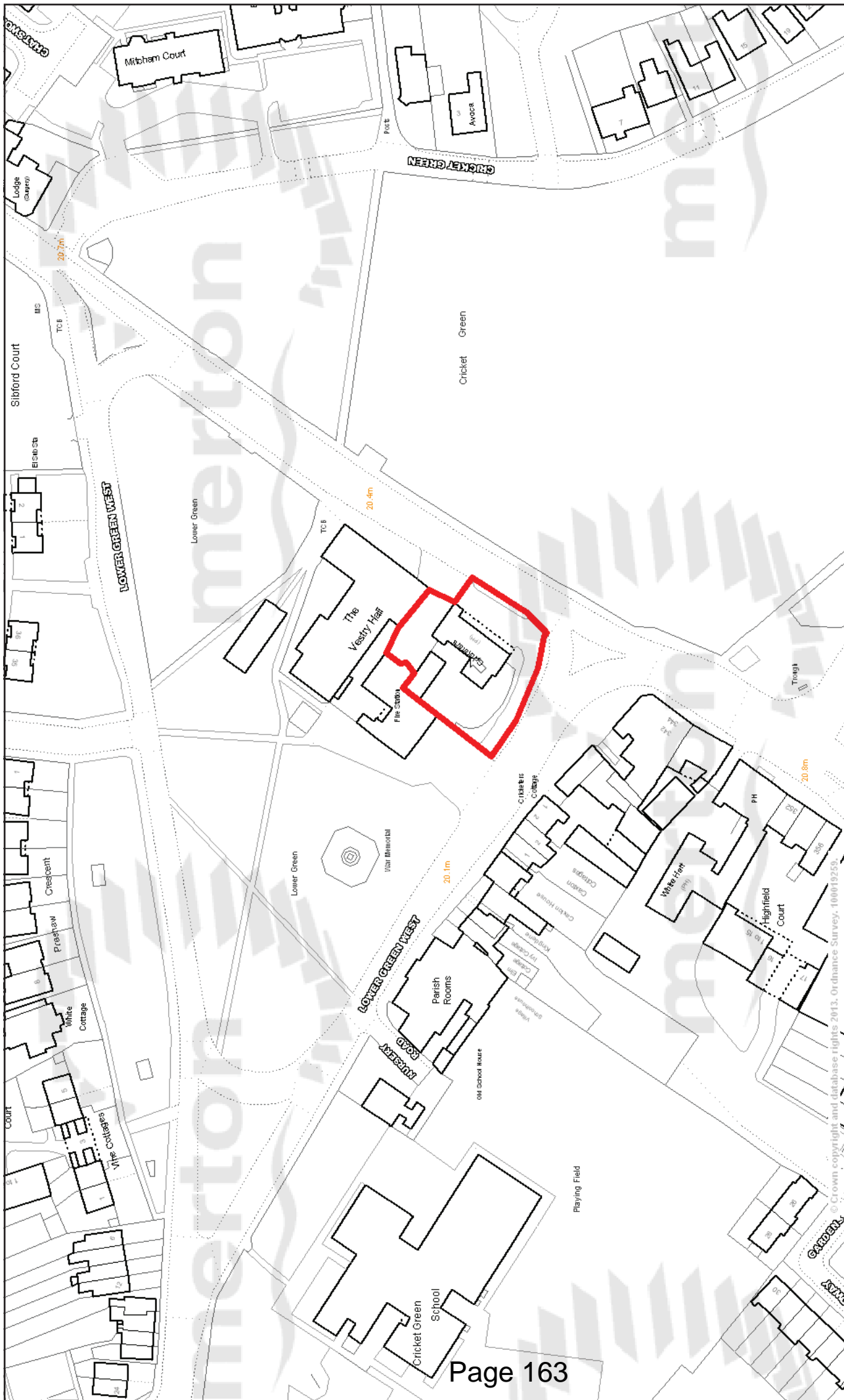
Informative INF 9:

You are 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. Please be advised that there is a further charge for this work.

Non standard Informative: Due to historical land uses in the Mitcham area, should any possible sources of ground contamination be found during the development works, Merton's Environmental Health Service (020 8545 3944) should be notified and

Informative INF 27 CIL

NPPF Informative



London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250

Date 26/11/2013

Cricketers , 340 London Road

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DEVELOPMENT CONTROL

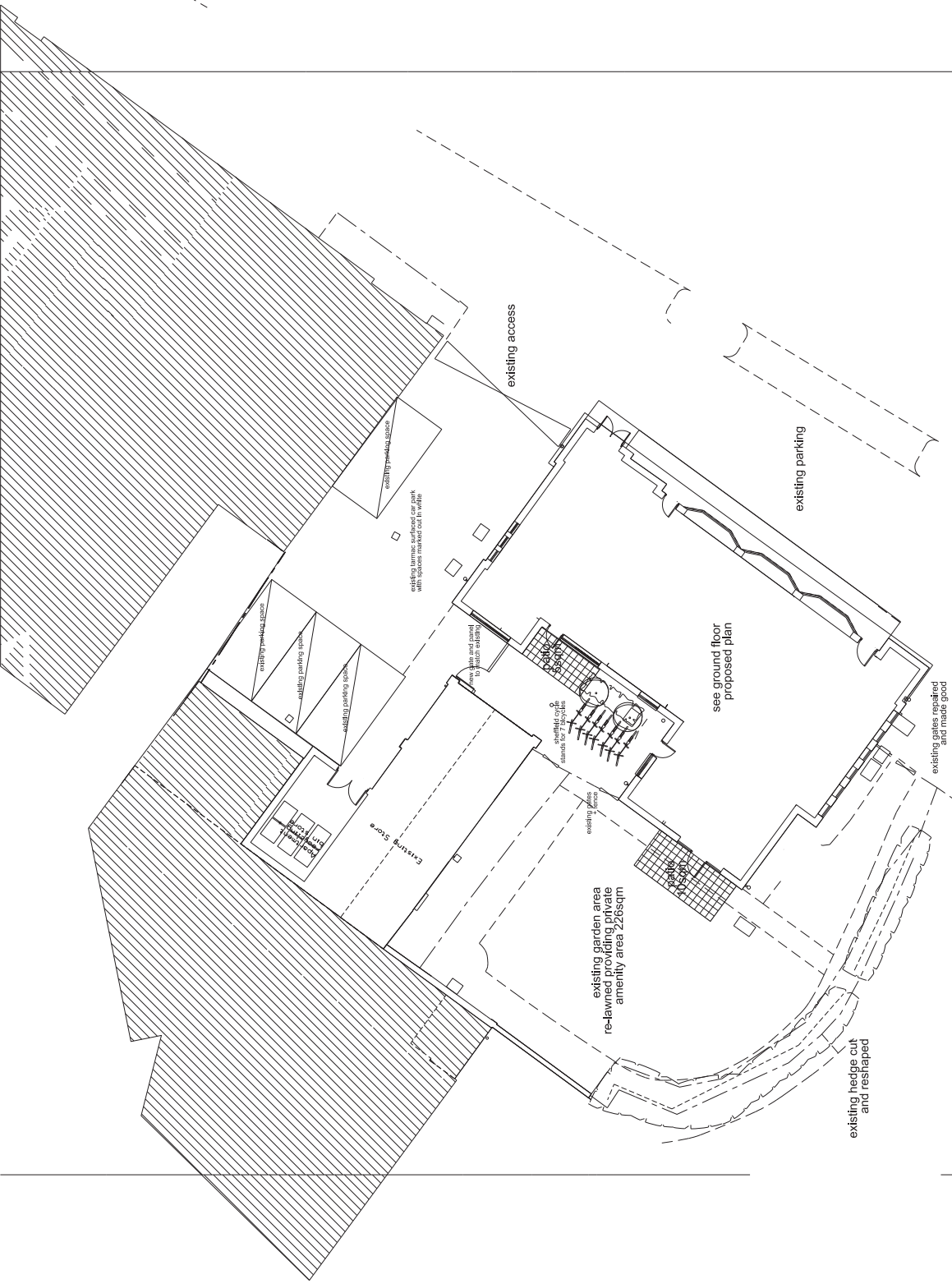




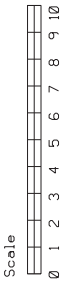
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PLANNING

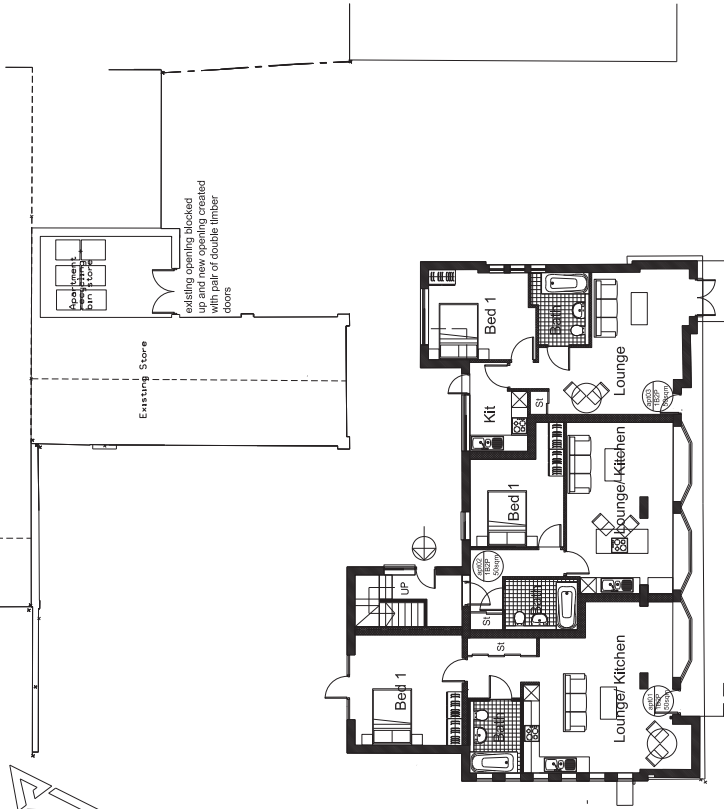
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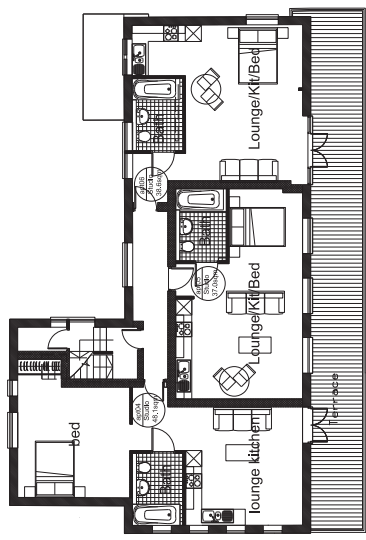
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**REVISIONS**

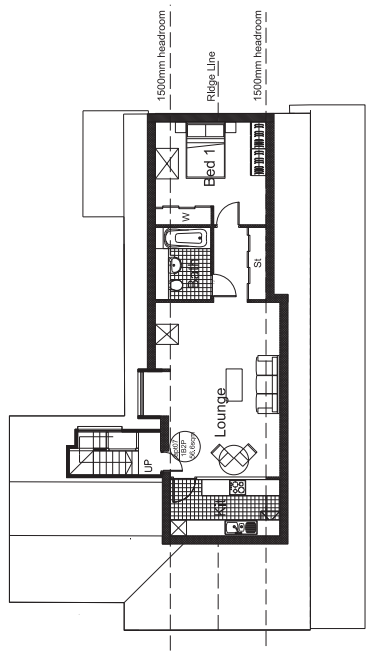
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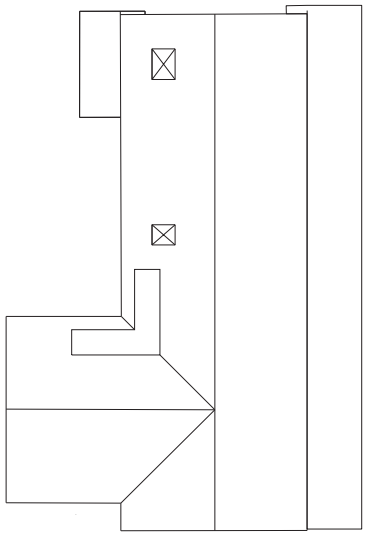
Ground Floor Plan



First Floor Plan



Second Floor Plan



Roof Plan

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43. THE DESIGNER HAS NOT CONDUCTED A PORTER'S FIVE FORCES ASSESSMENT FOR THIS PROJECT.

44. THE DESIGNER HAS NOT CONDUCTED A PORTER'S RIVALRY ASSESSMENT FOR THIS PROJECT.

45. THE DESIGNER HAS NOT CONDUCTED A PORTER'S ADVANTAGE ASSESSMENT FOR THIS PROJECT.

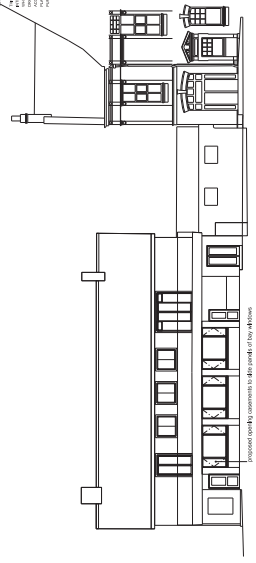
46. THE DESIGNER HAS NOT CONDUCTED A PORTER'S POSITION ASSESSMENT FOR THIS PROJECT.

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48. THE DESIGNER HAS NOT CONDUCTED A PORTER'S MODEL ASSESSMENT FOR THIS PROJECT.

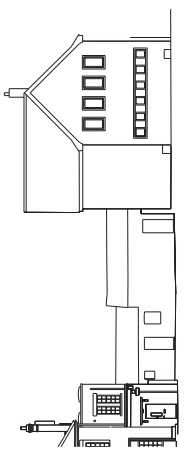
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Front Elevation

Scale: 1:50

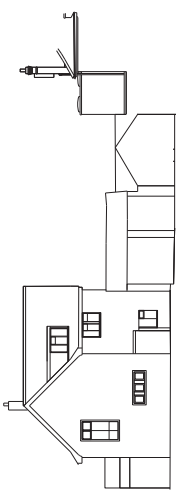


Left Side Elevation

Scale: 1:50



Rear Elevation



Right Side Elevation

**PLANNING**

**CHATSWORTH LAND LTD.**  
 Cricketers Site, Mifflam  
 Public Elevation Proposed



## PLANNING APPLICATIONS COMMITTEE

12th December 2013

Item No:

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	13/P1163	11/06/2013
<b>Address/Site:</b>	336 Lynmouth Avenue, Morden, SM4 4RS	
<b>(Ward)</b>	Lower Morden	
<b>Proposals</b>	Formation of raised decking area adjoining the west facing elevation of the outbuilding in the rear garden.	
<b>Drawing No's</b>	Site location plan and drawings 'Proposed Plan 01,' Proposed fence' and 'Proposed decking'	
<b>Contact Officer</b>	Leigh Harrington (020 8545 3836)	

## RECOMMENDATION

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

## CHECKLIST INFORMATION

- Head of agreement: No.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted – No
- Number of neighbours consulted – 2
- Press notice – No
- Site notice – Yes
- External consultations: Nil
- Density - N/A
- Number of jobs created - N/A
- Flood risk assessment – N/A

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee at the request of Councillor Groves.

## **2 SITE AND SURROUNDINGS**

- 2.1 The application site is an end of terrace house located on the east side of Lynmouth Avenue in Morden. The properties on this side of the road are aligned so that the level of the garden adjacent to the vehicle accessway at the rear of the site is higher than the level of the garden at the rear of the house. The house has a single storey rear extension and a single storey log cabin style outbuilding and a shed at the rear of the garden. It is not located within a conservation area.
- 2.2 The site has a Public Transport Accessibility Level of 1a. The site is not within a flood risk zone nor a conservation area.

## **3. CURRENT PROPOSAL**

- 3.1 The existing decking area is unauthorised and a previous planning application to retain it was refused by officers. This proposal seeks planning permission to form a decking area in the same position and area as the existing but with a reduction in the height and with the addition of planter boxes and trellis works along the boundaries with the adjoining properties.
- 3.2 The top two horizontal sections of timber would be removed and thereby reduce the height of the decking to a height of 0.53m above ground level adjacent to the garden at 338 Lynmouth Avenue and 0.47m on the opposite elevation, reflecting the slope of the garden. A series of planters would be added on the decking alongside the boundary fences to offer a combination of privacy screening and to keep users of the decking away from the boundary fences to improve privacy. Each planter will be 0.9m long, 0.3m deep and have a trellis screen at the rear with a height of 1.29m.
- 3.3 This application does not relate to the use of the main rear garden outbuilding the use of which is a separate matter under investigation by the planning enforcement team.



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

- 4.1 12/P2404 planning permission REFUSED for retention of raised decking area adjoining west facing elevation of outbuilding in rear garden. Reason **The decking area adjoining the west facing elevation of the existing outbuilding by reason of its design, size and siting enables users of the deck to overlook the rear gardens of neighbouring dwellings, resulting in a loss of privacy to the detriment of the amenities of neighbouring occupiers, contrary to policy BE15 of the Merton UDP (2003).**

#### **5. CONSULTATION**

- 5.1 The proposal was advertised by means of a neighbour notification letter and a Site Notice. There were two written objections to the proposal from the neighbouring occupiers and from Cllr Groves raising concerns relating to;
- Decking area being overly large and perpetuating overlooking of adjacent properties due to its position at the end of the garden.
  - Reducing the decking height will not alleviate problems of overlooking due to the topography.
  - Decking is not needed as access to the outbuildings can be accommodated via separate sets of steps.

#### **6. POLICY CONTEXT**

- Merton LDF Core Planning Strategy (2011).  
6.1 The relevant policies in the LDF Core Strategy 2011  
CS 14 Design

- Merton UDP (2003).  
6.2 The relevant policies in the Council's Adopted Unitary Development Plan (October 2003) are:  
BE 15 New Buildings.  
BE22 Design of new development.

#### **7.0 PLANNING CONSIDERATIONS**

- 7.1 The planning considerations in this case relate to the scale and design of the decking area and the impact on neighbour amenity.
- 7.2 Saved UDP policy BE15 requires proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy and visual intrusion.
- 7.3 Currently on the boundary with 338 there is a close boarded fence with a height of 1.6m with a further 0.25m of trellis above that. The result of this is that on this boundary there is only 78cm of fencing between the top of

- the decking and the top of the close boarded fence. As constructed, use of the deck provides clear views onto the rear garden of the neighbour's properties on both sides and this was a key concern for officers leading to the previous application being refused.
- 7.4 The proposal will reduce the height of the decking, although not the overall area. The new height would be reduced from a height 87cms on the boundary with 338 by a height of 34cms to a new height of 53cm whilst on the boundary with 334 Lynmouth Avenue the height would be reduced from 74cms to 47cms reflecting the changing slope of the garden on both front to rear and side to side elevations. A pair of planter boxes with lattice trellis work panels would be located on the reduced height decking alongside both of the boundary fences. Each planter will be 0.9m long, 0.3m deep and have a trellis screen at the rear with a height of 1.29m.
- 7.5 It is considered that by reducing the height of the decking in this manner and by using planters to increase separation distances between the usable deck area and the boundary fence to keep users of the decking further away from the boundary, it will reduce the impact of any loss of privacy to a reasonable level. The proposed reductions in height to a level only an average 20cms above permitted development allowances is considered sufficient to overcome the previous concerns of officers that lead to the refusal of permission to retain the decking as existing.
- 7.6 Core strategy policy CS 14 and saved UDP policy BE 22 require well designed proposals to respect the scale and massing of surrounding buildings. Officers consider that by making the proposed reductions in the height of the decking the resultant decking area would respect the scale and massing of the existing outbuildings and would not be out of keeping with the local area.
- 7.7 This matter has been ongoing for some time now and in order to expedite matters the Council's Planning Enforcement team are in the process of instructing Legal Services to serve an Enforcement Notice requiring the removal of the existing decking. If members grant planning permission the existing decking will still be required to be removed in order to comply with the Enforcement Notice and the applicant would have three years in which to install the approved decking.

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

- Environmental Impact Assessment
- 8.1 The proposals fall outside the scope of Schedule 2 development under the Town and Country Planning [Environmental Impact Assessment] Regulations 2011 and therefore there are no requirements for an Environmental Impact Assessment in this instance.

**9. CONCLUSION**

The National Planning Policy Framework 2012 has a presumption in favour of sustainable development. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. It is considered that the reductions in height and the use of planters to create buffer space on the boundaries will result in a proposal that will make a satisfactory compromise between the applicant's desire for a decking area in front of their outbuildings and the neighbour's requirement for adequate levels of privacy to allow for their enjoyment of their garden. Consequently it is recommended that permission be granted subject to conditions.

**10. RECOMMENDATION**

Grant planning permission subject to the following conditions:

**1 A1 Commencement of Development (Amended)**

The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.  
Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.  
Standard 3 years.

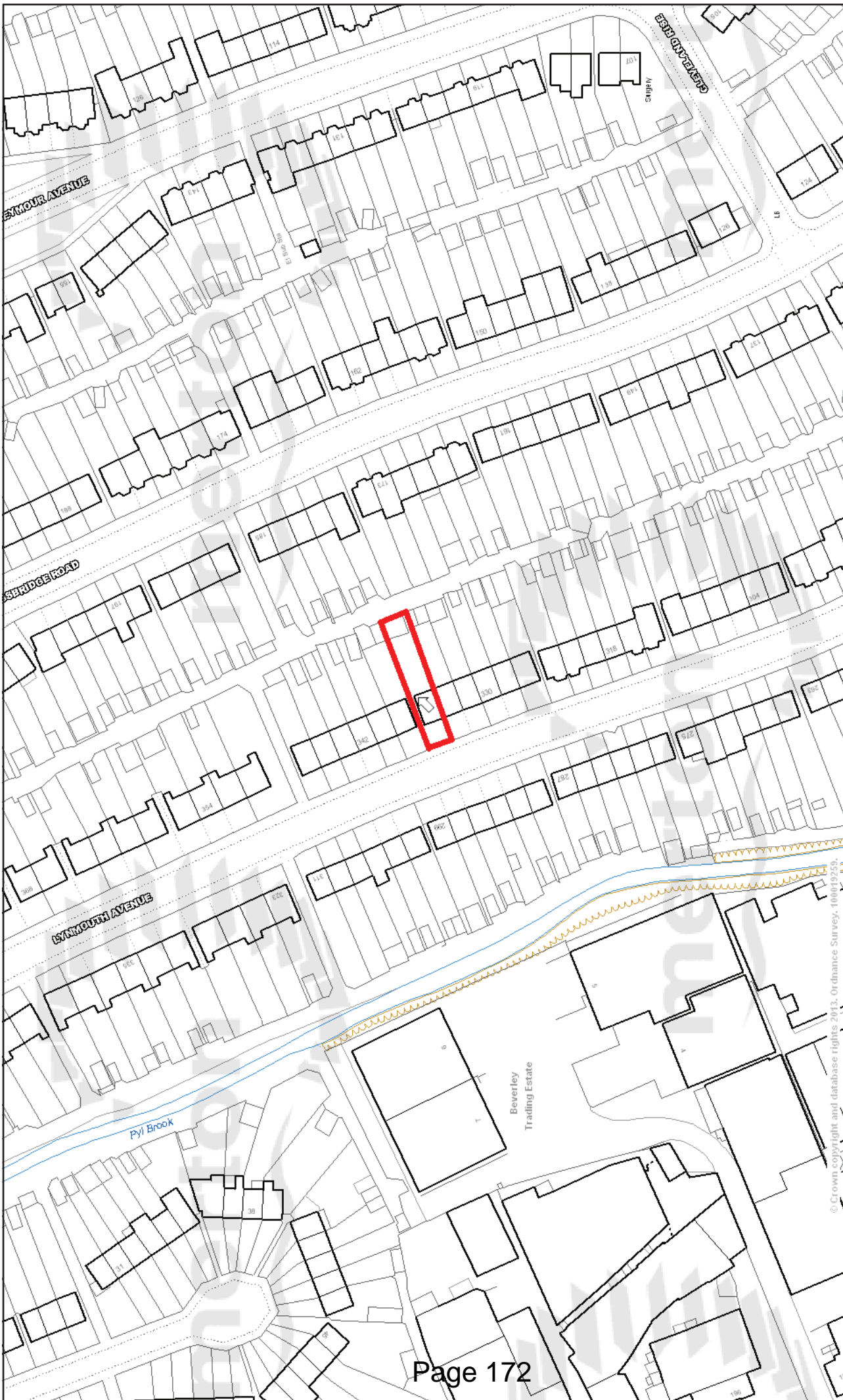
**2 A7 Construction in accordance with plans Site location plan, 'Proposed Plan 01,' Proposed fence' and 'Proposed decking'**

**3 Non standard condition**

Before use of the decking hereby approved commences, the planters shown on the approved drawings shall be permanently affixed to the decking in the positions shown and shall be permanently retained thereafter.

Reason, To protect the amenity of neighbouring residents in accordance with saved UDP policy BE 15

Informative. 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.



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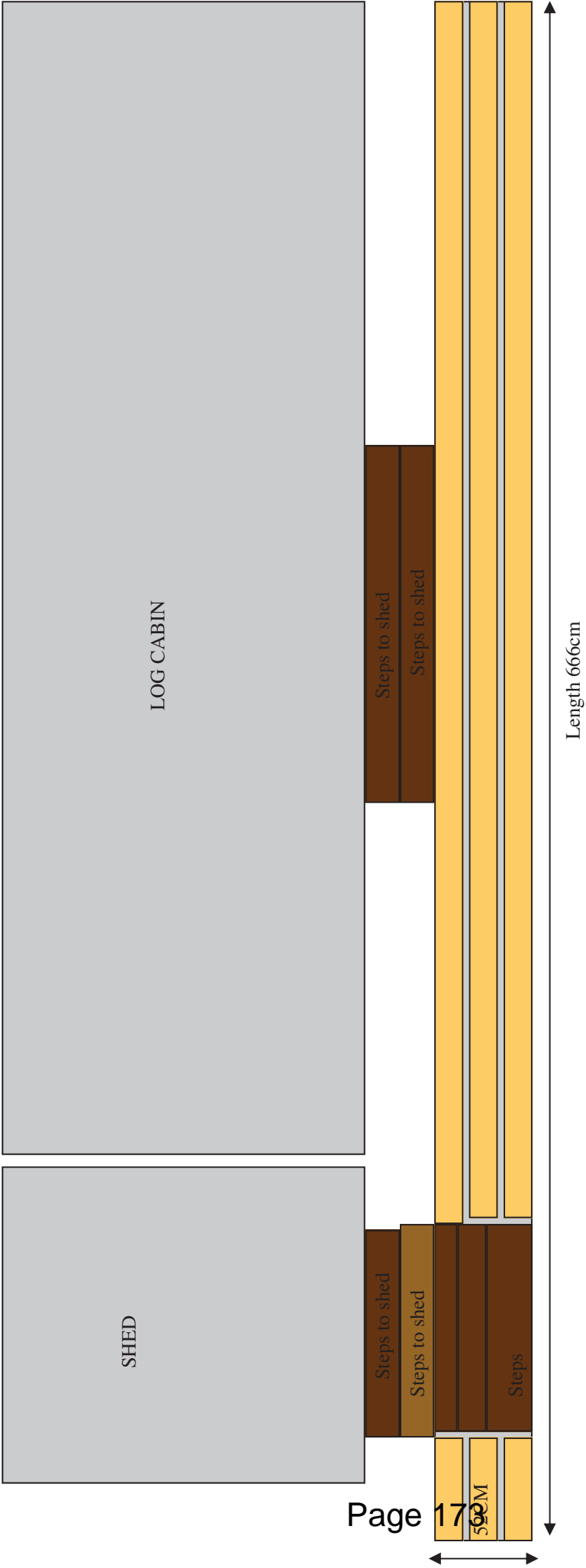
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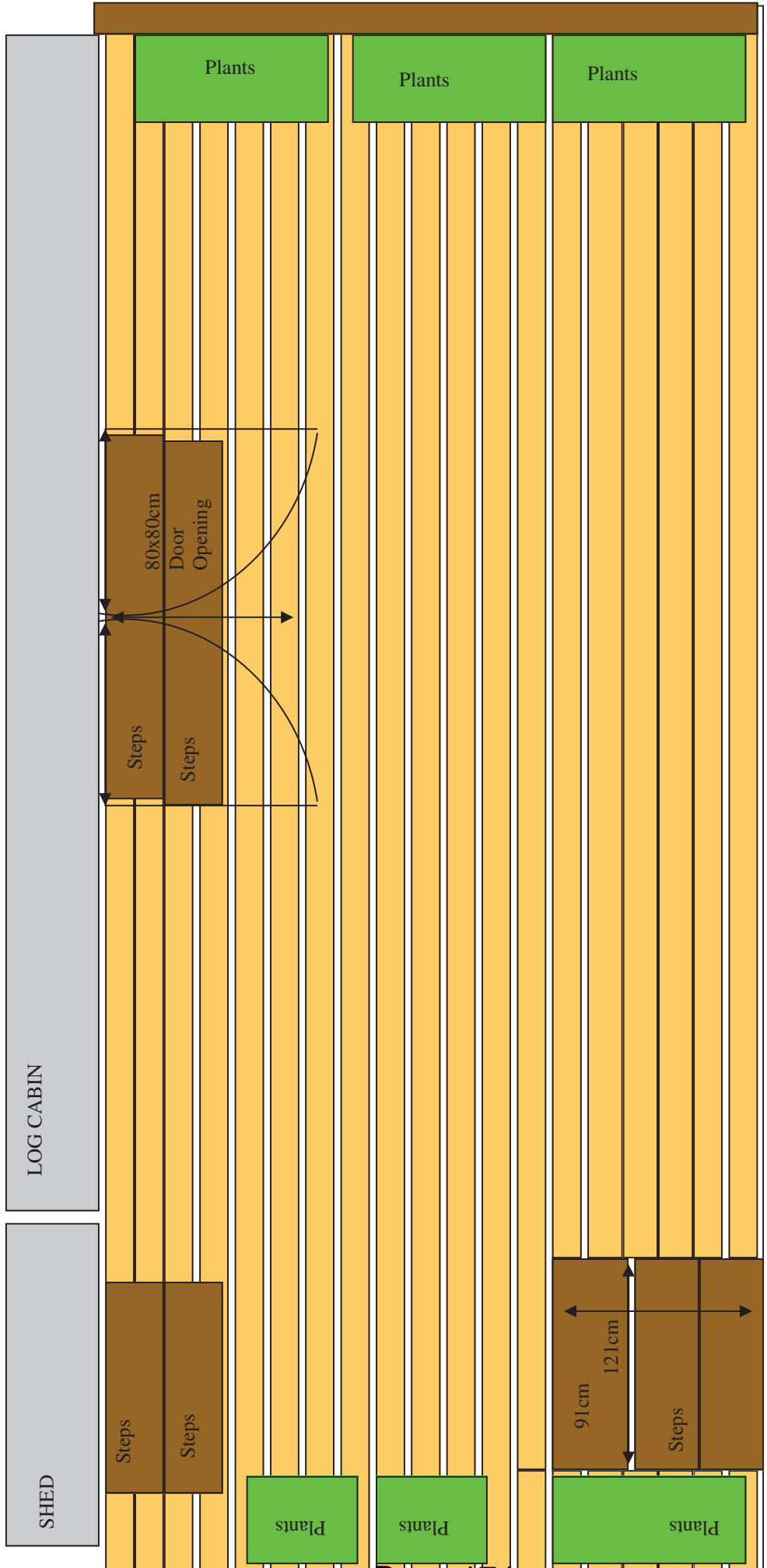
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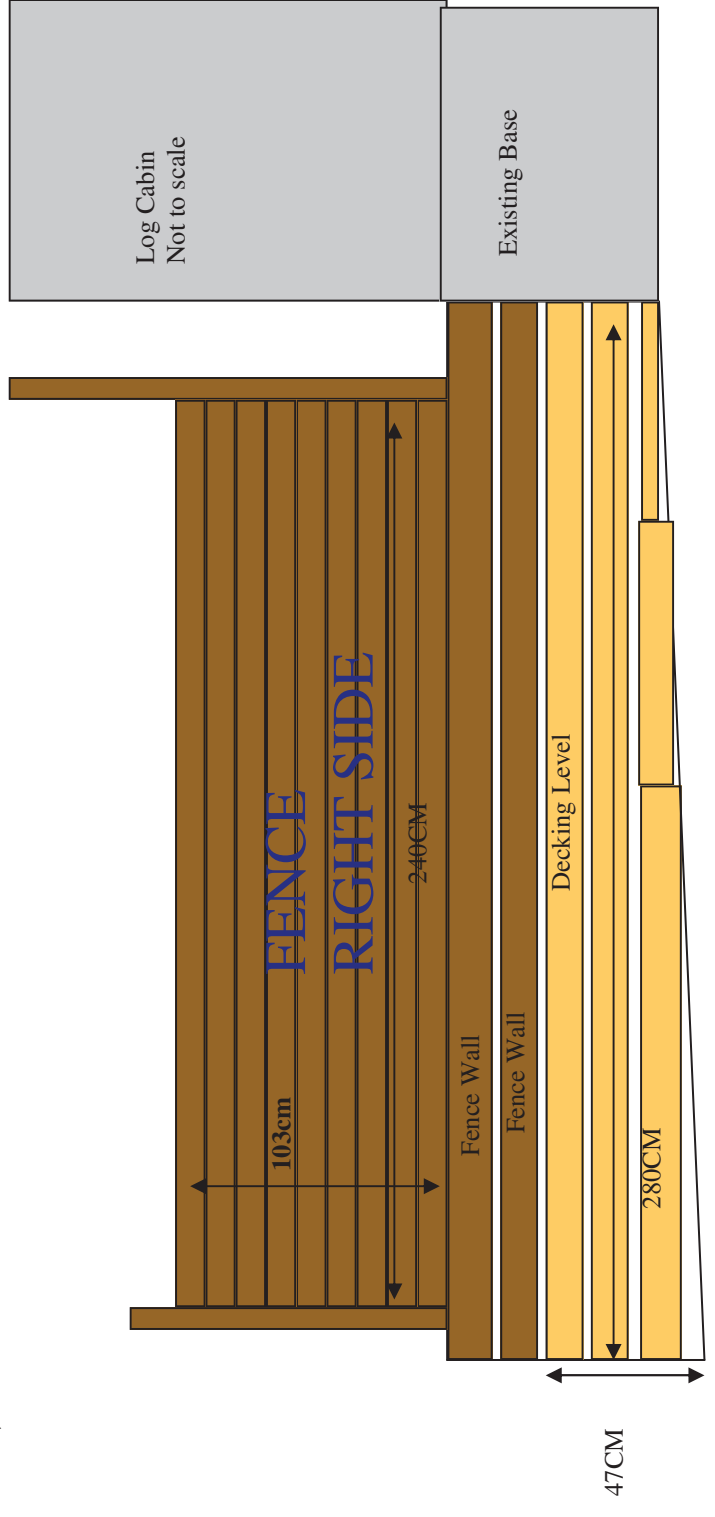
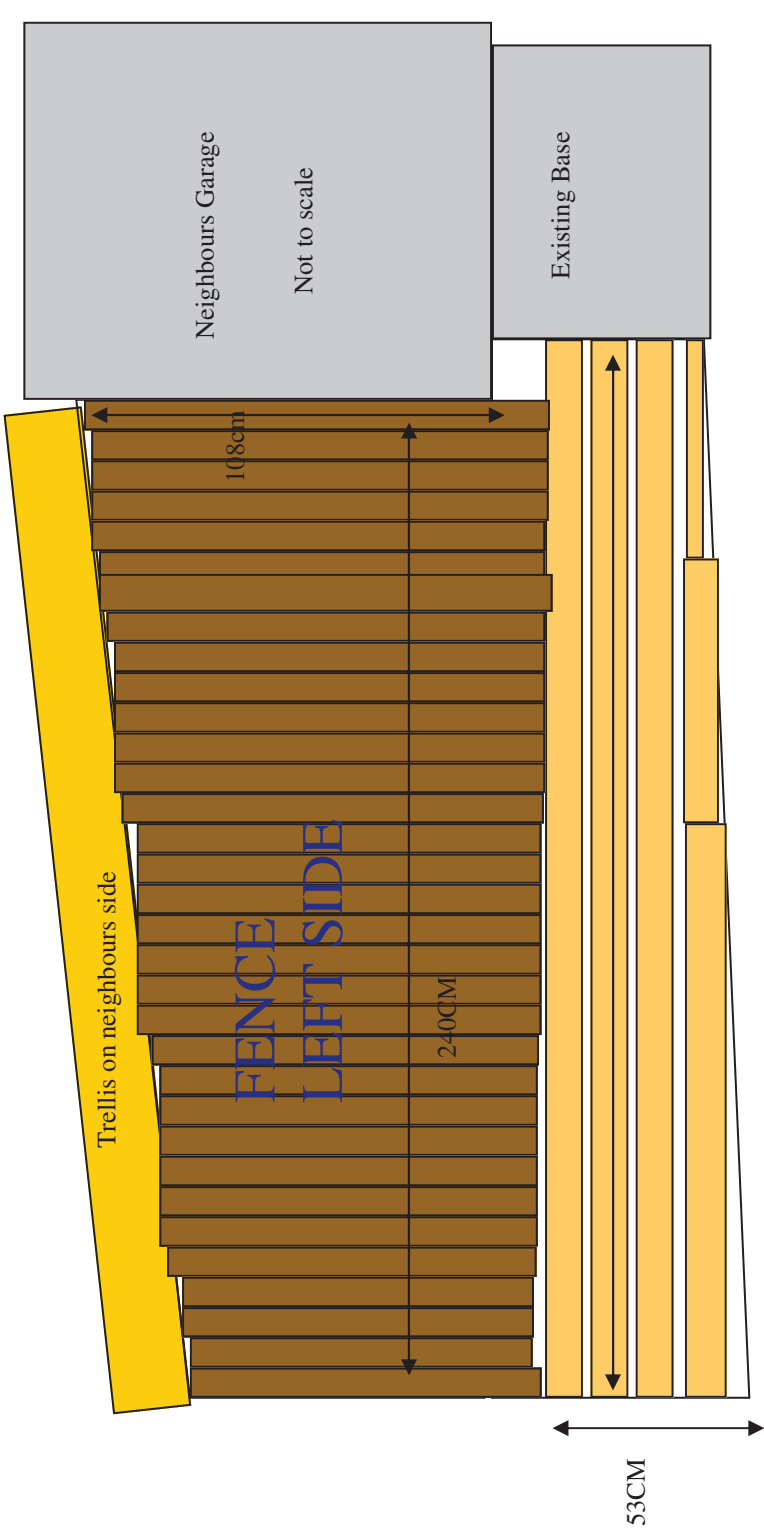
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DEVELOPMENT CONTROL









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**PLANNING APPLICATIONS COMMITTEE**  
**12th December 2013.**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
<b>Address/Site:</b>	13/P1744 The Canons Leisure Centre Madeira Road Mitcham CR4 4HD	01/07/13
<b>Ward:</b>	Cricket Green	
<b>Proposal:</b>	Conversion of 2 x existing tarmacadan tennis courts into 2 x multi use games areas with 6 x 6m high floodlighting masts. 4.5m high weld-mesh fencing to the perimeter and a net roof above.	
<b>Drawing Nos:</b>	111-0701-001, 111-0701-002, 111-0701-004 Rev A, 111-0701-005 Rev A, 111-0701-006 Rev A, 111-0701-2/D&A/Rev A, Lighting Design Report (12/11/2013), Phase 1 Ecological Survey, Reply to Planning Questions – 22/10/2013, Bat Survey Report, Heritage Statement, Valuation Report, Bat Mitigation Plan & Biodiversity Statement (15/11/2013).	
<b>Contact Officer:</b>	Claire Berry (020 8545 3120)	

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**RECOMMENDATION Grant permission subject to conditions**

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**1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee as a result of objections received.

**2. CHECKLIST INFORMATION.**

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

- Design Review Panel consulted: No.
- Number of neighbours consulted: 3
- External consultations: Natural England
- Number of jobs to be created: Not relevant.

### **3. SITE AND SURROUNDINGS**

- 3.1 The application site forms part of the Canons Leisure Centre, which is on the corner of Madeira Road and Commonside West in Mitcham. The existing tennis courts are located towards the north west side of the leisure centre site; adjacent to the bowling green and on the boundary with the Cumberland Nursing Home.
- 3.2 The leisure centre site is located within the Mitcham Cricket Green Conservation Area and the grounds include two listed buildings; The Canons (Grade II\*) and The Dovecote (Grade II). Open land beyond the application site to the north east and south west is designated as Metropolitan Open Land.
- 3.3 The site does not fall within a controlled parking zone or a flood risk zone.
- 3.4 The site falls within designated open space. There are several trees in the vicinity of the site, four of which will be removed as part of the proposed development.
- 3.5 The site is covered by two Proposals Sites designations. The application site itself is Proposal Site 25P with a proposed use as “Indoor bowls centre” and the wider area is within Proposal Site 35P, which has a proposed use as “Country Park”. The site is not adjacent to sites of recognised nature conservation interest but it is adjacent to a Green Corridor.

### **4. CURRENT PROPOSAL**

- 4.1 The application is for the conversion of 2 x existing tarmac tennis courts into 2 x Multi Use Games Areas (MUGAs) with 6 x 6m high floodlighting masts, 4.5m high weld-mesh fencing to the perimeter and a net roof above. The applicant has confirmed that whilst some MUGAs can accommodate tennis, this particular MUGA will not due to the different surfacing required.
- 4.2 In 2010 the Council’s Leisure Services commissioned a Playing Pitch Strategy (PPS) which identified the lack of floodlit 3G Multi Use Games Areas (MUGAs) in the borough. It identified that older MUGAs have a variety of surfaces and are less likely to be floodlit nor available for public use. This surface will provide a dry/safe/ rubberised surface for the increasing 50+ groups which meet in the Canons. In 2010, when Greenwich Leisure Limited (GLL) became the leisure centre contractor



and signed a fifteen year contract, an opportunity arose to address the PPS deficiency adjacent to the Leisure Centre.

- 4.3 The applicant advises that the “tennis” courts at the rear of the Canons are in poor condition and have not been operated for 25 years, being used only occasionally to store trees. The application seeks to convert the courts into MUGAs to bring them back into use in a deprived ward of the borough.
- 4.4 The MUGAs could not be sited elsewhere as there is nowhere else that can provide staffing to administer bookings and carry out routine day to day maintenance to the area. Leisure and Culture officers have agreed that GLL will provide the staff to run the facility on a day to day basis and provide changing facilities in the Leisure Centre. The applicant confirms that GLL will also ensure lighting times are strictly adhered to and courts are empty on time.
- 4.5 The applicant has been successful in obtaining partner funding to deliver this project in this location, to the value of £175k. Part of the agreement is that they charge affordable rates to ensure that the facility is sustainable and has a legacy.
- 4.6 The application as originally submitted comprised 8 metre high floodlighting columns. It has since been amended to comprise 6 metre high floodlighting columns. As part of this alteration a net roof has been added to protect the lower floodlighting columns from damage caused by footballs.
- 4.7 As part of the application, the applicant has submitted the following documents;
- Planning Statement & Design and Access Statement – The document provides detailed information on the use and construction of MUGAs, the siting of the proposed MUGAs, the proposed fencing and the proposed floodlighting columns.
  - Heritage Statement – The document concludes that the proposed MUGA site is mostly hidden from view with no direct views from Canons House or Park Place. Replacement tree planting on the east side of the copse to mitigate the impact and local concerns.
  - Lighting Design – This document provides detailed guidance on the proposed luminance levels.
  - Phase 1 Ecological Survey – This report is based on a broad desktop study on the entire copse.
  - Bat Survey Report – This report follows the initial survey by focussing on the impact on bats. It also relates to the entire copse.
  - Bat Mitigation Plan – This study focuses solely on the application site. It identifies that a licence will not be required for works as a roost will not be destroyed and a bat will not be permanently deprived of its roost site. It also confirms that changes to a foraging area of a maternity colony of rare bats has been mitigated.

- Statement from Ecological Consultant – This final report confirms that if the measures outlined in the Bat Mitigation Plan along with dark netting are made planning conditions, the impact on the woodland will be successfully minimised and the bats will have an increased foraging area. The report addresses all concerns raised in the ecological survey and the bat survey.

## **5. RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 5.1 09/P1767 – Advertisement consent refused in respect of the installation of two non-illuminated wooden banner frames – one on Madeira Road and one on Commonside West.
- 5.2 97/P0906 – Planning Permission granted in respect of installation of closed circuit television cameras (nine in total) on six metre high poles or wall bracket mounted within the grounds of the Canons Leisure Centre and the Canons.
- 5.3 95/P1025 – Planning permission granted in respect of alterations to Cumberland sports hall including the erection of roof extension, installation of two external staircases leading from the proposed first floor mezzanine level and the construction of a new glazed link between existing pool gallery and the proposed mezzanine level (Revisions to scheme granted planning permission 30 March 1995, LBM ref 94/P1030).
- 5.4 94/P1030 – Planning permission granted in respect of raising the roof of the Cumberland sports hall.
- 5.5 92/P0207 – Planning permission granted in respect of a two-storey extension to the club house

## **6. CONSULTATION**

- 6.1 The planning application has been publicised by means of a conservation area and listed building press and site notice. Individual letters were sent to three neighbouring properties. Thirty representations were received, which raised the following planning related concerns;
- Serious risk to wildlife, including the local bat population, and damage to the green corridor;
  - Further loss and damage to the trees and bats in the adjacent woodland area;
  - Introduction of unacceptable light pollution in the Mitcham Cricket Green Conservation Area and in the setting of the listed Park Place and Canons House.
  - The proposed floodlighting will also have a detrimental impact on local wildlife and local residents;
  - There is a greater need for tennis courts than football pitches in Mitcham. The tennis courts should therefore be restored and

improved. Studies carried out by the Council show that the provision of sports pitches is 'significantly better' than elsewhere in the borough;

- The proposal is not in keeping with the conservation area;
- The use of the proposed pitches will generate noise pollution in the park and adjacent bowling club.

- 6.2 Suggestions have been made in respect of the provision of a putting green/skate board park. Officers note that this is not relevant to the assessment and determination of this application.
- 6.3 One resident was concerned that the Council had not consulted Merton Historical Society. Officers would note that the Council did seek the input of its own Conservation Officer who requested that the floodlighting columns were reduced to 6 metres high. Comments were also received from the Mitcham Cricket Green Community and Heritage Civic Society which raised concerns in respect of the above outlined issues.
- 6.4 The plans do not indicate that the proposed facilities will be available and affordable for local residents.
- 6.5 The occupier of 76 Mitcham Park questioned why they were not consulted on the proposal. Officers would note that the Council consulted those adjacent to the proposed MUGAs and also advertised the proposals by means of a Conservation area press and site notice. It is noted that 76 Mitcham Park is over 500 metres away from both the grounds of the Canons and the actual application site.
- 6.6 Following discussion with the applicant, the height of the floodlighting columns was reduced. All those who had previously objected, were re-consulted. Six further letters of objection were received which reiterated earlier concerns.
- 6.7 Future Merton Conservation Officer  
The lighting columns should be no higher than 6 metres in order to preserve the character and appearance of the conservation area and the setting of the listed buildings. Officers note that this has subsequently been addressed by the applicant who has reduced the height of the columns to 6 metres.
- 6.8 Natural England  
Natural England does not object to the proposed development in respect of the protection of bats. On the basis of the information available, their advice is that the proposed development is likely to affect bats through damage or destruction of a foraging area for a maternity roost of bats. They are satisfied however, that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report. All works should proceed in accordance with the

approved mitigation strategy, to maintain lighting curfews and habitat management measures. Any amendments need to be agreed in writing.

6.9 Natural England refer to proposals adjacent to local wildlife sites such as e.g. A Site of Nature Conservation Importance (SNCI) and local Nature Reserve (LNR) however this is not relevant to this application site.

6.10 Development Control -Trees Officer

The Council's Tree Officer initially raised concerns about the loss of four trees, which the applicant satisfactorily addressed by amending the plans to show 250 oak and beech whips in clumps over a 320 square metre area. Secondly concerns was raised in respect of the high levels of light spillage which the applicant addressed by reducing the height of the floodlighting columns to 6 metres. The applicant has also included baffles for the floodlighting columns. Finally the Tree Officer suggested that the four trees to be felled should be retained on site to act as log piles to attract and encourage insects. The applicant has agreed to this.

6.11 Future Merton Strategic Policy and Research Officer

Approval recommended subject to conditions regarding mitigation measures, planting of native species, curfews and lighting. It is also recommended that suitably worded informatives should be attached to any planning decision referring to restrictions to vegetation clearance to being outside the bird breeding season (October to March) and ensuring that fox dens with dependent cubs are not disturbed.

6.12 Environmental Health Officer

No objections subject to the inclusion of conditions on light spillage and hours of use.

## 7. POLICY CONTEXT

7.1 National Planning Policy Framework (March 2012)

Para 70 of the NPPF states that planning decisions should:

- “plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;...”

7.2 Para 74 of the NPPF states that existing open space, sports and recreational buildings and land, including play fields, should not be built on unless:

- “an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sport and recreational provision, the needs for which clearly outweigh the loss”.

### 7.3 London Plan (2011)

The relevant policies in the London Plan include:

- 3.1 (Ensuring Equal Life Chances for All)
- 3.16 (Protection and Enhancement of Social Infrastructure)
- 3.19 (Sports Facilities)
- 6.9 (Cycling)
- 6.13 (Parking)
- 7.3 (Designing Out Crime)
- 7.4 (Local Character)
- 7.8 (Heritage Assets and Archaeology)
- 7.15 (Reducing Noise and Enhancing Soundscapes)
- 7.18 (Open Space)
- 7.19 (Biodiversity and Access to Nature)
- 7.21 (Trees & Woodlands)

### 7.4 Merton LDF Core Planning Strategy (2011)

The relevant policies in the Merton LDF Core Planning Strategy include:

- CS11 (Infrastructure)
- CS13 (Open Space, Nature Conservation, Leisure and Culture)
- CS14 (Design)
- CS18 (Active Transport)
- CS19 (Public Transport)
- CS20 (Parking, Servicing and Delivery)

### 7.5 Merton Unitary Development Plan (2003)

The relevant policies in the Merton UDP (2003) include:

- BE.1 (Conservation Areas)
  - BE.8 (Setting of Listed Buildings)
  - BE.16 (Urban Design)
  - BE.22 (Design of New Development)
  - L.11 (The Protection of Existing Facilities and Land)
  - L.12 (Provision of New Facilities)
  - NE.2 Development in proximity to MOL.
  - NE.4 (Wandle Valley Country Park)
  - NE.8 (Green Corridors)
  - NE.11 (Trees; Protection)
  - PE.2 (Pollution and Amenity)
  - PE.3 (Light Pollution)
  - PE.8 (Contaminated, Vacant and Derelict Land)
- Site Proposal 25P – Proposed Use: Indoor Bowls Centre



**8. PLANNING CONSIDERATIONS**

8.1 The planning considerations in this case relate to the principle of the development and the impact of the proposal on the local biodiversity and on the character and appearance of the surrounding area including visual and neighbour amenity.

8.2 Principle of Development – Loss of the Tennis Courts  
Notwithstanding the identification of land including the application site for an indoor bowls centre under site proposal 25P in the Unitary Development Plan the proposals would not preclude development in the long term were the Council to review its long term aspirations for the Canons complex of sports facilities. Officers would however note that this proposal designation is not rolled forward into the draft Site and Policies Plan which is at an advanced stage and to be the subject of an examination in public in January. The proposal comprises an alternative sports use benefiting from improved facilities within an area of open space and is accordingly considered acceptable in principle.

8.3 Merton’s Playing Pitch Study (June 2011), which did not include the Canons’ tennis courts in its list of existing courts (page 115-116), found with regards to tennis that “There are 114 tennis courts in community use in Merton on club and park sites, together with at least 42 courts at secondary schools.” and “There are considered to be sufficient courts to meet demand now and in the future.” Although not part of the Development Plan, the study recommended to: “Retain the current level and distribution of tennis courts to meet current and future demand within the borough”. The loss of the tennis courts is therefore considered to be acceptable.

8.4 Evidence Base to Support an Alternative Use  
London Plan Policy 7.18 states that the ‘replacement of one type of open space with another is unacceptable unless an up to date needs assessment shows that this would be appropriate’. On a similar note Core Strategy Policy CS13 states that; ‘based on assessment of need and capacity, opportunities in culture, sport, recreation and play will be promoted by safeguarding the existing viable cultural, leisure, recreational and sporting facilities and supporting proposals for new and improved facilities;...’

8.5 In accordance with the NPPF, London Plan Policies and Core Strategy Policies the applicant draws attention to Merton’s Playing Pitch Study (June 2011). The report, which previously clarified a satisfactory number of tennis courts across the borough; shows that the supply of football pitches in Mitcham is significantly lower than other areas, it having a total of only 6.73% of pitch provision in the borough. Representations received from neighbouring occupiers highlight the following statement in this report; “*MUGAs are widely distributed*

*throughout the borough but there is significantly better provision in Mitcham and Colliers Woof than other parts of the borough".* However, the applicant has pointed out that this refers to old pitches which are very much in need of an upgrade, often not floodlit and are mainly located in schools which can make access difficult. The proposed MUGAs are modern 3G pitches of which there is currently one in Raynes Park school and an older one in Lavender Park which is in need of an upgrade.

- 8.6 The data in the Merton's Playing Pitch Study (June 2011) shows that there is a greater need for MUGAs in Mitcham than tennis courts and the principle of the provision of these MUGAs, in this location, is in accordance with planning policy.

Visual amenity

- 8.7 The Council's Conservation Officer has stated that the height of the floodlighting columns should not exceed 6 metres, and accordingly the applicant has reduced the height to 6 metres. It is a matter of judgement as to whether the proposal will preserve the character and appearance of the conservation area in accordance with policy BE.1 in the Council's Unitary Development Plan. In this instance, officers consider that owing to the reduced height of the floodlighting and its siting within a leisure centre, that the impact on the conservation area would be minimal. The site is in fairly close proximity to listed buildings however, it is separated by the large leisure centre building. As such, the proposal would not detrimentally affect the setting of the listed buildings.

- 8.8 Development on land outside the boundaries of MOL but in proximity to it may damage the open character of the MOL and UDP policy NE.2 seeks to safeguard the visual amenities of MOL from inappropriate development that is in proximity to it. The floodlighting would be seen from neighbouring MOL but against the backdrop of the Canons Leisure centre building from the north and alongside the centre when seen from the south. The proposals would have a limited impact on views from and into MOL and would neither mar character of the open areas or the backcloth to these open spaces.

Biodiversity/Wildlife Issues

- 8.9 London Plan policy 3.19 states that 'development proposals that increase or enhance the provision of sports and recreation facilities will be supported. ... The provision of floodlighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the floodlighting gives rise to demonstrable harm to local community or biodiversity.'
- 8.10 London plan policy 7.19 states that development proposals should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. 'Net gains', 'positive' and 'enhanced' biodiversity outcomes are also required by the

NPPF (paragraph 109) and Merton's Core Planning Strategy Policy CS13.

- 8.11 The proposed mitigation for the 301sqm area of proposed green corridor to be built on, which at the time of a site visit was vegetated mainly by nettles and two trees, consists of a 320sqm area within the existing green corridor. This currently has mowed grass for sport/active recreation use, and will have a relaxed mowing regime and 250 assorted whips (native broadleaved species) planted. According to the ecologist: "The relaxed mowing regime will increase the insect food supply for birds and bats and strengthen the wildlife corridor, particularly for small mammal species such as hedgehog and voles. It will enable movement to and from adjacent gardens as well as provide cover and food sources."
- 8.12 With suitable conditions to ensure the delivery and maintenance of the area shown on drawing no.111-0701-006 Rev.A, the proposed mitigation measures would be acceptable and in time, would be likely to result in a net gain in biodiversity.
- 8.13 Natural England advise that all species of bat are European Protected Species and it is for the developer to decide whether a species licence will be needed. A licence may be required to carry out mitigation work as well as for impact directly connected with the development. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive and if so, whether the application would be likely to receive a licence.
- 8.15 The ecological consultant advised that a licence would not be required. Officers are satisfied that the proposals would not offend against Article 12(1) of the Habitats Directive (or Regulation 41 of The Conservation of Habitats and Species Regulations 2010, as amended) and a licence is therefore unlikely to be required.
- 8.16 Residential Amenity  
The closest residential building is the nursing home in Whitford Gardens which lies to the north of the application site. There are high trees and hedges on that boundary which would restrict the view of the new MUGA from the nursing home and vice versa and the Council's Environmental Health Officer has confirmed that the impact of the floodlighting on the nursing home would be minimal. A condition to prevent light spillage and to restrict hours of use would provide further protection. The proposal is accordingly considered acceptable in terms of residential amenity.

## **9 CONCLUSION**

- 9.1 The proposal would provide new and improved sports facilities meeting a recognized need, would enhance biodiversity in the area and by virtue of appropriate mitigation measures would not affect the

protection of bats in the area. It is acknowledged that the proposals would have some impact on the conservation area. However, the key new feature, the floodlighting columns have been reduced in height and when considered against the backdrop of the various buildings that make up the Cannons cluster of sports facilities, and the siting of the proposals which are relatively remote to listed buildings and other structures, it may be considered that the character and appearance of the conservation area would be preserved and that on balance the potential benefits outweigh any visual impact. The proposal is accordingly considered acceptable and in accordance with the London Plan (2011), The Council's Core Strategy (2011) and the Council's Adopted Unitary Development Plan (2003).

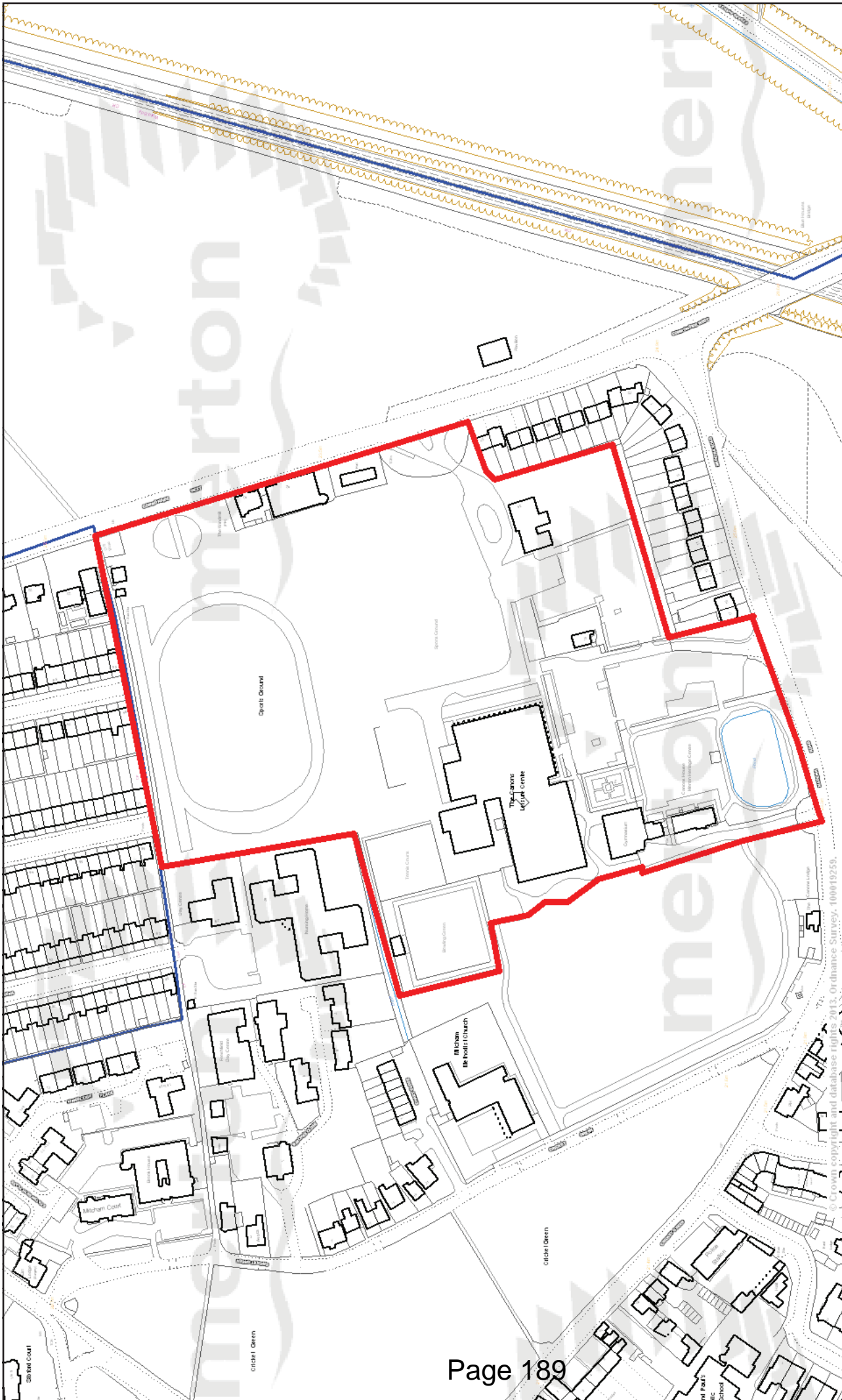
### **RECOMMENDATION**

#### **Grant permission subject to the following conditions;**

1. A.1 Commencement of development within 3 years
2. A.7 Approved Plans
3. B.3 Materials as Specified
4. D.10 External Lighting.
5. Non-Standard The mitigation measures shown on drawing no. 111-0701-006 Rev A shall be carried out prior to commencement of development hereby approved and shall be retained thereafter.  
Reason: To protect the biodiversity and local wildlife in the area and to comply with policies CS13 in the Merton LDF Core Planning Strategy (2011) and 7.19 in the London Plan (2011).
6. Non Standard The use of the floodlighting shall cease by 9.45pm each day and shall not be used at all during the months of May, June, July and August.  
Reason: To protect the biodiversity and local wildlife in the area, to protect the amenities of neighboring occupiers and to comply with policies PE.2 in The Council's Unitary Development Plan, CS13 in the Council's Core Strategy 2011 and 7.19 in the London Plan.
7. Non Standard Prior to first use, a monitoring report setting out the mitigation methods as detailed in the Bat Mitigation Plan 2013 shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To protect the biodiversity and local wildlife in the area and to comply with policies CS13 in the Merton LDF Core Planning Strategy (2011) and 7.19 in the London Plan (2011).







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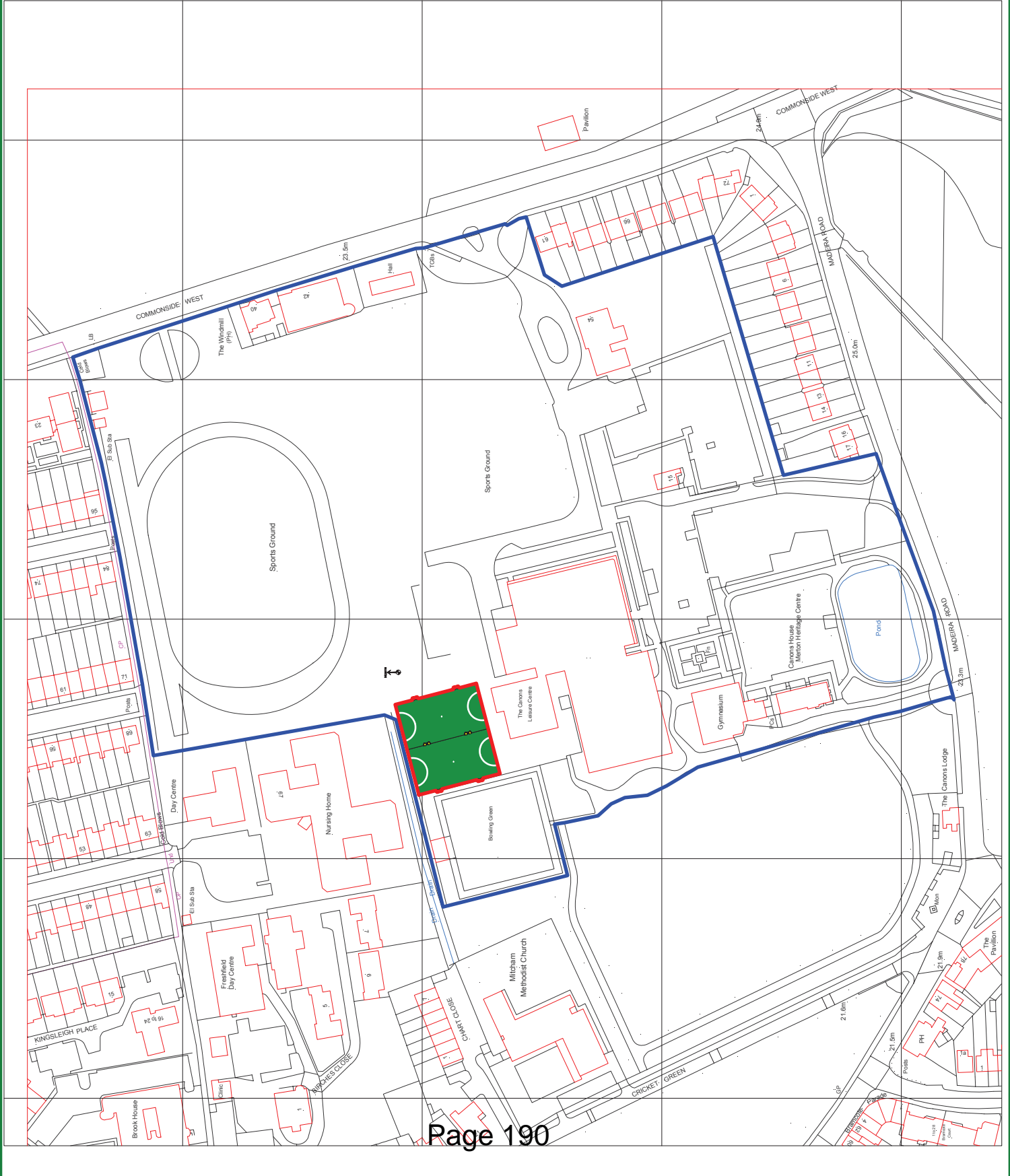
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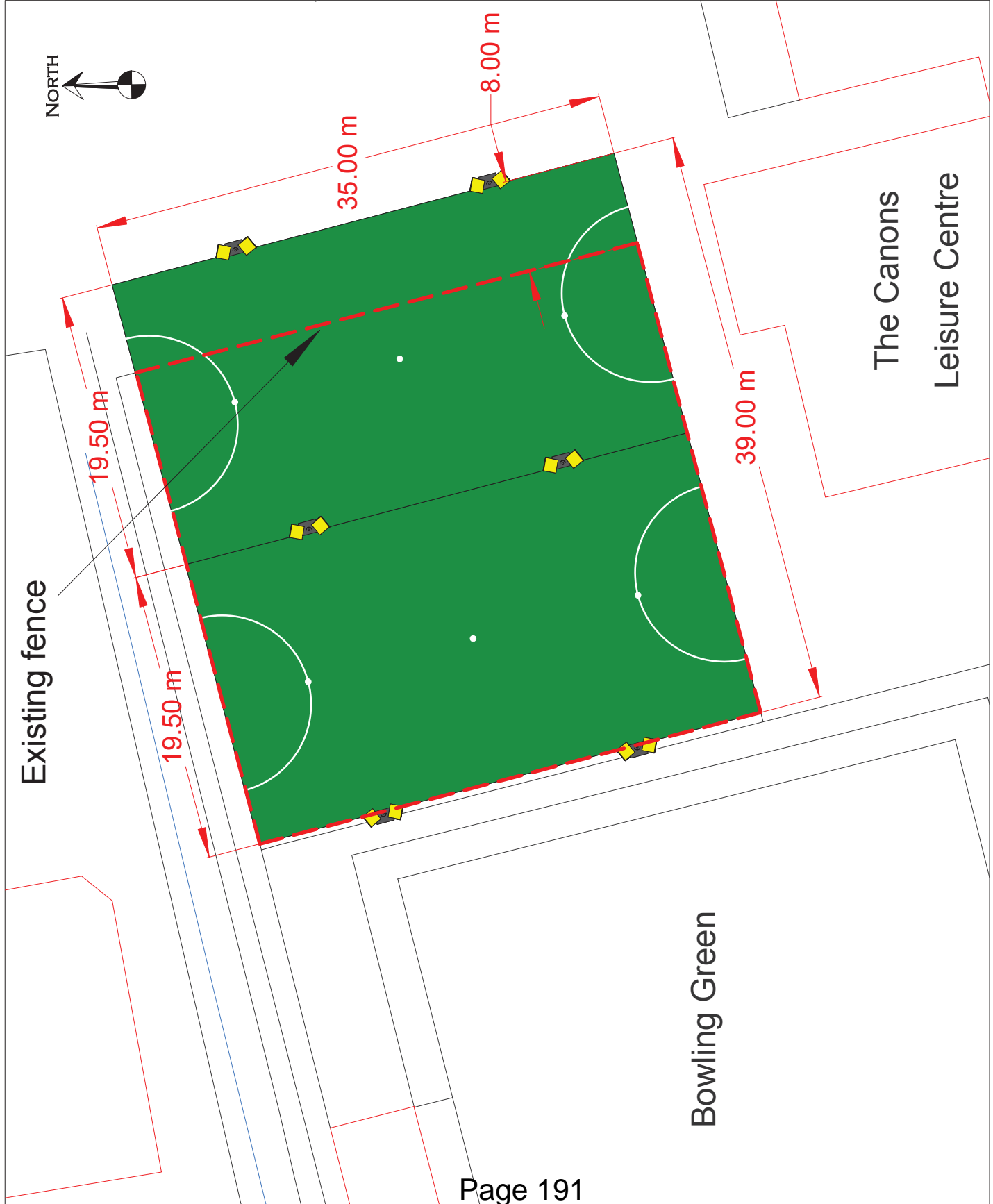
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The Canons Leisure Centre

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<p><b>MSC-Consultants</b>          111-0701-004          www.msc-consultants.co.uk          125 Merton Road          LONDON SW15 2NU          Tel: 020 899 8905          info@msc-consult.co.uk</p>	<p>Canons Leisure Centre,          Mollaira Road</p>	<p>Front view elevation</p>	<p>Drawing Number          111-0701-004 Rev A</p>
Date: November 2013      Scale: 1:100 & A3			

AMENDED

Scale: 1:100

Scale: 1:50

Scale: 1:20

**MSC-Consultants**

www.msc-global.co.uk  
MSC Global Business Park  
83 Norman Road  
LONDON  
SE10 1EH  
Tel: 020 8260 8855  
info@msc-global.co.uk

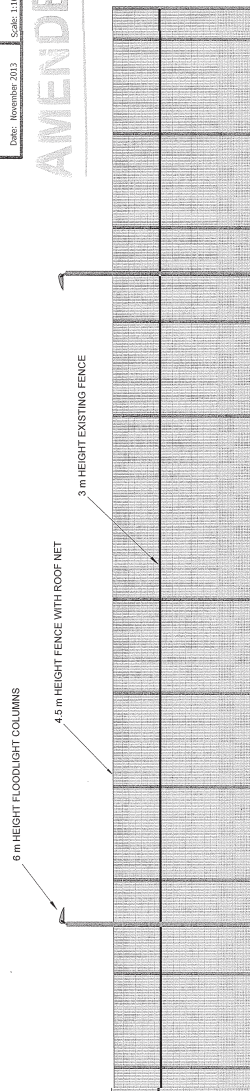
Canons Leisure Centre,  
Madeira Road

Lateral view elevation

Drawing Number  
111-0701-005 Rev A

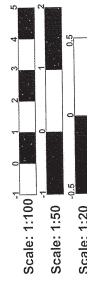
Date: November 2013 Scale: 1:100 at A3

**AMENDED**

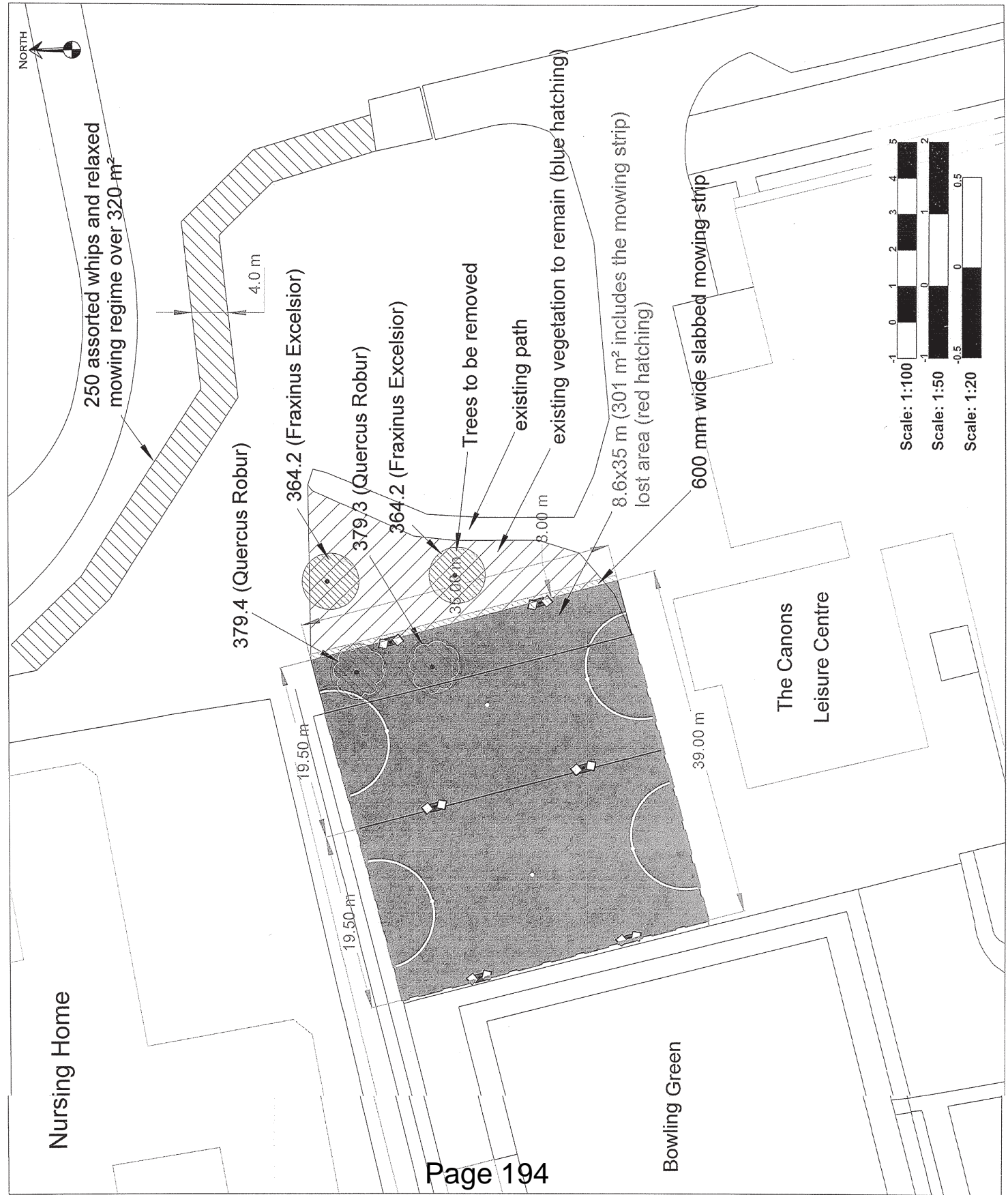


LONDON BOROUGH OF MERTON

17 NOV 2013







# Canons Leisure Centre, Madeira Road

## Lighting Design

**Project code:** 3082d  
**Date:** 22/10/2013  
**Client:** Canons Leisure Centre  
**Client Representative:**  
**Lighting Consultant:** Materials Science Consultants Ltd.  
**Project Consultant:**  
**Planning Consultant:**  
**Lighting Design Company:** Luminance Pro Lighting Systems Ltd  
**Lighting Design Representative:** Matthew Haekins  
**Lighting Design Software:** CalcuLux Area 7.7.0.1  
**Design Criteria:** To provide a lighting scheme suitable for 5 a side recreational Football, whilst minimising light spill and glare to neighbouring properties.  
 MUGA = 200lux maintained at 0.5 uniformity  
**Columns:** 6 No. 6 metre nominal (HiLux model: HLC08DLS)  
**Luminaires:** 8 No. (HiLux model: Match 107)  
**Lamps:** 8 No. (1KW metal halide)

12 NOV 2013

**Notes:** Individual MUGA dimension: 19.50 x 35 metres.  
 Overall perimeter dimension: 39 x 35 metres.  
 This lighting design is solely based on the use of the equipment detailed. Any deviation from this equipment will produce differing results.  
 The superior optics of the HiLux Match luminaire have been specifically selected to minimise the effects of nuisance overspill to adjacent dwellings.

**AMENDED**

The nominal values shown in this report are the result of precision calculations, based upon precisely positioned luminaires in a fixed relationship to each other and to the area under examination. In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply.

<b><i>luminance pro</i></b> <b><i>lighting systems</i></b> PO Box 1345, Woking, Surrey, GU24 9WL		Email: <a href="mailto:info@luminancepro.co.uk">info@luminancepro.co.uk</a> Website: <a href="http://www.luminancepro.co.uk">www.luminancepro.co.uk</a> Tel: 01276 855008 Fax: 01276 855999	
			

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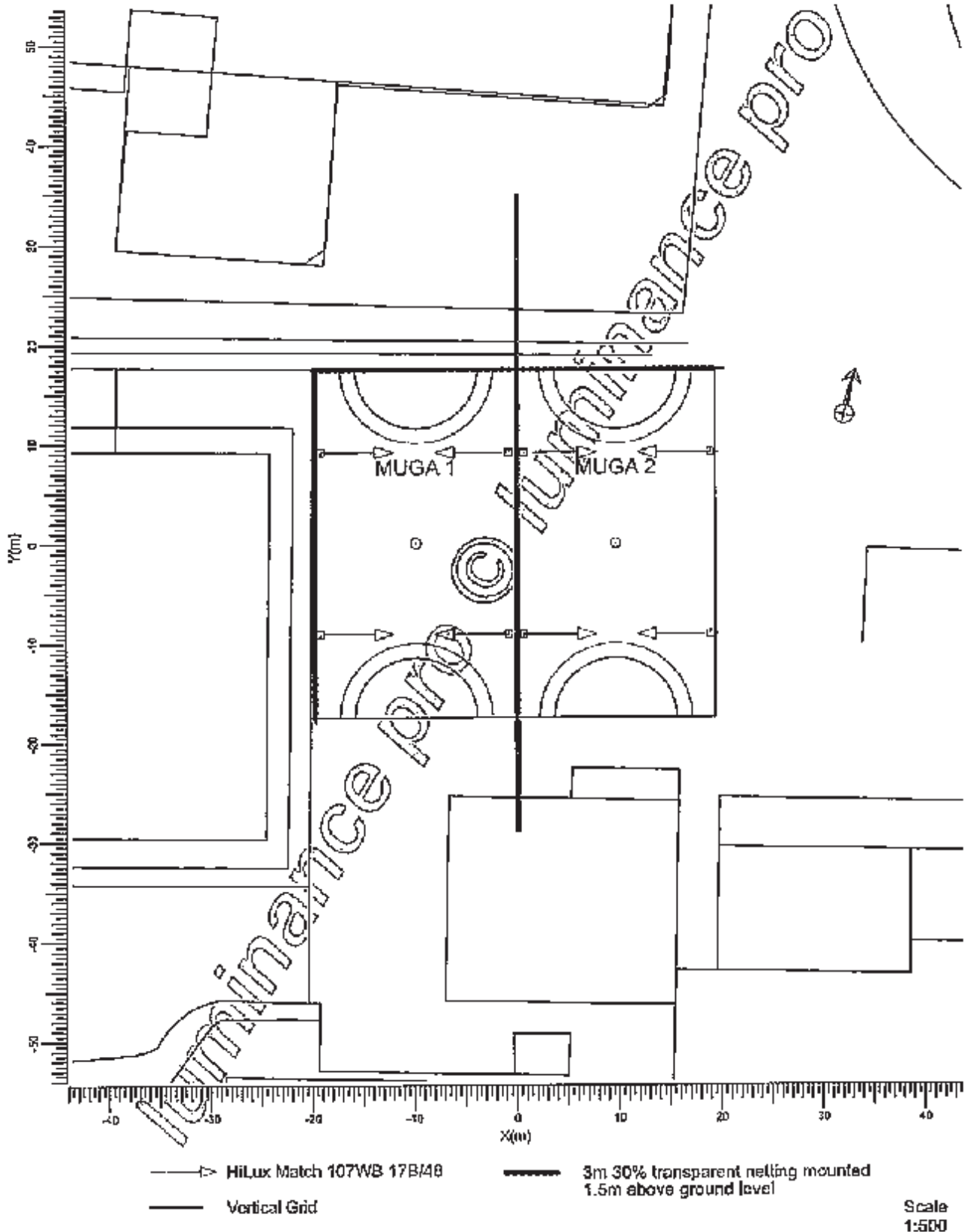
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# 1. Project Description

## 1.1 Top Project Overview



## 2. Summary

### 2.1 General Information

The overall maintenance factor used for this project is 0.90.

### 2.2 Obstacle Information

Obstacle	Transparency (%)	Position		
		X (m)	Y (m)	Z (m)
Leisure Centre	0	5.36	-25.69	0.00
Leisure Centre1	0	-7.02	-45.91	0.00
Leisure Centre2	0	19.54	-42.94	0.00
Bowls Club	0	-48.66	11.89	0.00
Nursing Home	0	-39.23	29.50	0.00
Nursing Home1	0	-50.24	48.97	0.00
HLR000	0	-19.45	8.75	6.00
		-19.45	-8.75	6.00
Netting 70% stop - North	30	-19.60	17.51	1.60
Netting 70% stop - West	30	-19.60	17.51	1.50
C1	0	0.00	9.10	0.00
		0.00	9.10	0.00
C2	0	0.00	9.10	1.25
		0.00	9.10	1.25
C3	0	-19.70	9.10	0.00
		19.70	9.10	0.00
		-19.70	-9.10	0.00
		19.70	-9.10	0.00
C4	0	-19.70	9.10	1.25
		19.70	9.10	1.25
		-19.70	-9.10	1.25
		19.70	-9.10	1.25

### 2.3 Project Luminaires

Code	Qty	Luminaire Type	Lamp Type	Power (W)	Flux (lm)
A	B	HiLux Match 107WB 17B/48	1 * MH 1000W BT-180	1100.0	1 * 90000

Code	Maintenance factor	
	Luminaire	Lamp
A	0.90	0.90

The total installed power: 8.80 (kWatt)

Number of Luminaires Per Switching Mode:

Switching Mode	Luminaire	Power (kWatt)
	Code	
MUGA 1	A	4.40
MUGA 2	A	4.40
All lights	B	8.80

Number of Luminaires Per Arrangement:

Arrangement	Luminaire	Power (kWatt)
	Code	
MUGA 1 Lights	A	4.40
MUGA 2 Lights	A	4.40



## 2.4 Calculation Results

---

Switching Modes:

Code	Switching Mode
1	MUGA 1
2	MUGA 2
3	All lights

(f) Luminance Calculations:

Calculation	Switching Mode	Type	Unit	Ave	Min/Ave
MUGA 1	1	Surface Illuminance	lux	253	0.60
MUGA 2	2	Surface Illuminance	lux	253	0.60
Vertical Grid	3	Surface Illuminance	lux		
Overspill	3	Surface Illuminance	lux		

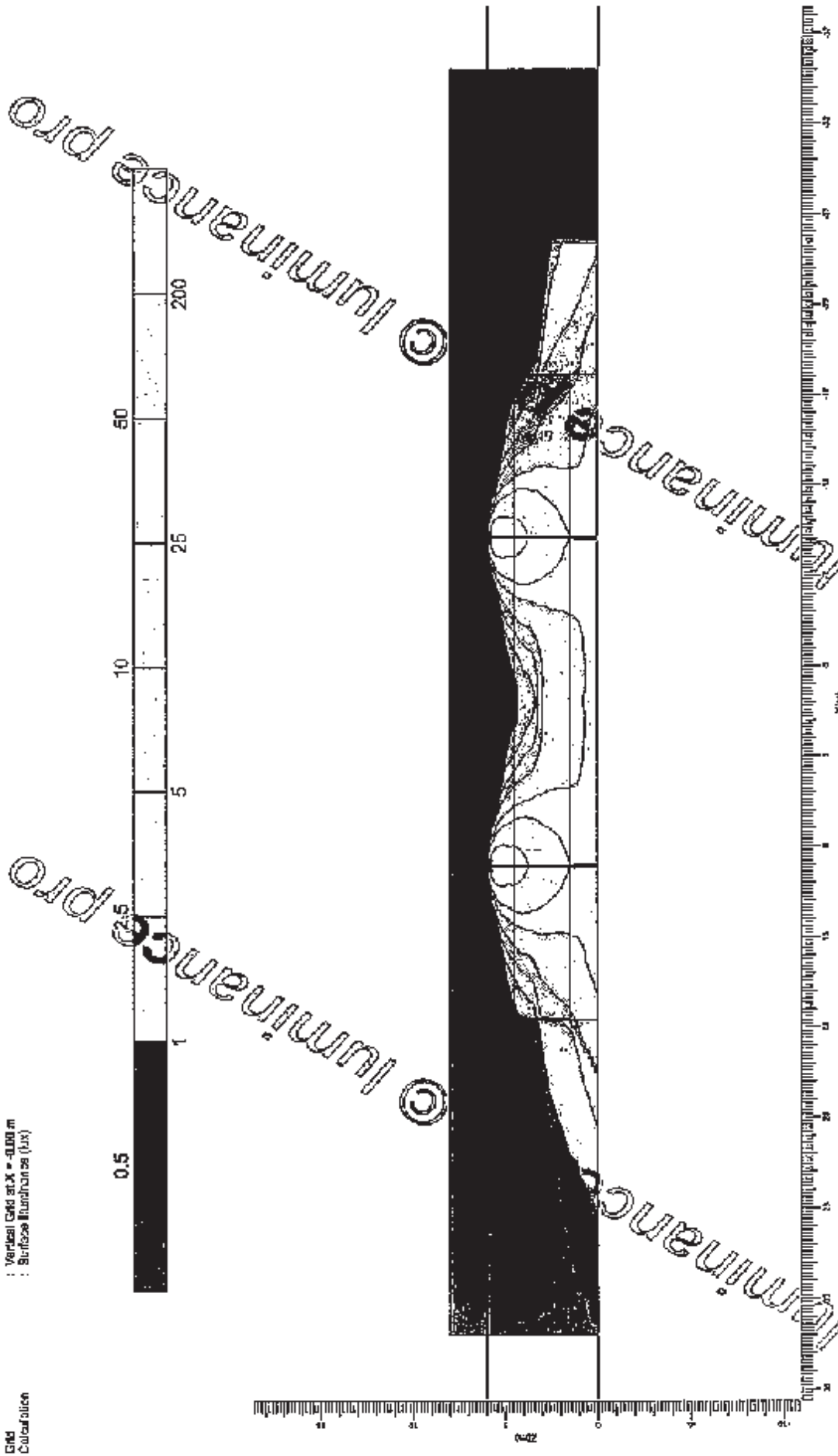
**luminance pro © luminance pro**

### 3. Calculation Results

#### 3.1 Vertical Grid: Filled Iso Contour

All Units

Grid Calculation  
: Vertical Grid at X = 0.000 m  
: Surface Illuminance (lx)



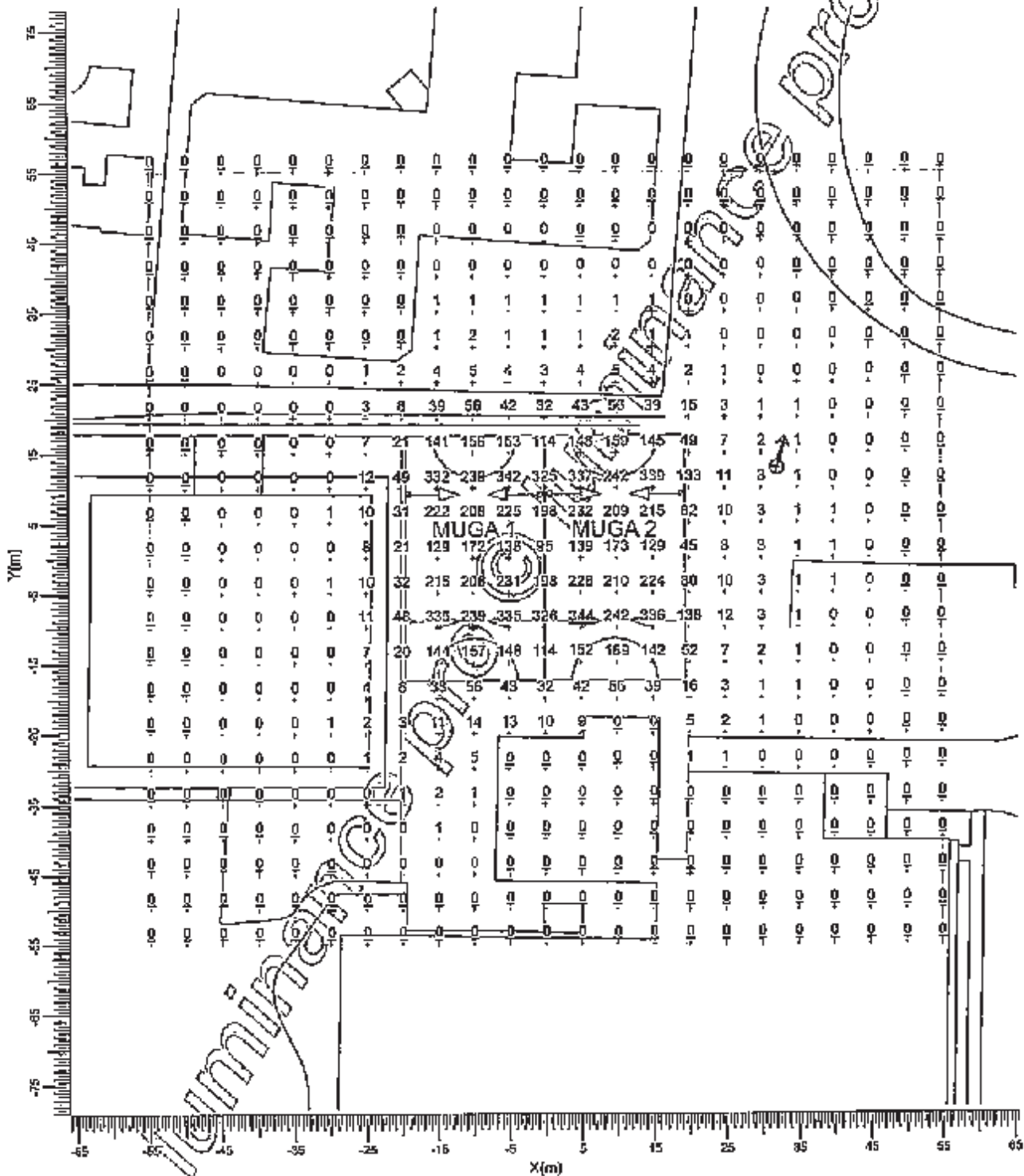
Scale  
1:200

Page  
B710

3.2 Overspill: Graphical Table

All lights

Grid : Overspill at Z = -0.00 m  
 Calculation : Surface Illuminance (lux)



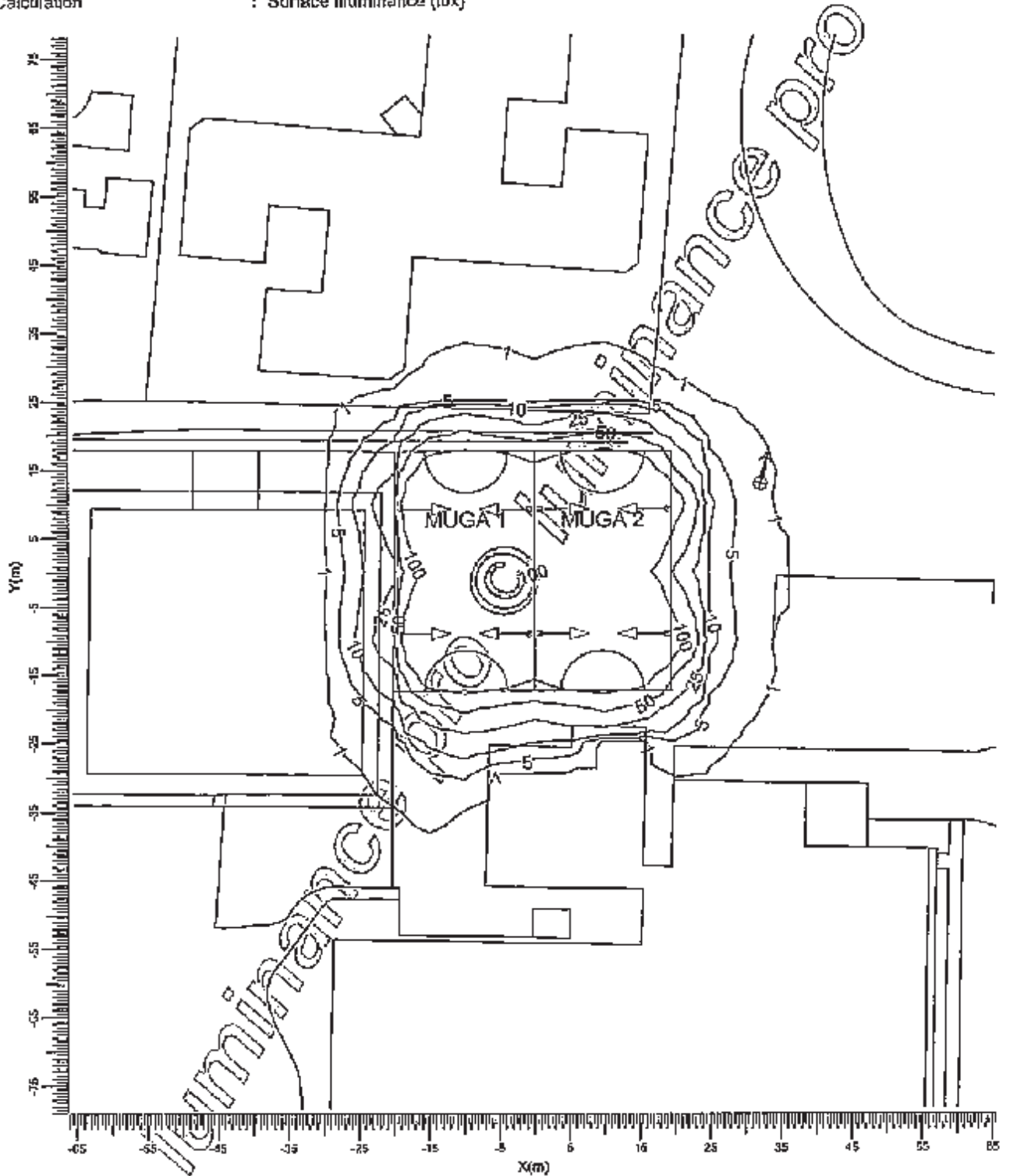
▽ HILux Match 107WB 17B/48

Scale  
 1:750

3.3 Overspill: Iso Contour

All lights

Grid : Overspill at Z = -0.00 m  
Calculation : Surface Illuminance (lux)

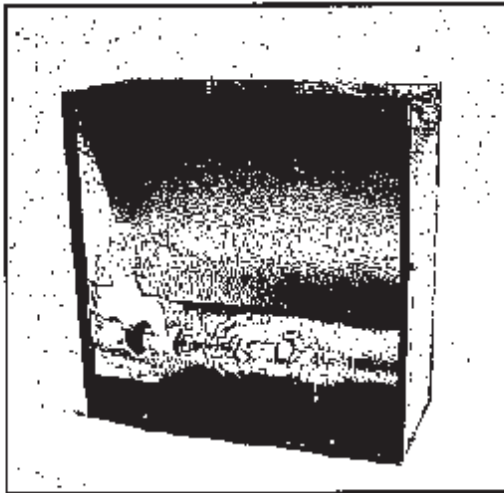


▷ HiLux Match 107WB 17B/40

Scale  
1:750

## 4. Luminaire Details

### 4.1 Project Luminaires



#### HiLux - Match107/WB 17B

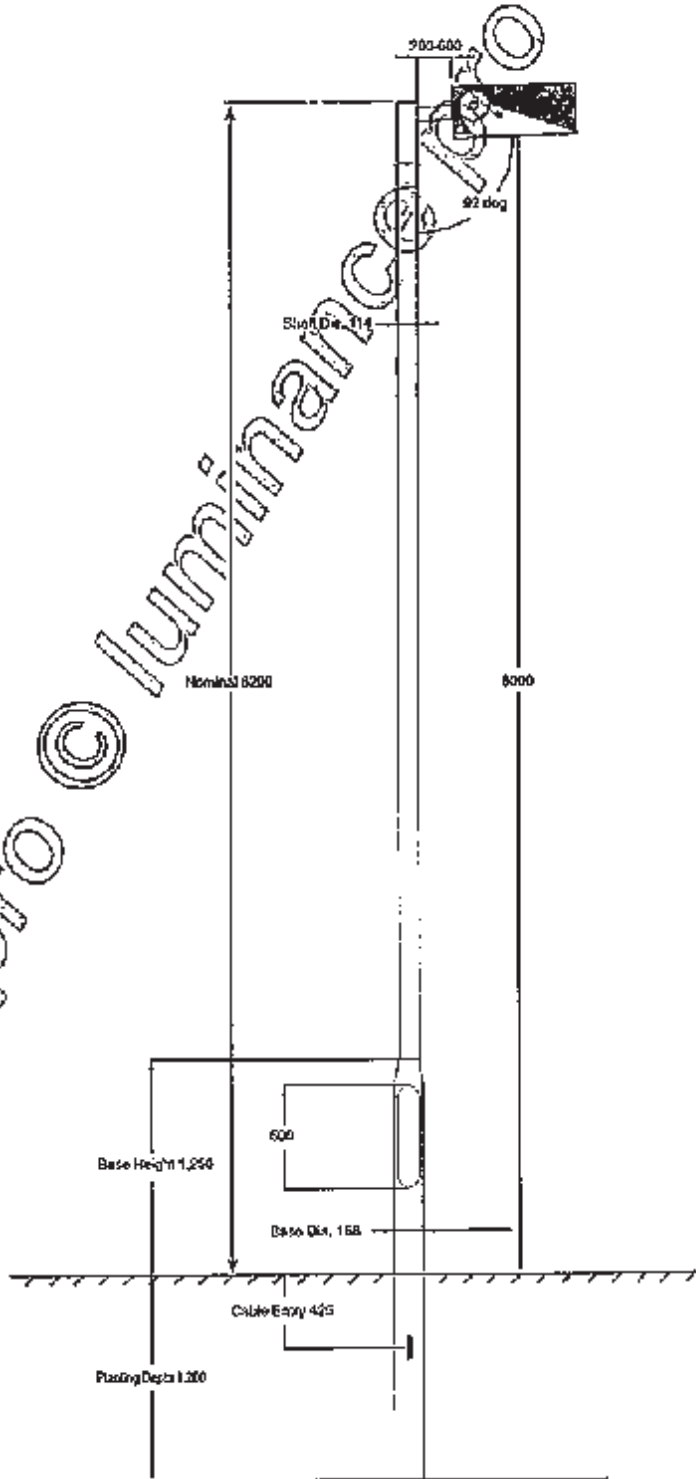
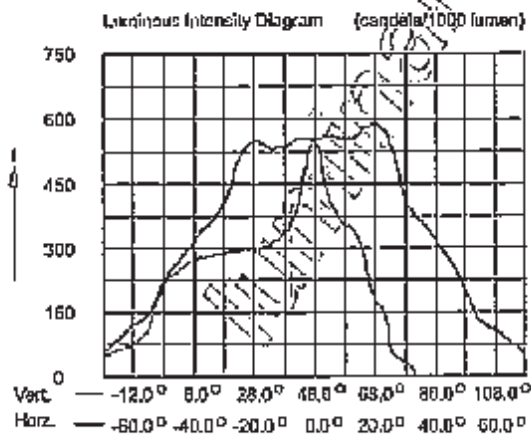
Light output ratios

DLOR	0.70
ULOR	0.00
TLOR	0.70

Ballast	400v
Lamp flux	90000 lm
Luminaire wattage	1100.0 W
Luminaire voltage	400v +/- 5%
Measurement code	858585V1.0
Luminaire maintenance factor	0.90
Lamp maintenance factor	0.90
Project maintenance factor	0.90

The HiLux projector dramatically reduces light spill and glare outside the intended area, compared with standard angled floodlight projectors.

The horizontal mounting, sharp reflector cut off and low mounting height of the HiLux projector is highly effective at reducing overspill light in environmentally conscious areas.



Mounting brackets available for 1, 2, 3 or 4 luminaires.

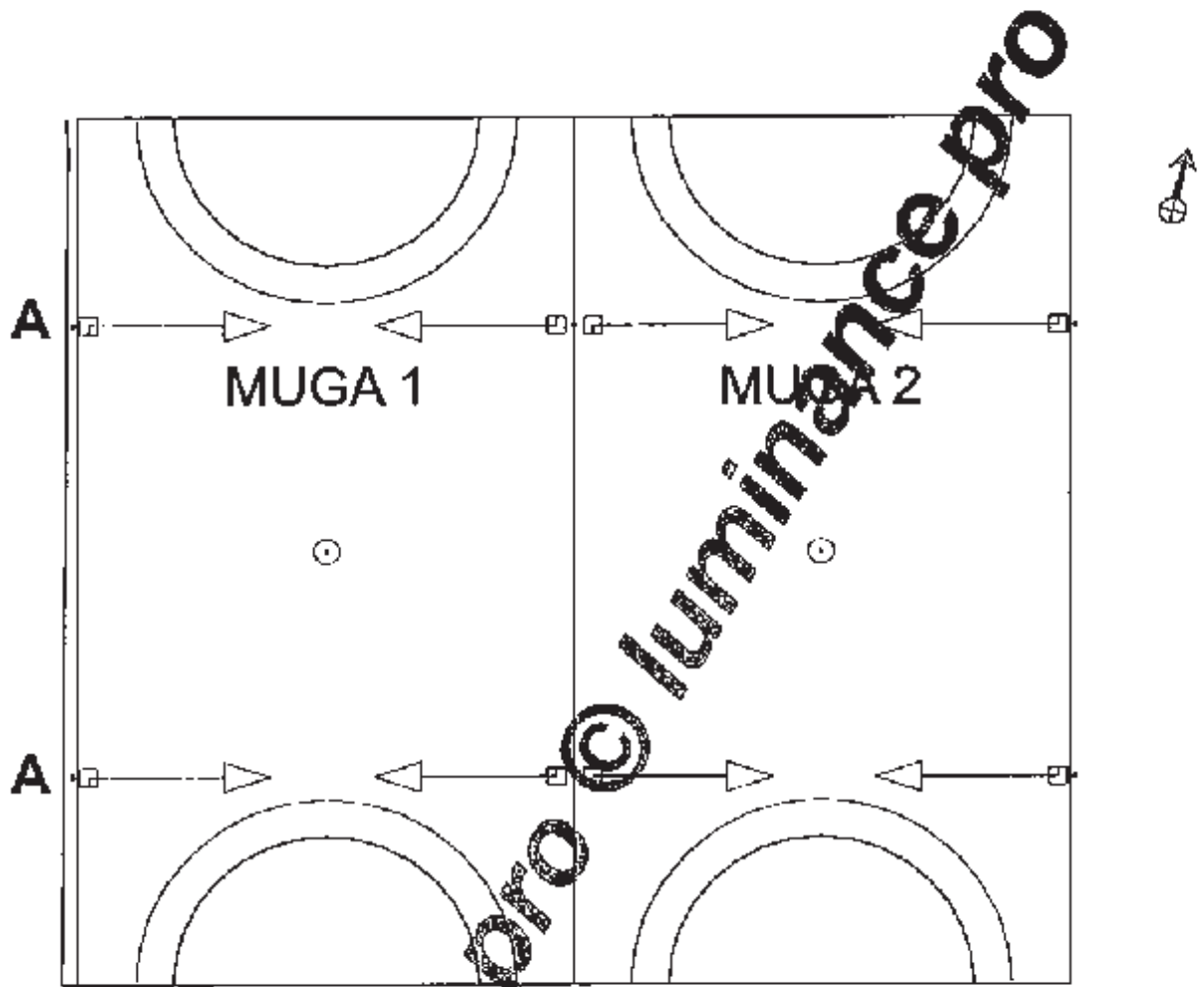
Columns are tubular, corrosion protection - hot dip galvanized.

Luminaires and columns are both finished in Green (RAL 6005)



## 5. Deflectors

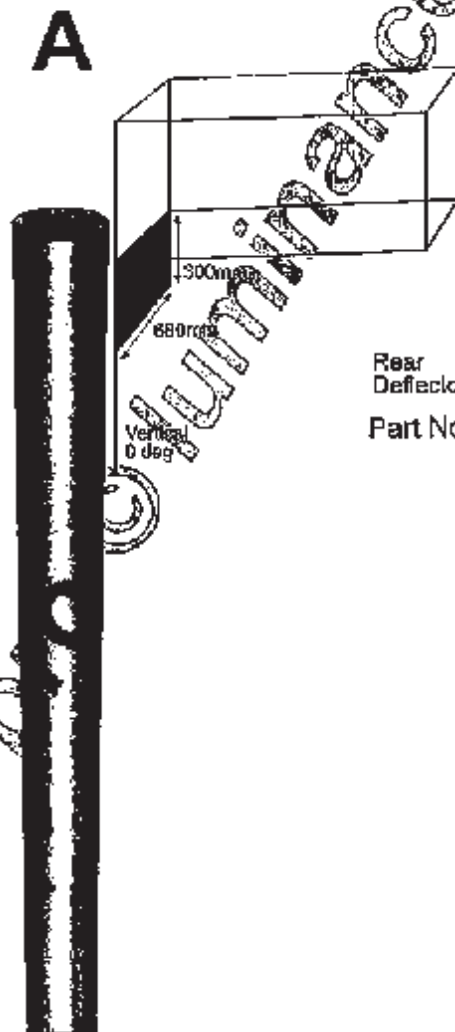
### 5.1 Deflector locations



- ▷ HiLux Mark 17 WB 17B48
- A** HiLux Floor Deflectors HLRD00

# HiLux

## Match Projector Rear Deflector

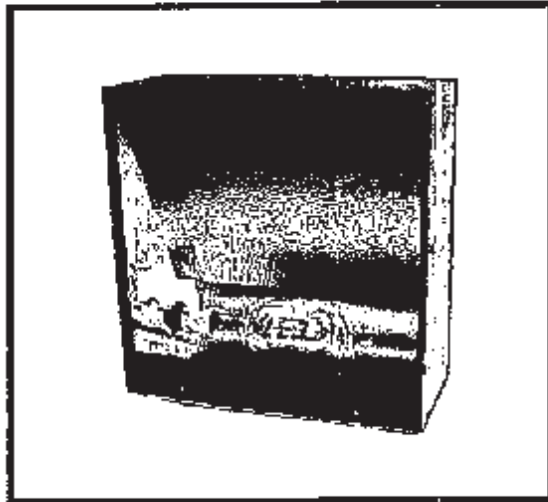


Rear  
Deflector

Part No: HLRD00

This indicative drawing is for information only.

Manufactured & Distributed in the United Kingdom by:  
Luminance Pro Lighting Systems Ltd. PO Box 1245 Woking Surrey GU24 8WL  
T 01276 855866 F 01276 855999 E [info@luminancepro.co.uk](mailto:info@luminancepro.co.uk)



**The Match is one in a range of HiLux high performance luminaires designed for use in sports lighting**

## Match 107/WB 17B

Box quantity	1
Net Weight	25 kg
Body colour (standard)	RAL6005
Optic	Wide beam
IP rating	IP65
Windage	0.2lm <sup>2</sup>
Moulding method	4 x M10 factory fitted

Number of lamps	1
Lamp type	MV / E40
Lamp power	1000 W
Lamp colour	4200 K
Lamp Access	Via front glass
Supply voltage	400v

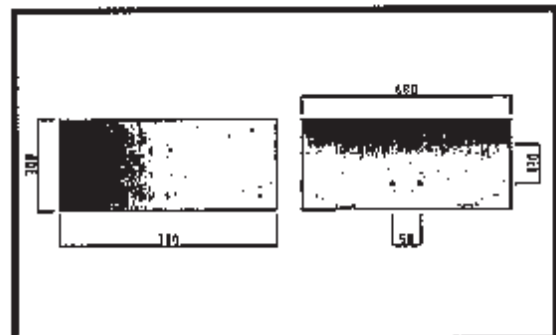
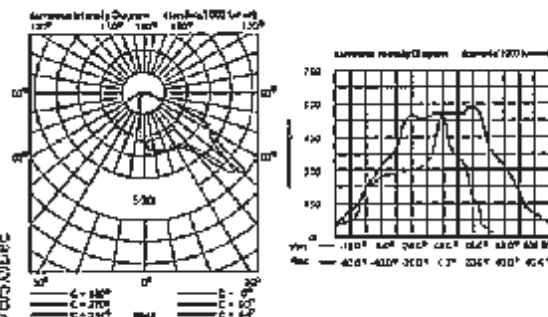
- ✓ Exceptional light control
- ✓ Flat glass asymmetric technology
- ✓ Fully shielded
- ✓ Designed for outdoor sports lighting
- ✓ Stainless steel components
- ✓ 6mm hinged safety glass
- ✓ Computer designed reflector
- ✓ Non-tarnish reflector
- ✓ Super high reflectance material
- ✓ Super low glare reflectance material
- ✓ Heavy duty mounting
- ✓ IP65 ingress protection
- ✓ Easy, one tool lamp change
- ✓ Pre flexed and tested (option)
- ✓ Powder coat finish (RAL 6005)
- ✓ UK manufactured
- ✓ 10 year limited warranty via direct install
- ✓ 3 year limited warranty via wholesaler distribution

### Ordering codes:

**MATCH/107/WB/17B** Luminaire

### Options

- /C Alternative colour finish
- /I Reflector (front/FD, rear/RD, side/SD)
- /LL Lamp (supplied loose)
- /LFT Lamp & fix installed and tested
- /G Lamp gear (supplied loose)



Ref: MATCH107WB17B5.0Dec

***luminance pro***  
lighting systems

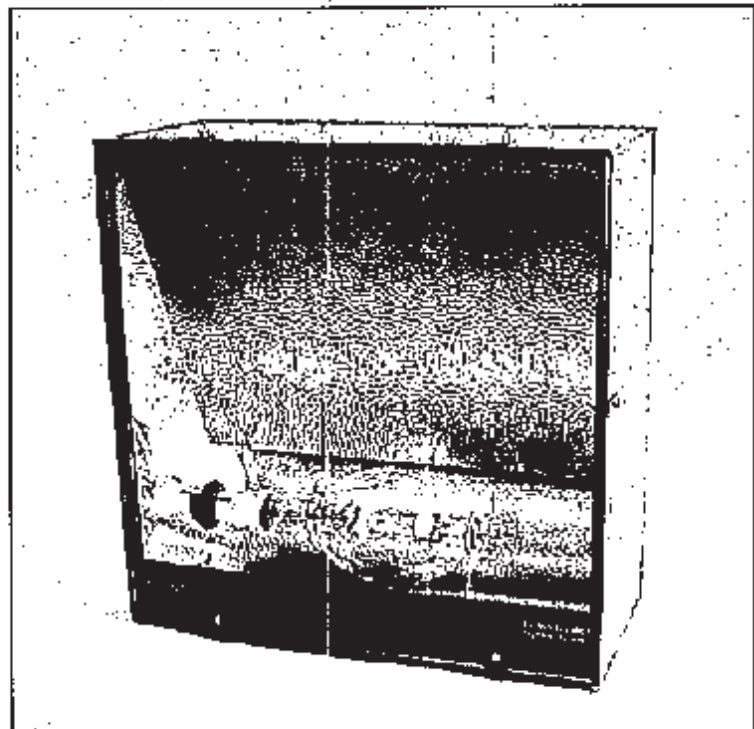
Tel: +44 (0)1276 855 686  
Fax: +44 (0)1276 855 989

Info@luminancepro.co.uk  
www.luminancepro.co.uk

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# **HiLux™**

## **Match™**

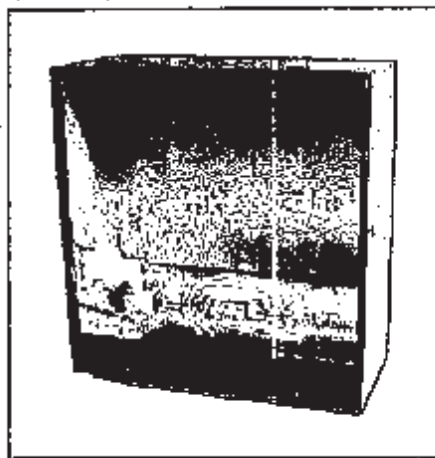


**High Quality Luminaires  
for the Sports Industry**



# HiLux

*The Match Projector is one in a range of HiLux high performance luminaires designed for use in indoor or outdoor sports lighting applications.*



True 'flat glass' aiming angles are achieved by using a computer optimised design of reflector.

HiLux reflector material provides the highest amount of reflection available, achieving 10-20% more light output than any other product of its type on the market today.

HiLux reflectors do not tarnish or require cleaning under normal use.

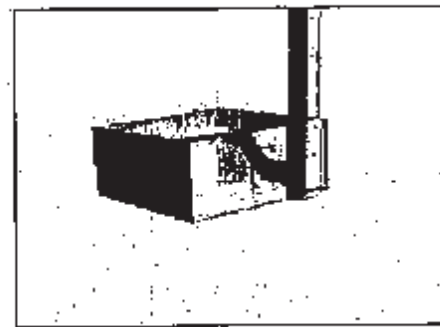
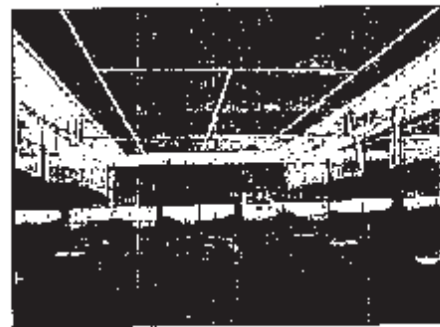
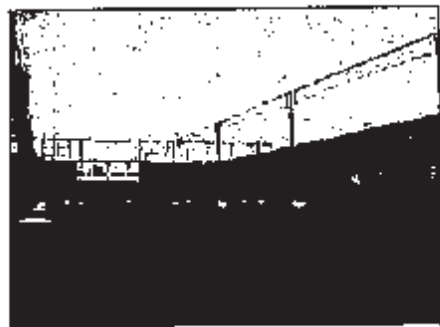
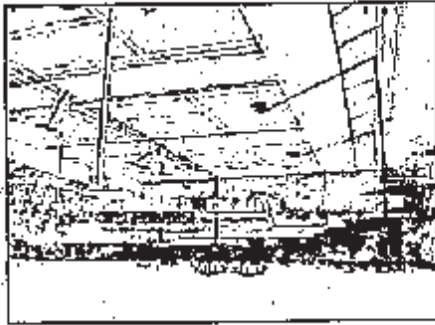
The reflector material of similar products will tarnish with age, typically reducing light reflection by 2-5% per year; this amount can never be regained without replacing the reflector.

It is designed to meet the high standards required by architects, consultants, specifiers and end users and has received approval from Planning Departments throughout the United Kingdom.

- ✓ Highest efficiency reflector
- ✓ Non-tarnish reflector
- ✓ Low glare
- ✓ Sharp cutoff angle
- ✓ Fully shielded
- ✓ 6mm toughened safety glass
- ✓ Stainless steel components
- ✓ IP65 protection
- ✓ Low mounting height option
- ✓ Fixed mounting angle
- ✓ One cool lamp replacement
- ✓ Power Factor corrected
- ✓ Branded long life lamps
- ✓ Prewired and tested
- ✓ Aluminium casing
- ✓ Powder coated finish
- ✓ Alternative colour finishes
- ✓ CE Approved
- ✓ UK manufactured
- ✓ 3 year limited warranty via wholesaler distribution\*
- ✓ 10 year limited warranty via direct install\*

\*see terms and conditions





in manufacture.  
Designed to outlast other similar products,  
Systems Ltd.

This warranty is increased to a massive 10  
years if installed by Illuminance Pro Lighting  
It is the superior build quality which gives all  
Hilux luminaires a 3 year limited warranty as  
standard.

### *Extended Warranty*

order subject to manufacturing lead times.  
however alternative colours are available to  
Green (RAL6005) is stocked as standard.  
treatments.

more durable than many other paint  
results in a robust high gloss finish which is  
powder coated paint process is applied, this  
This shell is then created, oven cured and a  
are no joints to allow water or dust to enter  
fully seam welded aluminium, this means there  
The outer shell is manufactured from tough

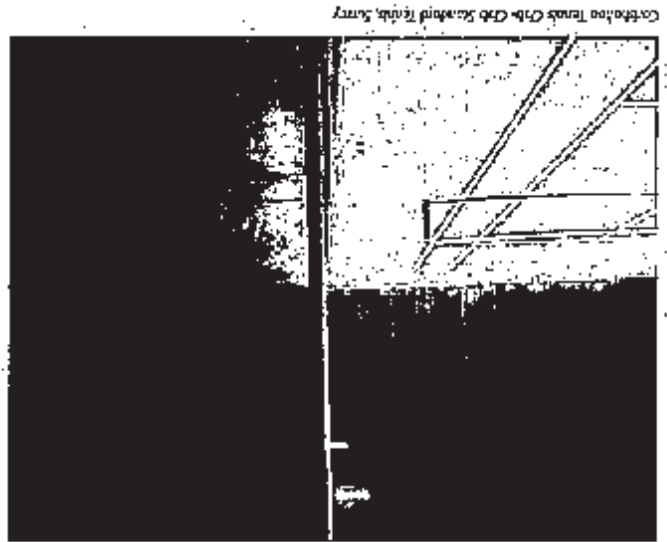
### *Built to last*

reduce wind vibration.  
throughout its working life, this also serves to  
luminaire remains at the optimum angle  
increased strengthening to ensure the  
The supporting arm attaches to an area with  
quality light output.

Hilux Match luminaires provide rugged  
strength in a lightweight design as well as high

### *Built for performance*

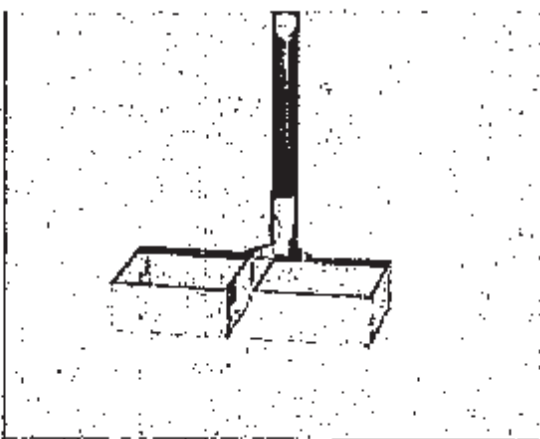
With more lighting installed in environmentally sensitive areas, or near to residential areas, luminaires have to meet demanding criteria. The Match range is engineered to provide maximum cutoff and ultra low glare. Less light into the surrounding environment means more light for the players, placing the Hilux Match as the best specified luminaire in the industry.



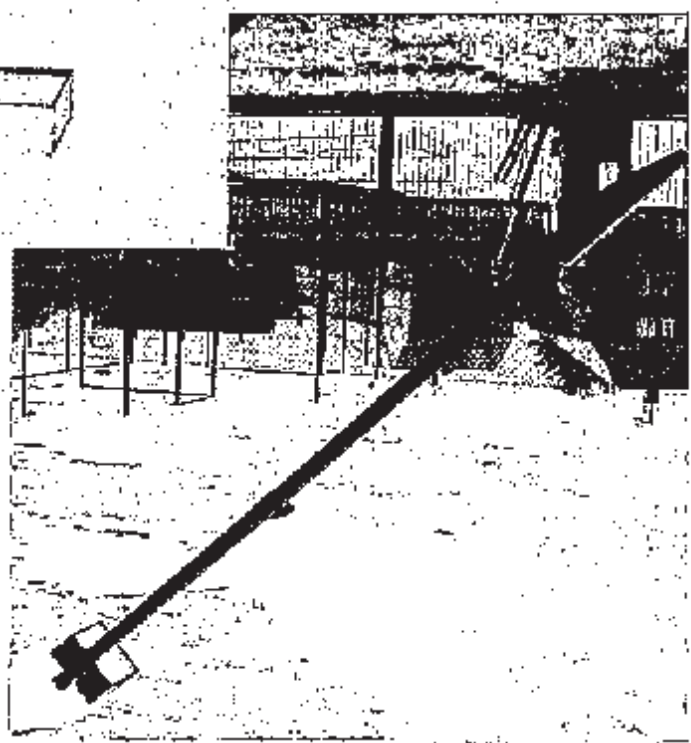
Corbett Tennis Club - Club Standard Tennis, Surrey

Best on the playing area, best off the playing area...

A full range of support engineering is available, from static or hinged columns, to feeder pillars and automated control systems. Hilux products are manufactured to the highest standards for continued light performance and long lasting installations.



Centre Court Hotel - Cover Standard Tennis, Surrey



Hilux Centre - Adult Tennis Area, Surrey

# HiLux™

## Match™

Specification	
Dimensions	L 700mm W 680mm D 300
Finish	Polyester gloss powder coated
Standard colour	BS381C 287 (green)
Warranty	Ten year limited warranty via direct install * Three year limited warranty via wholesaler distribution *
Lamp warranty	Six month limited warranty
Internal wiring	200° C silicone
Lens	6mm toughened optically clear glass
Reflector	High purity anodized aluminium, 95% reflectance
Fasteners	A2 stainless steel
Lamp Access	Hinged glass lens
Ingress protection	IP65 rated
Windage	0.21 (horizontal position)
Country of origin	Great Britain
Voltage tolerance	+/- 5% of operating voltage
Recommended mounting	HiLux fixed angle bracket
Recommended column	HiLux high grade column
Recommended height	8.7m to 10m

\* or 20,000 hrs use, whichever is sooner

Product code	Lamp	Number of lamps	Lumen Output	Colour Temp.(°K)	Operating voltage	Luminaire wattage	Weight (kg)
MATCH/090/WB	600W SON-T	1	90,000	2,000	230	638	26
MATCH/100/WB	400W SON-T	2	100,000	2,000	230	664	27
MATCH/130/WB	1kW SON-T	1	130,000	2,000	230	1,054	26
MATCH/180/WB	600W SON-T	2	180,000	2,000	230	1,272	27
MATCH/040/WB	400W multi vapour	1	40,000	4,000	230	430	26
MATCH/080/WB	400W multi vapour	2	80,000	4,000	230	860	27
MATCH/107/WB	1kW multi vapour	1	107,500	4,000	400	1,040	26
MATCH/107/S	1kW multi vapour	1	107,500	4,000	400	1,040	26
MATCH/240/WB	2kW metal halide	1	240,000	4,500	400	2,070	26
MATCH/215/WB	1kW multi vapour	2	215,000	4,000	400	2,080	27
MATCH/230/WB	2kW metal halide	1	230,000	4,100	400	2,200	26

REORDER: MATCH/09.1

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T 01276 855886 F 01276 855999 E info@lumiancepro.co.uk

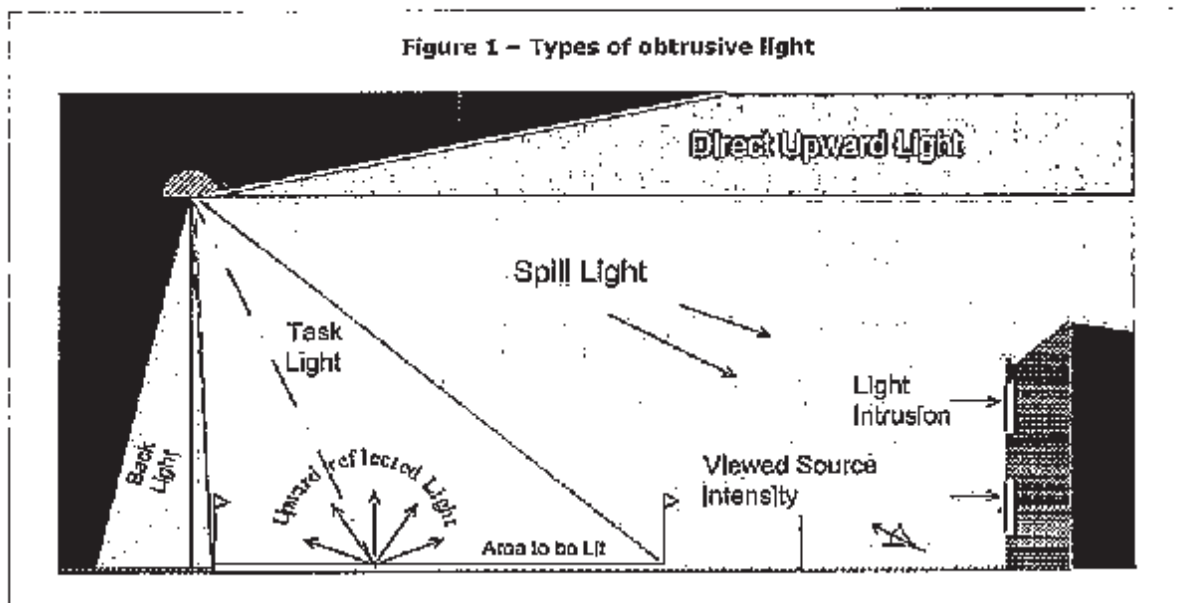
## GUIDANCE NOTES FOR THE REDUCTION OF OBTRUSIVE LIGHT

**"Think before you light - The right amount of light, where wanted, when wanted."**

Man's invention of artificial light has done much to safeguard and enhance our night-time environment but, if not properly controlled, **obtrusive light** (sometimes referred to as light pollution) can present serious physiological and ecological problems.

**Obtrusive Light**, whether it keeps you awake through a bedroom window or impedes your view of the night sky, is a form of pollution, which may also be a nuisance in law and which can be substantially reduced without detriment to the lighting task.

**Sky glow**, the brightening of the night sky, **Glare** the uncomfortable brightness of a light source when viewed against a darker background, and **Light Intrusion ("Trespass")**, the spilling of light beyond the boundary of the property or area being lit, are all forms of obtrusive light which may cause nuisance to others and waste money and energy. Think before you light. Is it necessary? What effect will it have on others? Will it cause a nuisance? How can you minimise the problem?



Do not "over" light. This is a major cause of obtrusive light and is a waste of energy. There are published standards for most lighting tasks, adherence to which will help minimise upward reflected light. Organisations from which full details of these standards can be obtained are given on the last page of this leaflet.

Dim or switch off lights when the task is finished. Generally a lower level of lighting will suffice to enhance the night time scene than that required for safety and security.

### **"Good Design equals Good Lighting"**

Any lighting scheme will consist of three basic elements: a light source, a luminaire and a method of installation.

### **Light sources (Lamps)**

Remember that the light source output in LUMENS is not the same as the wattage and that it is the former that is important in combating the problems of obtrusive light.

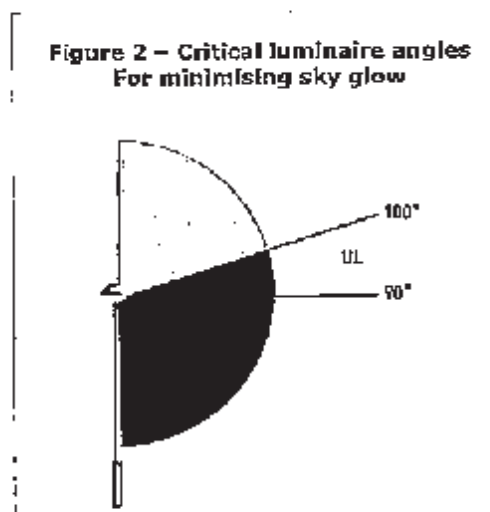
Most nighttime visual tasks are only dependant on light radiated within the visual spectrum. It is therefore NOT necessary for light sources to emit either ultra-violet or infra-red radiation unless specifically designed to do so. It is also understood that light from the shorter wavelengths of the spectrum has important effects on both flora and fauna that should be considered.

Research indicates that light from the blue end of the spectrum has important non-visual effects on the health of the human body, in particular in our sleep/wake patterns. It is therefore important to appreciate that while in obtrusive light terms the use of blue light should be minimised, there are many night-time tasks such as driving and sports where to be fully awake is an important aid to safety.

### **Luminaires**

Care should always be taken when selecting luminaires to ensure that appropriate products are chosen and that their location will reduce spill light and glare to a minimum.

Use specifically designed lighting equipment that minimises the upward spread of light near to and above the horizontal. The most sensitive/critical zones for minimising sky glow are those between 90° and 100° as shown in Figure 2 and referred to as the lower, upward light output zone (UL).





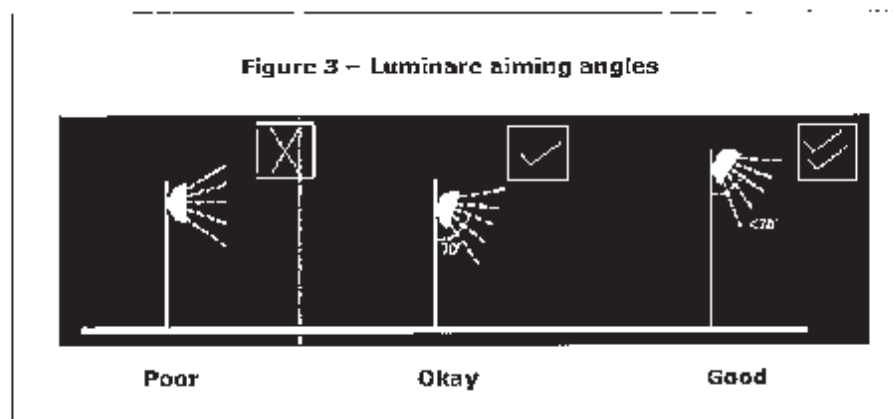
For most sports and area lighting installations the use of luminaires with double-asymmetric beams designed so that the front glazing is kept at or near parallel to the surface being lit should, if correctly aimed, ensures minimum obtrusive light.

Appendices 1 and 2 to these notes gives more details of how to choose and if necessary modify luminaires.

### Installation

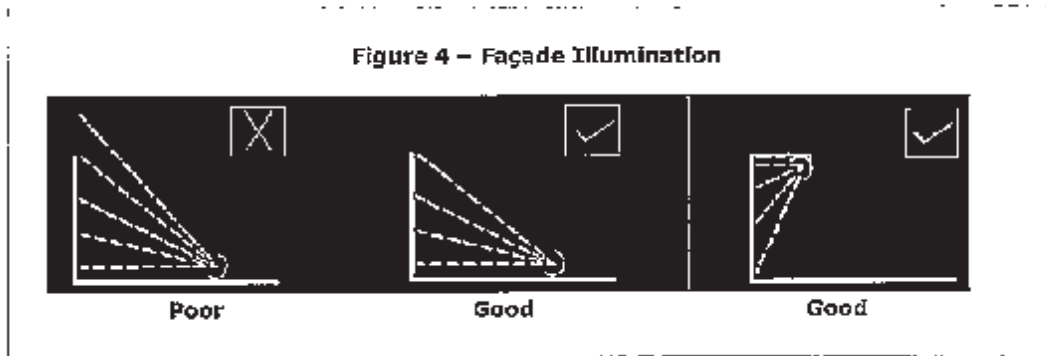
In most cases it will be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation. The requirements to control glare for the safety of road users are given in Table 3.

Keep glare to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is not more than 70°. Higher mounting heights allow lower main beam angles, which can assist in reducing glare. In areas with low ambient lighting levels, glare can be very obtrusive and extra care should be taken when positioning and aiming lighting equipment. With regard to domestic security lighting the ILP produces an information leaflet GN02:2009 that is freely available from its website.



When lighting vertical structures such as advertising signs, direct light downwards wherever possible. If there is no alternative to up-lighting, as with much decorative lighting of buildings, then the use of shields, baffles and louvres will help reduce spill light around and over the structure to a minimum.

For road and amenity lighting installations, (see also design standards listed on Page 5) light near to and above the horizontal should normally be minimised to reduce glare and sky glow (Note ULR's in Table 2). In rural areas the use of full horizontal cut off luminaires installed at 0° uplift will, in addition to reducing sky glow, also help to minimise visual intrusion within the open landscape. However in some urban locations, luminaires fitted with a more decorative bowl and good optical control of light should be acceptable and may be more appropriate.



Since 2006 “Artificial Light” has been added to the list of possible Statutory Nuisances in England, Wales and Scotland. The monitoring of such nuisances will be the responsibility of Environmental Health Officers (EHOs) for which separate guidance is being produced.

With regard to the planning aspect, many Local Planning Authorities (LPAs) have already produced, or are producing, policies that within the planning system will become part of their local development framework. For new developments there is an opportunity for LPAs to impose planning conditions related to external lighting, including curfew hours.

The Scottish Executive has published a design methodology document (March 2007) entitled “Controlling Light Pollution and Reducing Energy Consumption” to further assist in mitigating obtrusive light elements at the design stage.

**ENVIRONMENTAL ZONES**

It is recommended that Local Planning Authorities specify the following environmental zones for exterior lighting control within their Development Plans.

**Table 1 – Environmental Zones**

<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

Where an area to be lit lies on the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone.

NB: Zone E0 must always be surrounded by an E1 Zone.

## DESIGN GUIDANCE

The following limitations may be supplemented or replaced by a LPA's own planning guidance for exterior lighting installations. As lighting design is not as simple as it may seem, you are advised to consult and/or work with a professional lighting designer before installing any exterior lighting.

**Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers**

Environmental Zone	Sky Glow ULR [Max %] <sup>(1)</sup>	Light Intrusion (into Windows) E <sub>v</sub> [lux] <sup>(2)</sup>		Luminaire Intensity I [candelas] <sup>(3)</sup>		Building Luminance Pre-curfew <sup>(4)</sup>  Average, L [cd/m <sup>2</sup> ]
		Pre-curfew	Post-curfew	Pre-curfew	Post-curfew	
E0	0	0	0	0	0	0
E1	0	2	0 (1*)	2,500	0	0
E2	2.5	5	1	7,500	500	5
E3	5.0	10	2	10,000	1,000	10
E4	15	25	5	25,000	2,500	25

**ULR** = **Upward Light Ratio of the Installation** is the maximum permitted percentage of luminaire flux that goes directly into the sky.

**E<sub>v</sub>** = **Vertical Illuminance in Lux** – measured flat on the glazing at the centre of the window.

**I** = **Light Intensity in Candelas (cd)**

**L** = **Luminance in Candelas per Square Metre (cd/m<sup>2</sup>)**

**Curfew** = the time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated – 23.00hrs is suggested.

**\*** = Permitted only from Public road lighting installations

**(1) Upward Light Ratio** – Some lighting schemes will require the deliberate and careful use of upward light, e.g. ground recessed luminaires, ground mounted floodlights, festive lighting, to which these limits cannot apply. However, care should always be taken to minimise any upward waste light by the proper application of suitably directional luminaires and light controlling attachments.

- (2) Light Intrusion (into Windows)** – These values are suggested maxima and need to take account of existing light intrusion at the point of measurement. In the case of road lighting on public highways where building facades are adjacent to the lit highway, these levels may not be obtainable. In such cases where a specific complaint has been received, the Highway Authority should endeavour to reduce the light intrusion into the window down to the post curfew value by fitting a shield, replacing the luminaire, or by varying the lighting level.
- (3) Luminaire Intensity** – This applies to each luminaire in the potentially obtrusive direction, outside of the area being lit. The figures given are for general guidance only and for some sports lighting applications with limited mounting heights, may be difficult to achieve.
- (4) Building Luminance** – This should be limited to avoid over lighting, and related to the general district brightness. In this reference building luminance is applicable to buildings directly illuminated as a night-time feature as against the illumination of a building caused by spill light from adjacent luminaires or luminaires fixed to the building but used to light an adjacent area.

**Table 3 – Obtrusive Light Limitations for Exterior Lighting Installations – Road Users**

Road Classification <sup>(1)</sup>	Threshold Increment (TI)	Veiling Luminance (Lv)
No road lighting	15% based on adaptation luminance of 0.1cd/m <sup>2</sup>	0.04
ME6/ ME5	15% based on adaptation luminance of 1cd/m <sup>2</sup>	0.25
ME4/ ME3	15% based on adaptation luminance of 2cd/m <sup>2</sup>	0.40
ME2 / ME1	15% based on adaptation luminance of 5cd/m <sup>2</sup>	0.84

**TI** = **Threshold Increment** is a measure of the loss of visibility caused by the disability glare from the obtrusive light installation

**Lv** = **Veiling Luminance** is a measure of the adaptation luminance caused by the disability glare from the obtrusive light installation

**(1)** = **Road Classifications** as given in BS EN 13201 - 2: 2003 Road lighting Performance requirements. Limits apply where users of transport systems are subject to a reduction in the ability to see essential information. Values given are for relevant positions and for viewing directions in path of travel. For a more detailed description and methods for determining, calculating and measuring the above parameters see CIE Publication 150:2003.

**RELEVANT PUBLICATIONS AND STANDARDS:**

British Standards: <a href="http://www.bsl.org.uk">www.bsl.org.uk</a>	BS 5489-1: 2003 Code of practice for the design of road lighting – Part 1: Lighting of roads and public amenity areas BS EN 13201-2:2003 Road lighting – Part 2: Performance requirements BS EN 13201-3:2003 Road lighting – Part 3: Calculation of performance BS EN 13201-4:2003 Road lighting – Part 4: Methods of measuring lighting performance. BS EN 12193: 1999 Light and lighting – Sports lighting BS EN 12464-2: 2007 Lighting of work places – Outdoor work places
Countryside Commission/ DOE	Lighting in the Countryside: Towards good practice (1997) (Out of Print but available on <a href="http://www.communities.gov.uk/index.asp?id=1144823">www.communities.gov.uk/index.asp?id=1144823</a> )
UK Government / Defra <a href="http://www.defra.gov.uk">www.defra.gov.uk</a>	Statutory Nuisance from Insects and Artificial Light – Guidance on Sections 101 to 103 of the Clean Neighbourhoods and Environment Act 2005  Road Lighting and the Environment (1993) (Out of Print)
CIBSE/SLL Publications: <a href="http://www.cibse.org">www.cibse.org</a>	Col. Code for Lighting (2002) LG1 The Industrial Environment (1989) LG4 Sports (1990+Addendum 2000) LG6 The Exterior Environment (1992) FF7 Environmental Considerations for Exterior Lighting (2003)
CIE Publications:  <a href="http://www.cie.co.at">www.cie.co.at</a>	01 Guidelines for minimizing Urban Sky Glow near Astronomical Observatories (1980) 83 Guide for the lighting of sports events for colour television and film systems (1989) 92 Guide for floodlighting (1992) 115 Recommendations for the lighting of roads for motor and pedestrian traffic – Second Edition (2010) 126 Guidelines for minimizing Sky glow (1997) 129 Guide for lighting exterior work areas (1998) 136 Guide to the lighting of urban areas (2000) 150 Guide on the limitations of the effect of obtrusive light from outdoor lighting installations (2003) 154 The Maintenance of outdoor lighting systems (2003)
ILP Publications: <a href="http://www.thellp.org.uk">www.thellp.org.uk</a>	TR 5 Brightness of Illuminated Advertisements (2001) TR24 A Practical Guide to the Development of a Public Lighting Policy for Local Authorities (1999) GN02 Domestic Security Lighting, Friend or Foe
ILP/CIBSE Joint Publications	Lighting the Environment – A guide to good urban lighting (1995)
ILP/CSS Publications	Joint Code of Practice for the installation, maintenance and removal of seasonal decorations. (2005)
ILP/CfDS Joint Publication <a href="http://www.dark-skies.org">www.dark-skies.org</a>	Towards Understanding Sky glow. 2007
IESNA <a href="http://www.iesna.org">www.iesna.org</a>	TM-15-07 (R) Luminaire Classification System for Outdoor luminaires

**NB:** These notes are intended as guidance only and the application of the values given in Tables 2 & 3 should be given due consideration along with all other factors in the lighting design. Lighting is a complex subject with both objective and subjective criteria to be considered. The notes are therefore no substitute for professionally assessed and designed lighting, where the various and maybe conflicting visual requirements need to be balanced.

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**APPENDIX 1 - PROPOSED OUTDOOR LUMINAIRE CLASSIFICATION SYSTEM**

Variable Aim Luminaires – General Classifications:

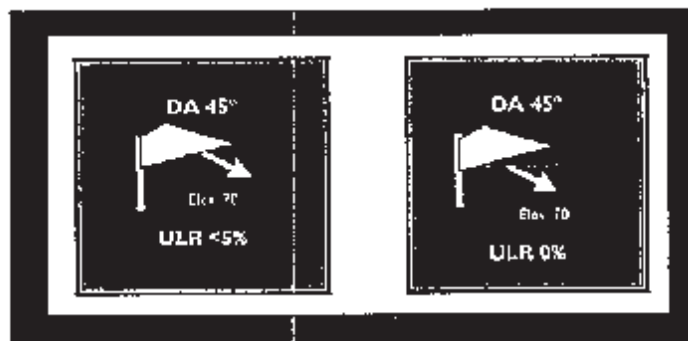
Type A	Symmetrical	
Type B	Asymmetrical	
Type C	Double-Asymmetrical	

**Proposed labelling System:**

Fixed Position luminaires

Variable Aim Luminaires

(Shown here for a 45° Double-Asymmetric luminaire aimed at 70° – with and without a cowl).





## why use an approved contractor?

About 12,500 fires a year are reported as having an electrical source, which includes faulty or inadequate wiring.

Cables, switches, socket-outlets and other equipment deteriorate with prolonged use, so they all need to be checked and necessary replacements or repairs made in good time.

Our aim is to protect everyone who uses electricity from unsafe electrical installations in their homes, places of work and leisure. In order to achieve this, we maintain a register (Roll) of electrical contractors that we have assessed as complying with the Council's rules. The assessment covers a representative sample of the contractors' electrical work, their premises and documentation, and the competence of their key supervisory staff. Once contractors become NICEIC Approved Electrical Contractors, they are re-assessed every year by one of the Council's Area Engineers to confirm that their business and the technical standard of their electrical work continue to comply with the Council's rules.

Enrolment with the NICEIC is voluntary, but electrical contractors that are competent and conscientious about the service they offer customers would consider it a priority to enrol.

There are more than 10,500 Approved Contractors on the Roll, covering the whole of the UK, including Northern Ireland. This means that you're sure to have a choice of Approved Contractors operating in your area. You can find an Approved Contractor by searching the **Roll of Approved Contractors** by postcode.

It is imperative that electrical work is carried out only by those with the necessary knowledge, skill and experience of the type of electrical work to be undertaken to enable them to avoid the dangers to themselves and others that electricity can create. It's easy to make an electrical circuit work - it's far more demanding to make the circuit work safely. Safety for you in your home is paramount; therefore the NICEIC strongly recommends that you choose an Approved Contractor to carry out your electrical work.

As a further guarantee of good work, all NICEIC Approved Contractors must issue certificates for all work carried out in accordance with the national standard **BS 7671**. Our **Certificates** page gives more details.

In the rare cases where a consumer is not satisfied with the technical standard of an Approved Contractor's electrical work, the NICEIC offers a complaints resolution service. The NICEIC expects its Approved Contractors to provide quality services to customers so, subject to certain limitations and conditions, we endeavour to resolve all complaints about the technical standard of their work. If a customer and an Approved Contractor are unable to resolve an alleged deficiency in the technical standard of electrical work, the customer can make a formal complaint to the NICEIC. All complaints falling within the scope of the NICEIC complaints procedure will be investigated and where a complaint is substantiated, the deficiency will be rectified at no additional cost to you. See our **Complaints** section for more details.

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## guarantee of standards

The NICEIC expects its Approved Contractors to provide quality services to customers so, subject to certain limitations and conditions, we endeavour to resolve all complaints about the technical standard of their electrical work.

If a customer and an Approved Contractor are unable to resolve an alleged deficiency in the technical standard of electrical work, the customer can make a formal complaint to the NICEIC. See our [Complaints](#) page for the procedure.

If an Approved Contractor does not undertake the required remedial work, The NICEIC Guarantee of Standards Scheme ensures it will be done by another Approved Contractor, at no cost to the consumer.

### The Scheme applies to:

- completed electrical installation work i.e. work for which an Electrical Installation Certificate has been issued.
- the safety and standard of workmanship of any electrical installation that is the subject of a complaint by the client or user of the installation.
- the 12-month period from the date the installation was put into service, or from the date the 'inspection and test' section of the Electrical Installation Certificate for the work was signed, whichever expires first.

### The Scheme does not apply to:

- the work of Approved Contractors covered by a Trade Association Guarantee.
- contracts under which the customer is indemnified by an insurance or other bond.
- work carried out by Approved Contractors that have closed their businesses and/or gone into liquidation. This is considered a commercial risk against which specifiers and consumers should make suitable arrangements.
- consequential and/or contingent liabilities including personal injury or death arising from the work of an Approved Contractor being below the required standard.
- the inspection and testing of electrical equipment, which does not form part of a fixed electrical installation and/or any claim resulting from such work.

The financial limit for remedial work is £10,000, on the work associated with any one contract or related series of contracts.

All decisions regarding the application and interpretation of the NICEIC Guarantee of Standards Scheme, the safety and standard of workmanship of an electrical installation and remedial work required, rest solely with the National Inspection Council. Any essential remedial work deemed necessary by the NICEIC will be carried out by an Approved Contractor appointed by the National Inspection Council.

The NICEIC Guarantee of Standards Scheme provides benefits in addition to legal and statutory rights. The Scheme does not reduce or modify those rights.

The current terms and conditions relating to the Guarantee of Standards Scheme can be downloaded [here](#):



## Why use the NICEIC?

The UK has a comparatively good record of electrical safety. According to government figures there are around 10 fatal and 2,000 non-fatal electric shock accidents in the home each year, and around 19 fatal and 880 non-fatal shock accidents a year in the workplace.

However, there are about 12,500 electrical fires in homes across the UK each year. Although many incidents are caused by faulty appliances rather than the electrical installation itself, a properly installed and well-maintained installation could save lives.

The NICEIC's independence assures consumers and specifiers that all installation work done by an NICEIC Approved Contractor will meet electrical safety requirements. The list of our Approved Contractors can be accessed on this website, and is updated weekly. A CD-ROM version of the Roll is also available on request.

Approved Contractors are required to issue a safety certificate for all their electrical work to confirm that the installation has been designed, constructed, inspected and tested in accordance with the national electrical safety standard, BS 7671 - Requirements for Electrical Installations. A Periodic Inspection Report (PIR) is issued when a report on the condition of an existing installation is required.

The NICEIC investigates all complaints that Approved Contractors have not complied with the appropriate technical standard and we operate a **Complaints Procedure** and **Guarantee of Standards Scheme**.

Householders have peace of mind knowing that all electrical work undertaken by an Approved Contractor will be safe. Approximately 90% of local authorities in the UK are believed to restrict work to NICEIC Approved Contractors on safety grounds.

# VALUATION REPORT.

## CANONS COPSE (BELLAMY COPSE).

A CAVAT (Community Asset Valuation of Amenity Trees)  
report for the Copse on the South West corner of News of the  
World Sports Ground, part of the Canons Pleasure Gardens,  
with explanation of the valuation system.





## 1. THE COPSE

1.1 The copse is located in the centre of the Canons Pleasure Gardens – more commonly known as the Canons' Recreation Ground – just north of the Canons' Leisure Centre and its associated rear access. It consists of some planted material (Oak, Birch and Thorn, planted as screening (condition) for the construction of the Leisure Centre. This has been supplemented by self sown Sycamore, Poplar and Goat Willow with an understory containing considerable areas of bramble and much Ivy. A Phase 1 Ecological Survey has been carried out (November 2011) by Furesfen, giving greater detail on non-tree species.

1.2 The nearest other woodlands in the immediate area are adjacent to the railway lines to the eastern side of Cranmer Green and scattered wooded areas on Mitcham Common. Other urban tree canopy features in the area include: extensive lines and groups of specimen trees within the Canons' Recreation Ground and its boundaries (several groups of which are spectacularly used as pre-roost gathering places by both Rose-ringed Parakeets and by Jackdaws); scattered boundary trees on Cricket, Police, Vestry and Cranmer Greens; limited street tree populations.

1.3 Apart from litter and some marginal fly tipping the main damage to the copse in the past has been from the opening up to grounds maintenance vehicles, of a pathway from SW to NE and the imposition of a leaf dump area at the western margin. Prior to this in 2005-6 the path was a narrow foot path desireline with both sections almost equally tree'd. The current proposal for a MUGA will obliterate the copse.

1.4 Management in the past has been limited to removal of selected Sycamore to favour native Oak, though to date the main beneficiary has been Goat Willow. Colonisation by Oak is possible where bramble and thorn protection exists without being so prolific as to overtop and discourage oak regeneration. To date this has not occurred and may require intervention. Due to the possible need for this intervention, the Sycamores, Poplar and to a lesser extent PARCEL377 (largely Goat Willow) have been devalued in the accompanying monetary totals.

### CAVAT.

2.1 This monetary valuation system was originated by Chris Neilan of Epping Forest District Council in conjunction with the London Tree Officers Association and can be viewed in detail or freely downloaded from the website of the LTOA – <http://www.ltoa.org.uk>



2.2 A number of valuation systems for natural objects and ecological services exist and there are some comparative studies on them. All contain some variable elements and subjective value judgements. Valuations between these systems can vary – as also variations are possible even the use of one system.

2.3 CAVAT is used in Merton;

to assess the grading of trees in cases of alleged damage from tree roots (subsidence allegations) to determine the level of evidence required;

to assess damage caused to our assets in RTA cases or vandalism incidents;

to determine compensation when trees are lost or damaged during development – whether agreed by negotiation or due to negligence and poor practice.

2.4 Common examples are, that until recently, removal of a street tree for a vehicle footway crossover was charged at the *cost* of removal of the existing tree and the *cost* of a new tree elsewhere, neither of which, either separately or in sum represent the *value* of the loss. Likewise CAVAT can be used to demonstrate ongoing amenity losses of repeat pruning operations leading to unfulfilled environmental potential by the needs of, say, CCTV – avoidable by re-siting cameras – if the valuation is used to illustrate true costs to the environment.

2.5 We also use CAVAT to demonstrate the value of trees as assets, as it is frequently the case that some people have difficulty with the concept of the natural environment representing more than a cost. Providing an assessment raises for discussion such issues as tangible health benefits, pollution reductions, etc, which are otherwise ignored.

2.6 CAVAT uses a relatively simple calculation formula.

a) stem area – derived from DbH (Diameter at Breast Height) - which is standard data in tree inspection - x unit value (£14.72 per cm sq. updated annually).

b) an adjustment to reflect population density – i.e. who benefits from the amenity provided by the tree – derived from the ONS (Office of National Statistics) data for the area. An x 1.5 factor in the case of Merton.

c) Functional Value – whether the tree is performing its biological function and therefore providing ecological, amenity and broad environmental services to the community commensurate with its stem size.

d) Special adjustments if present – such as a veteran tree, a tree with historic associations, etc,



e) Longevity – ie. if despite performing its function to the full it is diseased or structurally unsound, such issues are addressed here in reduced life expectancy and therefore value.

### 3. MERTON'S EZYTREEV DATABASE

3.1 This tree database holds survey, inventory and condition survey data on Merton owned trees. With the close and inseparable relationship between Arboriculture, Ecology and Bio-diversity, it also holds information relevant to those disciplines.

3.2 A somewhat simplified CAVAT calculation is built into Ezytreev which enables calculation of the value of single trees and of the entire surveyed tree stock, and makes possible assessment of the fluctuations in asset value caused by destruction and loss or increase through growth, good ecological practice or planting. A fully complete and correct stock valuation is never fully possible as the tree stock is dynamic and inspection/survey an ongoing process.

3.3 For individual trees or sites, valuations is fully valid but as noted any valuation is somewhat subjective, as with all such systems. For this reason all non-measurement entries are made to the most conservative value.

3.4 The formula used in Ezytreev consists of:

- a) Functional value broken down to 25% steps – i.e 0%, 25%, 50%, 75% or 100% reduction in functionality – generally reflecting the fact that many Merton trees have to be subjected to pruning.
- b) Safe life expectancy likewise reduced to a small number of steps
- c) The necessity to group some areas, such as the overall matrix of the copse, into parcels, with numbers of trees of varying sizes grouped as one entry and significant individuals superimposed. Parcels are therefore generally valued extremely conservatively.

3.5 It is also necessary to mark down the functional value of some trees – such as Sycamore, where it is considered that as they are invasive under some circumstances, and can sometimes reduce the opportunity for the development of more desirable species, their presence does not contribute as much as their size might suggest.

In this also, the valuation is conservative.

### 4. SURVEY.

4.1 The main body of the copse has been surveyed by Greenspaces Arboriculture as 2 Parcels (365.00 West of the path and 377.00 main area

east of the path) with the larger or more notable individual trees superimposed. Note that only the Copse itself has been surveyed and valued.

4.2 Original surveying was done in the 1990s 2008 to Ezytreev. Latest inspection dates follow on from the re-survey undertaken by the Merton Tree Wardens and FROC (Friends of the Canons' Recreation Ground) in autumn/winter 2011.

## 5. VALUATION.

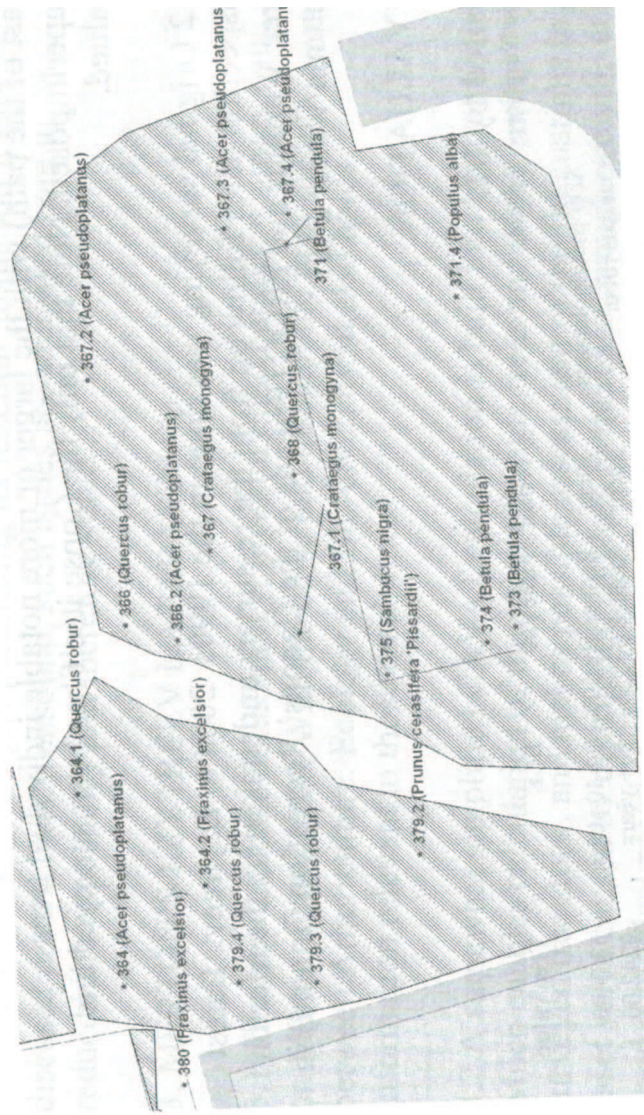
### Visited by DL

Tree Number	Species	Trunk	FuncVal	SLE	Tree value
364	Acer pseudoplatanus	30cm	Reduce By 50%	20-40 years	5305.00
364.10	Quercus robur	28cm	Reduce by 25%	80+ years	9242.00
364.20	Fraxinus excelsior	11cm	Reduce by 25%	40-80 years	1355.00
Grp/365	PARCEL	5cm	Reduce by 75%	20-40 years	368.00
366	Quercus robur	29cm	Reduce by 25%	80+ years	9914.00
366.20	Acer pseudoplatanus	32cm	Reduce By 50%	20-40 years	6036.00
367	Crataegus monogyna	17cm	Reduce by 25%	20-40 years	2555.00
367.10	Crataegus monogyna	10cm	Reduce by 25%	20-40 years	884.00
367.20	Acer pseudoplatanus	38cm	Reduce By 50%	40-80 years	10781.00
367.30	Acer pseudoplatanus	28cm	Reduce By 50%	20-40 years	4621.00
368	Quercus robur	24cm	Reduce by 25%	80+ years	6790.00
367.40	Acer pseudoplatanus	28cm	Reduce By 50%	20-40 years	4621.00
371	Betula pendula	18cm	Reduce by 25%	40-80 years	3628.00
371.40	Populus alba	38cm	Reduce By 50%	40-80 years	10781.00
373	Betula pendula	18cm	Reduce by 25%	40-80 years	3628.00
374	Betula pendula	18cm	Reduce by 25%	40-80 years	3628.00
375	Sambucus nigra	20cm	Reduce by 75%	20-40 years	1179.00
Grp/377	PARCEL	10cm	Reduce By 50%	20-40 years	14735.00
379.40	Quercus robur	30cm	Reduce by 25%	80+ years	10610.00
379.20	Prunus cerasifera 'Pissardii'	12cm	Reduce By 50%	80+ years	1132.00
379.30	Quercus robur	30cm	Reduce by 25%	80+ years	10610.00

**Overall total: 21 inspections**

**£121,603.00**







**TECHNICAL REPORT 111-0701-2/D&A**  
**PROPOSED MULTI USE GAMES AREA**  
**AT**  
**CANONS LEISURE CENTRE**  
**MADEIRA ROAD, MITCHAM**

**Planning Statement**  
**and**  
**Design and Access Statement to accompany**  
**Planning Application**

**Prepared for**



Prepared by

*Bob Froud*

.....  
Bob Froud MIM, I.Eng  
(Senior Consultant)

**Date of Report:**

3<sup>rd</sup> June 2013

**1. INTRODUCTION**

This design and access statement is submitted by MSc Consultants Ltd on behalf of the London Borough of Merton in support of their planning application to develop a floodlit outdoor multi-use games area (MUGA) at Canons Leisure Centre at Madeira Road, Mitcham.

The proposed new MUGA will be enclosed by 4.5m high weld-mesh fence and lit by an arrangement of 6 no. floodlighting masts, each 8m high. The 6 masts will support a total of 8 no. *HiLux Match 107* luminaires each fitted with a 1kW metal halide bulb. The lighting design is attached and has been prepared by Luminance Pro Lighting Systems Ltd.

The MUGA will be primarily used for football and general sports training. It will be built above the existing (disused) tennis courts which are located on the eastern side of the natural turf bowling green. The dimensions of the existing tennis courts are 31m in width (E-W) by 34m in length (N-S). Photographs of the proposed area are shown in Appendix 1 of this report. The existing macadam surfaced tennis courts (block of two courts) are surrounded by 3m high chainlink fencing which is in a very poor condition. There is no floodlighting on the existing tennis courts but there is on the adjacent bowling green (to the west of the tennis courts)

MSC's Drawing No 111-0701-001 shows the location and orientation of the proposed new MUGA. The drawing shows a new MUGA measuring 39m in width x 35m in length oriented in an approximately north/south orientation. The MUGA will be divided into two pitches each of dimensions 19.5m in width x 35m in length each which meets FA and Sport England guidelines for a small sided football pitch. The surround fence including the pitch divider fence will be 4.5m 'twin wire' weld-mesh. The divider fence will be 'double skinned' i.e. panels on each side of the fence post.

## 2. THE DEVELOPMENT AND PROPOSED DESIGN

The attached drawings show the design of the MUGA in plan and elevation. There are a number of areas of the design that require some explanation, namely, layout, fencing, floodlighting, and construction.

### 2.1 MUGA location and layout

The proposal is to construct a multi-sports games area (MUGA) at the northern end of Canons Leisure Centre, adjacent to the Bowling Green. The new MUGA will occupy the footprint of the existing macadam tennis courts and extend 8m into the existing copse the east to provide football facilities of suitable width.



**AERIAL VIEW OF CANONS LEISURE CENTRE (Madeira Road, Mitcham)**



Location (Streetmap)

## 2.2 Fencing

The fencing around any sports facility has to perform two functions, a) stop balls and b) afford the required security. The proposed design shows a 4.5m high, weld mesh fence around the pitch. The mesh infill is to be of green and have a 200mm x 50mm aperture size weld mesh having 8mm gauge wire. The lower 1.2m of the fence is to be of a 'Super Sport Rebound' twin wire construction to provide good football rebound properties. The fence height has been proposed at 4.5m to reduce the likelihood of balls being kicked out of the pitches. The FA recommend 4.5m high fencing.

The type of fencing proposed is shown in the photographs below.





Lower 1.2m 'Super Sport Rebound'



PROPOSED ZAUN TYPE FENCING (OR SIMILAR)



## **2.3 Floodlighting**

### **2.3.1 Proposed column arrangement**

The submitted drawings show an arrangement of 6 No. floodlight masts, each 8m high. This arrangement will provide the necessary performance required by the Football Association of 200 lux for facilities of this type. The arrangement will also minimize the overspill directly around the facility together with sky glow. The recommendations contained in the Bat survey report prepared for LB Merton have been taken into account when designing the lighting system.

The height of the columns has been set at 8m, which has been calculated to be the best possible height to allow a good concentration of light over the pitches with minimum spillage around the perimeter. If the columns were reduced in height, there would be a need to aim the lights further upwards from the horizontal thus increasing spillage and sky glow.

### **2.3.2 Column type**

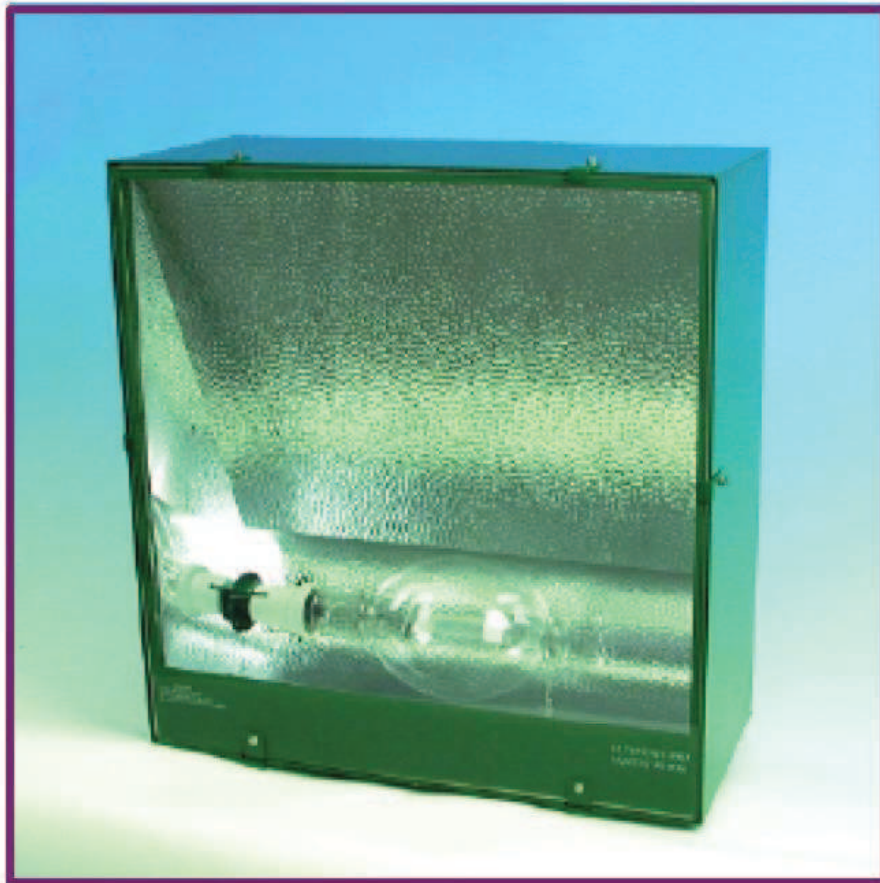
The light fittings will be mounted on root mounted galvanized steel columns. A photograph of a typical column of this type is included overleaf. The normal finish for the masts would be galvanised but for this facility will be painted green to match the fencing.

### **2.3.3 Illuminance levels**

As it is proposed to design a minimum average maintained horizontal illuminance of 200 lux over the playing surface. This will be suitable for football and general sport training. To allow for normal deterioration of the system over the first few months of use, the initial value on installation will be approximately 25% higher than this maintained value.

2.3.4 Type of luminaries

To provide good colour rendering, the luminaires should be high pressure mercury discharge halide type, which give a particularly good spectral distribution. The Hi Lux *Match 107/WB 17B* is satisfactory for this application.



**HI-LUX – Match107/WB 17B**



**HI-LUX – Match107/WB 17B fittings installed on tennis courts  
with the type of columns proposed for Canons Leisure Centre**

#### 2.3.5 Number of luminaires

The proposed design is based on using *Hi Lux Match 107/WB 17B* 1 kW luminaires. To achieve the 200 lux Illuminance specified would require a total of 8 No. luminaires, 1 No. on each of 4 columns on the sides and 2 No. on each of the two middle columns.

#### 2.3.6 Uniformity of illuminance

Good uniformity is important and the FA recommend a minimum of 0.6 (min/ave). The proposed min/ave value is 0.65.

#### 2.3.7 Pollution control

In view of the nature of this location, it is recognised that special precautions will be needed to minimise the effects of light pollution outside the MUGA and into the property to the north. The luminaires proposed are of a double assymetric design, with the lamps being located high up at the back of the luminaire, the luminaire will have a flat glass screen which is positioned in the horizontal, this minimizes sky glow and the visible impact of the lamps. These type of luminaires have been specifically designed to provide a sharp cut-off for use where low light pollution is required and are of the type recommended in the Bat survey report.

After consultation with Alison Fure (Bat report author), we will also partly screen the northern and western fence lines with green netting to cut down on light overspill and fit back plates to the luminaires on the western perimeter of the courts. It is proposed to mount the netting at 1.5m above ground level to the cover the fence up to 4m. This will produce a significant amount of wind loading on the fence posts and the fence posts will need to be sized appropriately to accommodate this load.



**Green Screening Net**

The lighting design report which accompanies this application shows a computer generated light overspill pattern for the proposed design down to the 1 lux level. As guidance, 5 lux is the intensity of street lighting and the 1 lux the intensity of full moonlight. Page 7 of the design shows only a 1 lux overlap onto the face of the buildings to the north which are 10m away from the proposed MUGA. The 5 lux contour is not touching the face of the building. The contours, **take no account of the screening effect of existing trees but do take into account the screening effect of the fence netting**. Even with leaf drop during the winter months, the trees to the north of the MUGA will still provide significant screening.

#### 2.3.8 Floodlight Use

The floodlights will be used seven days a week.

The proposed opening time for the new MUGA will be 8am until 9.30pm seven days per week. One light will remain on until 9.45pm to allow safe egress for users. The lights will be wired to an automatic timer which switches them off at 9.30pm (apart from the egress light which switches off 15 minutes later).



**3g five-a-side pitch at 200 lux lighting level**

## **2.4 MUGA construction**

The predominant sports use of the MUGA's is expected to be football. For this reason, the surface of the pitch will be surfaced with a long-pile (60mm pile length), sand/rubber-filled '3G' type synthetic turf above a 15mm in-situ formed rubber shockpad.

At tender stage, samples of the proposed materials will be called for and the successful contractor will be required to provide formal, reference samples of the surfacing components against which deliveries to site will be compared.

On completion, the pitch will be tested and certified as compliant with the specified parameters before Practical Completion is awarded.

The existing macadam courts will be broken up and the arisings taken off site. The formation will be excavated, trimmed and graded to a level 430mm below existing ground level.

After compaction and consolidation of the formation, a drainage system of lateral perforated drains will be installed within the formation. These will be 80mm diameter perforated pipes at 7 – 10m centres, connected to a 120mm perimeter collector drain



and from there connected into the existing surface water drainage outfall. The formation will then be treated with weed killer and overlaid with a geotextile membrane, which will also line the drainage trenches. The drainage trenches will then be backfilled with permeable rounded drainage shingle.

The stone sub-base will then be laid onto the prepared formation which will comprise a porous, frost-resistant crushed stone layer (MOT Type 1 grading) of not less than 300mm depth. The stone will be laid and rolled in layers not exceeding 150mm to ensure compaction.

Above the stone layer will be installed a 65mm thick porous macadam base in two layers i.e. 40mm thick base course and 25mm thick wearing course.

The construction will be retained within 150mm x 50mm pcc edgings.

A root barrier will be installed outside the N, W and E boundaries of the new MUGA to protect the construction against tree roots.

Each stage of the construction process, from initial setting-out to completion of the perimeter macadam surface will be subjected to inspection and testing by MSc before the contractor is authorised to progress the works to the next stage.

## **2.5 Tree removal (landscaping)**

The new MUGA will extend 8 m into the copse to the east of the tennis courts. It will be necessary to remove two trees within the new MUGA footprint and also two trees and bushes outside the MUGA footprint to eliminate leaf drop on to the MUGA surface and prevent root intrusion into the MUGA construction. The tree survey, Ecological survey and Bat survey are attached to this report. The client intends to re-plant trees nearby and a suggested location is shown below although this is subject to reappraisal.



**Proposed tree removal and proposed new planting**

### **3. ACCESS**

Construction traffic will enter site by Commonsides West Road.

There will be two double gates into the new MUGA (one into each of the pitches) for maintenance vehicles and users. Access will be fully DDA compliant.

The size of the facility and total number of outside users at any one time can be accommodated within the current parking arrangements.

**END OF REPORT**

**APPENDIX 1**  
**Photographs of proposed site**



View from SW corner of existing tennis courts looking towards the copse



Looking towards the 'copse' from western side of tennis courts  
(note tree debris on tennis courts)





View from eastern side of tennis courts towards bowling green



View of Copse

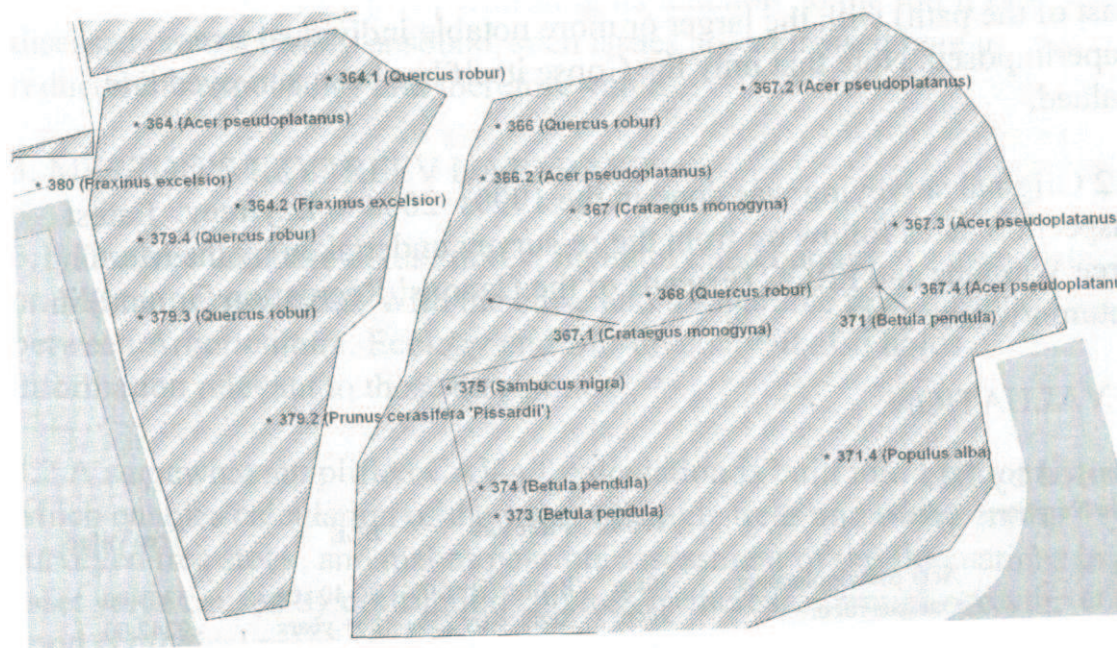
**APPENDIX 2  
ECOLOGICAL REPORT**



**APPENDIX 3  
BAT SURVEY**

**APPENDIX 4  
TREE VALUATION REPORT**

**(PLAN FROM PAGE 6 SHOWN BELOW)**



**APPENDIX 5  
DRAWINGS LIST**

111-0701-001

Proposed layout

(red line shows footprint of existing tennis courts)

111-0701-002

Blue and red line drawing

(site boundary – blue, new muga – red)

111-0701-003

Trees to be removed and new planting location

111-0701-004

front elevation viewed from south

(black line denotes existing tennis courts)

111-0701-005

Side elevation viewed from west

(black line denotes existing tennis courts)

**APPENDIX 6  
LIGHTING DESIGN  
(Prepared by LPLS)**

# MSc-Consultants

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LONDON SE10 9QF  
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## PROPOSED NEW FLOODLIT MULTI USE GAMES AREA AT MADEIRA ROAD, MITCHAM (REVISION a)

### Heritage Statement

(supplement to Planning Application – to be read in conjunction with the design and access statement)



Prepared by

*Bob Froud*

.....  
Bob Froud MIM, I.Eng  
(Senior Consultant)

LONDON BOROUGH OF MERTON

Date of Report:

1<sup>st</sup> July 2013

- 1 JUL 2013





## **1. INTRODUCTION**

The following report is submitted by MSc Consultants on behalf of The London Borough of Merton in support of their planning application to provide new sporting facilities within;

Canons Leisure Centre  
Madeira Road,  
Mitcham

This report is to be read in conjunction with the Design and Access Statement and Drawings submitted with planning application 13/P1744. Those documents will provide full details of the proposed Floodlit Multi Use Games Area.

## **2. LOCATION**

The proposed site for the MUGA is within The Mitcham Cricket Green conservation area and within the vicinity of Park Place and Canons House. Park Place is a grade 2 listed building and Canons House a 2 star listed building

A detailed conservation area appraisal is attached in Appendix 2 of this report.

The new MUGA will be constructed on a part of the site which is already occupied by a tennis court (albeit disused) and bowling green. The new sports lighting has been designed to take the local wildlife into account and overspill has been kept to a minimum.

**3. CONCLUSION**

The proposed MUGA site is mostly hidden from view and there are no direct views from Canons House or Park Place. It is proposed that replacement tree planting on the east side of the copse will mitigate the impact and local concerns.

To help mitigate light spill, it is proposed that 6 No. 8m columns will be installed with rear deflectors fitted on 2 No. western light fittings. This is the lowest height that the columns can be installed without affecting light uniformity on the pitches and risking balls hitting the fittings. There will also be green transparent netting fitted to the top 3m of the fence on the northern and western perimeters which will reduce overspill outside those boundaries. To fit in with the local environment, the fencing, columns and light fittings will be painted green (RAL 6005)

**END OF REPORT**



APPENDIX 1

CONSERVATION AREA PLAN  
(MAP COPYRIGHT OF LB MERTON)



**Mitcham Cricket Green Conservation Area**

Designated: 1969

Extensions designated: 1991  
12th July 2007

Area: 52.7 Hectares (130.2 Acres)



**APPENDIX 2**

**CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN  
ATTACHED AS A PDF FILE  
(REPORT COPYRIGHT OF LB MERTON)**

APPENDIX 2

CONSERVATION AREA 21 PHYSICAL ADJUSTMENT PLAN  
ATTACHED AS 7 PDF FILE  
(REPORT COPYRIGHT © OF L.S. MENTON)

Page 2 of 2



# Furesfen

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Ecological Consultant**

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Website: [www.furesfen.co.uk](http://www.furesfen.co.uk)

PHASE 1 ECOLOGICAL SURVEY,  
THE CANONS, MADEIRA ROAD,  
MITCHAM.

To:

November, 2011

From:

Alison Fure  
28, Bonner Hill Rd  
Kingston upon Thames  
Surrey KT1 3HE

## 1.0 INTRODUCTION

### 1.1 PURPOSE

A Phase 1 Ecological Survey was commissioned at land situated at Canons Leisure Centre and Recreation Ground, Madeira Road, Mitcham (TQ279685). The survey was carried out by A. Fure, holder of protected species licenses including bat license, no 20110691. This was in advance of plans to reinstate two dis-used tennis courts and construct an adjacent Multi-use Games Area (MUGA). The Lawn Tennis minimum lighting standards will be achieved by providing 6 Metal Halide Hi-Lux luminaires placed on 8 metre high lighting columns. Unspecified lighting is proposed at the MUGA.

### 1.2 SITE DESIGNATIONS

The tennis courts and proposed MUGA are situated to north of the Canons Leisure Centre and at Canons recreation ground. The nearest designated site is the Canons Pond, which is a Borough Site of Local Importance for nature conservation interest. To the east lies Mitcham Common, Site of Metropolitan Importance for Nature Conservation (Site M93) incorporating Cranmer Green Local Nature Reserve (LNR). 1.5 km south-west lies the Wandle river and part of Ravensbury Park, which were designated as part of a Site of Metropolitan Importance for Nature Conservation (Site M91 – the Upper River Wandle) by the former London Ecology Unit. It is identified as a Site of Importance for Nature Conservation in the Merton Unitary Development Plan (UDP). The central grassland area (Ravensbury Meadow) and northern tip of the Park are not included in the Metropolitan site. The Park is also designated as Metropolitan Open Land, Open Space and Green Chain. Ravensbury Park (7.27 Ha) was recently designated a Local Nature Reserve.

### 1.3 ADDITIONAL SITES OF LOCAL IMPORTANCE

Nearby sites of Local Importance for nature conservation include St Peter and St Paul's Churchyard, important for its grassland. The church or its mature trees could provide opportunities for roosting bats. To the south-east lie London Playing Fields, where there are mature trees, particularly horse chestnuts and limes along the western and northern boundaries. A belt of trees and scrub on the park's shared boundary with a waste transfer station is divided by Barons Walk, an eighteenth century path. The southern Tram link and railway line to the east, act as additional corridors for wildlife moving in and out of the area.

## 1.4 HABITAT AND POTENTIAL

Together these areas create a varied suite of habitats incorporating: wetland areas including three ponds; extensive tree canopy cover; as well as grassland. Connections between these sites are strong as there exists river and rail corridors as well as ancient footpaths, such as Cold Blows to the immediate north of the site linked to Barons Walk. To the north of the disused tennis courts is a well-defined tree-lined corridor. The area known locally as the Copse has developed as secondary woodland with a well-defined rough grassland edge abutting the amenity grass of the recreation ground. An extensive area of land under conservation management exists within the vicinity and there is good connectivity between sites facilitated by river and railway corridors. There appears to be potential for protected/ Biodiversity Priority Species to have colonised the site. This reports on the findings of the late season survey.

## 2.0 LEGISLATION AND POLICY

### 2.1 PROTECTION OF BADGERS ACT 1992

This is an all-embracing Act regarding Badger Law, which includes measures to safeguard Badger setts as well as the animals themselves. It is an offence to damage or destroy a sett or part of a sett. A sett is defined as "Any structure or place, which displays signs indicating current use by a Badger". Thus any sett disturbance or destruction can only be carried out under a licence, which is obtainable from Natural England in the event of disturbance for development purposes.

### 2.2 MAMMALS PROTECTION ACT, 1996

Whilst foxes and rabbits have no legal protection *pers se*, these animals are protected from cruelty, which means that care must be undertaken when erecting a new structure. This is in order to prevent cruelty to any mammal whilst using its resting place. Animals must be humanely removed by a licensed operative and care must be taken to identify the presence of any dependent young.

### 2.3 EUROPEAN AND UK LAW PERTAINING TO BATS

All species of bat are fully protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion in Schedule 5. All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations, 1994. The Act and Regulations make it illegal to:

- intentionally or deliberately kill, injure or capture (take) bats;
- deliberately disturb bats (whether in a roost or not);
- damage, destroy or obstruct access to bat roosts;
- possess or transport a bat or any other part of a bat, unless acquired legally; or
- sell, barter or exchange bats or parts of bats.

#### 2.4 AMENDMENTS TO THE HABITATS REGULATIONS (2007)

Enacted during 2008, there were moves to strengthen the protection of features of importance that protected species are reliant upon. This applies where there may be **ANY** disturbance to bats or a disturbance affecting:

- The ability of a group of animals of that species to survive, breed or rear or nurture their young;
- In the case of migratory species, impair their ability to hibernate or migrate **(also new); or**
- The local distribution or abundance of the species

This may preclude fragmentation of corridors caused by light pollution and a useful discussion of this is provided by Garland and Markham (2007).

If a bat roost is to be affected by development activities, a licence from Natural England will need to be obtained.

#### 2.5 WILD BIRDS

The Wildlife and Countryside Act (1981, as amended) protects birds, eggs and nestlings from killing, injury, and damage or destruction to its nest. The Act also protects any intentional disturbance to the bird while it is building its nest, or is in, on or near a nest containing eggs or young, or disturbance of the dependent young. The Countryside and Rights of Way Act 2000 (CROW) strengthened aspects of this legislation, importantly adding that 'reckless' disturbance of birds (including those listed on Schedule 1) during the breeding season is now subject to prosecution under the law.

#### 2.6 CONSERVATION UNDER BIODIVERSITY ACTION PLANS (BAP)

The Local, Regional and National Biodiversity Action Plans (BAP's) are a consideration in determining local habitat changes. Within the BAP is an Action plan for certain habitats and species which seek to ensure that they are not adversely affected by development. The BAP aims to increase target habitats and species within a district by:

- protecting key habitats;
- securing appropriate management for them; and by
- seeking gains for certain species and habitats through the planning system.

According to PPS 9, priority habitats and species are a material consideration in determining a planning application.

## 2.7 DUTY TO CONSERVE

The Council has a duty under the terms of the Natural Environment and Rural Communities Bill (NERC, 2006) to conserve biodiversity in all of its functions.

It must therefore ensure that floodlighting does not adversely affect areas of conservation importance. Bats in busy London boroughs should be a conservation priority as general numbers have suffered a fifteen year decline (Guest et al, 2002).

## 2.8 CLIMATE CHANGE

DEFRA Guidance (May 2007) identifies a series of key principles which should inform plans for climate change adaptation through the protection and strengthening of corridors. The new guidance emphasises the importance of establishing ecological networks, through habitat protection, restoration and creation to allow mobile species to shift in response to climate change. n.b. Garland and Markham, 2007 (2.4).

## 2.9 ROYAL COMMISSION ON ENVIRONMENTAL POLLUTION (2009)

The Royal Commission on Environmental Pollution, reported on the nuisance caused by badly designed lighting and the effects of artificial light on nature and ecosystems. It concluded that there was an urgent need for government to recognise that artificial light in the wrong place at the wrong time is a pollutant, which can harm the natural environment.



## 3.0 METHOD

### 3.1 DESK STUDY AND INFORMATIVES

A desk study was performed using information from:

- authors' data;
- Regional Biodiversity Action Plan;
- Nature on the Map, Natural England;
- Site owner;
- Ayrlect Engineers Report;
- Merton Open Spaces Strategy;
- Merton Ecology Handbook 29.

### 3.2 WALKOVER SURVEY

A walkover of the site was undertaken (26.11.11) between 2pm and 5pm, which identified habitats present following the standard 'Phase 1 Habitat Survey' method developed by the Nature Conservancy Council (NCC 1992). In addition, the dominant plant species in each habitat was recorded. The potential for the site to support protected species was assessed. Anecdotal sightings of visiting bird species were recorded and breeding status was noted as far as possible.

## 4.0 RESULTS

### 4.1 DESK STUDY

The desk study indicated that there were records of biodiversity target habitats and species as well as protected species nearby. There were reptile, mammal/bat and bird records within 1,000m of the site. Five species of bat are regularly recorded nearby: common pipistrelle *Pipistrellus pipistrellus*; soprano pipistrelle *Pipistrellus pygmaeus*; noctule bat *Nyctalus noctula*; Leisler's bat *Nyctalus leisleri* and Daubenton's bats *Myotis daubentonii* (along the Wandle river). Leisler's bats are thought to roost in the area and have a strong local presence. Tawny owls are frequently heard calling at night. Slow worms, common lizard and hedgehogs are recorded at Mitcham Common.

## 4.2 HABITAT FEATURES

During the survey habitats were identified as follows:

A1 Broadleaved semi-natural woodland: less than 30% of the tree composition is planted (mainly oak);

A2 Scrub: scattered scrub around the boundary and bramble matrix;

B Semi-improved grassland with some areas of acidic substrate, giving rise to characteristic species;

C3.1 Ruderal tall herb: nettles and hemlock

J: Miscellaneous:

J2. Hardstanding, and fly-tipping;

J2.6 Boundary Feature dry ditch and defunct hedge.



Fig 1 indicates: secondary woodland in the background; planted oak and tall herbs in the foreground; fringed by an 8 metre belt of mound forming semi-natural grassland with plants characteristic of acidic substrate.

The Copse is unequally divided by a compacted path, which acts as the main public footway across the recreation ground used by schoolchildren and dog walkers. A third of the area (nearest the tennis courts) is predominately scrub, the remaining 2/3 consists of semi-mature and mature trees, forming a close canopy woodland. Scrub has arisen on ground formerly used as a compost area, giving rise to nettles and hemlock, where characteristic bird species such as dunnock were recorded. Some of the oak has been planted and fallen leaves attest to a possible hybrid with Turkey oak. Between the tennis courts and Council owned community accommodation, (sandwiched between two chain link fences) is a boundary feature, which might be an old hedge bank and ditch. It is characterised by standing and lying deadwood as well as vertical habitats. None of the trees are suitable as bat roosts although they will be used by bats for commuting and foraging purposes (refer to Table 1 for a plant list).

Table 1 Characteristic plant species recorded at the Copse 26.11.11

SCIENTIFIC NAME	ENGLISH NAME
Lotus sp.	a bird's-foot-trefoil
Salix sp.	a willow
Fraxinus excelsior	Ash
Solanum dulcamara	Bittersweet
Ballota nigra	Black Horehound
Rubus fruticosus agg.	Bramble
Buddleja davidii	Butterfly-bush
Conyza canadensis	Canadian Fleabane
Galium aparine	Cleavers
Dactylis glomerata	Cock's-foot
Stellaria media	Common Chickweed
Hedera helix	Common Ivy
Urtica dioica	Common Nettle
Senecio jacobaea	Common Ragwort
Vicia sativa	Common Vetch
Potentilla reptans	Creeping Cinquefoil
Cirsium arvense	Creeping Thistle
Bellis perennis	Daisy
Taraxacum agg.	Dandelion
Sambucus nigra	Elder
Ulmus agg.	Elm
Arrhenatherum elatius	False Oat-Grass
Acer campestre	Field Maple
Veronica chamaedrys	Germander Speedwell
Salix caprea	Goat Willow
Galium mollugo	Hedge Bedstraw
Conium maculatum	Hemlock
Ilex aquifolium	Holly
Galium verum	Lady's Bedstraw
Ranunculus acris	Meadow Buttercup
Acer platanoides	Norway Maple
Quercus robur	Pedunculate Oak
Trifolium pratense	Red Clover
Plantago lanceolata	Ribwort Plantain
Festuca ovina	Sheep's-fescue
Betula pendula	Silver Birch
Symphoricarpos albus	Snowberry
Acer pseudoplatanus	Sycamore
Lamium album	White Dead-nettle
Prunus avium	Wild Cherry
Artemisia absinthium	Wormwood
Achillea millefolium	Yarrow
Holcus lanatus	Yorkshire-fog

### 4.3 BIRDS

Some of the birds recorded during the survey were overhead registrations with the exception of: a group of chattering house sparrows; dunnocks occupying their typical favoured location at the old compost heap, singing wrens; blackbirds feeding on ivy berries and roosting wood pigeons. No old nests were found on site, although there was evidence of pre-roost gatherings of 300 jackdaws; night roosts of corvids and woodpigeons as well as a pied wagtail roost in the roof of Canons Leisure Centre. Disturbance evidence attested to green woodpeckers foraging within the yellow ant mounds.

Table 2 Characteristic bird species recorded 26.11.11.

SCIENTIFIC NAME	ENGLISH NAME
Troglodytes troglodytes	Wren
Pica pica	Magpie
Parus caeruleus	Blue Tit
Corvus corone	Crow
Turdus merula	Blackbird
Sturnus vulgaris	Starling*
Columba palumbus	Wood Pigeon
Erithacus rubecula	Robin
Parus major	Great Tit
Prunella modularis	Dunnock
Passer domesticus	House Sparrow*
Corvus monedula	Jackdaw
Larus fuscus	Lesser Black-backed Gull*
Motacilla alba yarrellii	Pied Wagtail
Psittacula krameri	Rose-ringed Parakeet

\* indicates species of conservation concern

### 4.4 ADDITIONAL SPECIES

Table 3: Additional species of interest

Lasius flavus	Ant mounds
Vulpes vulpes	Fox den



Fig.2 three species of fungi were recorded during the survey. These fruiting bodies undertake the work of nutrient recycling, whilst providing fleshy habitat for small flies to lay their eggs, in turn providing food for opportunistic bats and birds at the year end.

## 5.0 EVALUATION

5.1 Table 4: Evaluation Summary Table.

Site Resources	Value.	Reasons.
Secondary Woodland	Neighbourhood	This is important local habitat providing nesting opportunities for small mammals (such as hedgehog) birds and insect species. It provides a refuge from predators and food resource for birds. It suffers through ivy growing throughout the woodland floor supressing the growth of woodland flowers, although regeneration of tree species was noted. There is a bank of willow species indicating wetter conditions which might be attractive to warblers such as chiff-chaff in the summer.
Boundary Feature: dry ditch and defunct hedgerow	Neighbourhood	There are a number of ancient passages in the district and the topography of the boundary feature situated between the tennis courts and community building suggests this could be a remnant hedge boundary. If this is the case it could be a seed bank of interesting plants If it isn't an ancient boundary feature, it functions as a wildlife corridor, refuge and night roost as well as providing standing and lying deadwood and vertical (ivy) habitats.
Grassland	Neighbourhood	The grassland area, although small, functions well providing micro-habitats for small mammals, birds and insects.
Bramble scrub	negligible	The brambles are too dense to be of much value. No nests were found although the area probably acts as a refuge for birds from local cats. Fox breeding earth present. Foxes are native British animals and an important part of a natural wildlife community. They eat rats in urban areas. Fly-tipping is prevalent.

### 5.2 VALUE.

Overall the site is assessed to be of neighbourhood value, with elements of borough conservation interest, which include its strategic position in the landscape forming a link between Mitcham Common and nearby sites (refer to Merton Policy NE9 below) This is mainly due to the presence of secondary woodland and the boundary feature, which acts as a stepping stone, a refuge and corridor. Birds of Conservation Concern such as house sparrows are reliant on these features. The site could be assessed at a value at a higher level if managed to limit factors such as fly-tipping, compaction, prostrate ivy coverage, which might lead to a greater diversity of species.



*POLICY NE.9: MANAGEMENT OF LAND*

*THE COUNCIL WILL ENCOURAGE THE APPROPRIATE MANAGEMENT OF FEATURES OF THE LANDSCAPE WHICH ARE OF MAJOR IMPORTANCE FOR WILD FLORA AND FAUNA. SUCH SITES WILL INCLUDE STEPPING STONE SITES AS IDENTIFIED IN POLICIES NE.5 AND NE.6, AND FEATURES OF LINEAR AND CONTINUOUS STRUCTURE AS IDENTIFIED IN POLICY NE.8. Ch. 4 A Safe Green and Healthy Borough.*

**5.3 SURVEY EVALUATION.**

- The development is within 100m of designated LNR's and SBI's;
- The survey identified habitat and bird species protected by planning policy (parks and urban spaces, secondary woodland, house sparrows are all regional biodiversity priorities and the latter appear on the red list of conservation concern;
- The field survey identified dead wood on site and potential for stag beetles.

**5.4 IMPACT**

Impacts on wildlife could result from light pollution and total loss of the Copse. There will also be a loss of permeability and water storage capacity. There will be 'tidying' of remaining vegetation, which will reduce the overall habitat for nectaring and resting insects. Planning Policy indicates that any development and its impacts should be mitigated, compensated and any lost features should be re- provided.

**5.5 LIMITATIONS**

The limitation of the survey is that: it was undertaken in the winter months during the plant dormant season; and that no bat surveys have been performed, which is an expectation during any application for lighting (where there has not been any previous illumination). However, it is unlikely that any dormant or unidentified plant species would alter the final recommendations within the report. There have been a number of bat surveys undertaken at the Canons and the environs in past years. The species recorded are detailed at 4.1. Two of the species (noctule and Leisler's bat) are tolerant of certain levels of lighting and they have been recorded foraging above the floodlights at the Waste Transfer Station. Two pipistrelle species are dependent on tree-lines for navigation purposes and would be intolerant of any floodlighting of the tennis courts if they are found to be using this treeline. For this reason bat surveys will be proposed. Bat surveys should consider the availability of alternative dark corridors for movement through the site.

## 6.0 DISCUSSION

### 6.1 HABITAT

The main features of the site were the secondary woodland and the dry boundary ditch. Both suffered from lack of management and factors such as: ivy growth on the woodland floor suppressing any under storey; litter and fly-tipping; as well as the barrier effects of the derelict fencing. However, this area is an important point of contact with nature for many schoolchildren using the path, who will observe the seasonal vegetation changes, criss-crossing blackbirds and hear singing wrens.

### 6.2 PROTECTED SPECIES EFFECTS ON COMMUTING BATS

Anthropogenic light pollution is an increasing global problem (Stone and Jones, 2009) affecting ecological reactions across a range of taxa. The researchers installed high pressure sodium lights to mimic the intensity and light spectra of street lights along commuting routes of lesser horseshoe bats *Rhinolophus hipposideros*. Bat activity was reduced dramatically and the onset of commuting behaviour was delayed in the presence of lighting (with no evidence of habituation). The results of the study demonstrated that light pollution has a significant impact of the selection of flight routes of bats. Not all species are affected in the same way. Emergence times from roosts appear to act as an indication of the differing light tolerance through the range of species. Those bats which emerge late in the evening such as the *Plecotus* and *Myotis*, particularly the Natterer's bat, have a reduced tolerance to lighting. As intensity of light increases, even relatively light tolerant species are delayed in emergence from their roost. Larger, high flying bat species such as Noctule bat, are not as affected by light pollution. They will often fly during the daytime and feed above installations where security lights attract a variety of insects

### 6.3 GUIDANCE ON LIGHTING AND BATS

A conference hosted by the Bat Conservation Trust on Lighting and Mitigation for Bats (2007) resolved that: Where any bat species are found, care should be taken to ensure that roosts, foraging areas, and corridors for movement of these species are not affected by light pollution.

- All bat species are adversely affected by the roost access being lit.
- Noctule, serotine, Leisler's and pipistrelle species commonly feed around lights.
- All other species are generally adversely affected by foraging areas being lit.

- The positive feeding opportunity for some species is not positive overall for bats.

#### 6.4 BAP SPECIES

Notable species found on site include those for which action plans have been prepared to maintain their favourable conservation status (UK BAP species), such as house sparrow in accordance with the 1992 Convention on Biological Diversity. Although not afforded any greater legal protection than that given to almost all birds in Britain, BAP species should be considered in the planning process under Planning Policy 9 (PPS9). A survey carried out during the bird breeding season may establish the importance of the site for additional BAP species although no evidence of recent nesting was found as the vegetation structure was insufficient to support bird nests.

#### 6.5 SPECIES OF CONSERVATION CONCERN

A number of bird species visiting the site (Including the house sparrows) may also be considered as Birds of Conservation Concern (BOCC) and listed as red (high conservation concern) such as starlings, amber (medium concern) such as dunnock for [Royal Society for the Protection of Birds (RSPB)]. Whilst the presence of a notable bird on a site does not preclude development, birds at their nests are protected at all times and should be considered during vegetation clearance or construction works. This means that any tree or scrub clearance should be undertaken outside the bird breeding season.

#### 6.6 ADDITIONAL SPECIES

There was evidence of large mammal holes within the proposed construction area and existing mammal trails pertained to foxes. Care should be taken during the construction to ensure that there are no fresh mammal holes. Mammals are protected from cruelty during construction (refer to 2.2). A licensed person should ensure that animals are humanely removed. This means outside the breeding period as a vixen cannot be captured when cubs are below ground. Cubs are dependent on their mother until August or September.

## 7.0 IMPACTS

These are considered separately as:

- Tennis courts and associated lighting only; and
- Tennis Courts, lighting and MUGA.

### 7.1 IMPACT OF TENNIS COURT LIGHTING

#### 7.1.1 METAL HALIDE LIGHTS.

Metal Halide lighting emits white lighting at all wavelengths including short wavelengths, which travels further in the environment than longer wavelengths. Insects are attracted to the high UV content which has a much greater impact on bat foraging (Bat Conservation Trust and Institute of Lighting Engineers, 2009). The floodlighting proposed for the tennis courts will be 6.2 kW, metal halide luminaires.

#### 7.1.2 AMELIORATION OF IMPACTS

The impact on birds and bats from light spillage can be minimised in some circumstances by: maintaining the brightness as low as possible; limiting the times during which the lighting can be used (summer light curfews); directing the lighting to where it is needed to avoid light spillage; and minimising upward lighting to avoid sky glow. Light can be restricted to selected areas by fitting louvers or hoods, which direct the light below the horizontal plane, at preferably an angle less than seventy degrees. Limiting the height of lighting columns to eight metres and directing light at a low level reduces the ecological impact of the light.

#### 7.1.3 ADDITIONAL MEASURES

When available the lighting contours will most likely indicate that there will be spillage beyond the path dividing the Copse, amounting to >1 lux. This will have an effect on bats using the Copse. The eastside of the Copse will be available for bat foraging, and should be unaffected by light spillage. However the boundary feature, will be rendered unsuitable for bat navigation at certain times of the year. Determination of the importance for bats should be undertaken by bat surveys during June and July, 2012.

### 7.2 IMPACT OF LOSS OF WOODLAND TO PROVIDE A MUGA PITCH

The loss of some or all of the mature secondary woodland (a regional priority habitat) will have an impact on the biodiversity of the immediate area, which may extend to biodiversity loss at adjacent sites. This requires a common sense approach when

evaluating loss. Hedgehogs are one of the first species to disappear when linking habitats are removed. Loss will reduce the contact that children have with wildlife. According to planning law, if the MUGA is constructed, the Copse must be re-provided within a meaningful area. In addition the loss must be compensated. It is recommended that an area of woodland twice this area should be re-provided. It should be planted as broadleaved deciduous woodland with the same number species. The site should be identified prior to the removal of trees and a planting programme commence during the first planting season (October onwards).

### 7.3 CONCLUSION

Floodlights proposed at the tennis courts may have an impact on roosting, foraging and commuting bats. Surveys will be necessary to establish this during 2012. There may also be an effect on bat communication between adjacent sites such as Mitcham Common. This is contrary to legislation and policy outlined at 2.3-2.9 including the Habitats Regulations (Garland and Markham, 2007); the National, Regional and Local Biodiversity Action Plans; DEFRA Guidance on strengthening of corridors; and contrary to the recommendations of the Royal Commission on Environmental Pollution, 2009. However these impacts will be limited according to the time of year when the lights are used and their provision is reversible providing cabling doesn't interfere with tree roots. The loss of any amount of woodland, due to the construction of a MUGA, will be irreversible and may have an irreversible effect on the local bird and bat population.



## 8.0 RECOMMENDATIONS

### 8.1 GREEN WALL AND FENCE ENHANCEMENTS

Boundary fences around the tennis courts should be planted as a high living wall to increase the supply of insects, berries and refugia. Sections can include ivy *spp.* on north facing elevations. Boston ivy gives good coverage of buildings but does not provide the late autumn pollen enjoyed by insects including Holly blue butterflies. Hops and honeysuckle grow well in the shade cast under trees.

### 8.2 TENNIS COURT SCREEN PLANTING

Tree screening should be continuous along the eastern fence, to prevent light spillage onto the Copse. Native species should be used for this.

### 8.3 BAT SURVEYS

Two bat surveys undertaken in June and July 2012 should ascertain whether the site is used by species of bat, which will not tolerate light pollution. Particular attention should be paid to the boundary feature. According to the findings, additional mitigation measures may arise.

### 8.4 BOUNDARY FEATURE

There should be no tidying of the area between the tennis courts and the community building unless specifically agreed as a conservation project. This area could be important for stag beetles and a range of other species, which have not been considered within the scope of this report.

### 8.5 MUGA PITCH

The loss of the secondary woodland should be compensated by re-providing this feature elsewhere. The area chosen should be meaningful i.e to extend an existing area of habitat (it should not be a habitat 'island'). It must incorporate an area twice that of the existing Copse and a site should be identified before the Copse is felled. Planting should take place in the first available season with native trees and shrubs.

### 8.6 NESTING BIRDS

Vegetation clearance should take place outside the bird breeding season October-March. If this is not possible a qualified ecologist should ensure that there are no breeding birds within the Copse.

### 8.7 BREEDING FOXES

Mammals are protected from cruelty during construction (refer to 2.2). A licensed person should ensure that animals are humanely removed. This means outside the breeding period as a vixen cannot be captured when cubs are below ground. Cubs are dependent on their mother until August or September.

## 9.0 REFERENCES

Author's data 2001-2010

Bat Conservation Trust (2007) Bat Survey Guidelines available from [www.bats.org.uk](http://www.bats.org.uk)

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Stone et al (2009) Street lighting Disturbs Commuting Bats *Current Biology*,  
doi:10.1016/J.cub.2009.05.058

**Claire Berry**

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**From:** Francis McParland  
**Sent:** 19 November 2013 09:56  
**To:** Claire Berry  
**Cc:** Eben Van Der Westhuizen  
**Subject:** Biodiversity statement  
**Attachments:** Canons Muga Biodiversity Statement November 2013.doc  
Claire

As per Ebens request, I attach a biodiversity statement from Alison Fure of Furesfen ref. the positive outcomes of the Canons proposal

Francis

**Leisure Support Services Manager  
Leisure & Culture Development  
Environment & Regeneration Department  
tel: 020 8545 4172  
mob: 07932 384 029  
francis.mcparland@merton.gov.uk**

# Furesfen

**Alison Fure MSc C.Env MCIEEM  
Ecological Consultant**

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Mob.0786 750 7086  
Email [alison@furesfen.co.uk](mailto:alison@furesfen.co.uk)  
Website: [www.furesfen.co.uk](http://www.furesfen.co.uk)

15.11.13

Dear Francis,

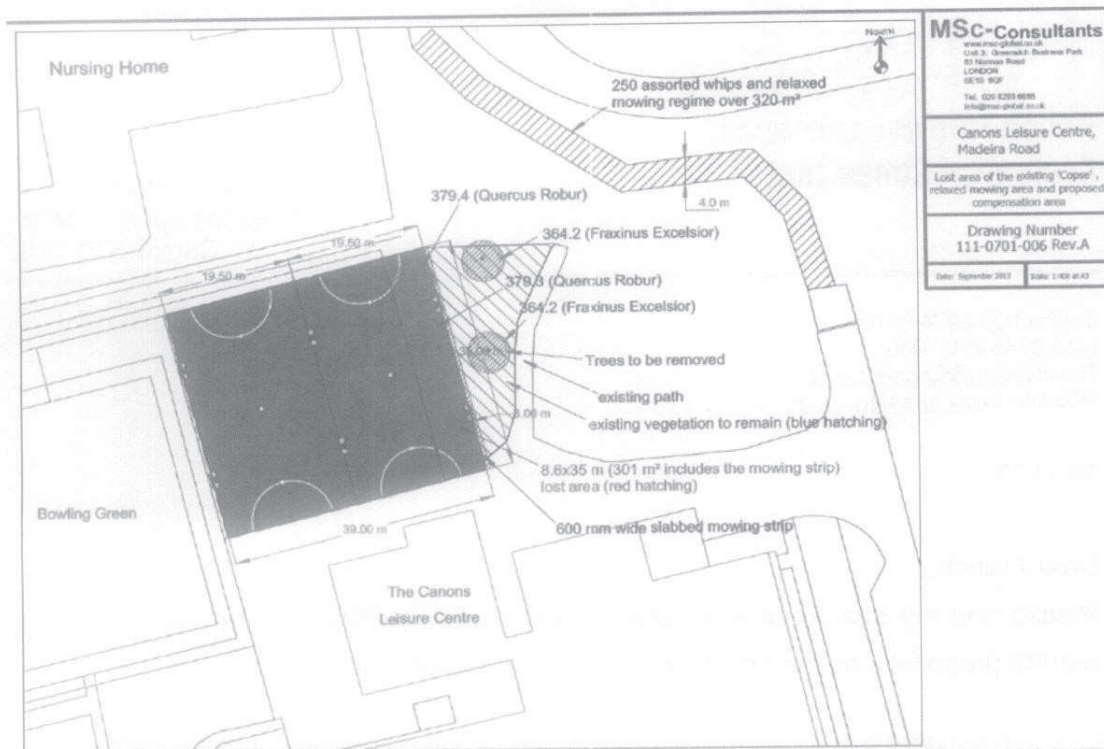
Please find my statement requested by the planning officer on the impacts of the current proposals, as the initial bat surveys addressed a different scheme.

Three bat species were recorded during the surveys 2012: common and soprano pipistrelle bats as well as the rare Leisler's bat, which has a strong presence in the LB Merton. The latter is roosting at a location/s within the Canons complex and there have been attempts to establish the group of trees used (Fure, 2008-10).

During 2012, the proposals were evolving and as such, mitigation had not been incorporated into the scheme. There was concern that the lighting columns were higher than they needed to be and that there would be too much overspill at the remaining woodland. This was the reason for Natural England's objection July, 2013.

A site meeting was convened during September, 2013 and mitigation measures were discussed, with the lighting consultant, ecologist, Greenspaces Warden of Mitcham Common and the local authority. Options were contained in the document 'MUGA' Options Appraisal and site drawings were produced to extend the Copse to 320m2. See plan below.





In addition, the lighting columns were reduced to 6.7m, to reduce the overspill at the woodland; suitable relaxed mowing regimes and summer night time curfews between **May-August** were agreed to ensure that the impacts of the proposal would be suitably mitigated.

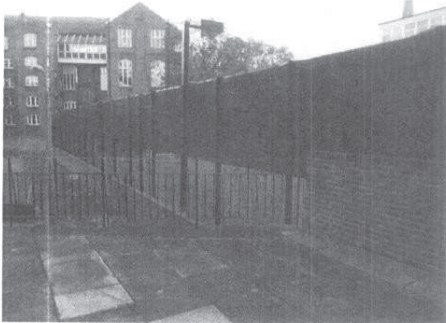
These measures were consolidated within a Bat Mitigation Statement, which was produced during September, 2013 and led to Natural England lifting their objection to the scheme. They stated *'having now seen the bat mitigation plan, dated September 2013, Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development is likely to affect bats through damage or destruction of a foraging area for a maternity roost of bats. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report.'*

More recently the value of dark netting has been recognised. This has been used elsewhere in the borough along the Beverley Brook, in close proximity to a Local Nature Reserve (Fishponds Wood). Success in the reduction of light spill has been recorded at a site in the LB Brent, which I have visited (13.11.13) and taken light measurements with 'lights off' to check against the contour plan provided by the

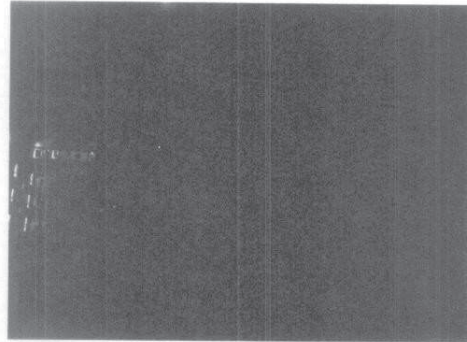




lighting consultant. Unfortunately the pitch is not in regular use so it is not possible to check the measurements with 'lights on' but this was been undertaken by MSc-Consultants October, 2013 who measured a substantial attenuation in light spillage.



Muga pitch day time



Muga pitch night time (lights off).

The presence of forward facing baffles as well as back plates on some of the box luminaires were noted and probably added post-construction. It is already a recommendation that there should be post-development monitoring in order to ascertain whether similar measures might be necessary at the Canons.

If the measures outlined in the Bat Mitigation Plan along with the dark netting are made planning conditions, then I believe the impact on the woodland will be successfully minimised and the bats will have an increased foraging area.

In addition, the extension of the woodland area will be a net gain of 19 sqm, which will be planted with native broadleaved species. The relaxed mowing regime will increase the insect food supply for birds and bats and strengthen the wildlife corridor, particularly for small mammal species such as hedgehog and voles. It will enable movement to and from adjacent gardens as well as provide cover and food sources. This is in accordance with paragraph 7.19 of the London Plan and Merton Core Planning Strategy Policy CS 13.

Yours sincerely,  
Alison Fure

100

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also notes that clear and concise reporting is necessary for management to make informed decisions.

2. The second part of the document outlines the specific procedures for handling cash and other assets. It details the steps for receiving payments, issuing checks, and reconciling bank statements. The text stresses the need for strict adherence to these procedures to ensure the accuracy of the financial statements. It also discusses the importance of separating duties to reduce the risk of error or misappropriation of funds.

3. The final part of the document provides a summary of the key points discussed and offers recommendations for improving the internal control system. It suggests that regular audits and reviews should be conducted to identify areas for improvement and to ensure that the system remains effective over time. The text concludes by reiterating the commitment to transparency and accountability in all financial operations.



**BAT MITIGATION PLAN**

Furesfen September, 2013

Section A: Application Details	
<b>Planning Authority:</b>  <b>LB Merton</b>	<b>Planning Application Ref. No: 13/P1744</b>
<b>Location:</b>  <b>The Canons, Madeira Road, Merton</b>	Plans to construct two Multi-use Games Areas (MUGA). The minimum lighting standards will be achieved by providing 6 Metal Halide Hi-Lux luminaires placed on 6.7 metre high lighting columns.
<b>Grid Reference:</b> TQ279685	
<b>Ecological consultant: Alison Fure T/A Furesfen</b>	<b>Planning Officer: Claire Berry</b>
Section B: Details of Interest Features	
Protected species / BAP interests	Population estimate / status
Common pipistrelle	Foraging area for small population
Soprano pipistrelle	Foraging area for small population
Leisler's bat	Foraging area in the early period of the evening indicating a nearby roost
	22 OCT 2013
<b>Summary of Phase 1 Survey Findings</b>	
<p>Two bat emergence and activity surveys were undertaken (9.7.12.-1.8.12) using hand held recordable Bat Box 4 Frequency Division equipment. Three bat species were recorded during the survey: common and soprano pipistrelle bats as well as Leisler's bat. The latter is roosting at a location/s within the Canons complex and there have been attempts to establish the group of trees used (Fure, 2008-10).</p> <p>When bats have pups to feed, they do not travel far to forage and will return to their roost site after 30 minutes or so, in order to suckle young. This is thought to be the explanation for early activity during the first survey, when bats were recorded flying over the recreation ground. By the second occasion, the juvenile was considered to be able to fly with its mother.</p> <p>Site meetings were convened during September, 2012 and 2013 and mitigation measures were discussed, with the lighting consultant, ecologist, Greenspaces Warden of Mitcham Common and the local authority. Options were contained in the document 'MUGA' Options Appraisal and site drawings were produced to extend the Copse by 320m<sup>2</sup> (slightly &gt;2.5 times the area lost, 301m<sup>2</sup> x 2.5 = 753m<sup>2</sup>).</p> <p>In addition, suitable relaxed mowing regimes and summer night time curfews will ensure that the impacts of the proposal would be suitably mitigated.</p>	

Section C: Mitigation Plan Summary

Summary of Mitigation Measures To Be Implemented		
<p>Avoidance of harm through best practice</p>	<ul style="list-style-type: none"> <li>• American Box luminaires with Swedish back plates, as per Phase 1 report, have been agreed;</li> <li>• The height of the columns has been reduced to 6.7m to reduce light spill;</li> <li>• The current fence surrounding the tennis courts is 3m high, it is proposed that a 4.5m fence be installed as this is usual for MUGAs, extending to 5m along the boundary with the bowling green;</li> <li>• A summer curfew will be in place between May-August;</li> <li>• Lights are to be switched off at all times 21.30 hours;</li> </ul>	
<p>Habitat enhancement measures</p>	<ul style="list-style-type: none"> <li>• The Copse will be extended by 320m<sup>2</sup> (&gt;than the area lost, continuing into the main field see plan appendicised);</li> <li>• The area will be managed for nature conservation in perpetuity;</li> <li>• Suggested planting will include 250 assorted whips of oak/hawthorn/blackthorn etc.</li> </ul>	
<p>EPS / NE Licence Required for Works</p>	<p>A licence will not be required for works as a roost will not be destroyed and a bat will not be permanently deprived of its roost site.</p> <p>Changes to a foraging area of a maternity colony of rare bats has been mitigated</p>	<p><b>NO</b></p>

**Section E: Bat Mitigation Method Statement**

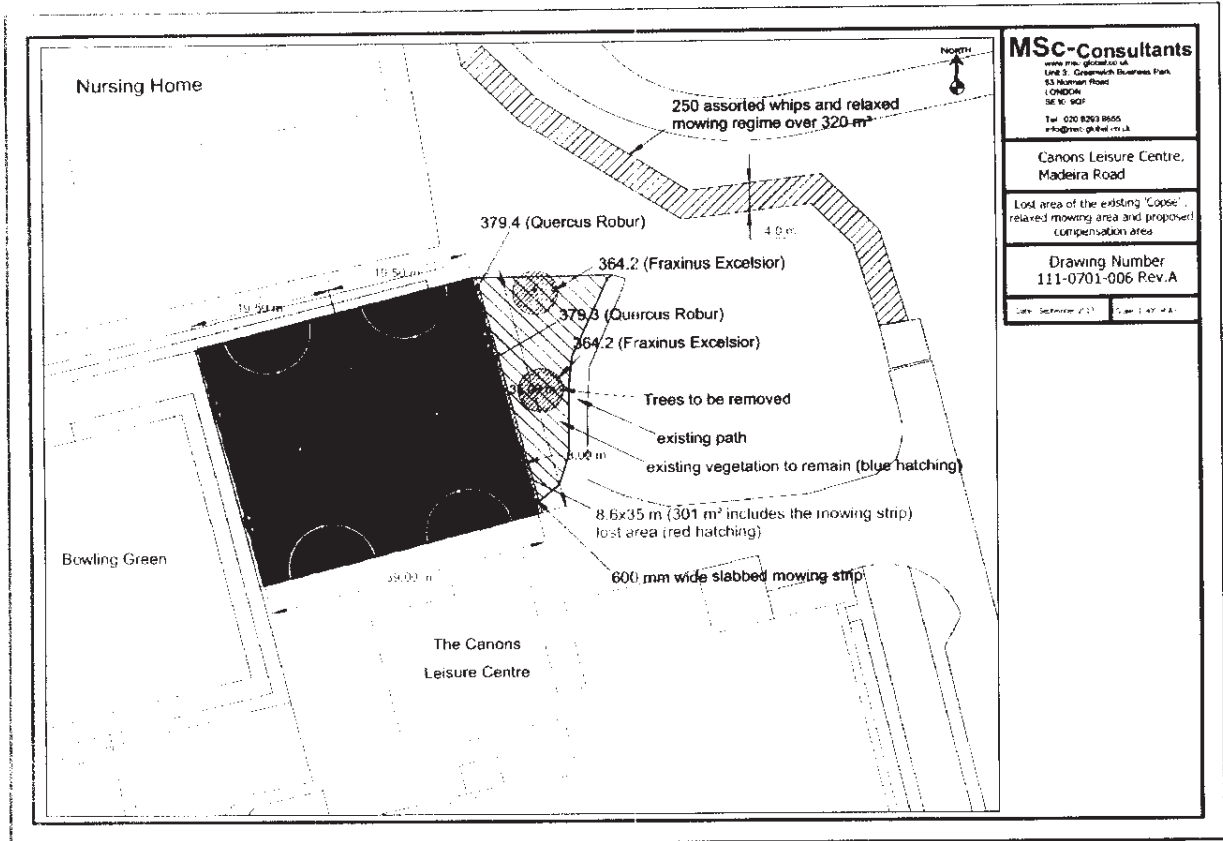
- Mitigation measures should be undertaken before works to the MUGA;
- A relaxed mowing regime has been agreed with contractors;
- 250 assorted whips of native species to be planted;
- The Copse should be managed for nature conservation in perpetuity;
- The fence should be extended to 4.5m and 5m at the bowling green;
- The lighting columns should be reduced to 6.7m;
- Box luminaires should be fitted with back-plates as necessary;
- A curfew should exist between the months May-August;
- Lights should be extinguished in all months after 21.30 hours;
- A monitoring report addressing the above is required before the pitches can be used.

**Section F: Consultant Statement**

I hold roost visitor and Science and Education Class 2 licences.  
I am a full member of the IEEM and Chartered Environmentalist.  
I have held EPS Licences since 2005 in respect of several bat species, including 2 pipistrelle species, brown long-eared and noctule bats, both within buildings, structures and in trees.  
I have attended residential courses in Bat Mitigation Assessment, provided by the SNCO (CCW) and Ecology Services UK. I have provided courses on Mitigation Impact and Assessment for Natural England and have undertaken independent Compliance Audits at various sites, at the request of the SNCO and the Metropolitan Police.

# BAT MITIGATION PLAN

Furesfen September, 2013



**Alison Fure MSc C.Env MIEEM  
Ecological Consultant**

**Furesfen**

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**BAT SURVEY REPORT,  
THE CANONS,  
MADEIRA ROAD,  
MITCHAM, SURREY.**

To:

MR F McParland

August, 2012

From:

Alison Fure  
28, Bonner Hill Rd  
Kingston upon Thames  
Surrey KT1 3HE





## SUMMARY

A Bat Survey was commissioned at land situated to the north of Canons Leisure Centre adjacent to a Recreation Ground, at Madeira Road, Mitcham (TQ279685). The survey was carried out by A. Fure, holder of protected species licences, including bat licence no. 20120447 assisted by C. Long. This was in advance of plans to reinstate two dis-used tennis courts, as well as construct an adjacent Multi-use Games Area (MUGA). The Lawn Tennis minimum lighting standards will be achieved by providing 6 Metal Halide Hi-Lux luminaires placed on 8 metre high lighting columns. Lighting is also proposed at the MUGA, to be constructed on 75 per cent of an area currently a woodland copse.

Two bat emergence and activity surveys were undertaken (9.7.12.-1.8.12) using hand held recordable Bat Box 4 Frequency Division equipment. Three bat species were recorded during the survey: common and soprano pipistrelle bats as well as Leisler's bat. The latter is roosting at a location/s within the Canons complex and there have been attempts to establish the group of trees used (Fure, 2008-10). When bats have pups to feed, they do not travel far to forage and will return to their roost site after 30 minutes or so, in order to suckle young. This is thought to be the explanation for early activity during the first survey, when bats were recorded flying over the recreation ground. By the second occasion, the juvenile was considered to be able to fly with its mother.

There are examples across London of tennis court provision next to wildlife features, although planning for wildlife must be considered within the design. For example, columns must be as low as possible and it is noted that 8m columns are proposed, which are considered high and will have an effect on the boundary tree-line (and therefore any species travelling along it). However the overall impact on a protected species of the reinstatement of the tennis courts will be minor.

The floodlights proposed at the MUGA have a substantial overspill, which will affect the remaining portion of the woodland. The most well-known effect of artificial light, is its attraction of insects, especially to the high UV content found with Metal Halide types. When attracted to artificial light sources, insects deviate from their natural habitats and from their natural behaviour and also this can lead to demographic losses. Lights could attract up to 75 per cent of the insect food resource in an area. The draw of insects to artificial lighting has been termed the 'vacuum effect'. This insect attraction leads to a reduction in insect density in the environs, leaving some bat species at a significant foraging disadvantage.

Leisler's bats are using the recreation ground as a foraging area, at an important time during their breeding cycle. Removal of the woodland to create a MUGA will have a negative impact on the foraging opportunities of this species, especially when they have dependent young. For this reason mitigation for the loss of woodland will be necessary. The removal of 75 per cent of a feature that a rare bat species is dependent on 'in order to nurture young' (Habitats Regulations, 2010 see 6.2) will have significant effect, which **will require a licence**. The insects generated in the remaining area of the woodland would not necessarily be available for bat use, due to the 'vacuum effect' of the metal halide floodlighting. In turn this could have an impact on pipistrelle bats although this would not be licensable as the level of disturbance was considered insignificant.

## REPORT CONTENTS

1. Introduction
2. Method
3. Results and Limitations
4. Evaluation
5. Discussion and Conclusions
6. Legislation and Policy
7. Bibliography

## 1.0 INTRODUCTION

### 1.1 PURPOSE

A Bat Survey was commissioned at land situated to the north of Canons Leisure Centre adjacent to a Recreation Ground, at Madeira Road, Mitcham (TQ279685). The survey was carried out by A. Fure, holder of protected species licences, including bat licence no. 20120447, assisted by C. Long. This was in advance of plans to reinstate two dis-used tennis courts, as well as construct an adjacent Multi-use Games Area (MUGA). The Lawn Tennis minimum lighting standards will be achieved by providing 6 Metal Halide Hi-Lux luminaires placed on 8 metre high lighting columns. Lighting is also proposed at the MUGA to be constructed on 75 per cent of an area, which is currently a woodland copse.

### 1.2 SITE DESIGNATIONS

The nearest designated site is the Canons Pond, which is a Borough Site of Local Importance for nature conservation interest. To the east lies Mitcham Common, Site of Metropolitan Importance for Nature Conservation (Site M93) incorporating Cranmer Green Local Nature Reserve (LNR). 1.5 km south-west, lies the Wandle river and part of Ravensbury Park, which were designated as part of a Site of Metropolitan Importance for Nature Conservation (Site M91—the Upper River Wandle) by the former London Ecology Unit. It is identified as a Site of Importance for Nature Conservation in the Merton Unitary Development Plan (UDP). The central grassland area (Ravensbury Meadow) and northern tip of the Park are not included in the Metropolitan site. The Park is also designated as Metropolitan Open Land, Open Space and Green Chain. Ravensbury Park (7.27 Ha) is designated a Local Nature Reserve.

### 1.3 ADDITIONAL SITES OF LOCAL IMPORTANCE

Nearby sites of Local Importance for nature conservation include St Peter and St Paul's Churchyard, important for its grassland. The church or its mature trees could provide opportunities for roosting bats. To the south-east lie London Playing Fields, where there are mature trees, particularly horse chestnuts and limes along the western and northern boundaries. A belt of trees and scrub on the park's shared boundary with a waste transfer station is divided by Barons Walk, an eighteenth century path. The southern

Tram link and railway line to the east, act as additional corridors for wildlife moving in and out of the area.

## 2.0 METHOD

### 2.1 DESK STUDY

A desk study was performed using author's data.

### 2.2 WALKOVER SURVEY

A walkover of the area was undertaken on 9.7.12, in line with Bat Conservation Trust Guidelines (2012) to establish features of bat interest and see how bat species use the area.

### 2.3 BAT SURVEYS

Two bat emergence and activity surveys were undertaken (9.7.12-1.8.12) using hand held recordable Bat Box 4 Frequency Division equipment, and static bat detection equipment, notably an Anabat left along the northern boundary of the tennis courts on the first occasion. Recordings were played through BatSound and Analook software and interpreted according to Russ (2012).

## 3.0 RESULTS

### 3.1 DESK STUDY

Six species of bat are recorded locally (Table 1). Leisler's bats have been recorded since 2008 at this location and efforts have been made to study the habits of the local colony. This has included the use of remote detection devices at the Canons Mansion as well as a loft inspection. After a colony was discovered during tree work (Cannon Hill Common, 2005) surveys of local sites were commissioned and the records are collated below (Table 2). These may pertain to individuals from one colony.

Table 1: Status of bats recorded in the local catchment.

Species	Frequency	Main roosts sites
Common pipistrelle	Common	Buildings nearby (LBG)
Soprano pipistrelle	Common	Buildings and trees especially near water (LBG).
Nathusius's pipistrelle	Rare	Buildings Trees its local status is variable
Daubenton's bat	Relatively common	Trees, structures and underground sites in the local area. Roosts known within 1.km
Noctule bat <i>Nyctalus noctula</i>	Becoming less common	A known roost at Ravensbury and Wimbledon Park
Leisler's bat <i>Nyctalus leisleri</i>	rare	Trees and sometimes buildings. Known roosts in the area and records of early registrations

Adapted from Mitchell-Jones (2007) LBG=London Bat Group records

Table 2 Leisler's bat activity with numbers of animals at Merton Sites (Author's data).

Cannon hill common	3	22-Sep-05
Cannon hill common	1	04-Aug-07
Cannon hill common	1	12-Aug-06
Cannon hill common	2	Aug-20
Cannon hill common	1	02-Oct-06
Canons, Madeira Road,	3	06-Jun-08
Joseph Hood Recreation Ground	3	22-May-08
Ravensbury park	3	12-Jun-08
Ravensbury Pk, Wandle backwater East	1	30-Jul-09
Ravensbury Pk, Wandle Backwater West arm	1	30-Jul-09
Shadbolt park, Salisbury Road, Worcester Park	1	30-Jul-10
Worcester Park Sewage Works	2	25-May-07

### 3.2 HABITAT FEATURES:

A Phase 1 Habitat Survey (Fure, 2011) assessed the site to be of neighbourhood value, with elements of borough conservation interest, which include its strategic position in the landscape, forming a link between Mitcham Common and nearby sites. This was mainly due to the presence of secondary woodland and the boundary feature, which acts as a stepping stone and corridor for wildlife.

During the initial walkover survey, the following features of bat interest were found:

- Trees within the Canons complex capable of supporting bats;
- Historic buildings within the vicinity;
- Oak and willow trees with associated insect biomass.



### 3.3 FIRST EMERGENCE SURVEY

During the survey (9.7.12) no bats were seen to emerge from any trees or structures at the Copse or the Leisure Centre. There were no bats recorded until 22.01 when 2 Leisler’s bats began foraging over the recreation ground for several minutes. The only other bat recorded was a soprano pipistrelle bat, flying west to east alongside the Canon’s Health Club air con unit (Table 1 and Figs 1-2).

**Table 3: All bat activity 9.7.12)**

Sunset 21.16p.m. Cloud cover 4/8 Temperature 20 degrees centigrade at start. Heavy rain preceded survey

Time	Details: Duet detector
22.01 sunset + 45 minutes	Prolonged foraging of two Leisler’s bats over the recreation ground
22.01	Soprano pipistrelle direct pass through site

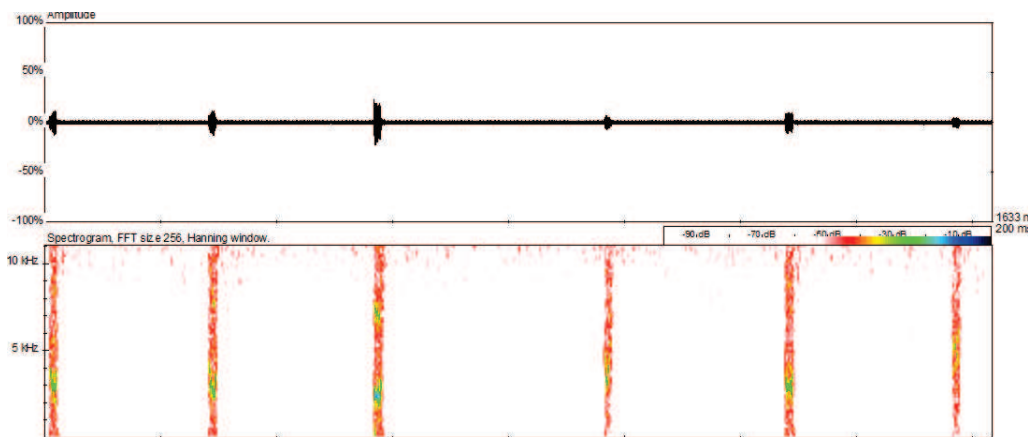


Fig. 1 Screenshot of the sonogram of a Leisler’s bat, feeding over the Canon’s Recreation Ground 22.01, 9.7.12.

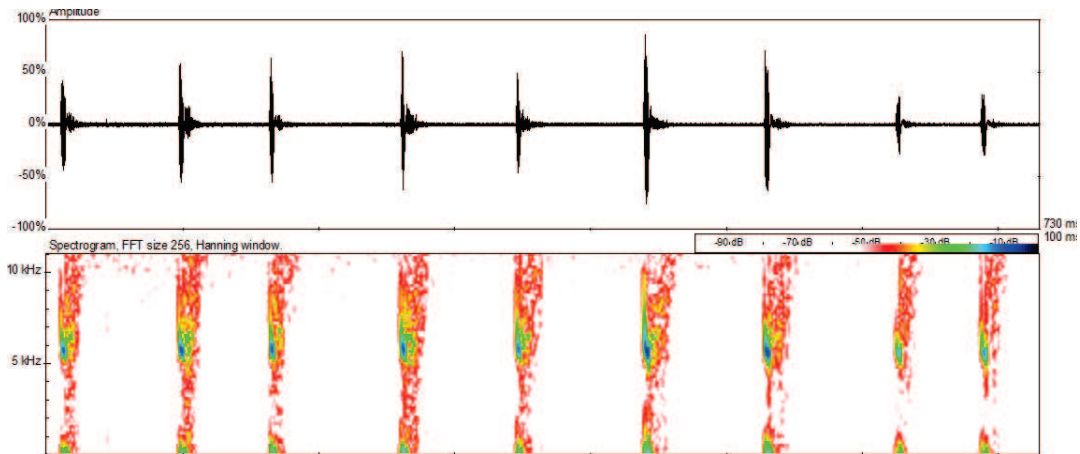


Fig. 2 Screenshot of the sonogram of a soprano pipistrelle at 22.01, 9.7.12.

### 3.4 SECOND EMERGENCE SURVEY

During the second survey (1.8.12) no bats were seen to emerge from any trees at the Copse or structures around the Leisure Centre. Two Leisler's bats flew together from west to east at 21.21 slightly north of the Copse. They were not detected by a colleague situated at the northern boundary of the recreation ground. This was followed by a common pipistrelle foraging along the edge of the woodland for several minutes. At the northern boundary of the recreation ground, common pipistrelles along with one soprano pipistrelle bat were recorded.

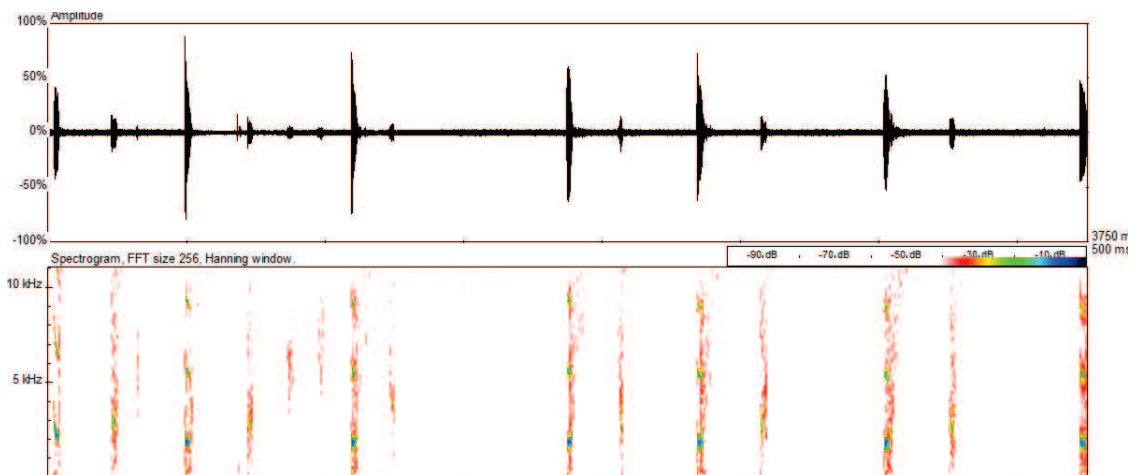


Fig. 3 Screenshot of a sequence of 2 Leisler's bats flying west to east 21.21, 1.8.12.

**Table 4: Selected bat activity (1.8.12)**

Sunset 20.48p.m. Cloud cover 4/8 .Temperature 19 degrees centigrade at start No wind

Time	Details: Duet detector A Fure
21.21 sunset + 33 minutes	2 x Leisler's bats
21.34	Common pipistrelle foraging along northern edge of Copse
21.45	Common pipistrelle foraging
21.53	Two common pipistrelle bats flying around site

**Table 4a: Selected bat activity (1.8.12)**

Sunset 20.48p.m. Cloud cover 4/8 .Temperature 19 degrees centigrade at start No wind

Time	Details: Anabat detector C. Long
21.41	Common pipistrelle along northern boundary of rec
21.46	Common pipistrelle foraging along boundary trees
21.48	Soprano pipistrelle foraging
21.53	Common pipistrelle

## 4.0 EVALUATION

### 4.1 Table 5: Evaluation Summary Table.

Site Features	Value.	Reasons.
Leisler's bat maternity colony: Site faithful, appearing consistently over a period of years at this site.	Borough/ Regional	The bats appear shortly after sunset indicating they are exiting a nearby roost. During the first survey a bat fed for some period of time over the recreation ground. This is interpreted as a bat with young (maternity colony). During the second survey two bats flew east together. Nationally, this is determined to be a rare species Tony Mitchell-Jones, 2007
Common pipistrelle bat	District	Common species, appearing later in the evening
Soprano pipistrelle bat	District	Common species, appearing later in the evening
Invertebrates	District	Form the prey species of bat species.

## 5.0 DISCUSSION

### 5.1 BAT SPECIES

Three bat species were recorded during the survey: common and soprano pipistrelle bats as well as a Leisler's bat. The activity levels were lower than expected and this is possibly due to the failure of some bats to form successful breeding colonies this year due to bad weather. The "common" pipistrelle has been split into two separate species *Pipistrellus pipistrellus* that echolocates around 45 kHz and *P. pygmaeus* that calls around 55 kHz. The 45 kHz pipistrelle can use a wide range of habitats, but frequents the more open situations, such as woodland edges, parkland, recent plantations, watersides and gardens. It will fly up to 5km from the roost to forage but most stay within 2km. Colonies are usually 30-60 bats; they frequently use modern buildings for roost sites, but are rarely found in bat boxes. The 55 kHz pipistrelle appears fussier in habitat selection than the 45 kHz species. It seems to prefer waterside locations such as rivers, lakes and wet woodland. Colonies are usually larger than the 45 kHz pipistrelle with numbers often in the region of 100-150. Roosts in houses are frequently found but tree roosts are also used. Emergence of both species is usually twenty minutes after sunset and the late arrival and low numbers of both pipistrelle species indicated that the bats were not roosting nearby.

### 5.2 LEISLER'S BAT, REGIONAL STATUS

As noctule bats have declined in the London Region (due to habitat loss) it has been noted that they are replaced by the closely related, but slightly smaller Leisler's bat, which is considered rare in most parts of the country. They are particularly prevalent in the London Borough of Merton (London Bat Group, 2012) first recorded during 2005 (Cannon Hill Common). There is a total absence of records within Bexley, The City, Hammersmith & Fulham, Kensington & Chelsea, Newham, Tower Hamlets and Lambeth.

### 5.3 LEISLER'S BAT ECOLOGY

*Nyctalus* bat species are one of Britain's largest, they are adapted to fast flying above the treetops and can cover large distances from roost to feeding areas. Their fast flight makes them less vulnerable to predatory birds and so they can emerge in good light and feed in open habitats. Leisler's bats can feed on larger beetles and moths but will take

much smaller prey such as chironomids when these occur in large swarms. Roosts are almost invariably in hollow trees, woodpecker holes being a favourite site, although they use a stand of trees, moving between them frequently (the reason Merton with its many mature trees is favoured by this species). Unlike noctule bats they will sometimes use larger, historic buildings for roosting purposes. They are not one of the species affected by illuminance and often forage above light installations, although lighting at a roost would be inappropriate.

#### 5.4 LOCAL STATUS OF BAT SPECIES

The two pipistrelle bat species do not emerge to forage at the site in the early part of the evening or in any great number. It is likely that they have travelled from offsite locations in order to forage at the site. Leisler's bats are roosting at a location/s within the Canons complex and there have been attempts to identify the group of trees that these bats use (Fure, 2008-10). A *Taxodium* species or cypress tree, at the Canons House is considered to be one of the trees used by this species. When bats have pups to feed, they do not travel far to forage, as they will return to their roost site after 30 minutes or so, in order to suckle young. This is thought to be the explanation for the early activity recorded during the first occasion when bats were recorded flying over the recreation ground. By the second occasion, the juvenile was considered to be able to fly with its mother. A limitation of the survey is in the small amount of data on which to base this explanation of the activity although this is overcome by previous observations (Canons, 2008).

#### 5.5. TENNIS COURTS



There are examples across London of tennis court provision next to wildlife features, although planning for wildlife must be considered within the design. For example, columns must be as low as possible and it is noted that 8m columns are proposed, which are considered high and may affect the boundary tree-line



(and any species travelling along it). The American box fitting (photo) with Swedish baffles prevents any upward light spillage and has full cut offs to the surrounding area and is sited on the lowest columns. It provides the recommended light suggested by the lawn tennis association and may address the problem of light spillage onto features at the conservation area.

## 5.6 MUGA FLOODLIGHTS

The floodlights proposed for the MUGA have a substantial overspill, which will affect any remaining portion of the woodland. The most well-known effect of artificial light, is its attraction of insects, especially to the high UV content found with Metal Halide types. When attracted to artificial light sources, insects deviate from their natural habitats and from their natural behaviour and also this can lead to demographic losses. Lights could attract up to 75 per cent of the insect food resource in an area, as they are drawn from habitat patches to feed around lights (Bruce-White and Shardlow, 2011). The draw of insects to artificial lighting has been termed the 'vacuum effect' (Eisenbeis, 2006). This insect attraction leads to a reduction in insect density in the environs, leaving some bat species at a significant foraging disadvantage.

## 5.7 IMPACT

Leisler's bats are not affected by light pollution unless the illuminance is directed towards the roost, although there will be an upper limit. Leisler's bats are using the recreation ground to forage, at an important time during their breeding cycle. This maternity roost may be a constituent of colonies recorded at Ravensbury Park and Worcester Park Sewage Works, which exist at low numbers. Removal of the woodland to create a MUGA will have a significant negative impact on the foraging opportunities of this species, especially when they have dependent young. For this reason mitigation for the loss of woodland will be necessary. The removal of 75 per cent of a feature that a rare bat species is dependent on 'in order to nurture young' (Habitats Regulations, 2010 see 6.2) will be a disturbance, which **will require a licence**. The insects generated in the remaining 25 per cent of the woodland would not necessarily be available for bat use, due to the 'vacuum effect' of the metal halide floodlighting. In turn this could have an impact on pipistrelle bats although this would not be licensable as a maternity colony was not detected and the level of impact was not considered significant.

## 5.8 CONCLUSION

The functionality of the roost and the local population of this species, are dependent on the feeding resources offered at the recreation ground during their breeding period, particularly as the resource is within a short distance (i.e. better for bat energy expenditure = fitness of individuals). The loss of woodland for the construction of the MUGA will involve a high impact, and therefore will need a licence to be lawful. However, the impact of the development re: foraging will not be possible to offset without provision of a similar foraging opportunity within a similar distance and may not be possible (given the length of time required for trees to mature). It would not be sufficient to dedicate an existing area for bat conservation, and compensation (i.e. replacement) would be needed within a suitable distance. In order to obtain a licence, the IROPI test (Imperative Reasons of Overriding Public Interest) needs to be made and reference to suitable authorities suggest that the tests would not be met.

## 6.0 LEGISLATION AND POLICY REFERRED TO IN THIS REPORT

### 6.1 EUROPEAN AND UK LAW PERTAINING TO BATS

All species of bat are fully protected under the Wildlife and Countryside Act 1981 (as amended) through their inclusion in Schedule 5. All bats are also included in Schedule 2 of the Conservation (Natural Habitats, & c.) Regulations, 2010. The Act and Regulations make it illegal to:

- intentionally or deliberately kill, injure or capture (take) bats;
- deliberately disturb bats (whether in a roost or not);
- damage, destroy or obstruct access to bat roosts;
- possess or transport a bat or any other part of a bat, unless acquired legally; or
- sell, barter or exchange bats or parts of bats.

## 6.2 AMENDMENTS TO THE CONSERVATION OF HABITATS REGULATIONS (2010)

Moves to strengthen the protection of features of importance that protected species are reliant upon. This applies where there may be ANY disturbance to bats or a disturbance affecting:

- The ability of a group of animals of that species to survive, breed or rear or nurture their young;
- In the case of migratory species, impair their ability to hibernate or migrate or
- The local distribution or abundance of the species

This may preclude fragmentation of corridors caused by **light pollution** and a useful discussion of this is provided by Garland and Markham (2007).

If a bat roost is to be affected by development activities, a licence from Natural England will need to be obtained.

## 6.3 WILD BIRDS

The Wildlife and Countryside Act (1981, as amended) protects birds, eggs and nestlings from killing, injury, and damage or destruction to its nest.

The Act also protects any intentional disturbance to the bird while it is building its nest, or is in, on or near a nest containing eggs or young, or disturbance of the dependent young.

The Countryside and Rights of Way Act 2000 (CROW) strengthened aspects of this legislation, importantly adding that 'reckless' disturbance of birds (including those listed on Schedule 1) during the breeding season is now subject to prosecution under the law.

## 6.4 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) 2006

This states that every public authority in exercising its function, must secure compliance in conserving biodiversity

(3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

(4) "Public authority" means any of the following (c) a public body (including a government department, a local authority and a local planning authority);

Within the terms of this act are habitats and species of principal importance for the purpose of conserving biodiversity.

## 6.5 UK HABITATS AND SPECIES OF PRINCIPLE IMPORTANCE NERC 2006 AND THE ROLE OF CONSERVATION UNDER BIODIVERSITY ACTION PLANS (BAPS)

Section 40 (1) of the NERC Act (2006): lists principle habitats and species, which are often included in Local, Regional and National Biodiversity Action Plans (BAP's). For example, the UK Biodiversity Action Plan (BAP) contains a Bat Species Action Plan (SAP). The BAP aims to increase the number of this species within the district by protecting certain habitats; securing appropriate management for them and by halting the factors leading to their decline such as:

- Loss of maternity roost sites through damage or destruction resulting from a lack or a misunderstanding of the legislation protecting bats ;
- Loss of hibernation and other seasonally used roost sites;
- Lack of insect rich feeding habitats such as wetlands, woodlands and grasslands;
- Losses of linear landscape elements (flight line features) such as tree lines; and
- Excessive lighting, such as in streets and some open spaces.

## 6.6 ROYAL COMMISSION ON ENVIRONMENTAL POLLUTION (2009)

The Royal Commission on Environmental Pollution, reported on the nuisance caused by badly designed lighting and the effects of artificial light on nature and ecosystems. It concluded that there was an urgent need for government to recognise that artificial light in the wrong place at the wrong time is a pollutant, which can harm the natural environment. Sir Lawton who chaired the commission has asked for removal of lighting from parks.

## 6.7 BAT CONSERVATION TRUST GUIDANCE

A Statement by the Bat Conservation Trust on Lighting and Mitigation for Bats (May, 2011) resolved that: smarter lighting, rather than less lighting, is key to mitigating the effects of light pollution. Light should only be erected where it is needed, illuminated during the time period it will be used, and at levels that enhance visibility. Any bare bulbs and any light pointing upwards should be eliminated. The spread of light should be kept near to or below the horizontal. Narrow spectrum bulbs should be used to lower the range of species affected by lighting and light sources that emit ultra-violet light must be avoided. Reducing the height of lighting columns as light at a low level reduces ecological impact. For pedestrian lighting, low level lighting that is directional as possible should be used and below 3 lux at ground level.

## REFERENCES

Author's data 2005-2011

Bat Conservation Trust (2012) Bat Survey Guidelines available from [www.bats.org.uk](http://www.bats.org.uk)

Bruce-White and Shardlow, 2011 Buglife Report

Eisenbeis, G. 2006 *Artificial night lighting and insects: attraction of insects to streetlamps in a rural setting in Germany*. Ecological Consequences of Artificial Night Lighting (Eds C. Rich & T. Longcore), pp. 345–364. Washington, Island Press.

Fure, A., 2008 The Canons Bat Report

Garland L., & Markham S., (2007) Is important bat foraging and commuting habitat legally protected?

Atlas (2012) London Bat Group In publication

Mitchell –Jones A.J. & McLeish A. P. (Ed's). (2007) 'Focus on Bats'

Royal Commission on Environmental Pollution [RCEP] (November, 2009) Artificial Light in the Environment



**PLANNING APPLICATIONS COMMITTEE**  
**12 December 2013**

Item No:

UPRN

APPLICATION NO.

DATE VALID

13/P1028

23/04/2013

**Address/Site** Delatre Media Ltd, 3 Palmerston Road, Wimbledon SW19 1PG

**(Ward)** Abbey

**Proposal:** Outline planning application for extension to existing offices at ground, first, second, third, fourth and fifth floor levels.

**Drawing Nos** 572/005/P1, 007/P1, 009/P1, 011/P1, 013/P1, 014/P1, 015/P1, 022/P1, 024/P1, 026/P1, 034/P1, 032/P1 and Design and Access Statement

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

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## RECOMMENDATION

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

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## CHECKLIST INFORMATION

- Heads of agreement: Sustainable Transport
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted:11
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

## 1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee due to the requirement for a S.106 Agreement.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located just within the Wimbledon Town Centre Area as designated in the Proposals Map attached to the Adopted Merton Unitary Development Plan (October 2003). It forms the transition between the commercial properties to the north along Wimbledon Broadway and the predominantly residential properties to the south. Currently to north of the site is an open surface level car park that adjoins Wimbledon Theatre, a Grade II Listed Building. It is envisaged that the car park area will be the subject of future mixed use development. The South Wimbledon Club and St Mary's Primary School are situated to the rear (south west) of the site. To the east on the opposite side of the site is the Bethel strict Chapel (129 Broadway). The application site is within a Controlled Parking Zone (CPZ W4) and has a PTAL of 6.

## 3. **CURRENT PROPOSAL**

- 3.1 The current proposal seeks Outline planning permission for extensions to the existing offices, with approval being sought for layout and scale. Access, appearance and landscaping are all reserved. The existing office building is proposed to be extended upwards from four to six storeys across part of the building, set away from the townhouses to the south to create a height transition. At the rear it is proposed to construct a new west wing of four storeys connected by a link/breakout space. At first floor level, over the rear parking area, it is proposed to construct a terrace, accessed from the first floor offices and reception area.
- 3.2 In relation to the two storey extension to part of the existing building, the top floor would be set back to form an attic storey, giving a parapet line of five storeys to Palmerston Road. The upper floors would also be set back from the boundary to reduce the impact on the adjoining town houses to the south. The new west wing will have an overall height of four storeys, with accommodation stepping back from the western boundary at second and third floor levels away from existing buildings on Russell Road. The proposed first floor terrace has been amended to be set further away from adjoining residential gardens.
- 3.3 In terms of design, the existing building dates from the 1980's and is of utilitarian appearance constructed in red/brown engineering brick with aluminium windows. The proposed extensions would be of lightweight appearance with the use of glass to the upper parts of the building. Where the proposed extension abuts the adjacent Council owned site there would be a blank façade so as not to inhibit future development.

3.4 The schedule of floor space is set out below for information, giving a net increase of 643 square metres.

Floor Areas	Gross Internal Area	
	Sq metres	
	Existing	Proposed
Ground Floor	172	225
First Floor	227	384
Second Floor	227	336
Third floor	227	299
Fourth Floor	0	132
Fifth Floor	0	120
Totals	853	1496

3.5 The proposal would involve the loss of 5 parking spaces, with 7 spaces and 22 cycle spaces being provided for the extended office accommodation.

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

- 4.1 In March 1981 outline planning permission was granted for the erection of a four storey building with 15 car parking spaces and two three storey houses with integral garages (ref.MER1006). Reserved matters were approved in November 1981.
- 4.2 In January 1996 planning permission was granted for the formation of a rear staff entrance with ramped access (LBM Ref.95/P0808).
- 4.3 In April 2007 planning permission was granted for the erection of a single storey rear extension and a first floor rear extension to provide additional B1 office space (LBM Ref07/P0188).
- 4.4 In April 2007 planning permission was granted for the erection of a single storey rear extension and first floor rear extension providing additional office space (LBM Ref.07/P0654).
- 4.5 In June 2008 planning permission was granted for the installation of mechanical plant on the roof (LBM Ref.08/P0751).
- 4.6 In September 2008 advertisement consent was granted for the display of externally illuminated logo and name signs (LBM Ref08/P0742).
- 4.7 In October 2008 planning permission was granted for the retention of two satellite dishes on the roof (one 2.4m and one 3.7m diameter (LBM Ref.08/P0742).

- 4.8 In January 2012 a planning application was submitted for the erection of a single storey rear extension providing additional B1 office accommodation. The application was withdrawn by the applicant on 1/8/2012 (LBM Ref.12/P0360/INVALID)
- 4.9 In August 2012 a Pre-application meeting was held to discuss proposal for the erection of an extension to provide an additional floor of office accommodation at fourth floor level on the existing building, and new offices/staff flat plus plant room, PV cells and satellite dishes at roof level. A part four/part five storey rear extension linked to the front block with car and cycle parking at ground level and a terrace on part of first floor, plus reception area, staircase and atrium to link the front and rear parts of the building (LBM ef.12/P1928/NEW). The current application is similar to the proposals discussed at the pre-application meeting although the current application does not include a staff flat.

## 5. CONSULTATION

- 5.1 The application site has been advertised by site notice procedure and letters of notification to occupiers of neighbouring properties. In response two letters of objection have been received from the owners/occupiers of neighbouring properties at 5 and 7 Palmerston Road. The grounds of objection are set out below:-

- extremely concerned about loss of privacy and intrusion from windows and the proposed terrace, loss of outlook and loss of light
- The proposed terrace would result in direct overlooking of bedrooms on the middle and top floors of 5 Palmerston Road by office workers using the terrace and use of the small garden may also be compromised
- there are large south facing windows in the proposed new wing as well as 3<sup>rd</sup> floor terrace less than 10m from the boundary with no.5 creating privacy issues
- concerned about additional disturbance from cars and pedestrians using the passageway to the rear parking area.
- The proposals incorrectly label the numbering of adjacent properties, and refer to the adjacent town houses as flats. There are also errors of the building heights with drawing 0675/04 indicating that the town houses are 26 metres high.
- suitable and substantial compensation should be paid if approval given

### 5.2 The Wimbledon Society

The proposal seeks to extend and add office accommodation to the existing commercial building at the top of Palmerston Road and the junction with The Broadway. It is to the rear of the current Council car park on The Broadway, locally known as the Theatre Car Park that has been designated as site P4 by Merton Council for future sale and redevelopment. The height of the proposed extension is for two additional storeys over the current building, making it 1 metre above a presumed height for the P4 site that is indicated on the

presentation elevations. Further, the proposal is for a four storey extension over the full curtilage of the site with a modelled stepping of the 2<sup>nd</sup> and 3<sup>rd</sup> floor with associated terraces and 1.8 metre high privacy screens to avoid overlooking the local school and residential properties. The Societies objection is to the overdevelopment and maximisation of the sites potential for office accommodation to the detriment of surrounding neighbouring properties. There is also a reduction in car parking spaces at ground level with no designated disabled car parking provision indicated. The supporting report on 'rights of light' and impact study do not take consideration of the fact that this building occupies an important location adjoining a residential row of housing in Palmerston Road and backs directly onto playground facilities for St Mary's Primary School. The Society are concerned at the potential impact of terrace lighting during winter months and that the current proposal has not demonstrated a willingness to keep the scale of the extensions to a reasonable level and provided an appropriate proposal assuming the extent of the future development of the P4 site and little consideration to the neighbouring scale of properties.

### 5.3 Transport Planning

The proposal would result in the loss of on-site parking and increasing the number of employees, it is considered appropriate to seek a sustainable transport contribution to further encourage sustainable travel behaviour. A sum of £15,000 is requested.

## 6. POLICY CONTEXT

6.1 The relevant policies contained within the Adopted Merton Core Strategy (July 2011) are CS6 (Wimbledon Town Centre), CS7 (Centres), CS14 (Design), CS15 (Climate Change) and CS20 (Parking, Servicing and Delivery).

6.1 The retained policies contained within the Adopted UDP (October 2003) are E.1 (General Employment Policy), BE.15 (New Buildings and Extensions, Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.16 (Urban Design), BE.22 (Design of New Development), BE.23 (Alterations and Extensions to Buildings), BE.35 (Telecommunications Development), E.1 (General Employment Policy), F.2 (Planning Obligations), ST.27 (Wimbledon Town Centre), TC.1 (Promoting Development in Town Centres), TC.8 (Land Assembly), TC.9 (Office Development), WTC.6 (Office Development) and WTC.8 (Development Facilities).

6.2 The site lies just within Wimbledon Town Centre Area as designated in the UDP proposals map, and adjoins the 'P4' site which comprises the car park which currently adjoins Wimbledon Theatre.

6.3 The draft Sites and Policies Plan is also relevant.

6.4 The London Plan (February 2011)



The relevant policies within the London Plan are 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.5 (Public Realm) and 7.6 (Architecture).

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations relate to employment, design, neighbour amenity and parking issues.

### 7.2 Principle of Office Expansion

Policies CS6 and CS7 of the Adopted Core Planning Strategy welcomes proposals to enhance expand and refurbish office space within the Town Centre, consolidating its position as a diverse Major Centre, subject to their acceptability in respect of all other material planning considerations such as quality of design and impact on neighbouring properties. There is no in principle objection to the proposed office space expansion. The applicant is a sport media company that employs 71 people. The proposed increase in office floor space would enable the business to expand and it is envisaged that the number of employees will increase to 91. The proposal therefore accords with retained UDP policy E.1 in terms of maintaining employment opportunities within a Town centre location with good public transport accessibility.

### 7.3 Design and Relationship to Adjoining Wimbledon Theatre Car Park

The car park site adjoining the listed Wimbledon Theatre (otherwise known as the P4 site) is included as site proposal 28 in the Submission Draft Sites and Policies Plan and Draft Policies Map published in September 2013. That document indicates that the Council's preferred use of the car park site would be an 'appropriate mix of town centre type uses such as retail (A1 Use Class), café and restaurants (A3 Use Class), community (D1 Use Class), cultural, leisure and entertainment (D2 Use Class), Offices (B1(a) use Class) and hotel (C1 Use Class). This site may incorporate residential development (C3 Use Class) on upper floors. Recent draft options for the car park site suggest a four storey building where adjacent to the listed Wimbledon theatre building rising to five storeys at the corner of the Broadway and Palmerston Road adjacent to the Delatre site at 3 Palmerston Road.

7.4 The current outline application involves the erection of an additional two floors of accommodation to the existing building and the erection of rear extensions to create a part four, part six storey building and a new part four/five storey wing. On the northern elevation adjacent to the car park site it would be six storeys in height over the main building. The 5<sup>th</sup> storey would be recessed slightly from the existing façade and the 6<sup>th</sup> storey would be set back 2m from the Palmerston Road frontage and could be constructed of lightweight materials to minimise visual impact. It should also be noted that indicative drawings of a building on the P4 site show a development of a five storey building with retail on the ground floor and flats above which would align with the top of the recessed 6<sup>th</sup> floor of the Palmerston Road elevation of the application site. The indicative building on the P4 site has a higher floor to

ceiling to the ground floor retail unit hence the five storey building has the same height as the six storeys proposed for 3 Palmerston Road Only the small set back lift over run/plant room would be marginally (less than 1m higher) than the anticipated height for future proposals for the adjoining P4 car park site and this would not be perceptible due to the setback and small footprint. The proposed extensions have been designed so that the extended building does not prejudice the future redevelopment of the adjacent Council owned car park and no windows of opening or extract ducts would be formed in the side elevation facing the car park (known as the P4 site in the UDP proposals map). The proposal is considered to be acceptable in terms of Adopted Core Strategy policy CS14 and retained UDP policies BE.16 and BE.22. and compatible with proposals for the adjoining site.

#### 7.5 Neighbour Amenity

The southern elevation of the proposed new wing and the atrium forming the link with the existing building would face rear gardens of adjoining residential properties. There would be large windows and third floor terraces within the southern elevation sitting between 9m-12m of the boundary with 9 Palmerston Road (and in closer proximity to the boundaries with 5 and 7 but not looking directly towards). The applicants have indicated how issues of overlooking could be addressed as part of the reserved matters submission in relation to concerns about loss of privacy. For the windows, fixed horizontal louvres are suggested up to an agreed height above floor level to restrict downwards views with 1.8m high acid etched screens to the proposed 3<sup>rd</sup> floor terraces.

7.6 Originally, the proposal incorporated a large terrace over the rear parking area, with a screen to 1.8m with planting behind but in very close proximity to neighbouring gardens, giving rise to concerns about loss of privacy, potential for noise disturbance, visual intrusion and light pollution relative to adjoining residential properties, in particular 5 and 7 Palmerston Road. This feature has been significantly amended at the request of officers to form a narrow 2m wide balcony rather than a wide terrace and is considered to be acceptable subject to suitable screening.

7.7 It is considered that design measures such as louvres, obscure glazing and screening to terraces are feasible that would prevent unacceptable impact on the privacy of adjoining occupiers which would be required by condition. The proposal is therefore considered to be acceptable in terms of retained UDP policy BE.15.

#### 7.8 Parking

The proposed extensions to the existing office building would result in a reduction in the number of off-street parking spaces from 12 to 7 spaces, one of which is a disabled space. Given the application site location within Wimbledon Town Centre with a Public Transport Accessibility Level of 6, the expansion in floor space combined with the loss of seven spaces is considered to be acceptable. However, a financial contribution towards sustainable transport initiatives in the borough would be required to mitigate the loss of parking. The proposal is therefore considered to be acceptable in terms of Adopted Core Strategy policy CS20.

#### 7.9 Planning Obligations

The proposed increase in office floor space and the loss of 7 parking spaces would require the developer to make a financial contribution towards sustainable transport initiatives in the borough (£15,000) secured through a S.106 Agreement. In light of the expansion of office floor space, a further sum of £10, 000 would also be required towards public realm/environmental enhancements to the town centre

#### 7.10 Local Financial Considerations

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

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

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

8.2 Policy CS15 (Climate Change) of the Adopted Merton Core Strategy requires that all minor and major development including refurbishment, will be required to demonstrate how the development makes effective use of resources and materials, minimises water use and CO2 emissions. All non-domestic development over 500m2 which does not qualify for assessment under Code for sustainable Homes, will be expected to be built to a minimum of BREEAM (Building Research Establishment Environment Assessment Method) Very Good standard and meet CO2 reduction targets in line with the requirements of the London Plan or national policy, whichever is the greater. Therefore a planning condition to require the development to meet the BREEAM standard should be imposed on any grant of planning permission.  
The extension would be required to meet BREEAM requirements

#### 9.0 **CONCLUSION**

9.1 The design of the proposed extensions is considered to be acceptable and will result in the provision of enhanced office accommodation within Wimbledon Town Centre and maintain employment opportunities in the borough. The size and siting of the proposed extensions and alterations to the building would not affect neighbour amenity. Accordingly, it is recommended that planning permission be granted.

### **RECOMMENDATION**

## **GRANT OUTLINE PLANNING PERMISSION**

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

1. The developer making a financial contribution towards sustainable transport initiatives in the borough (£15,000).
2. The developer making a financial contribution towards of £10,000 towards improvements to the public realm/environmental enhancements within Wimbledon town centre
3. The developer paying the Council's legal and professional costs
4. The developer paying the cost of monitoring the agreement.

subject to the following conditions:-

1. A.2 Commencement of Development (Outline Application)
2. A.3 Submission of reserved Matters (Outline Application)
3. D.11 Hours of Construction
6. H.9 Construction Vehicles
7. No plant/telecommunications apparatus, aerials or communication dishes shall be installed on the roof of the building other than the renewable energy panels shown on the plans.

Reason: In the interests of the visual amenities of the area and the setting of the neighbouring listed Theatre building.

8. No windows, vents, extracts or other openings shall be formed in the northern flank wall of the building facing the car park.

Reason: So as not to inhibit the future redevelopment of the adjacent car park site.

9. The proposed car parking/motor cycle parking spaces shown on drawing number 572/005/P1 shall be provided before occupation of the new offices and kept available thereafter.

Reason for condition: To ensure the provision of satisfactory parking provision for the site.

10. Details of screening
11. Details of external lighting
12. beam –pre commencement and post completion

13. INF1 Party Wall Act





London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250

Date 26/11/2013

3 Palmerston Road

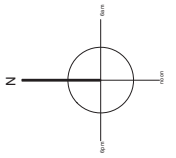
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DEVELOPMENT CONTROL





**DELTA TRE  
3 PALMERSTON ROAD**

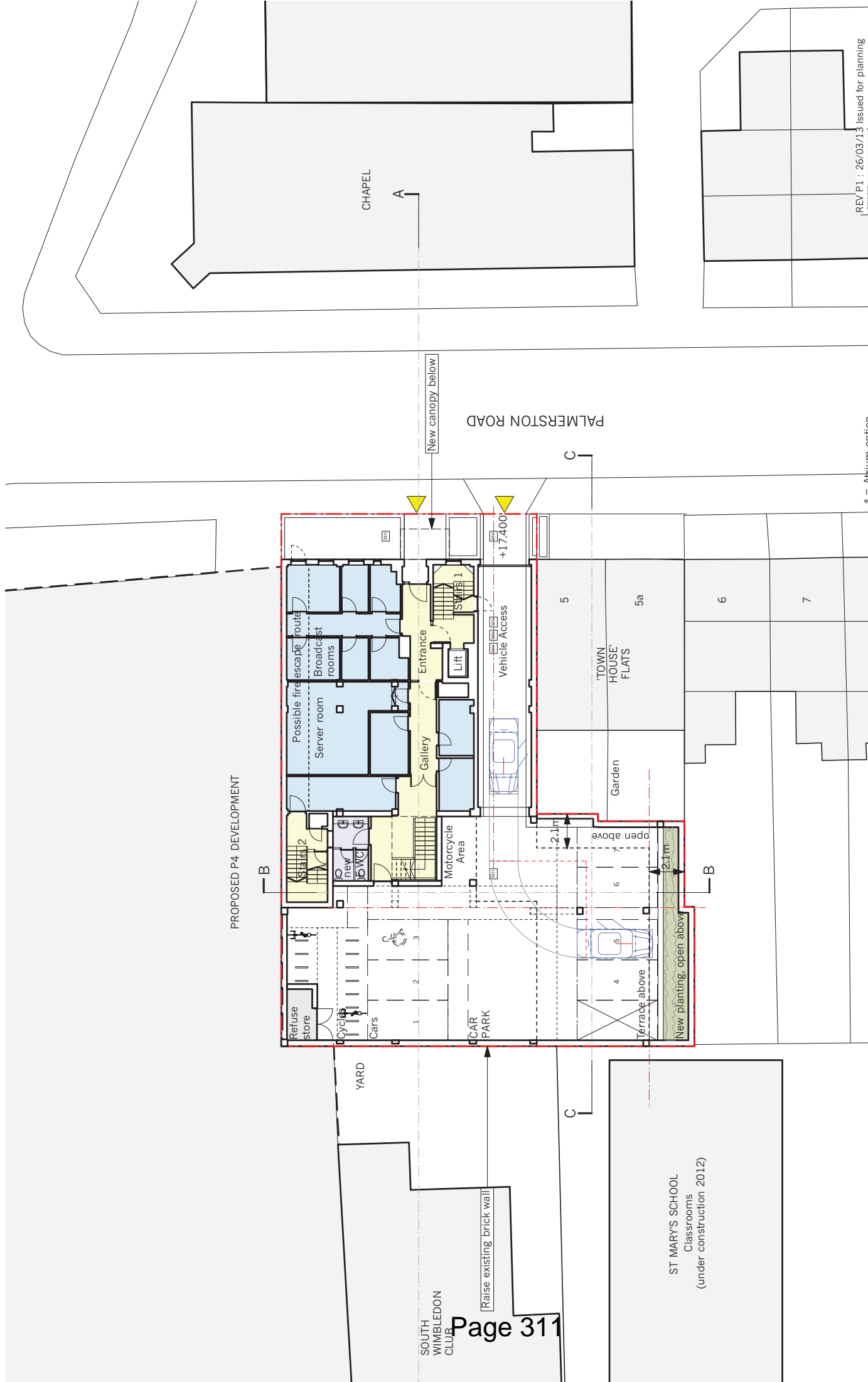


\* = Atrium option  
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REV P1 : 26/03/13 Issued for planning  
revisions  
**DELTA TRE 3 PALMERSTON RD SW19 1PG**  
 AERIAL CONTEXT PLAN  
 WIMBLEDON TOWN CENTRE  
 Scale  
 Date  
 AUG 2012  
 572/001 P1





PROPOSED P4 DEVELOPMENT

PALMERSTON ROAD

CHAPEL

New canopy below

+17,400

Vehicle Access

C

B

B

C

YARD

SOUTH WIMBLEDON CLUB

Raise existing brick wall

Page 311

ST MARY'S SCHOOL  
Classrooms  
(under construction 2012)

Motorcyle Area

Entrance

Lift

Stairs 1

Stairs 2

Server room

Possible fire escape route

Broadcast rooms

Garden

TOWN HOUSE FLATS

5

5a

6

7

\* = Atrium option

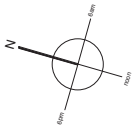
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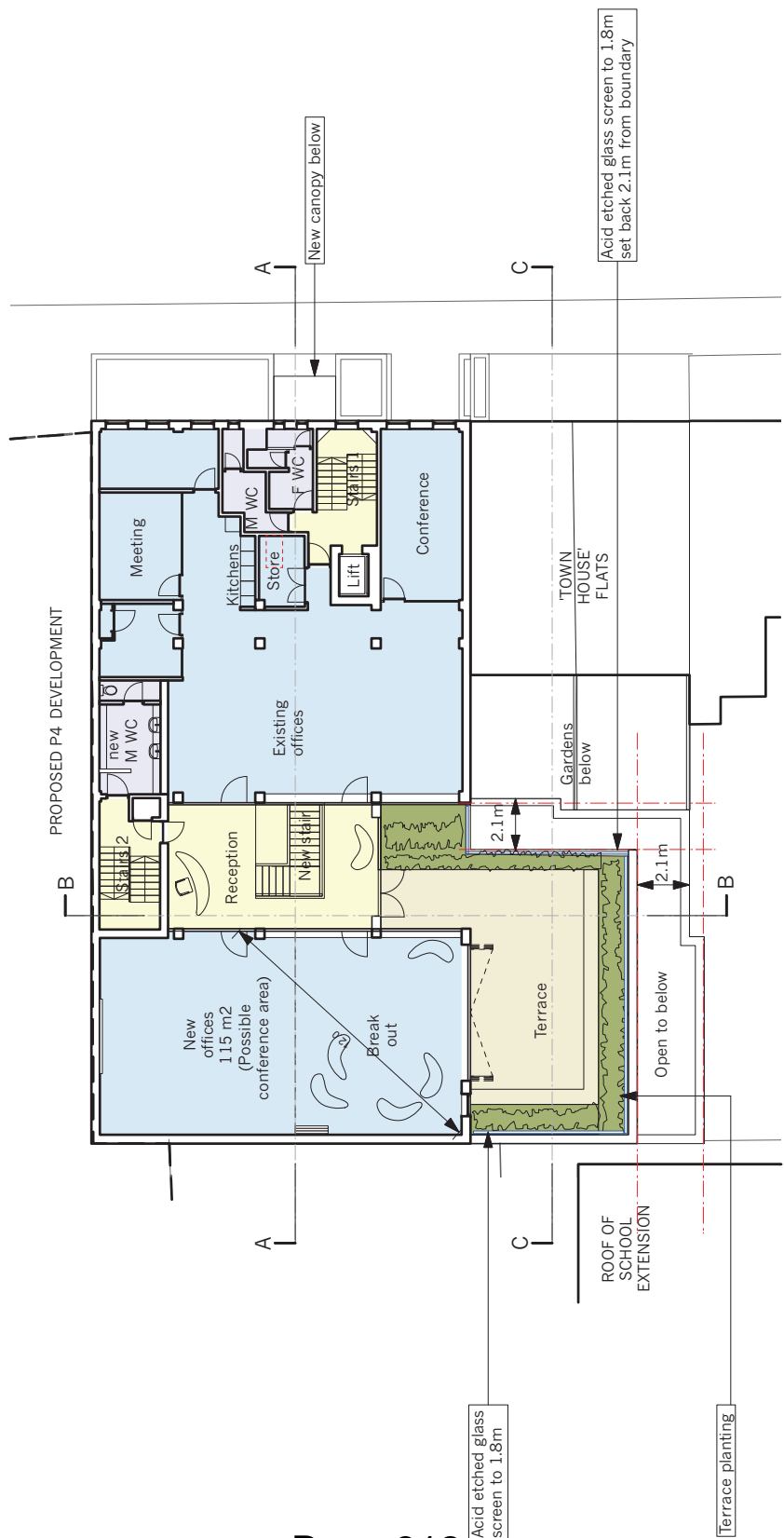
DELTA TRE 3 PALMERSTON RD SW19 1PG  
GROUND FLOOR PLAN PROPOSED

Scale 1:200 @ A3  
Date AUG 2012

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Acid etched glass screen to 1.8m

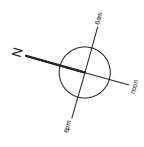
Acid etched glass screen to 1.8m set back 2.1m from boundary

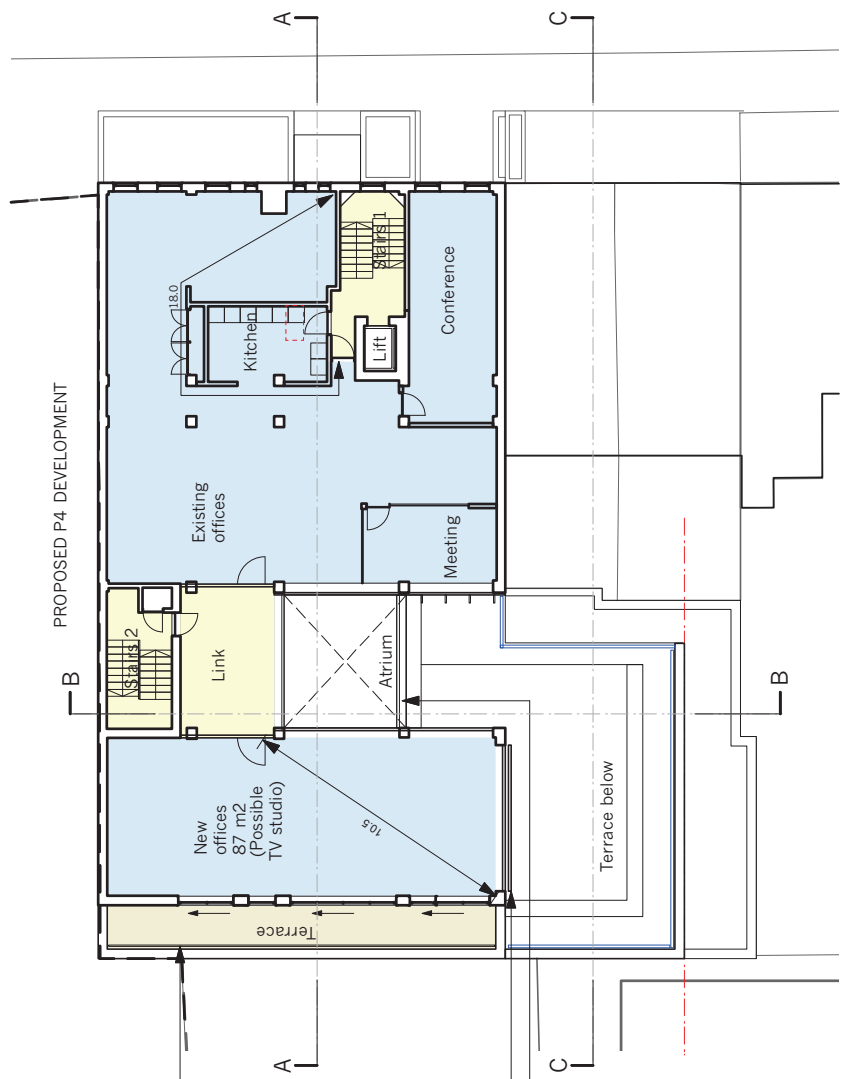
Terrace planting

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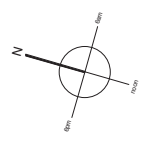


Acid etched glass screen to 1.8m

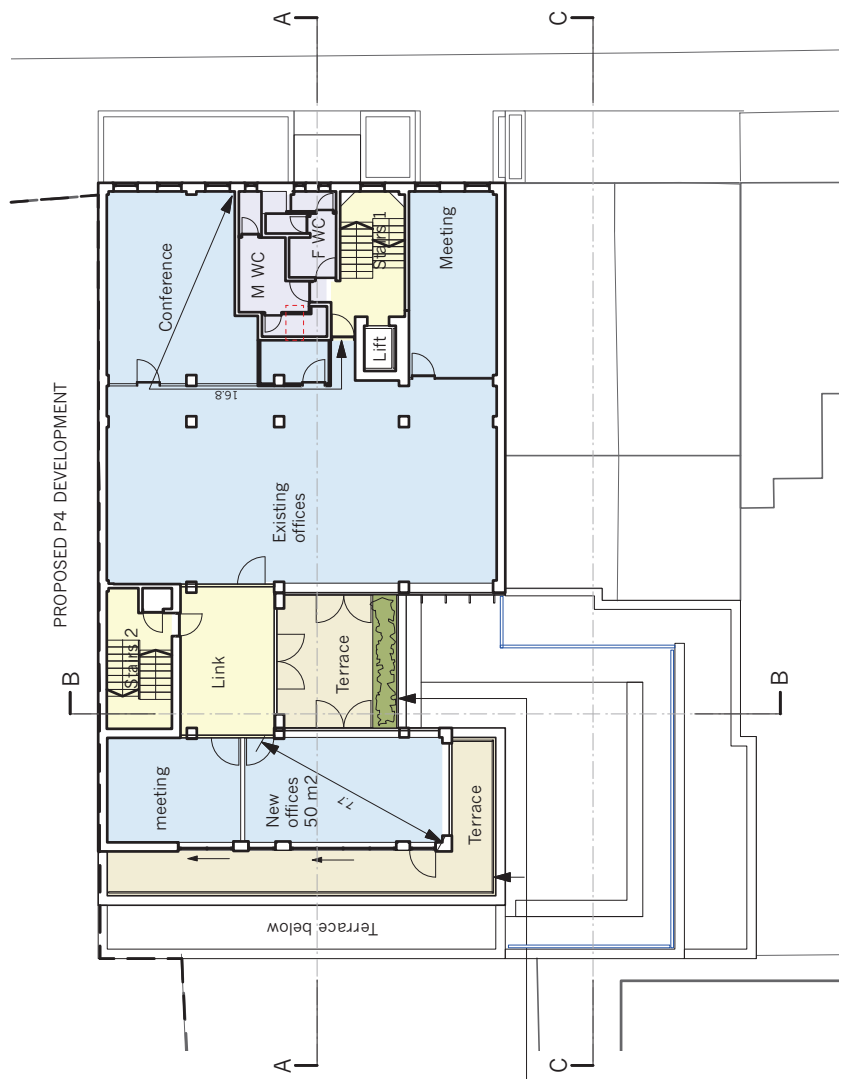
Horizontal screening to glazing

REV P1 : 26/03/13 Issued for planning  
revisions  
**DELTAIRE 3 PALMERSTON RD SW19 1PG**  
 SECOND FLOOR PLAN PROPOSED  
 Scale 1:200 @ A3  
 Date AUG 2012

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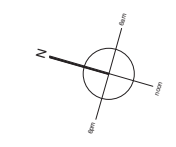


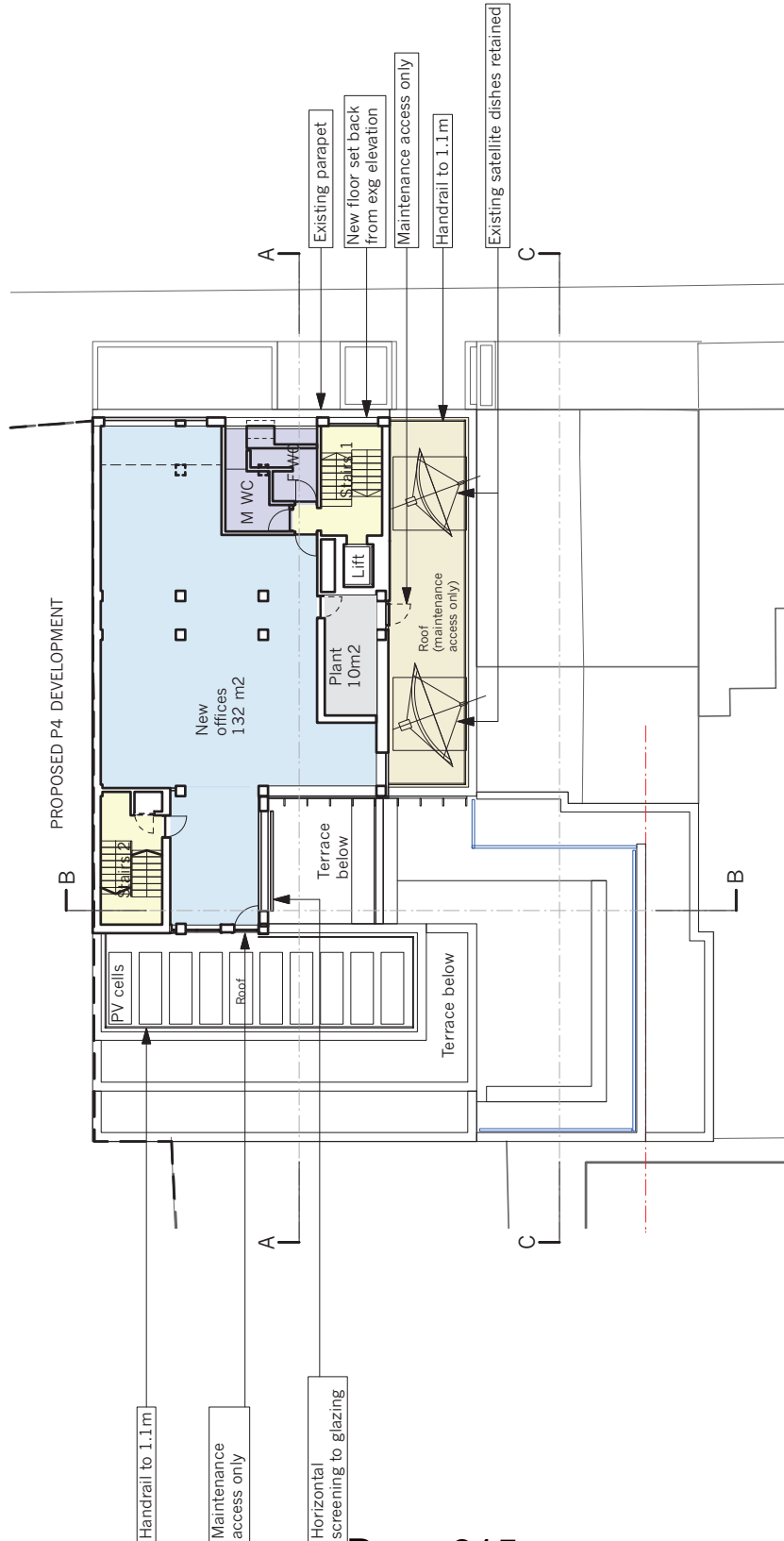




REV P1 : 26/03/13 Issued for planning  
revisions  
**DELTAIRE 3 PALMERSTON RD SW19 1PG**  
 THIRD FLOOR PLAN PROPOSED  
 Scale 1:200 @ A3  
 Date AUG 2012

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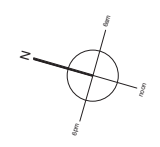


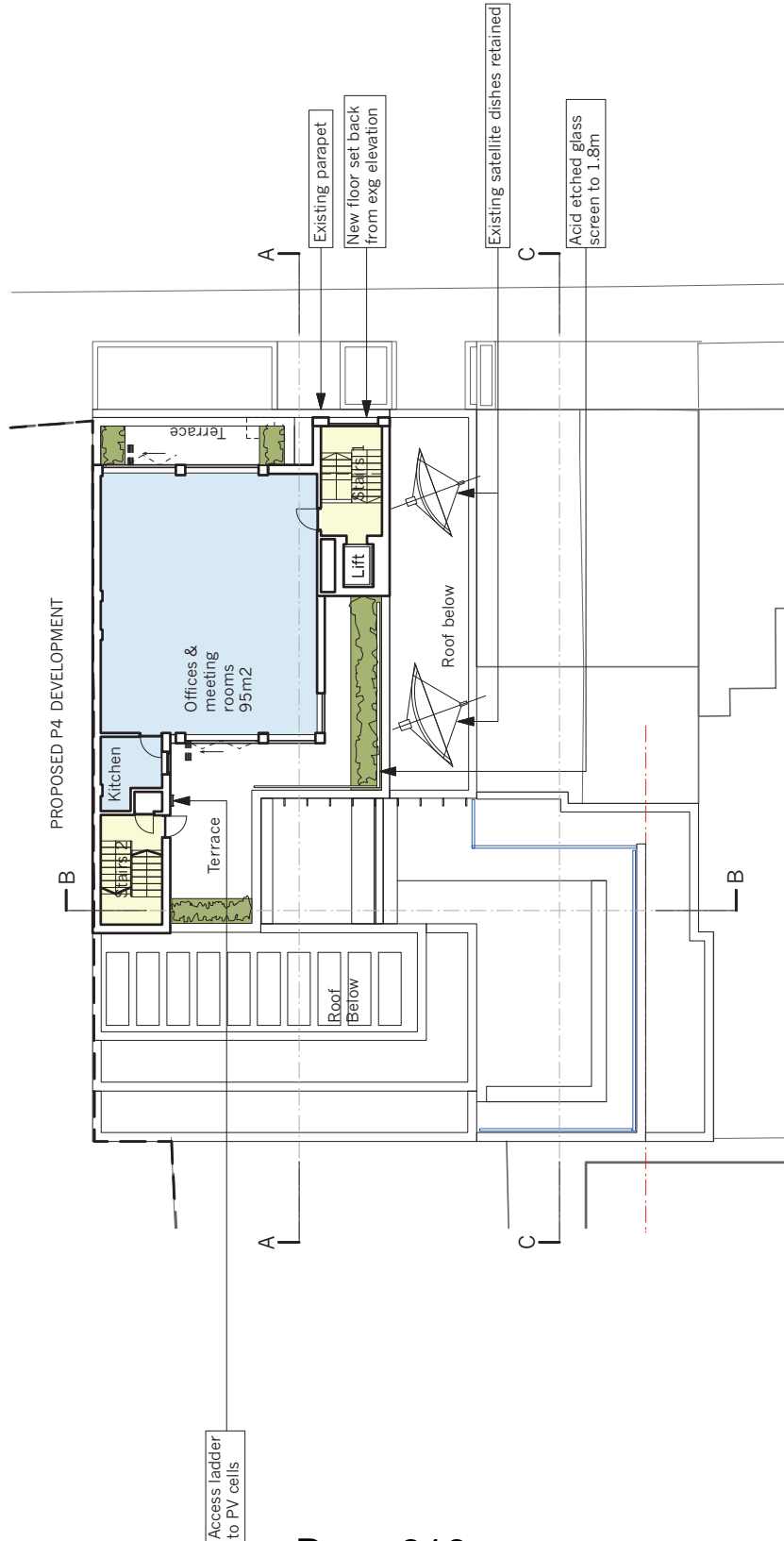


PROPOSED P4 DEVELOPMENT

REV P1 : 26/03/13 Issued for planning  
REVISED  
**DELTAIRE 3 PALMERSTON RD SW19 1PG**  
 FOURTH FLOOR PLAN PROPOSED  
 Scale 1:200 @ A3  
 Date AUG 2012

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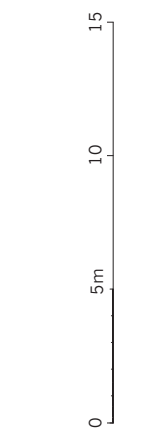
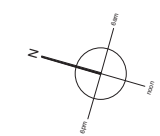




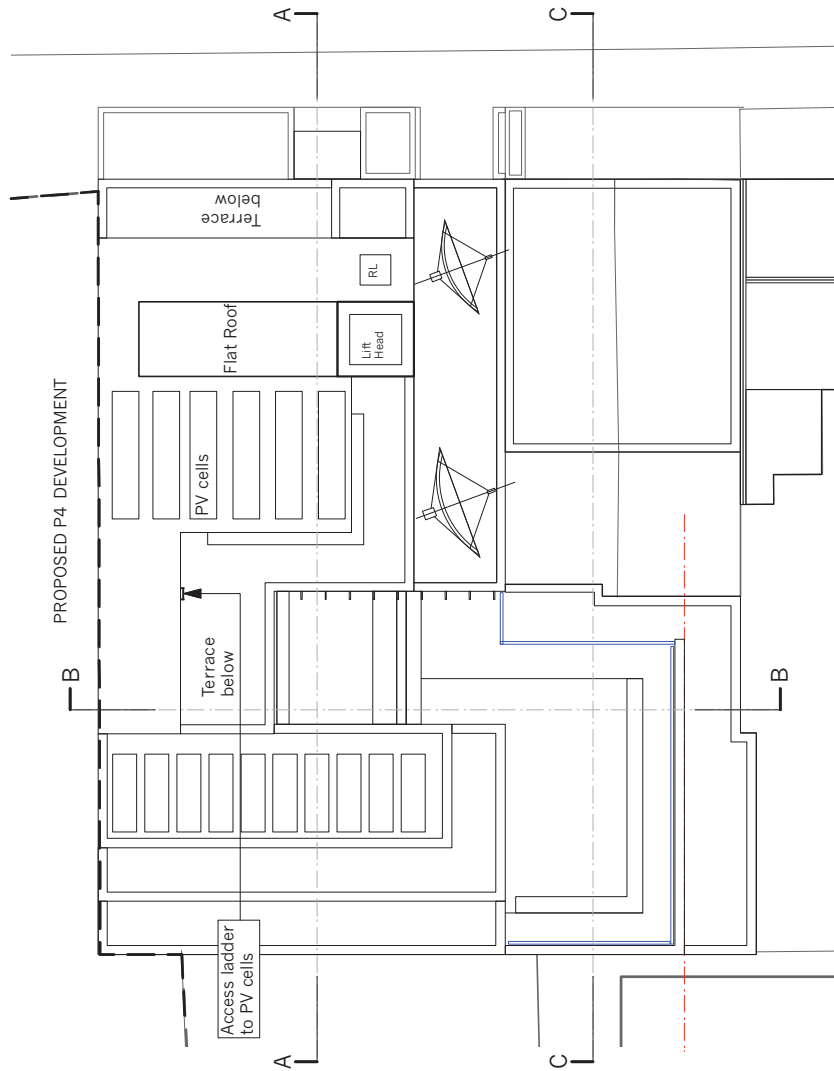
REV P1 : 26/03/13 Issued for planning  
REVISED  
**DELTA 3 PALMERSTON RD SW19 1PG**  
 FIFTH FLOOR PLAN PROPOSED  
 Scale 1:200 @ A3  
 Date AUG 2012  
 572/014 / P1

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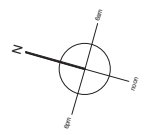
REV P1 : 26/03/13 Issued for planning

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ROOF PLAN PROPOSED	
Scale 1:200 @ A3	572/015 / P1
Date AUG 2012	



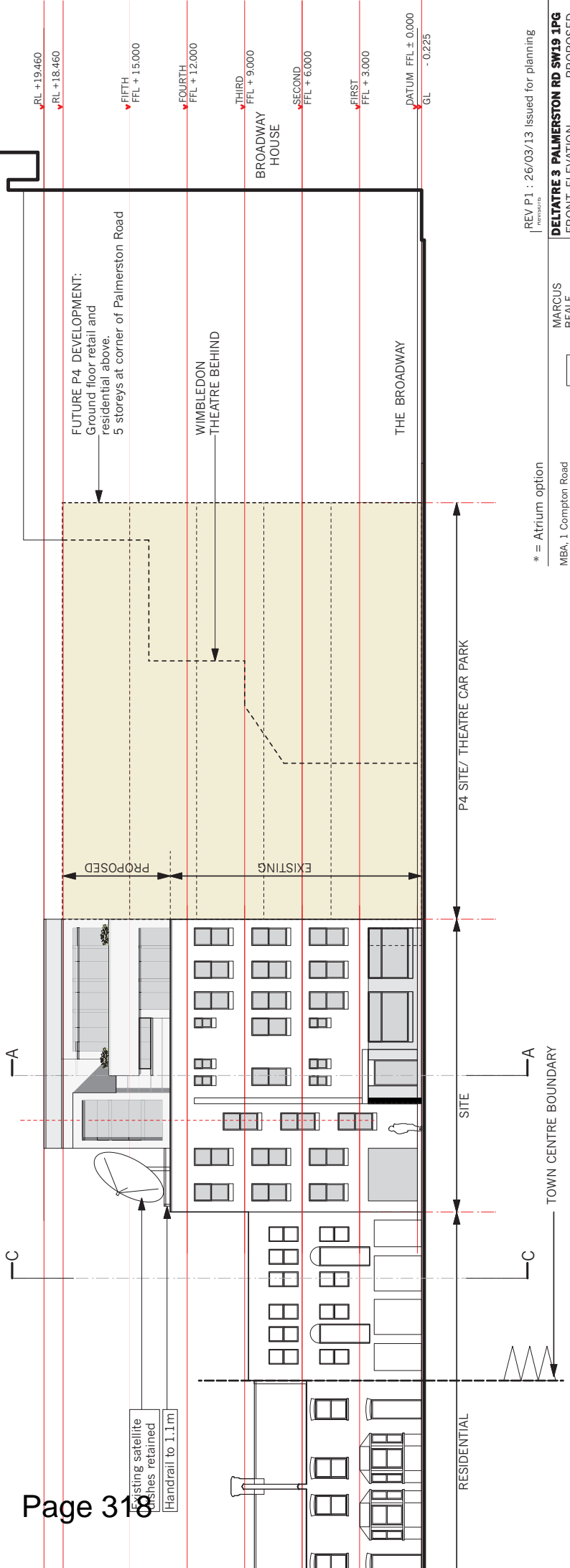
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NORTH



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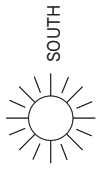
**DELTA TRE 3 PALMERSTON RD SW19 1PG**  
 FRONT ELEVATION  
 PROPOSED

Scale  
 1:200 @ A3  
 Date  
 AUG 2012

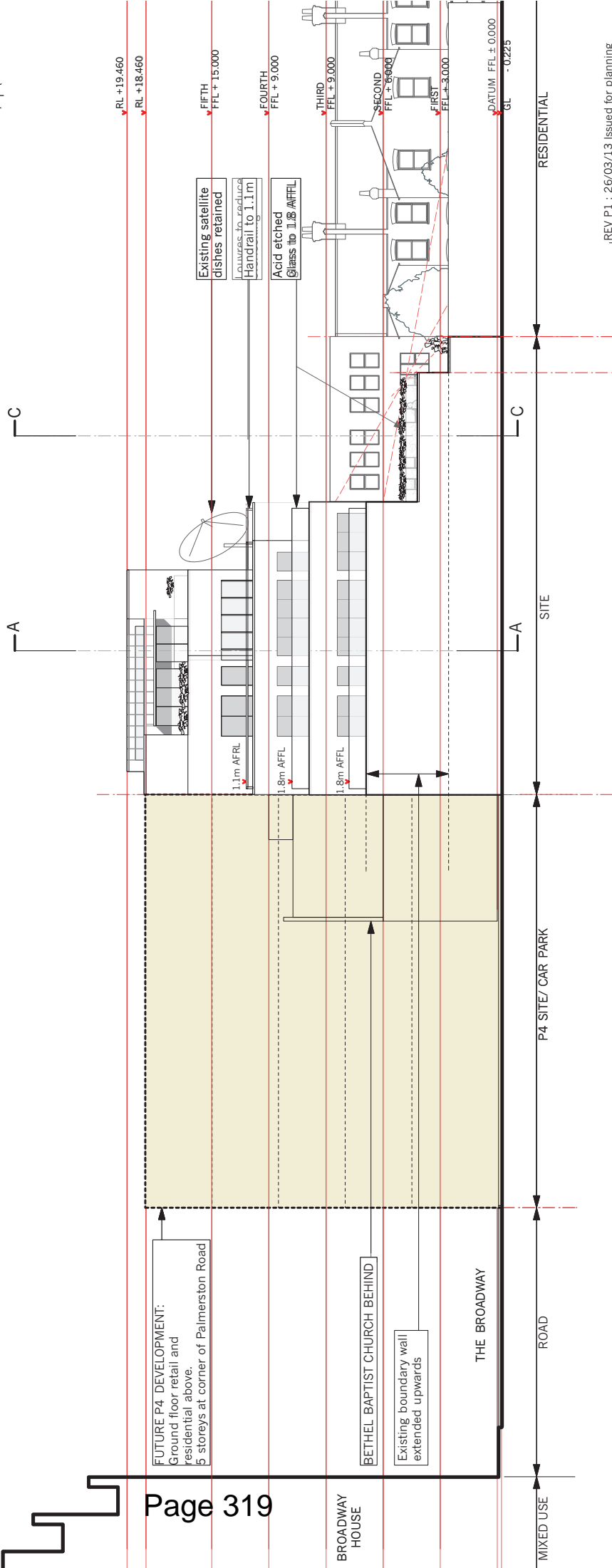
572/034 / P1







NORTH



RL +19.460  
RL +18.460

Existing satellite dishes retained  
Louvers to reduce Handrail to 1.1m  
Acid etched Glass to 1.8m AFFL

1.1m AFFL  
1.8m AFFL  
1.8m AFFL

FIFTH FFL + 15.000  
FOURTH FFL + 9.000  
THIRD FFL + 9.000  
SECOND FFL + 6.000  
FIRST FFL + 3.000

DATUM FFL ± 0.000  
GL - 0.225

THE BROADWAY ROAD

MIXED USE

P4 SITE/ CAR PARK

SITE

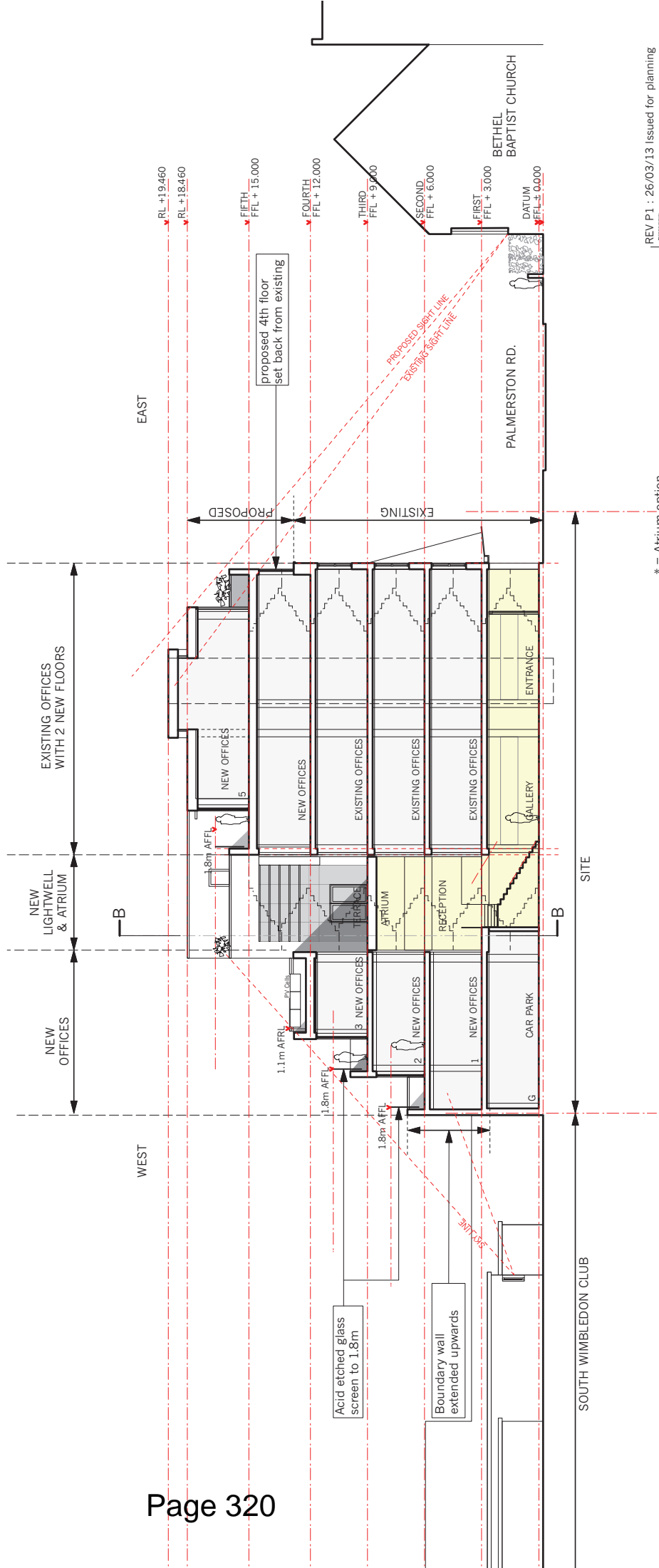
RESIDENTIAL

REV P1 : 26/03/13 Issued for planning  
 DELTATRE 3 PALMERSTON RD SW19 1PG  
 REAR ELEVATION PROPOSED  
 Scale 1:200 @ A3  
 Date AUG 2012  
 572/032 / P1

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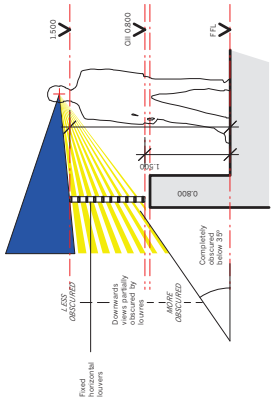
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**DELTAIRE 3 PALMERSTON RD SW19 1PG**  
SECTION A-A  
PROPOSED

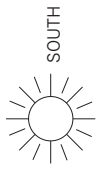
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Date AUG 2012

572/022 / P1

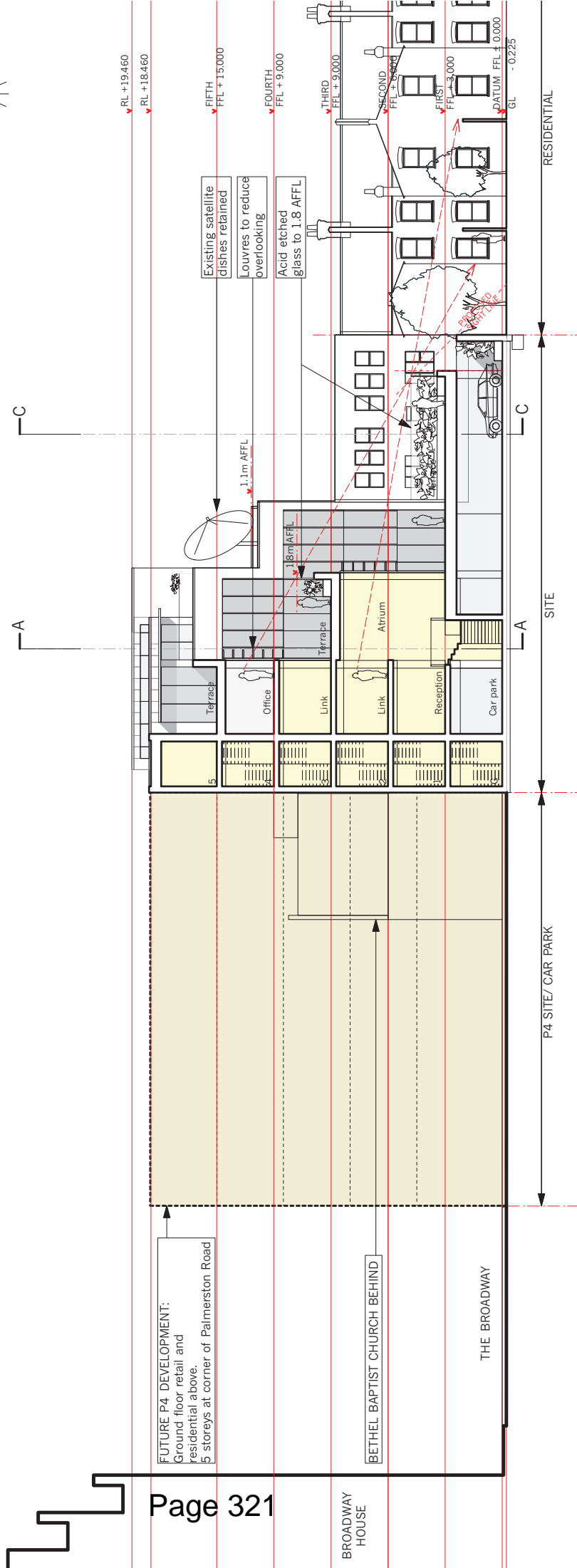
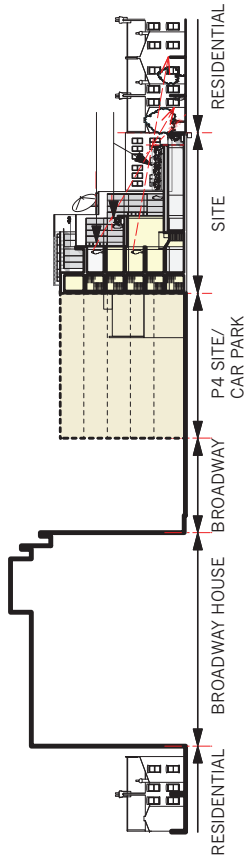
\* = Atrium option



Section



NORTH



FUTURE P4 DEVELOPMENT:  
Ground floor retail and residential above. 5 storeys at corner of Palmerston Road

BETHEL BAPTIST CHURCH BEHIND

THE BROADWAY

REV P1 : 26/03/13 Issued for planning

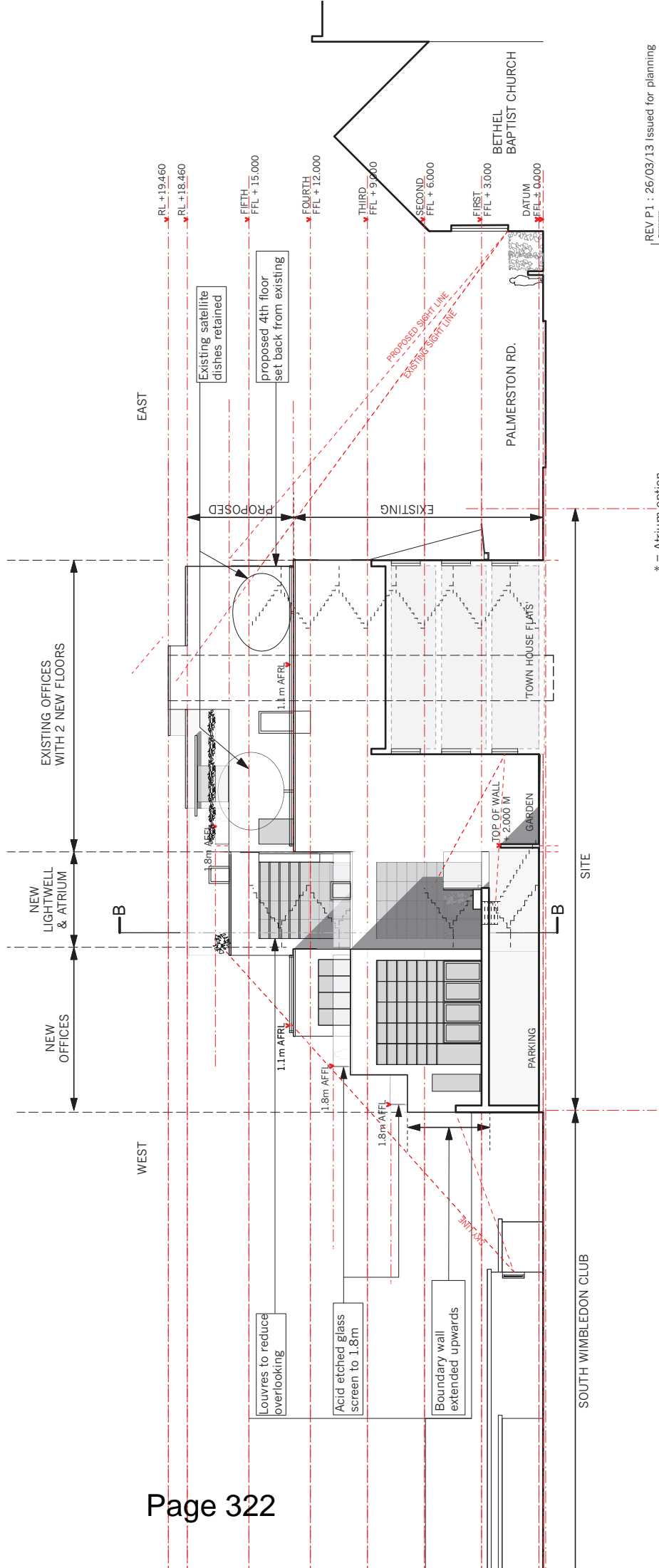
DELTA TRE 3 PALMERSTON RD SW19 1PG  
SECTION B-B  
PROPOSED

Scale 1:200 @ A3  
Date AUG 2012  
572/024 / P1

MARCUS BEALE ARCHITECTS

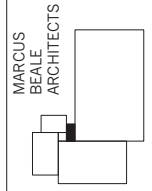
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DELTAIRE 3 PALMERSTON RD SW19 1PG SECTION C-C PROPOSED	
Scale 1:200 @ A3	572/026 / P1
Date AUG 2012	



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**PLANNING APPLICATIONS COMMITTEE  
12 DECEMBER 2013**

**Item No:**

<b>UPRN</b>	<b>APPLICATION NO.</b>	<b>DATE VALID</b>
	13/P2332	24/07/13
	13/P2334	24/07/13

**Address/Site** 1A St Marys Road, Wimbledon, Sw19 7DF

**(Ward)** Hillside

**Proposal:** Demolition of existing 3 bedroom dwelling house and the erection of a new 4 bedroom dwelling house with associated parking and landscaping.

And

Application for conservation area consent for the demolition of existing dwelling.

**Drawing No's:** 100 P1, 101 P1, 102 P1, 103 P1, 104 P1, 105 P1, 109 P1, 110 P1, 111 P2, 112 P1, 116 P1, 201 P2, 300 P1, 301 P2, and 302 P1

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

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## **RECOMMENDATION**

**GRANT Planning Permission and Conservation Area Consent subject to conditions**

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## **CHECKLIST INFORMATION**

- Heads of Agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 7
- External consultations: No
- Controlled Parking Zone: Yes (VOn)



## 1. INTRODUCTION

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

## 2. SITE AND SURROUNDINGS

- 2.1 The site comprises a detached property located along a well-established residential road of other mostly detached properties of varying designs.
- 2.2 The site is located within the Wimbledon Hill Conservation Area within the Woodside, St Mary's, and Lake Road Sub-Area. The adjoining property to the south, 77 Woodside, is a Locally Listed building. Its neighbour to north, 1 St Mary's Road, is identified in the Conservation Area character appraisal as making a positive contribution. The site itself is identified as making a neutral contribution.
- 2.3 The road slopes upwards from its junction with Woodside and so the site sits on higher ground than no.77.
- 2.4 The site is subject to Tree Preservation Orders.

## 3. CURRENT PROPOSAL

- 3.1 It is proposed to demolish the existing two storey, 3 bedroom, detached, property which is of a more traditional design, and replace it with a new detached, two storey (with accommodation at basement and roof level) 4 bedroom property also of a more traditional design but in a different style to existing.
- 3.2 This scheme follows previously refused application 13/P0159 for the same development however the property proposed there was larger and included 6 bedrooms. Following the refusal, the applicant has sought pre-application advice from the Council and the scheme has been amended in the following ways:
- Reduction in size of basement foot print
  - Decrease in footprint of dwelling and increase in set in of new dwelling from side boundary shared with 77 Woodside, to 4m
  - Amendment in design of dwelling to include a mansard roof design and detailing to main property
- 3.3 The dwelling would be set 0.4m behind the existing main front building line and would have the same rear building line as existing for the main dwelling. A single storey element is proposed which would project 1.5 – 1.7m beyond this. The property would be set 1m from the side boundary with adjoining property 1 St Mary's. With respect to the other adjoining property, 77 Woodside, the single side garage would be set 0.4m from that side boundary (as per the existing side garage) and the main dwelling would be set 4m from that side boundary.

- 3.4 The dwelling would be 6.1m to eaves level and 9m to ridge level. The roof would be of a mansard design and would include 3 front and 4 rear dormers.
- 3.5 The basement would retain the same front building line as the property but would be smaller in footprint than the main dwelling. It would receive natural light through 2 front light wells (covered with horizontal grilles) and a rear terrace area.
- 3.6 Accommodation for the property would comprise swimming pool, cinema, gym, utility room, plant room, W.C, and shower at basement level, drawing room, kitchen, dining room, living room, W.C, and hall at ground floor level, 2 en-suite bedrooms, and a study at first floor level, and 2 en-suite bedrooms, and a study at second floor/roof level.
- 3.7 The front curtilage would remain as existing in terms of the extent of hard-standing and two front trees are proposed to be removed and replaced.
- 3.8 Materials proposed are brick work and render, slate roof tiles, white painted timber and white painted aluminium.

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

13/P0159 - DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT TWO STOREY DWELLING WITH BASEMENT, INCLUDING ALTERATIONS TO FRONT CURTILAGE – Refused, on the following grounds:

*1. The proposed replacement dwelling, by virtue of its bulk, height, design, and siting, would result in a poorly designed and cramped development which would fail to preserve or enhance the character of the Wimbledon Hill Conservation Area, contrary to Policy BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions), BE.16 (Urban Design), and BE.22 (Design of New Development) of the London Borough of Merton UDP - October 2003, policy CS 14 of the London Borough of Merton Core Strategy (2011), and the aims of the National Planning Policy Framework (March 2012).*

*2. The proposed replacement dwelling, by virtue of its bulk, height, design, and siting, would be visually intrusive and detrimental to the outlook of adjoining residential properties contrary to policy BE15 of the London Borough of Merton UDP - October 2003, policy CS 14 of the London Borough of Merton Core Strategy (2011), and the aims of the National Planning Policy Framework (March 2012).*

*3. The proposed development could potentially result in a detrimental impact on protected trees within an adjoining the site and the applicant has not provided sufficient information in respect of this, or any proposed tree protection measures. As such the proposed development is contrary to policy CS 13 of the London Borough of Merton Core Strategy (2011).*

13/P0163 - APPLICATION FOR CONSERVATION AREA CONSENT FOR THE DEMOLITION OF EXISTING DWELLING - Refused, on the following grounds:

1. In the absence of a suitable replacement scheme the proposed demolition of the existing property, located within the Wimbledon Hill Conservation Area, is premature and would fail to preserve or enhance the character and appearance of the Wimbledon Hill Conservation Area. As such the proposed development is contrary to policy BE.2 (Conservation Areas, Demolition) of the London Borough of Merton UDP (2003), CS 14 of the London Borough of Merton Core Strategy (2011), and the aims of the National Planning Policy Framework (March 2012).

01/P0938 - DEMOLITION OF EXISTING GARAGE. ALTERATIONS AND EXTENSIONS TO THE HOUSE INCLUDING A TWO-STOREY SIDE EXTENSION, REMODELLING OF THE FRONT ELEVATION AND RECONSTRUCTION OF THE ROOF INCLUDING RAISING THE EAVES AND RIDGE HEIGHT WITH A DORMER WINDOW AT THE FRONT AND A NEW ENTRANCE PORCH AND FRONT BOUNDARY WALL – Approved

## 5. **CONSULTATION**

The application has been advertised by press notice, site notice, and letters of notification to occupiers of neighbouring properties. There have been 5 representations of objections received and on the following grounds:

- Too many Edwardian houses have been demolished in the Wimbledon Village area.
- The purpose of a conservation area is to conserve the character of the area and the alteration from Edwardian to modern style proposed here, whilst it maybe tasteful in itself, alters the general setting of the area.
- False or 'dummy' windows in the side elevations would give rise to a perceived loss of privacy and should be removed.
- The first floor rear terrace will result in a loss of privacy to 77 Woodside.
- The single storey side garage should be of matching brick work and not painted render for an improved appearance
- The levels are not clear from the plans and so these should be submitted if approved
- It is not clear what plant and machinery might be needed to ventilate the basement and swimming pool, and where these might be located. These details should be submitted to the Council for approval for amenity reasons.

- Further information would be welcome re trees on the site
- A condition should be added to any approval prohibiting the insertion of any further windows without planning permission in amenity terms
- The ground floor side windows would result in light pollution and loss of privacy
- Concern regarding potential impact of basement on local ground water

Wimbledon Society – This site is within the Wimbledon Hill Road Conservation area, opposite the listed Queen Mary’s Court, and beside a Locally Listed building.

The proposal is to demolish the present building, remove all the present trees, and build a new house above a substantial basement. The existing building appears to be from the 1950’s.

The proposed front elevation is significantly less wide than that previously approved, which would now allow some open views from the street. However, although the line of the proposed frontage is set slightly further back than the present house, it still projects forward more than its neighbour.

The proposed basement occupies a significant portion of the whole site. Taking the Section, its depth front to back is around 15m, with only about 5m remaining of the rear garden, and a little less at the front garden. This has three outcomes: the amount of natural greenspace left compared to the built-over area is only some 40% over the whole site: when the proposed hard standing on the whole of the front garden is taken into account, **space for greenery** (an important characteristic of the conservation area) and water percolation etc is very small; and secondly, the potential for disturbance of the **natural ground water** patterns are very evident: and thirdly **tree loss** is total. Accordingly:

(a) The Council should require the applicant to provide as part of the application, and before determining it, the **information** set out in the Draft Sites & Policies DPD (page 95 items B iv, v, vi, viii): and item C (being the assessment of the impacts on ground water etc): and...

(b) The design of the Front garden area should be changed so as to maintain the majority of the space as green, with only **limited hard standing**, and a single vehicle access; and...

(c) The loss of all the existing trees and vegetation should be compensated for by **replanting on site** (or in the locality) using the “Tree Years” principle, where the combined ages of the lost and replacement trees are matched; all covered by Condition for a subsequent landscape plan.

The DPD also says in Policy DMH4 (page 57), in relation to the demolition of an existing house, that the replacement house must achieve **code level 5**.

The application does not yet explain the way in which this is to be achieved, and no application should be permitted until this is demonstrated. Any external **plant room noise** etc that might be generated from heating/cooling type equipment (including that serving the basement pool facilities) should be sited so as to respect adjoining properties.

Conservation Officer – No objection to demolition of the existing dwelling subject to a suitable replacement scheme and the proposed replacement scheme is considered acceptable.

Climate Change Officer - Unable to provide detailed sustainability comments until a design stage assessment report has been submitted for the site, as per the standard pre-commencement condition.

It is noted that no reference has been made to sustainability considerations for the development within the Design and Access statement submitted. It is therefore recommend that the development address sustainability in accordance with Policy CS15 of the Core Strategy and in particular notes the fabric first approach advocated in the policy in line with the Mayor's Energy Hierarchy.

Tree Officer – The Arboricultural report advises that there are 2 Hollies that are of poor quality, and 2 bands of Cypress hedging that are a category 'C' class proposed for removal. There is an off site Horse Chestnut tree, the root system and RPA of which will be within this site, and will require protection.

None of these trees have any particular arboricultural merit and no objection is seen to their removal. However, the loss of all of the greenery on this site, both front and rear, should be replaced to restore the landscape amenities of this area. I would recommend attaching the planning conditions in respect of tree protection to include the Horse Chestnut at 76 Woodside, site supervision, landscaping (including replacement trees to the front and rear of the site), and the implementation of any approved landscaping scheme.

## 6. **POLICY CONTEXT**

The relevant policies contained within the Adopted Merton Unitary Development Plan (October 2003) are UDP: HS.1 (Housing Layout and Amenity), BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions), BE.2 (Conservation Areas; Demolition), BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise), BE.16 (Urban Design), BE.23 (Alterations and Extensions to Buildings), BE.24 (Roof Extensions and Dormer Windows), and NE.11 (Trees-Protection)

### Core Strategy 2011:

CS 13 (Open Space, Nature Conservation, Leisure and Culture), CS 14 (Design), CS 20 (Parking, Servicing, and Delivery)

Wimbledon Hill Conservation Area Character Appraisal



New Residential Development SPG

Design – SPG

London Plan (2011):

The relevant policies contained within the London Plan (February 2011) 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)

7.4 (Local Character)

7.8 (Heritage Assets and Archaeology)

8.2 (Planning Obligations).

National Planning Policy Framework (2012)

## 7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the demolition of the existing property, the design of the proposed new dwelling, its impact on the character and appearance of the conservation area, and its effect upon neighbour amenity.

### 7.2 Principle of Demolition of Existing Dwelling

7.3 The N.P.P.F states that heritage assets are an irreplaceable resource and that Local Planning Authorities (LPA) should conserve them in a manner appropriate to their significance.

7.4 The N.P.P.F requires the LPA to identify and assess the particular significance of any heritage asset that may be affected by a proposals taking account of the available evidence and any necessary expertise. The LPA has assessed the significance of the site property and has consulted its own Conservation Officer, who does not object to the proposed development.

7.5 The house is a detached property which falls within the Wimbledon Hill Conservation Area and is noted as making a 'neutral' contribution to the conservation area. It is considered a non-designated heritage asset under the new N.P.P.F, which states that any harm or loss of heritage assets should require clear and convincing justification. It also states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.

7.6 Policy BE.2 of the UDP states that a proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution to its character and appearance would not be permitted unless the following can be demonstrated:

- 1) there is clear and convincing evidence that reasonable efforts have been made to continue the present use or to find a viable use for the building and these efforts have failed and it is demonstrated that preservation of the building as part of the scheme or in some form of charitable or community ownership is not possible or suitable, or
- 2) the costs of repairs or maintenance of the building cannot be justified against its importance or value derived from its retention, provided that the building has not been deliberately neglected, or
- 3) There will be substantial planning benefits from the community from redevelopment which would decisively outweigh loss from the resulting demolition.

7.7 Policy BE.2 states that acceptable and detailed plans for a replacement scheme will be required even if it will involve total or substantial demolition of an unlisted building in a conservation area that makes little or no contribution to the character or appearance of that area. A condition will be imposed on a planning permission granted, to ensure that demolition shall not take place until a contract for the carrying out of the development works has been made.

7.8 The dwelling is listed in the Wimbledon Hill Conservation Area Character assessment as making a neutral contribution to the conservation area and the proposed replacement single dwelling is now considered to be acceptable in terms of its scale, siting, height, design, and impact on protected trees within and adjoining the site, and also its impact on the character and appearance of the conservation area. As such, the loss of this 'neutral' heritage asset is considered to be outweighed by the replacement dwelling to be provided.

7.9 Design

7.10 It is considered that the proposed replacement dwelling is now acceptable in design terms. Following the previous refusal, the applicant undertook to seek pre-application advice from the Council prior to submitting the current applications. The following amendments have been made to the design of the new dwelling since the refusal:

- Reduction in size of basement foot print
- Decrease in footprint of dwelling and increase in set in of new dwelling from side boundary shared with 77 Woodside, to 4m
- Amendment in design of dwelling to include a mansard roof design and detailing to main property

- 7.11 This scheme has also been further amended since its original submission through the removal of the proposed first floor rear balustrades.
- 7.12 The N.P.P.F states that Planning policies and decision should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping.
- 7.13 It also advises that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles but that it is, however, proper to seek to promote or reinforce local distinctiveness. The N.P.P.F also states that Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).
- 7.14 The Council's own UDP and Core Strategy design policies also seek developments of a high quality and which relate to their surroundings.
- 7.15 It is considered that the proposed replacement dwelling is now in compliance with the advice given in the new N.P.P.F and the Council's UDP policies (BE.1, BE.16, and BE.22) and Core Strategy policy CS 14. The replacement dwelling would respond to local character and history, and would reflect the identity of local surroundings. The proposed development is also now considered would be visually attractive as a result of good architecture (as discussed in more detail below).
- 7.16 The Character Appraisal describes the site property as:

*'1a St Mary's Rd*

*This is a small scale two storey house dates from 1957. It has a hipped roof with a subsidiary gable facing to St Mary's Rd. The 1st floor frontage comprises render, and a steeply sloping roof of tiles, and hanging tiles make up the front facing gable. The lower part of the building is red brick.'*

- 7.17 The proposed replacement dwelling would be of a traditional design and following the above amendments would not now represent an excessively large or overbearing development within the street scene, and an over-development of the plot. The footprint of the property would be in proportion to the size of the site and the height would sit in between that of the adjoining properties.
- 7.18 Paragraph 7.25 of the Council's New Residential Development SPG states 'Where the flank wall of a new development is proposed which is adjacent to the ends of gardens of existing dwellings, then a 4 metre separation (for two storey buildings) or a 6 metre separation (for 3 storey buildings) would be sought between the flank wall and the curtilage of the gardens of the existing dwellings'. The proposal would now comply with this in terms of the side/rear boundary with no.77.
- 7.19 The mansard design of the roof and smaller dormer windows within it reduce the bulk of the roof and would not detract from the main property below. It is proposed to introduce detailing within the flank elevations by the use of different materials and this can be ensured through a condition on any approval.
- 7.20 No alterations have been indicated to the existing boundary treatments however if the application were to be approved a condition could be added to any approval requiring details of any proposed boundary treatments to be submitted to the local planning Authority for approval, prior to development commencing. Likewise, details of proposed front hard surfacing materials and landscaping can be required to be submitted to the Council for approval prior to development commencing.
- 7.21 Standard of Accommodation
- 7.22 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.
- 7.23 The dwelling complies with the minimum gross internal area within the table 3.3 of the London Plan (2011).
- 7.24 Neighbour Amenity Issues
- 7.25 Following the previously discussed amendments to the scheme, the proposed replacement dwelling is now considered to be acceptable in amenity terms. The reduction in scale and footprint and increased separation distance from

77 Woodside mean that the dwelling would not now appear excessively large or overbearing.

7.26 There are no side windows proposed and it is not considered that there would result any more overlooking from the proposed front and rear dormers windows than from existing first floor front and rear windows. A condition could also be added to any approval prohibiting the installation of any windows in the side elevations of the dwelling without planning permission. A condition can also be added to any approval prohibiting the use of any flat roofed areas as terraces.

7.27 It is considered that the proposed basement is acceptable in principle and that there would not result a detrimental impact on the amenities of the occupiers of the adjoining properties as a result of the basement light wells.

7.28 It is noted that a first floor rear terrace is proposed however this would not be acceptable on privacy grounds as its use would result in an unacceptable level of overlooking to the adjoining properties. As such, a condition should be added to any approval prohibiting the use of any flat roofed areas of the dwelling as terraces/balconies.

7.29 Parking

7.30 The car parking standards detailed within Schedule 6 of the UDP are maximum standards and should therefore not be exceeded unless it can be demonstrated that a higher level of parking is needed.

7.31 There would not be any impact on parking or highway safety as a result of the

7.32 Impact of the Basement

7.33 There has been a marked increase in the number of applications within the Borough including extensive basements and it has become routine, given the concerns that arise in relation to stability and impact on groundwater and surface water conditions, to require a construction method statement and drainage/flood risk assessment in advance of consideration of the application, with suitable conditions attached to the grant of permission. The applicant has commissioned a construction method statement and hydrology report and this advises how the basement would be constructed and that trial boreholes dug indicate that the site comprises weathered London clay and that no water was present. In light of this it is not anticipated that there would be a significant impact on surface or ground water sources and neighbouring structures as a result of the proposed development.

7.34 Whilst the principle of a basement is not unacceptable and sufficient information has been provided in relation to hydrology and ground stability, Officers have expressed significant concerns regarding the size of the proposed basement and the extent of the original garden to be taken up, and the impact on the character of the conservation area due to the restriction placed on soft landscaping and the maintenance of a natural landscape. Amended plans have been requested reducing the rear foot print of the



basement so as to reduce the amount of built form within the site. Any amended plans received will be reported at the meeting.

7.35 Trees/Landscaping

7.36 An Arboricultural Method Statement and Tree protection details have been submitted as part of the application and the Council's Tree Officer has raised no objections.

7.37 **Local Financial Considerations**

7.38 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 and would be required to achieve Code 4 of the Code for Sustainable Homes.

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

9. **CONCLUSION**

9.1 The principle of the demolition of the existing dwelling is considered acceptable in principle and in conservation terms, and basement aside, the proposed replacement dwelling, is acceptable in terms of its bulk, height, design, and siting, and would preserve the character of the Wimbledon Hill Conservation Area. Significant concerns have been raised to the applicant regarding the extent of the proposed basement and impact on the character of the conservation area. Any amended plans received will be reported at the meeting.

9.2 Accordingly, subject to the basement being sufficiently reduced in rear footprint, it is recommended that on balance, planning permission be granted.

**RECOMMENDATION**

**(1) GRANT PLANNING PERMISSION**

Subject to the following conditions:-

13/P2332

1. A.1 Time
2. A.7 Plans

3. B.1 Materials to be Submitted
4. B.4 Details of Surface Treatment
5. B.5 Boundary Treatment
6. B6P Site Levels
7. C.1 No Permitted Development (Extensions)
8. C.2 No Permitted Development (Side Windows and Doors)
9. C.8 No Use of Flat Roofed Areas
10. D.11 Construction Times
11. F.1 Landscaping (including replacement trees to the front and rear of the site)
12. F.2 Landscaping Implementation
13. F.3P Tree Survey Required
14. F5P Tree Protection (to protect and safeguard existing Horse Chestnut at 76 Woodside)
15. F.9 Hardstandings
16. J.1 Lifetime homes
17. L2P Code Level 4 (Pre-Commencement)
18. L3 Code Level 4 (Pre-Occupation)
19. N2 Contracts (Demolition)
20. Non – Standard Condition: Construction Method Statement

## **(2) GRANT CONSERVATION AREA CONSENT**

Subject to the following conditions:

13/P2334

1. A.4 Time
2. A.7 Plan Numbers
3. N.2 Contracts (Demolition)

The policies listed below were relevant to the determination of this proposal.

Adopted Merton Unitary Development Plan (October 2003)

HS.1 (Housing Layout and Amenity)  
BE.1 (Conservation Areas, New Development, Change of Use, Alterations and Extensions)  
BE.2 (Conservation Areas; Demolition)  
BE.15 (New Buildings and Extensions; Daylight, Sunlight, Privacy, Visual Intrusion and Noise)  
BE.16 (Urban Design)  
BE.23 (Alterations and Extensions to Buildings)  
BE.24 (Roof Extensions and Dormer Windows)  
NE.11 (Trees-Protection)

Adopted Merton Core Strategy (July 2011)

CS 13 (Open Space, Nature Conservation, Leisure and Culture)  
CS 14 (Design)  
CS 20 (Parking, Servicing, and Delivery)

The London Plan (2011)

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)  
7.4 (Local Character)  
7.8 (Heritage Assets and Archaeology)  
8.2 (Planning Obligations).

National Planning Policy Framework (2012)

Informative:

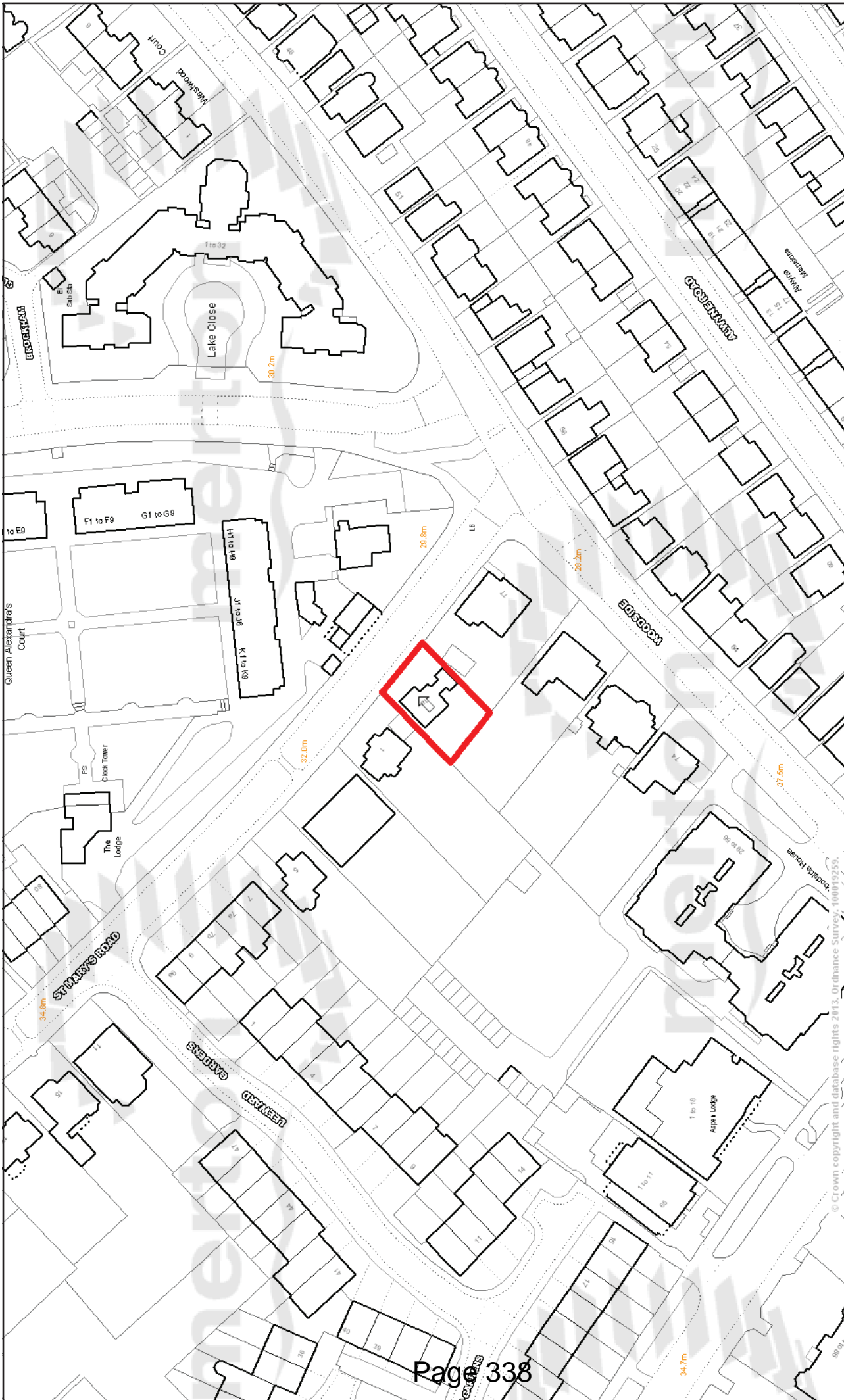
In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

- Offering a pre-application advice and duty desk service.
- Where possible, suggesting solutions to secure a successful outcome.

- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was provided with pre-application advice.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.



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 Surrey  
 SM4 5DX

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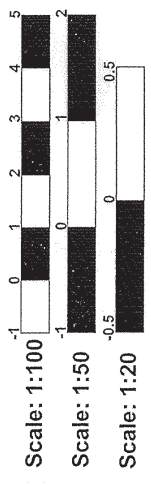
Date 26/11/2013

1A St Mary's Road

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DEVELOPMENT CONTROL





London Borough of Merton

24 JUL 2013

Planning Development Control

P1 03.07.13 Planning Issue  
Rev. Date Note  
Services

Structures

Client: Mr L Patterson

Project title: 1A St Mary's Road  
Woodside, SW13 7DF  
Drawing Title

Location Plan

Scale @ A3  
1:1250

Project No.	Drawing no.	Revision
185	100	P1

Status: Planning  
Date of Issue: 03.07.13



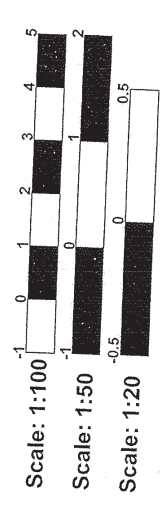
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P1	03.07.13	Planning Issue
Rev	Date	Note
Services		
Structures		
Client	<b>Mr L Patterson</b>	
Project title	<b>1A St Mary's Road</b>	
	Wimbledon, SW19 7DF	
Drawing Title	<b>Existing Site Plan</b>	

Scale @ A3	<b>1:200</b>	
Project No.	Drawing no.	Revision
<b>185</b>	<b>101</b>	<b>P1</b>
Status	Date of Issue	
<b>Planning</b>	<b>03.07.13</b>	



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24 JUL 2013

Planning Development Control

PL	03.07.13	Planning Issue
Rev.	Date <td>Notes</td>	Notes
Services		

Structures

Client

Mr L Patterson

Project title

1A St Mary's Road

Woodside, SW13 7DF

Drawing Title

Proposed Site Plan

Scale @ A3

1:200

Project No.

185

Drawing No.

105

Revision

P1

Status

Planning

Date of Issue

03.07.13

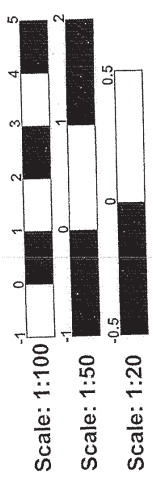


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Planning Development Control

P1	03.07.13	Planning Issue
Rev.	Date	Note
Services		
Structures		

Client  
**Mr L Patterson**

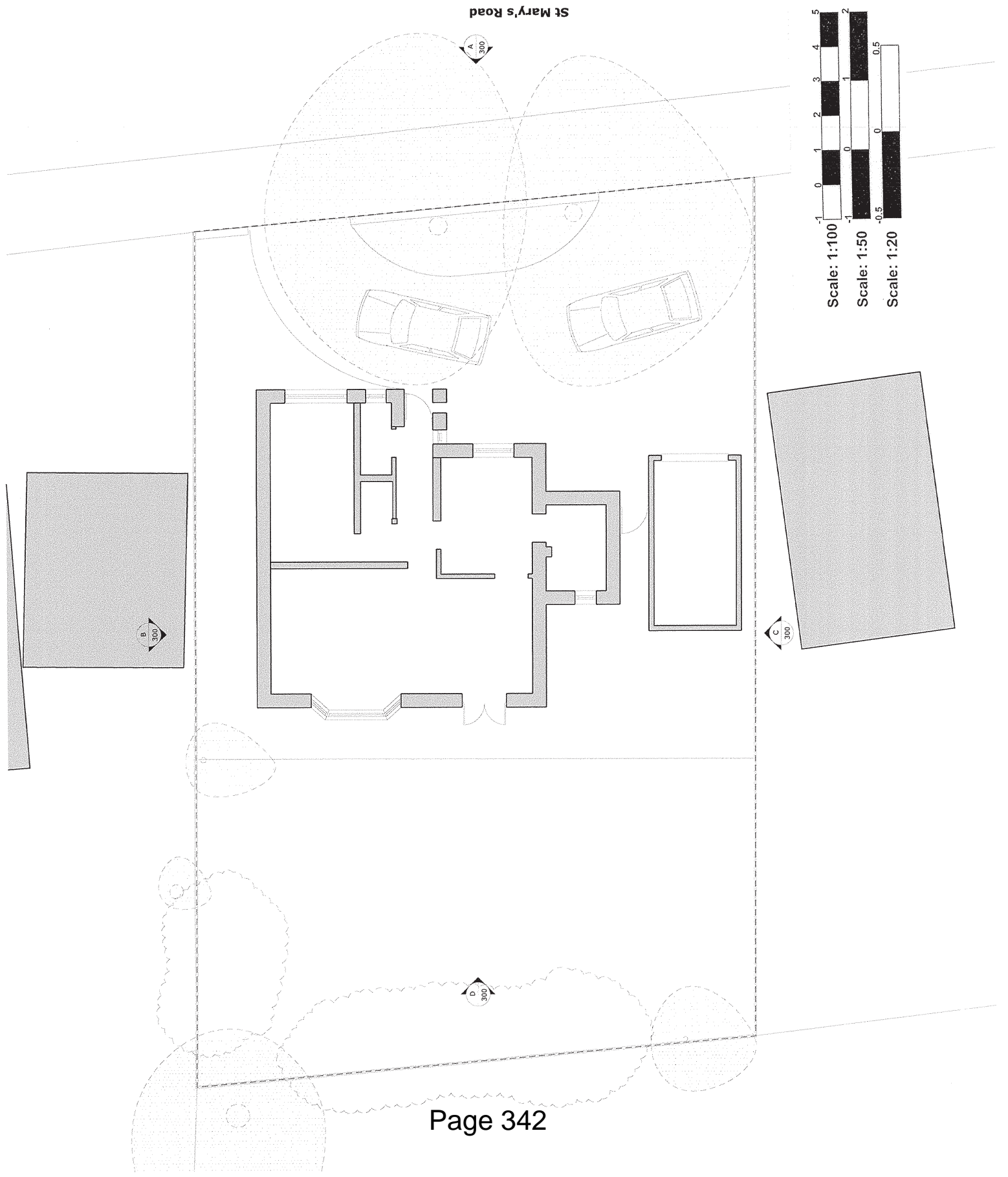
Project title  
**1A St Mary's Road**  
Wimbledon, SW13 7DT  
Drawing Title

**Existing Ground Floor Plan**

Scale @ A3	<b>1:100</b>
Project no.	<b>185</b>
Drawing no.	<b>102</b>
Revision	<b>P1</b>
Status	<b>Planning</b>
Date of Issue	<b>03.07.13</b>



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London Borough of Merton

24 JUL 2013

**Planning Development Control**

**Generally**  
 In accordance with lifetime homes criteria:  
 Services and controls to be within a height band of 450-1200 mm above ffl.  
 Bathrooms and WC's to be capable of firm fixing and support for adaptations within a band of 300-1800mm.

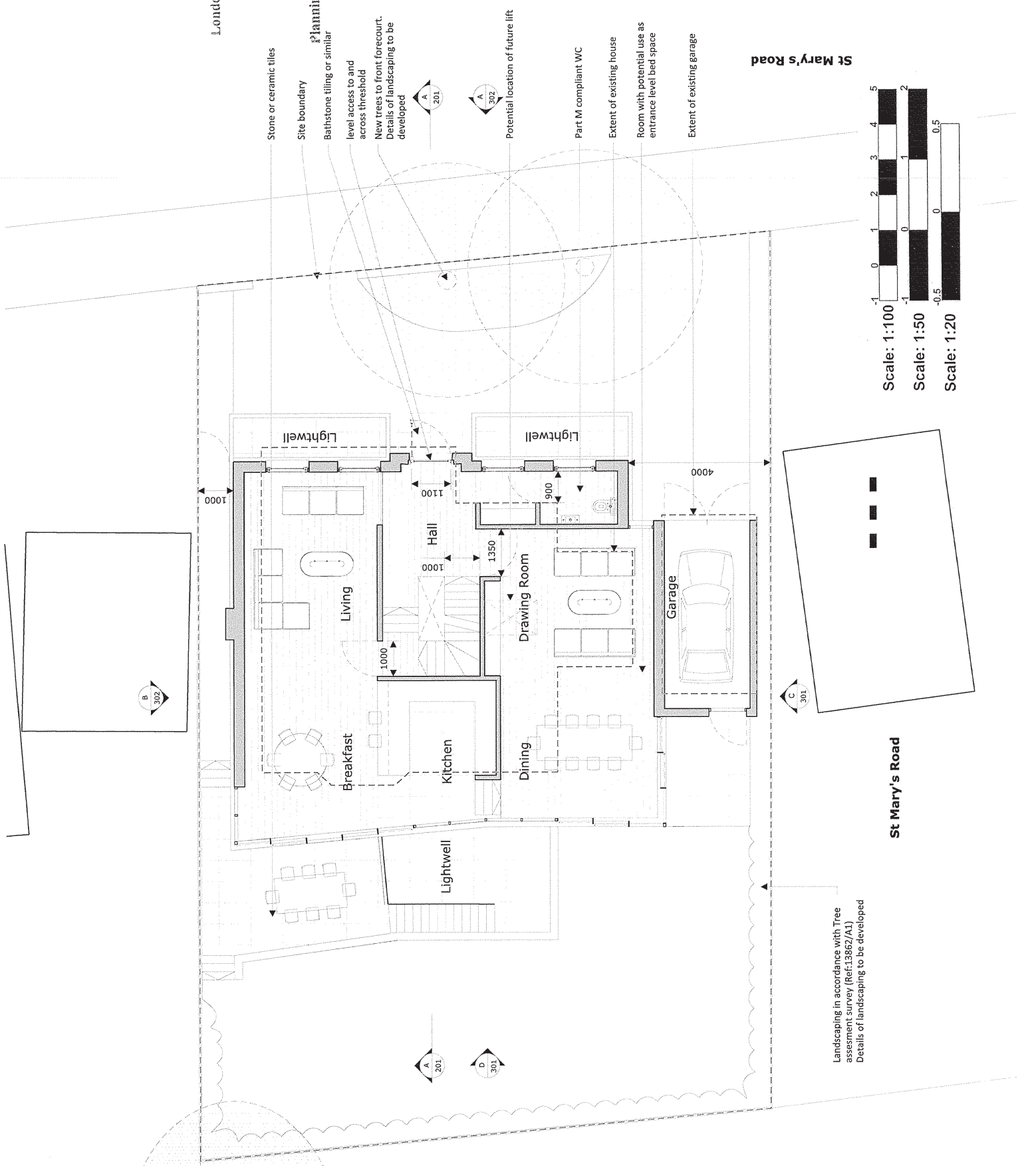
P1	03.07.13	Planning Issue
Rev	Date	Note
Services		

Structures  
 Client  
**Mr L Patterson**  
 Project title  
**1A St Mary's Road**  
 Wimbledon, SW19 7DF  
 Drawing Title

**Proposed Ground Floor**

Scale @ A3	<b>1:100</b>
Project No.	<b>185</b>
Drawing no.	<b>110</b>
Revision	<b>P1</b>
Status	<b>Planning</b>
Date of Issue	<b>03.07.13</b>

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St Mary's Road



Landscaping in accordance with Tree assessment survey (Ref:13862/A1) Details of landscaping to be developed



London Borough of Merton

24 JUL 2013

Planning Development Control

Rev	Date	Planning Issue	Note
P1	03.07.13		

Structures

Client  
**Mr L Patterson**

Project Title  
**1A St Mary's Road**  
Wimbledon, SW15 7DF  
Drawing Title

**Existing First Floor Plan**

Scale @ A3  
**1:100**

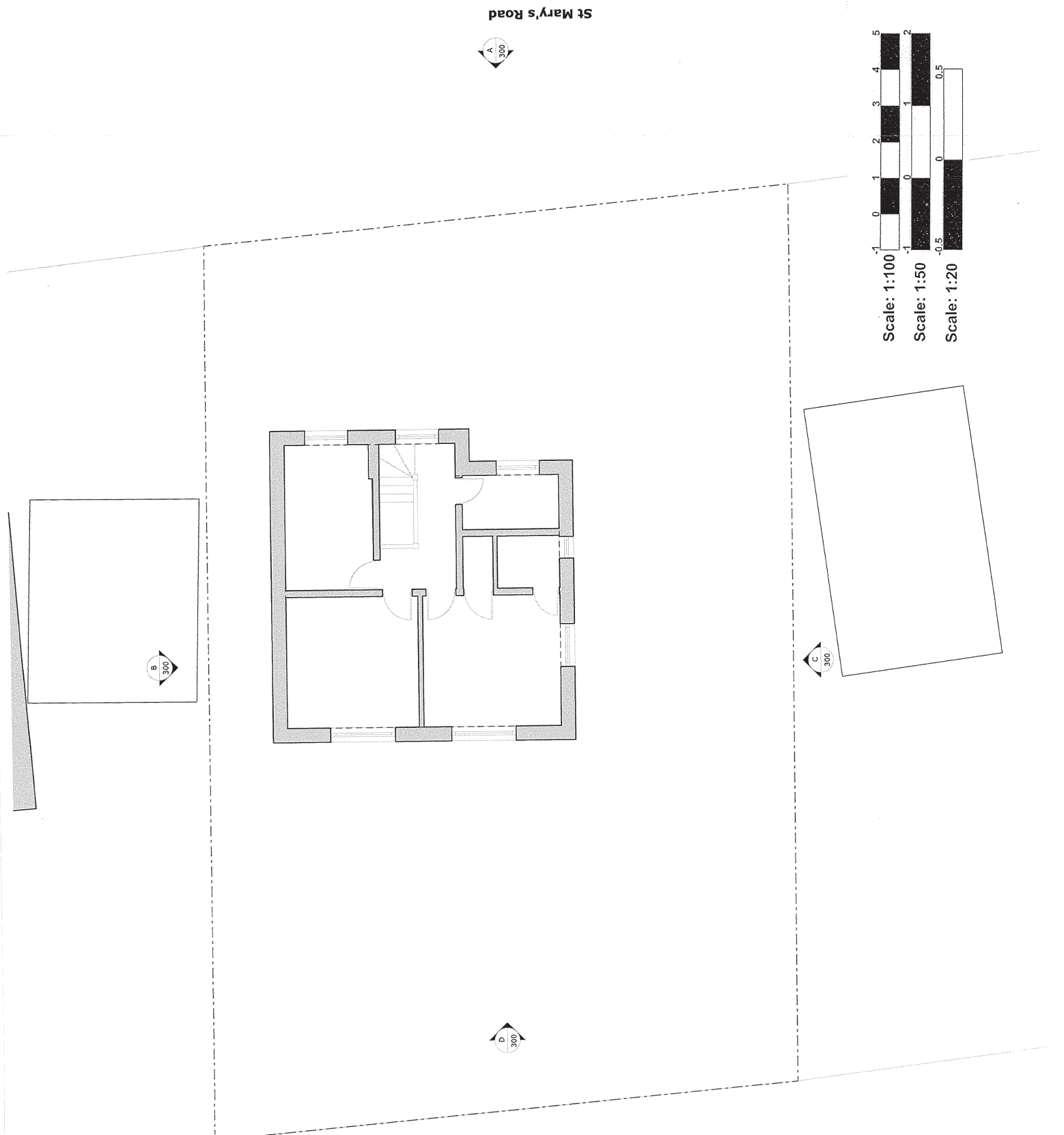
Drawing no.	Revision
<b>103</b>	<b>P1</b>

Status  
**Planning**  
Date of Issue  
**03.07.13**



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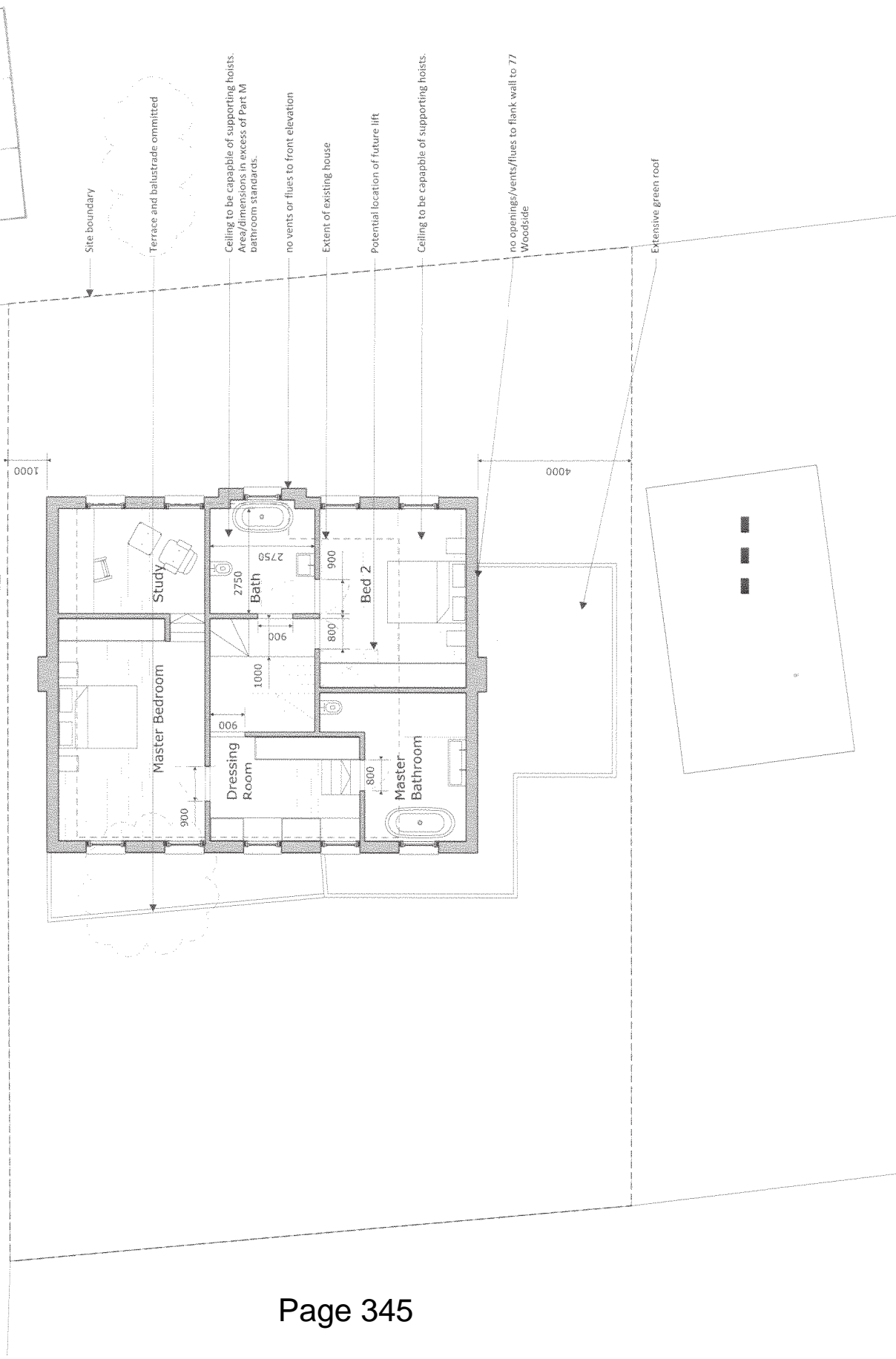
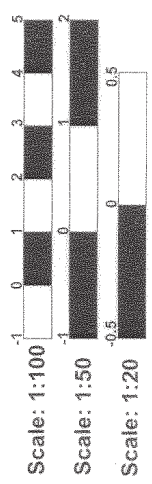
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13/P2332  
 AMENDED PLAN

LONDON BOROUGH OF MERTON

06 JUL 2013



All drawings to be read in conjunction with structural engineer's and service engineers' reports.		A3
Project No.	03.07.13	Planning Issue
Rev.	Date	Note
Structures		
Client	<b>Mr L Patterson</b>	
Project title	<b>1A St Mary's Road</b>	
Location	Woodside, SW19 7JD	
Drawing Title	<b>Proposed First Floor</b>	
Scale @ A3	<b>1:100</b>	
Drawing No.	<b>111</b>	Revision
Project No.	<b>185</b>	<b>P2</b>
Status	<b>Planning</b>	Date of Issue
		<b>03.07.13</b>

Generally  
 in accordance with lifetime homes criteria.  
 Services and controls to be within a height band of 450-1200 mm above ffl.  
 Bathrooms and WC's to be capable of firm fixing and support for adaptations within a band of 300-1800mm.

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London Borough of Merton

24 JUL 2013

Planning Development Control

Generally

In accordance with lifetime homes criteria:

Services and controls to be within a height band of 450-1200 mm above ffl.

Bathrooms and WC's to be capable of firm fixing and support for adaptations within a band of 300-1800mm.

P1 03.07.13 Planning Issue

Rev Date Note

Services

Structures

Client

Mr L Patterson

Project title  
1A St Mary's Road  
Wimbledon, SW19 7DF

Drawing Title  
Proposed Second Floor

Scale @ A3  
1:100

Project No.  
185

Drawing no.  
112

Revision  
P1

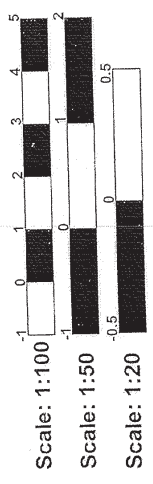
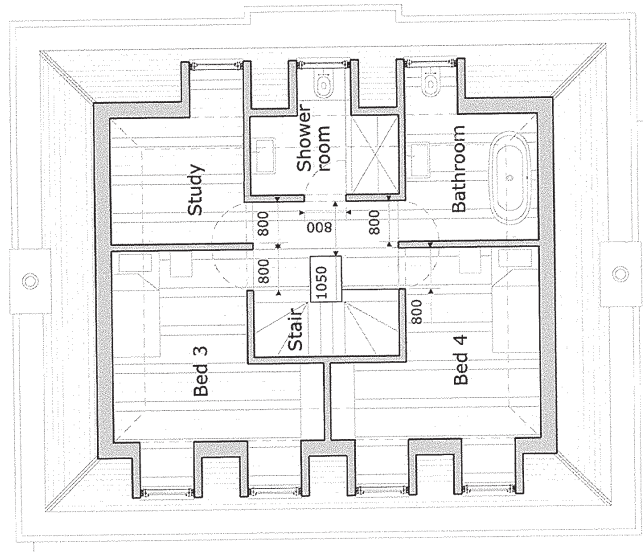
STATUS  
Planning

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company@clive-sall-architecture.com

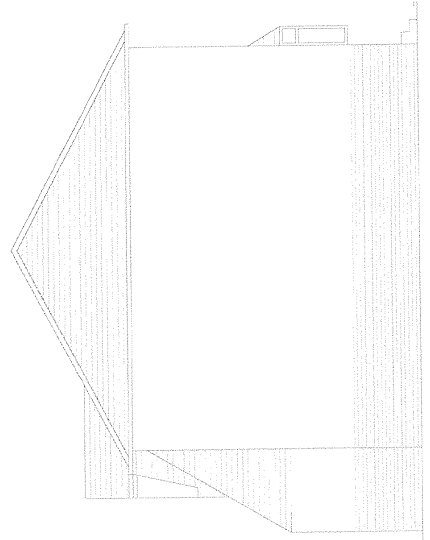
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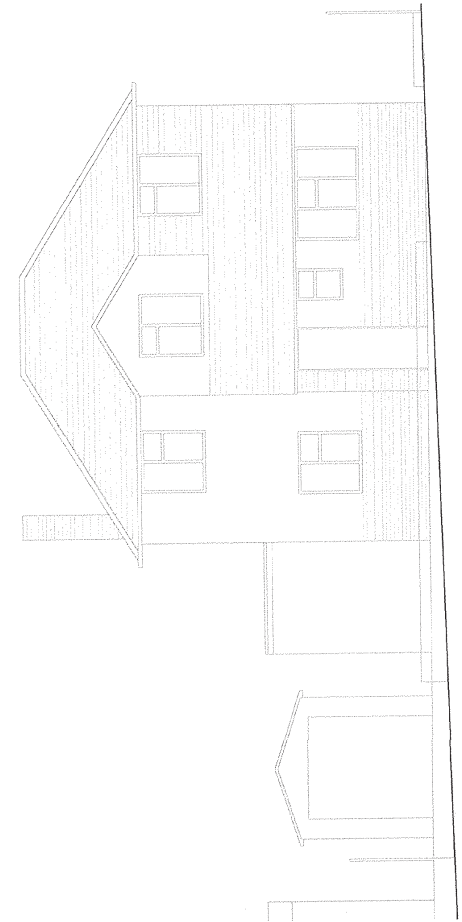
London Borough of Merton

24 JUL 2013

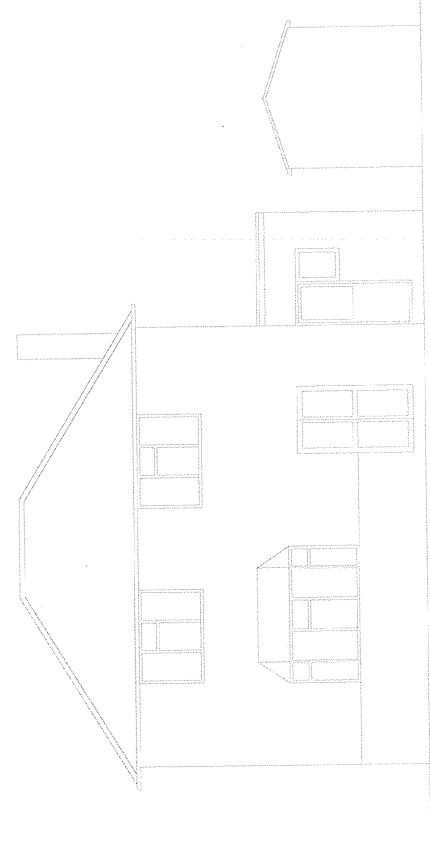
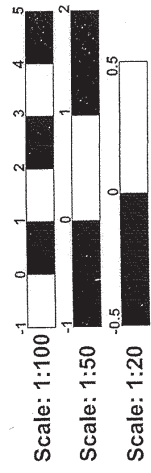
Planning Development Control



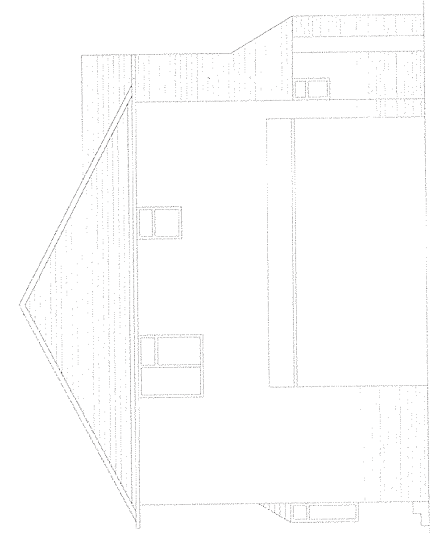
B North Elevation



A East Elevation



D West Elevation



C South Elevation

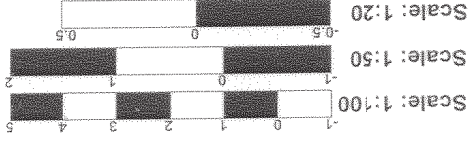
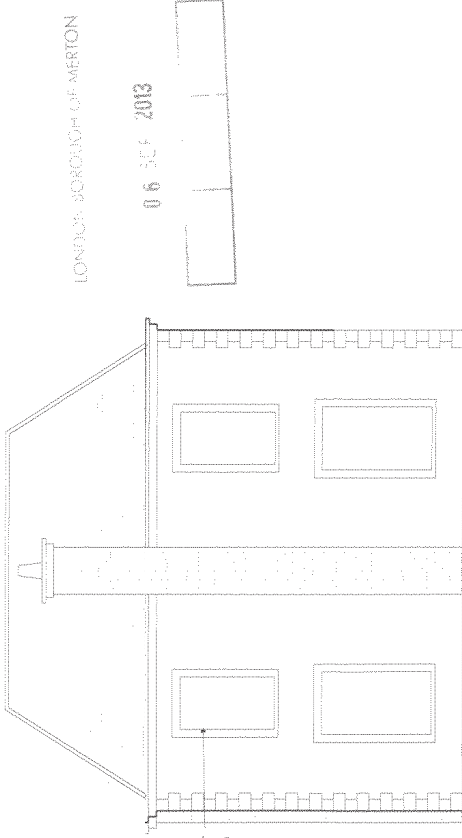
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Structures:				
Client:	<b>Mr L Patterson</b>			
Project Title:	<b>1A St Mary's Road</b>			
	Wimbledon, SW19 7DF			
Drawing Title:	<b>Existing Elevations</b>			
Scale @ A3:	<b>1:100</b>			
Project No.:	<b>185</b>	Drawing No.:	<b>300</b>	Revision:
Status:	<b>Planning</b>	Date of Issue:	<b>03.07.13</b>	



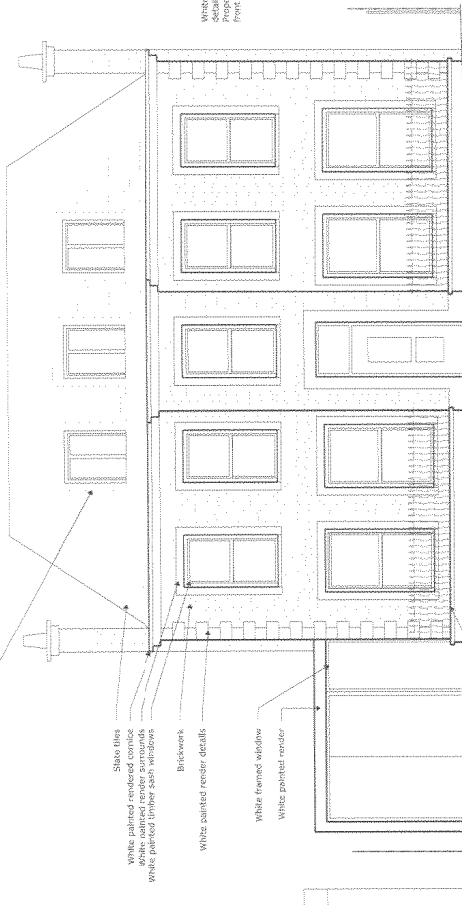
Clive Sall Architecture Ltd.  
2 Providence Yard  
100-102 Wandsworth Road  
London SW9 7RS  
02070453553  
clive@sall-architectural.com

13/P2332  
 AMENDO PLAN

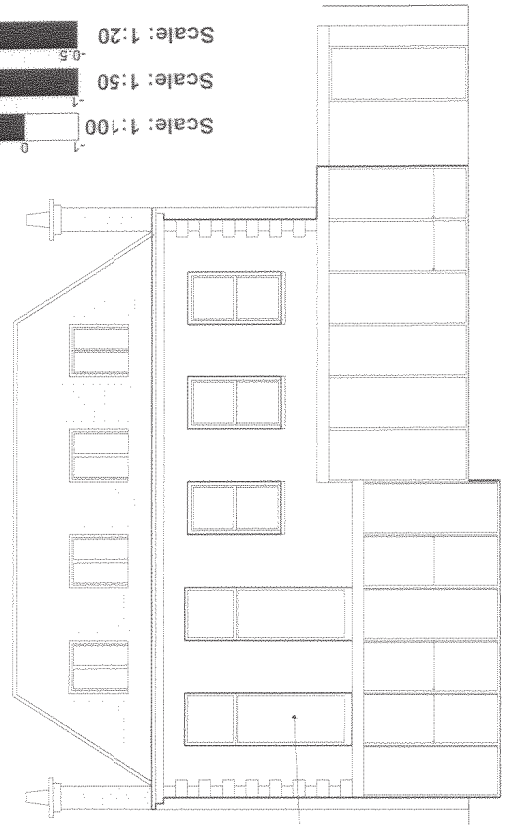
LONDON BOROUGH OF MERTON  
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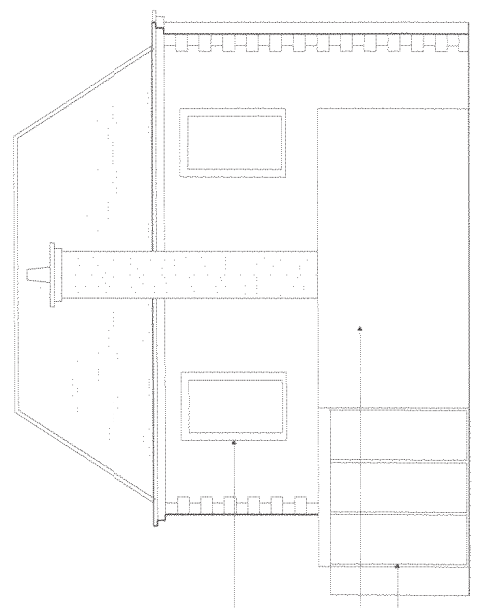
B North Elevation



A East Elevation



D West Elevation




C South Elevation

- Downers with lead roof and slates
- Slate tiles
- White painted rendered brick
- White painted rendered windows
- White painted timber sash windows
- Brickwork
- White painted resin details
- White framed windows
- White painted resin
- White painted cast-iron sills to light wells

- Brickwork details in order from main elevation
- White painted resin details
- White painted aluminium framed windows

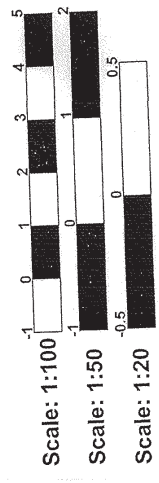
All drawings to be read in conjunction with the contract conditions of sale and the architect's and structural engineer's specifications.		A3
Project No.	03.07.13	Planning Issue
Rev.	Date	Issue
Services		
Structures		
Client	<b>Mr L Patterson</b>	
Project title	<b>1A St Mary's Road</b>	
Address	Wimbledon, SW19 1UP	
Drawing title	<b>Proposed Elevations</b>	
Scale: @ A3	<b>1:100</b>	
Project No.	Drawing No.	Revision
<b>185</b>	<b>301</b>	<b>P2</b>
Station	Date of Issue	
<b>Planning</b>	<b>03.07.13</b>	



**Clive Sall Architecture Ltd.**  
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 Ezra Street  
 London E7 7JQ  
 Telephone: 020 7461 1111



All drawings to be read in conjunction with the engineer's and service engineer's



London Borough of Merton

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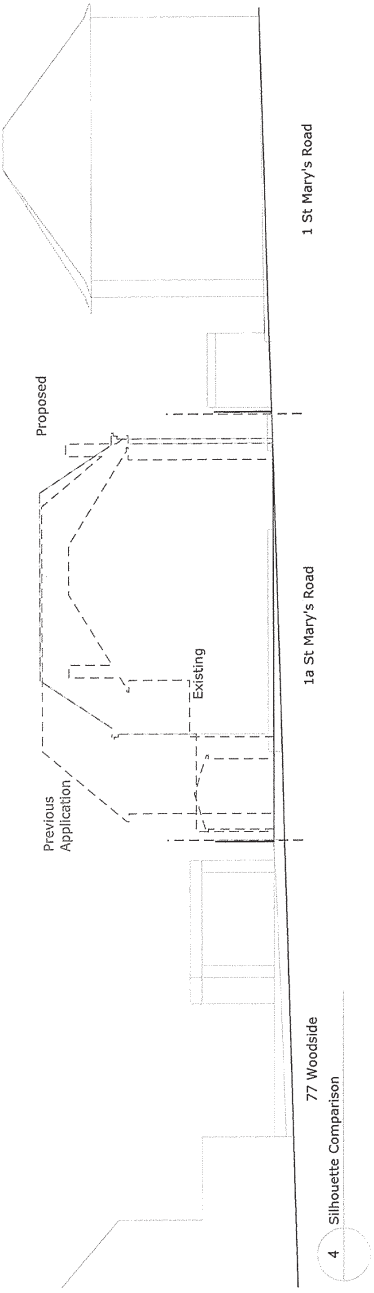
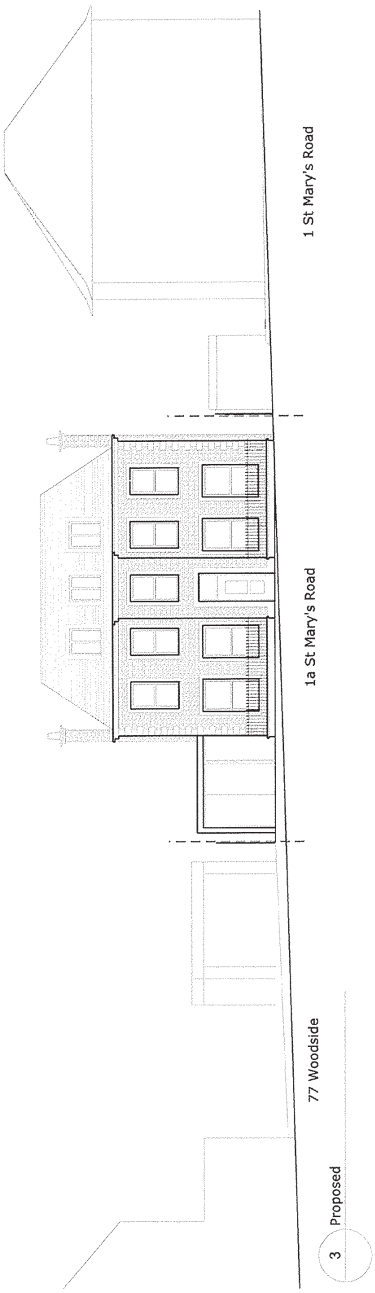
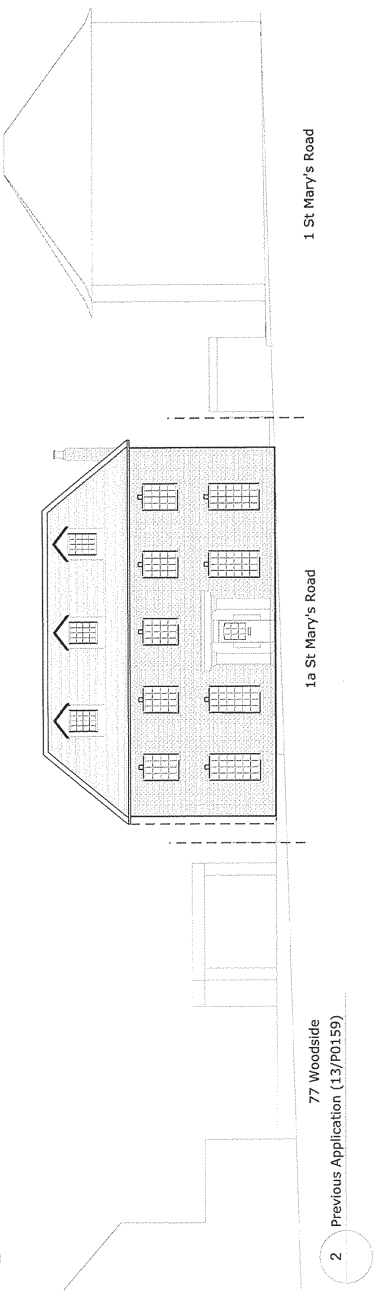
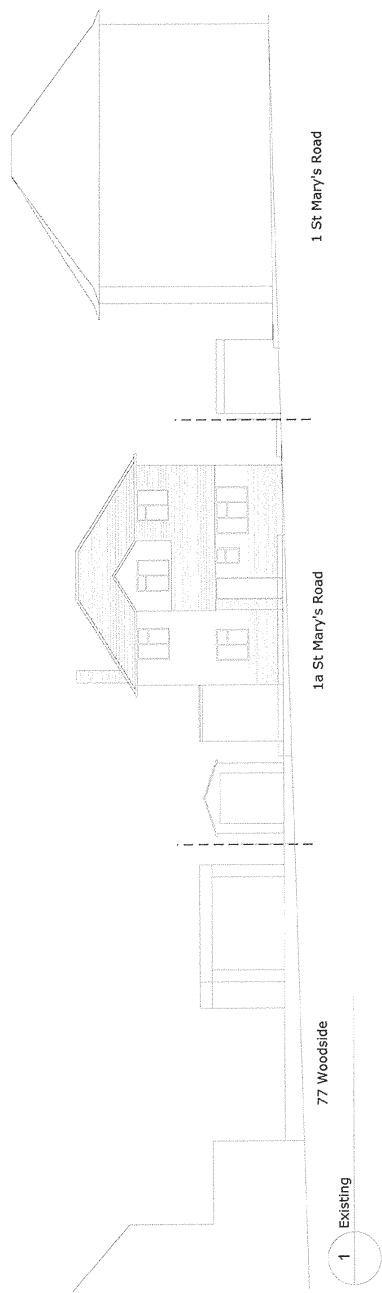
Planning Development Control

PL	03.07.13	Planning Issue
Rev	Date	Note
Services		
Structures		
Client	<b>Mr L Patterson</b>	
Project title	<b>1A St Mary's Road</b>	
	Wimbledon, SW19 7DF	
	Drawing Title	

Front Elevations

Scale @ A3	<b>1:200</b>	
Project No.	Drawing no.	Revision
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Status	Date of Issue	
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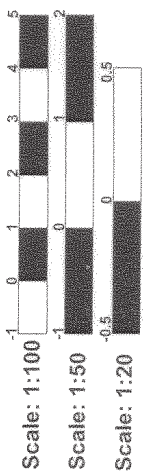
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12/P/2332  
 AMENDED PLAN

LONDON BOROUGH OF MERTON

06 JUL 2013



All drawings to be read in conjunction with the engineer's and services engineer's reports.		A3
P1	01.07.13	Planning Issue
Rev	Date	Note
Services		
Structures		
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Project title	<b>1A St Mary's Road</b>	
Location	Wimbledon, SW19 7JF	
Drawing title	<b>Proposed Section AA</b>	
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Project No.	Drawing no.	Revision
<b>185</b>	<b>201</b>	<b>P2</b>
Status	Date of Issue	
<b>Planning</b>	<b>03.07.13</b>	
<b>Clive Sall Architecture Ltd.</b> 2 Providence Yard Etra Street London E2 7JH <small>Company No. 05114404, Architects No. 01010101</small>		

**PLANNING APPLICATIONS COMMITTEE**  
**12 December 2013**

Item No:

UPRN                                      APPLICATION NO.                                      DATE VALID

13/P2385

22/08/2013

**Address/Site:**                                      **1 Wydell Close, Morden, SM4 4NS**

**Ward:**    Lower Morden

**Proposal:**    Change of use from a family dwelling house with five bedrooms (Use Class C3) to a house in multiple occupation for up to 10 people [Sui Generis] comprising six bedrooms and shared living room and kitchen facilities.

**Drawing No's:**                                      6263 01 and 6263 10A.

**Contact Officer:**                                      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: N/A
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted: No
  - Press notice: No
  - Site notice: Yes
  - Design Review Panel consulted: No
  - Archaeological Priority Zone: No
  - Area at risk of flooding: parts of the site are in flood zones 2 and 3.
  - Controlled Parking Zone: No
  - Conservation Area: No
  - Trees: No trees will be affected.
  - Number of neighbours consulted: 3
  - External consultations – None
  - PTAL: 1b [TFL Planning Information Database]
  - Density: N/A
  - Number of jobs created: N/A
-

## **1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration as it has been called in for determination by the planning committee by Councillor Maurice Groves.

## **2. SITE AND SURROUNDINGS**

- 2.1 The current application site (0.03 hectares) consists of a two-storey semi detached house in this cul-de-sac accessed from Garth Road. The surrounding area is predominantly residential in character
- 2.2 The ground floor of the house currently has a dining room [11.2 square metres]; lounge [13 square metres]; en suite bedroom [10.8 square metres] and kitchen area [20 square metres] with a rear garden of 70 square metres. Land at the front of the existing building covering 21 metres is hardstanding used as car parking for three cars.
- 2.3 At first floor level bedroom 2 has an area of 12.9 square metres with an additional en suite bathroom; bedroom 3 has an area of 12.5 square metres; bedroom 4 has an area of 8.1 square metres; a study has a floor area of 3.4 square metres and a bathroom is 5.7 square metres. In the loft space of the building bedroom 5 is 14.5 square metres with a separate shower room of 2.1 square metres
- 2.4 Parts of the application site are in flood risk zones 2 and 3. The site is not in an archaeological priority area. This site has a low public transport accessibility level (PTAL) of 1b and the site is not within a controlled parking zone

## **3. CURRENT PROPOSAL**

- 3.1 The current application involves the change of use from a family dwelling house with five bedrooms (Use Class C3) to a house in multiple occupation for up to 10 people [Sui Generis] comprising six bedrooms and shared living room and kitchen facilities. Notwithstanding new refuse and recycling storage and bicycle storage the application does not involve any physical changes to the existing property either externally or internally to the layout of the existing accommodation.
- 3.2 The ground floor of the proposed accommodation involves the use of the dining room as a common living room and the use of the lounge as a bedroom with the existing kitchen and bedroom at ground floor level retained. At first floor level and in the loft space there are no changes to the use of the accommodation.

- 3.3 As well the need for planning permission, the proposed accommodation requires a separate licence from the Council's Environmental Health section under the provisions of the Housing Act. This licence includes assessing the standard of accommodation such as ensuring that there are a sufficient number of toilets, kitchens and bathrooms for the number of residents, and the size of the proposed rooms.
- 3.4 The Council's Environmental Health section under the Housing Act may use other conditions for regulating the management, use, occupation, condition or contents of the property, including in relation to anti-social behaviour. The Housing Act also places obligations on the owner of a house in multiple occupation with regards to the safety of electrical equipment; emergency lighting; fire detection and alarm systems.
- 3.5 The applicant has made an application to Environmental Health and the initial assessment has concluded that the accommodation is of a suitable standard and that a licence is likely to be approved.

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

- 4.1 In April 2013 planning permission was approved [LB Merton reference 13/P0286] for the erection of a single storey rear extension.
- 4.2 In June 2012 a certificate of lawfulness was issued [LB Merton reference 12/P0982] for the proposed conversion of the existing garage into a habitable room with associated external alterations.
- 4.3 In June 2003 planning permission was refused [LB Merton reference 03/P0839] for the erection of first floor side extension and rear dormer roof extension. Planning permission was refused for the following reasons:
- “The proposed two-storey extension would, by virtue of its siting, bulk and massing, appear unduly dominant in the Wydell Close Street scene, resulting in the loss of symmetry of the semi-detached pair, detrimental to the visual amenities of the surrounding area, contrary to Policies EB.23 and H22 of the Adopted Unitary Development Plan (April 1996), and Policies BE23, BE.28, and BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000) and Supplementary Planning Guidance”.**
- 4.4 In October 2003 planning permission was refused [LB Merton reference 03/P1935] for the erection of first floor side extension and rear roof extension. Planning permission was refused for the following reasons:
- “The proposed two-storey extension would, by virtue of its siting, bulk and massing, result in the loss of symmetry of the semi-detached pair, detrimental to the visual amenities of the surrounding**



area, contrary to Policies EB.23 and H22 of the Adopted Unitary Development Plan (April 1996), and Policies BE23, BE.28, and BE.29 of the Second Deposit Draft Unitary Development Plan (October 2000) and Supplementary Planning Guidance”.

- 4.5 In December 2004 an appeal made against the refusal of planning permission for the application under reference 03/P1935 was allowed and planning permission approved for the erection of first floor side extension and rear roof extension.

## 5. **CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 3 neighbouring properties. As a result of this consultation 6 responses have been received from two neighbours objecting to the proposal on the following grounds:

- The proposal will put additional pressure on existing high on-street parking demand with no off-street car parking shown;
- The proposal would lead to an increase in traffic in the local area;
- The proposal could be a possible source of noise and anti social behaviour associated with this type of business;
- The use of the building would impact upon the occupiers of the joined property;
- “Wydell Close is a very quiet, peaceful, friendly small close mainly occupied by families”;
- The proposal would lead to the loss of a property that in the local context provides a comparatively affordable family home.
- With shared facilities not favoured by professional tenants it is likely that occupancy will be transient with occupants not caring about the local area, the local community and not contributing to it.
- There has been insufficient public consultation on this proposal;
- There are a large number of flats and maisonettes in the local area and it is unclear how the applicant knows there is demand for the type of accommodation proposed.
- It appears that the development is designed to maximise the financial return for the applicant without thought any thought about the impact.
- The property is not designed for ten residents

- 5.2 LB Merton Transport Planning The proposal site is located on a cul de sac off a local distributor road outside of controlled parking zone restrictions. There is low public transport accessibility (PTAL 2). It is not possible to have permit free in this location. However, the site benefits from up to 3 off-street car parking spaces and given the nature of the use, it is not considered that it will lead to overspill parking issues. Conditions regarding the retention of parking for users of the building and the provision of secure cycle parking are recommended.

- 5.3 LB Merton Environmental Health The House in Multiple Occupation requires a separate licence that is issued by the Environmental Health team. The applicant has made an application to Environmental Health and the initial assessment has concluded that the accommodation is of a suitable standard and that a licence is likely to be approved.
- 5.4 Councillor Maurice Groves. There is an objection to the application on the following grounds:
- Car parking for occupants: Whilst there is a large front forecourt, which could accommodate 4 cars, it is likely that cars would park on the road as it would be easier.
  - Car parking for visitors: The parking required for occupants and visitors will result in parking on the sharp turn from Garth Road with this junction currently unsafe.
  - Noise and disturbance: “There could be excessive noise from a predominately younger clientele” in this currently quiet area that would harm neighbour amenity and lead to noise complaints.
  - Fire safety: The house does not have adequate facilities to ensure safety for future occupants in the event of a fire.

## **6. POLICY CONTEXT**

- National Planning Policy Framework [March 2012]
- 6.1 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’.
- 6.2 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.
- 6.3 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 looking 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.

- The London Plan [July 2011].
- 6.4 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]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.4 [Local character]; and 8.2 [Planning obligations].

- Mayor of London Supplementary Planning Guidance
- 6.5 The following supplementary planning guidance is considered relevant to the proposals: The Housing Supplementary Planning Guidance (2012).

- Policies retained in Adopted Unitary Development Plan [October 2003]
- 6.6 The relevant planning policies retained in the Adopted Unitary Development Plan [October 2003] are E2 [Access for disabled people]; HS1 [Housing layout and amenity]; BE.15 New buildings and extensions - daylight, sunlight, privacy, visual intrusion and noise; RN3 [Vehicular access].

- Merton Supplementary Planning Guidance
- 6.7 The key supplementary planning guidance relevant to the proposals is Planning Obligations [2006].

- Policies within Merton LDF Core Planning Strategy [adopted July 2011]
- 6.8 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.18 [Active transport]; CS.19 [Public transport]; and CS.20 [Parking; servicing and delivery].

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of the development, the standard of residential accommodation, housing mix, the potential impact on neighbour amenity; refuse and recycling and Traffic generation and car parking

### **Principle of development.**

- 7.2 Policy CS. 8 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, provision for those unable to compete financially in the housing market sector and for those with special needs.

- 7.3 The application is in an area of predominantly family housing and the submitted proposal for a house in multiple occupation will increase the range of residential accommodation that is available locally. It is considered that the proposal providing accommodation for a different group in this area will improve the social mix locally.
- 7.4 The Mayor of London Supplementary Planning Guidance (2012) on housing advises at paragraph 3.1.16 “There are 19,000 registered dwellings in houses in multiple occupation in London and an estimated 150,000 in total. Collectively, these are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. Outside London they are sometimes associated with concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, by contrast, the occupier profile tends to be more broadly based and HMOs play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern”.
- 7.5 The standard of the accommodation proposed as part of the current planning application is considered in the following section of this report.

#### **Standard of accommodation**

- 7.6 Policy CS. 8 within the Council’s Adopted Core Strategy [July 2011] states that the Council will require proposals for new homes to be well designed and located to create socially mixed and sustainable neighbourhoods. 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.
- 7.7 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 standards are expressed in terms of gross internal area and supersede the individual room size standards provided within the Council’s Supplementary Planning Guidance – “New Residential Development” [1999].
- 7.8 The supporting text in the Council’s Adopted Core Strategy [paragraph 22.15] states that “New housing in the borough must be of a high quality, providing functional internal and external spaces that are fit for purpose, inclusive and flexible to meet the needs of various household types

- including small households, families and the ageing population. We will apply housing quality standards including minimum space standards to all new dwellings in the borough, including dwelling conversions and houses in multiple occupation (HMO's)".
- 7.9 In allowing planning appeals made against the Council's refusal of planning permission for the use of other properties as a house in multiple occupation [19 and 20 Jersey Road] a planning inspector stated that has as house in multiple occupation should not be considered against other planning size standards for self contained residential units.
- 7.10 Notwithstanding the Inspector's comments, and whilst individual room size standards have been superseded by the London Plan Gross Internal Area standards, in the absence of any other guidance, it is advised that the current proposal reflects the minimum bedroom size standards set out in the Council's Supplementary Planning Guidance [single bedrooms a minimum of 6.5 square metres, and a double bedroom a minimum of 11 square metres]. The proposal does not involve any physical changes to the existing building and the change of use of two ground floor rooms.
- 7.11 It is considered that the proposal provides a good standard of accommodation. The accommodation is well proportioned and provides a good sized communal lounge. Direct access to a private rear shared garden area would also be provided for future occupants. The layout of the accommodation makes good and efficient use of the space that is available with an appropriate internal layout and good provision of natural light to all habitable rooms.
- 7.12 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. It is considered that the rear garden of the property (70 square metres) provides adequate external amenity space for future occupants.
- 7.13 The proposed house in multiple occupation would provide a satisfactory standard of accommodation for future occupiers in accordance with Policy HS.1 of the Council's Adopted UDP. Each habitable room would have good outlook, light and circulation, and the stacking and layout of rooms would minimise the potential impact of noise nuisance.
- 7.14 The standard of the proposed accommodation in terms of fire safety is considered separately by the Council's Environmental Health Section under the Housing Act.



### **Housing mix**

- 7.15 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.
- 7.16 The application site is located in an area, which is predominately family housing with relatively large terraced two storey properties. It is considered that the proposed accommodation, providing a different type of accommodation in this area, would increase the range and choice of residential accommodation available locally. It is considered that the current proposal would contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

### **Neighbour amenity.**

- 7.17 Retained policies HS.1 and BE15 of the adopted Unitary Development Plan [October 2003] state that all proposals for residential development should safeguard the residential amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance.
- 7.18 The existing five-bedroom house currently provides accommodation for up to eight people [three double rooms and two single rooms] and this accommodation could currently be occupied by a large extended family without any requirement for planning permission. The current proposal involves providing accommodation for two additional persons with the use of the ground floor lounge as an additional sixth bedroom.
- 7.19 It is considered that the use of this semi-detached property as a house in multiple occupation will not result in harm to the living conditions of neighbouring occupiers through noise or disturbance that could not potentially arise from the existing use a single family dwelling.

### **Refuse and recycling**

- 7.20 Core Strategy Policy CS 20 provides guidance in relation to facilities for refuse storage and collection. Core strategy policy CS 17 requires well designed recycling facilities to be incorporated in all new developments where appropriate. The submitted plans show refuse storage located to the front of the site and a planning condition is recommended to seek further details of this refuse and recycling storage and to ensure that this facility is retained.

### **Traffic generation and car parking**

- 7.21 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current maximum parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. 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.
- 7.22 The proposed accommodation is provided with three off street car parking spaces on the existing large front forecourt that has an existing vehicular access on to Wydell Close. The car parking is in accordance with the maximum car parking standards that are set out in the London Plan.
- 7.23 Given the nature of the use, it is not considered that it will lead to overspill parking issues and this view is supported by Merton Transport Planning officers. Any increase in parking pressure that may arise from the potentially higher level of occupancy can be safely accommodated on the existing road network.
- 7.24 In addition to the car parking the submitted plans show cycle parking provided on the front forecourt. A planning condition is recommended seeking further details of this storage and to ensure that it is provided.

## **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 Lev**

- 9.1 In this instance, the current proposal would not be liable for CIL.

### **Planning Obligations**

- 9.2 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.
- 9.3 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.

- 9.4 It is considered that there are no planning obligations that would be applicable to this application.

## **10. CONCLUSION**

- 10.1 The proposed development will increase the mix of residential accommodation that is available in this area with accommodation of a good standard that is considered acceptable in terms of the impact on residential amenity includes parking conditions locally. Accordingly, it is recommended that planning permission be granted subject to the planning conditions set out below.

### **RECOMMENDATION**

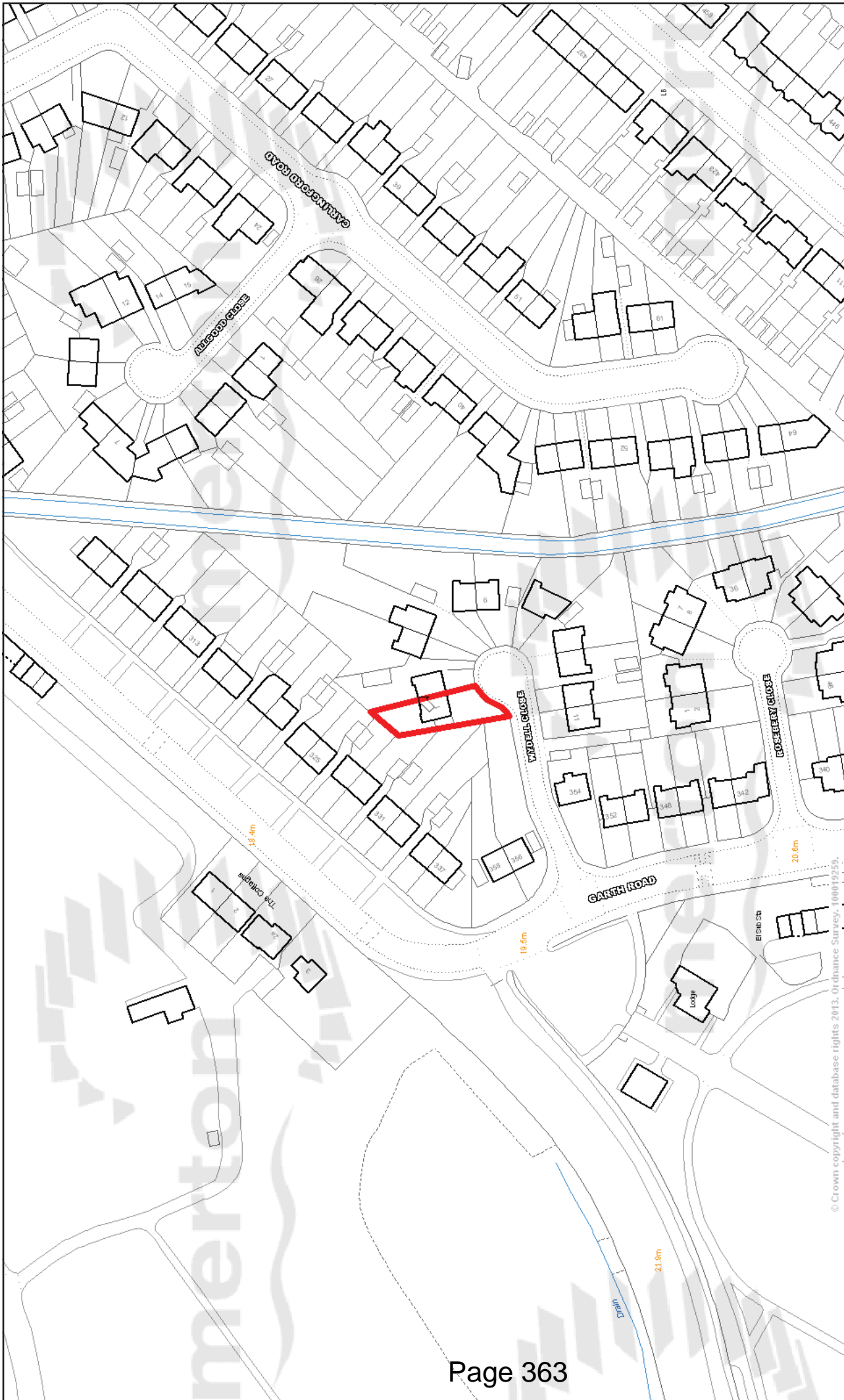
**GRANT PLANNING PERMISSION subject to the following planning conditions.**

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: 6263 01 and 6263 10A.. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non standard condition [Cycle storage] Prior to first occupation of the HMO hereby permitted 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].
4. Non standard condition [Refuse and recycling facilities] Prior to first occupation of the HMO hereby permitted 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.

**INFORMATIVES:**

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.



London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250

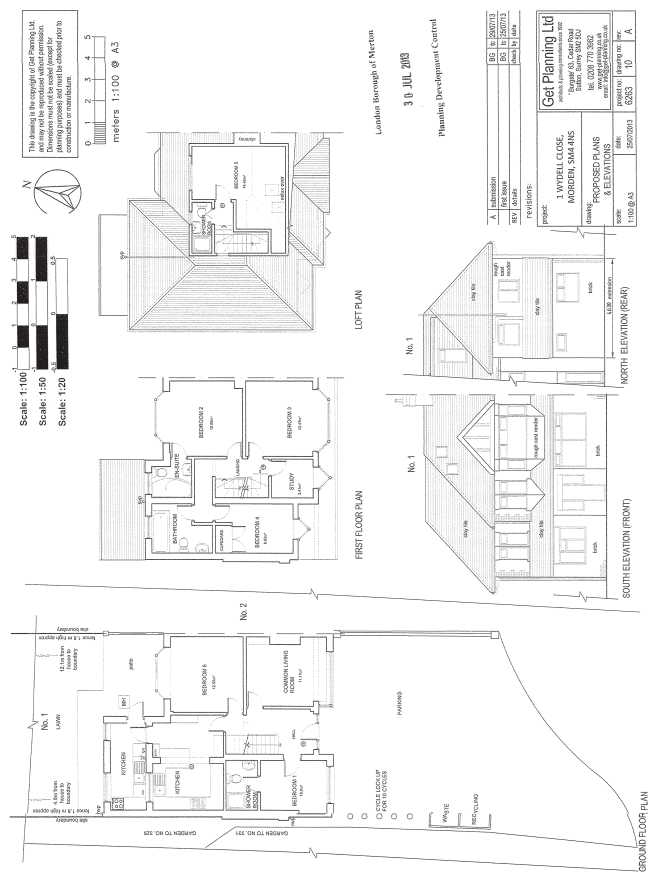
Date 26/11/2013

1 Wydell Close

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DEVELOPMENT CONTROL





## **Committee: Planning Applications Committee**

**Date: 12 December 2013**

Agenda item:

Ward: Raynes Park

**Subject: TREE PRESERVATION ORDER (NO.647) AT 14 CUMBERLAND CLOSE & 27 THE DOWNS, WEST WIMBLEDON, LONDON, SW20 8AT.**

**Lead officer: HEAD OF PUBLIC PROTECTION AND DEVELOPMENT**

**Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE**

**Contact officer: Rose Stepanek**

---

### **Recommendations:**

- A. The Merton (No 647) Tree Preservation Order 2013 be confirmed, without modification.
- 

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

- 1.1. This report considers the objection that has been made to the making of this tree preservation order. The Committee must take the objection into account before deciding whether to confirm the Order, with the recommended modification, or to allow the removal of the tree based on the concerns raised by the objector.

## **2 DETAILS**

- 2.1 This Tree Preservation Order arose as a direct a result of the planning application ref: 13/P1886. During the consideration of this application concerns were raised with regards to a nearby protected tree, but it then became apparent that an equally significant Sycamore tree located in the rear garden of the same address was not protected in any way and could have been removed at any time. The Sycamore tree is positioned on the common boundary between two properties, nos. 14 Cumberland Close and 27 The Downs, although most of the tree is in within 14 Cumberland Close. The Sycamore tree is a large specimen and which makes a significant contribution to the visual amenities of the area. It can be viewed from the surrounding area.
- 2.2 The Merton (No.647) Tree Preservation Order 2013 took effect on the 7 August 2013. A copy of the plan identifying the location of the Sycamore tree is appended to this report.

## **3 RELEVANT HISTORY**

- 3.1. Prior to the making of this tree preservation order, the Sycamore tree was not protected in any way and could have been removed at any time.

## **4 LEGISLATIVE BACKGROUND**

- 4.1. Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order is whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 4.2. When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 8 reasons were given that include references to the visual amenity value of the tree; that the tree has an intrinsic beauty; that is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; and that the tree contributes to the local biodiversity.
- 4.3. This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201 ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order. This Order remains valid, in its temporary state, until the 6 February 2014.

## **5 OBJECTION TO THE ORDER**

- 5.1. The Council received one objection to the Order, and an observation on the matter from the residents of an adjacent property.
- 5.2. The landowner of no. 27 The Downs has written to object for the following reasons:
  - a) That the submission of a Tree Works Application would be a nuisance;
  - b) That the tree is located very close to a steep retaining wall which requires the tree to be managed in a pruned and reduced form to prevent any risk of damage to the wall. The existence of the tree preservation order could be problematical should there ever be a need to repair the wall.

## **6 PLANNING CONSIDERATIONS**

- 6.1. Members should take into account the advice set out in paragraph 4.1 of this report and to bear in mind that the essential purpose of a tree preservation order is to protect the public amenity.
- 6.2. The Tree Officer would respond to each objection in respective order, as follows:
  - a) The submission of a Tree Works Application is not generally considered to be a burdensome task;
  - b) The tree is located approximately 9 metres from a steep retaining wall that borders the entire length of 10 Lansdowne Close. This property is located at the foot of the retaining wall. The objector provided no evidence to show that the tree is currently influencing the wall. However, given the nature of this concern, the matter was put to the residents of

10 Lansdowne Close, who informed the Tree Officer that a large section of the wall located to the rear of the property (on the boundary with 27 The Downs) did fall down in 1987, and this was subsequently repaired by structural engineers. The section of wall nearest the tree, and to the rear of 14 Cumberland Close, is the original 100 year old wall. The resident took the view that despite the on-going concerns over the stability of the wall, the tree does help to absorb moisture from soil, and this helps to reduce the pressure of ground water on the wall. The residents are content to accept the tree preservation order, particularly as this would allow a replacement tree to be planted in the future.

Should there ever a need to repair the wall, then this can be done without the need to remove the tree. The root system of the tree helps to provide a cohesive structure to the soil, and will, during the summer months, absorb moisture from the soil. Should there ever be a reason to remove the tree, then a replacement tree can be secured through the tree preservation order.

## **6 OFFICER RECOMMENDATIONS**

- 6.1. The Merton (No.647) Tree Preservation Order 2013 should be confirmed, without modification.

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

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

## **8 LEGAL AND STATUTORY IMPLICATIONS**

- 8.1. The current Tree Preservation Order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge will have to be in the High Court.

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

- 10.1. N/A

## **10 CRIME AND DISORDER IMPLICATIONS**

- 11.1 N/A

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

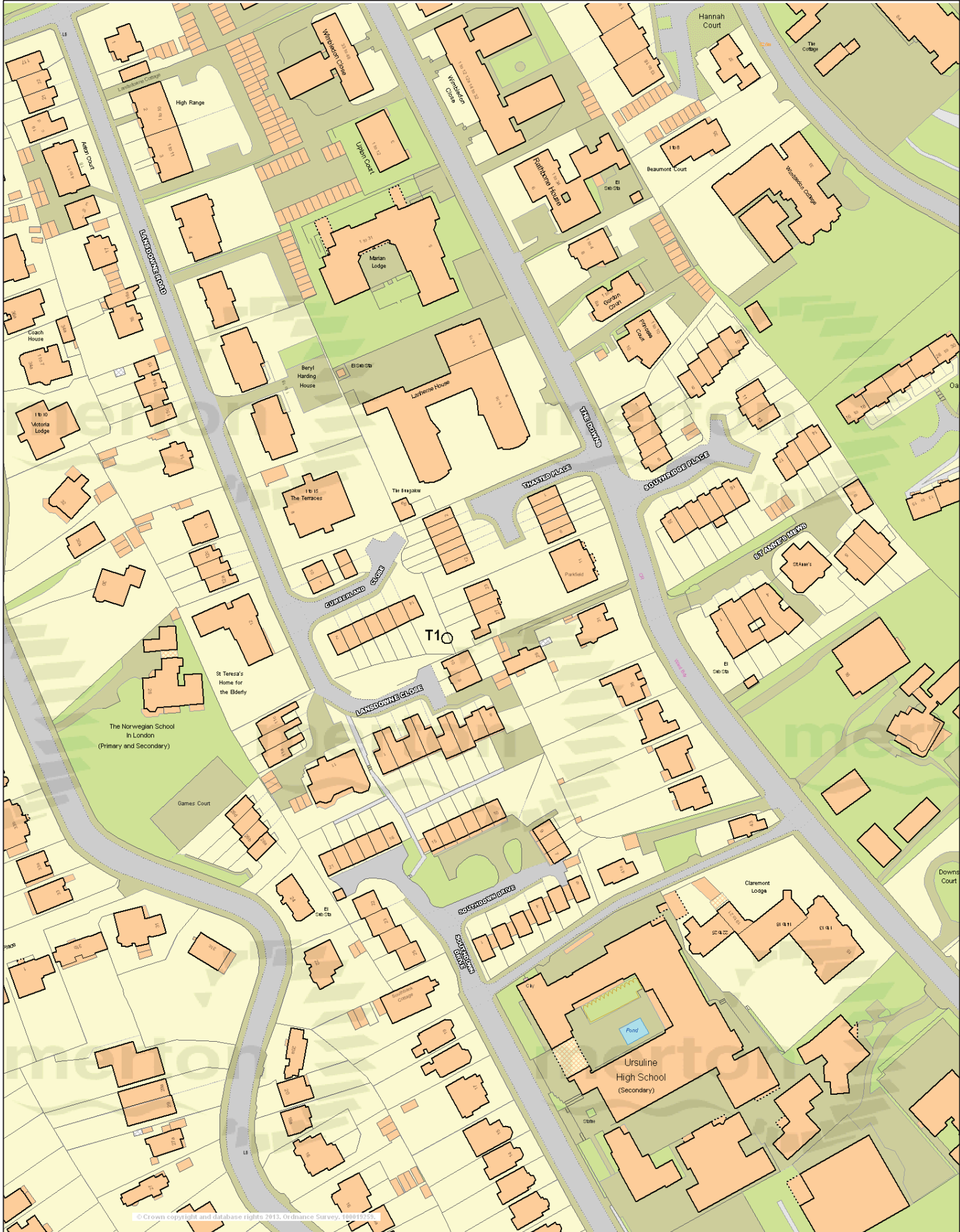
- 11.1. N/A

## **12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Tree preservation Order plan

## **13 BACKGROUND PAPERS**

- 13.1. The file on the Merton (No 647) Tree Preservation Order 2013  
Tree Preservation Orders – A Guide to the Law and Good Practice



Merton (No.647) Tree Preservation Order 2013

14 Cumberland Close & 27 The Downs

London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX





## **Committee: Planning Applications Committee**

**Date: 12 December 2013**

Agenda item:

Ward: Hillside

**Subject: TREE PRESERVATION ORDER (NO.646) AT 10 HILLSIDE, WEST WIMBLEDON, LONDON, SW19 4NH.**

**Lead officer: HEAD OF PUBLIC PROTECTION AND DEVELOPMENT**

**Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE**

**Contact officer: Rose Stepanek**

---

### **Recommendations:**

- A. The Merton (No 646) Tree Preservation Order 2013 be confirmed, without modification.
- 

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

- 1.1. This report considers the objection that has been made to the making of this tree preservation order. The Committee must take the objection into account before deciding whether to confirm the Order, with the recommended modification, or to allow the removal of the tree based on the concerns raised by the objector.

## **2 DETAILS**

- 2.1 This Tree Preservation Order has been served as a result of the submission of a 6 weeks notice of an intention to remove a Holm Oak tree located in the West Wimbledon Conservation Area. That proposal was registered as 13/T2114.
- 2.2 The Holm Oak tree is a large mature specimen which is readily observed along Hillside. The tree is located in the front garden to 10 Hillside. To the left hand side of the tree is an existing boundary wall with the neighbouring property, no. 9 Hillside. The tree is located very close to a short section of the existing front boundary wall belonging to 10 Hillside. As this is an evergreen species of tree, its presence makes a very noticeable and enduring contribution to the visual amenities of the locality. The tree is a significant specimen and provides a very important source of greenery in this part of Wimbledon.
- 2.3 The Merton (No.646) Tree Preservation Order 2013 took effect on the 15 July 2013. A copy of the plan identifying the location of the Holm Oak tree is appended to this report.

## **3 RELEVANT HISTORY**

- 3.1. Historically, it would appear that the Holm Oak tree was originally planted in a raised planting bed. Over time, the wall to the bed has been removed and much of the original soil has been removed or has washed away with the

passage of time. This has resulted in the base of the tree being positioned above the surrounding ground level and the buttress roots and some of the root system is exposed to the elements. This in itself does not suggest the tree is unstable as the root system is widespread and has most probably adapted to the changing circumstances in its rooting habitat.

3.2. In 2007, a planning application (ref: 07/P1100) was submitted for the following works:

‘Erection of two new single storey rear extensions. New boundary wall and gates. Installation of two new windows and doors at ground floor of existing house and renewal of previous permission for a new crossover (ref: 01/P0090). ‘

Planning consent was subsequently granted, and the Holm tree was shown as retained on the approved layout plan. No planning conditions were attached requiring any further special provisions to be made for this tree.

3.2 Since 2007, all of the work has been completed with the exception of the front boundary wall. The householder is now in a position to complete that planning consent. However, the tree is now considered to be an obstacle to the completion of that consent.

3.3 Following the submission of the 6 weeks notice to remove the Holm Oak tree, the agent was made aware that the Council had concerns over the proposed loss of the tree and did subsequently withdraw the tree works application.

3.4 By this time, the tree preservation order had already taken effect. Any objections to the Order were to be received in writing by the 26 August 2013.

3.5 Following on from this, the Council received an objection to the Order within the specified time limit from an arboricultural expert, and further representations from a planning agent after the specified deadline for the receipt of objections/representations. Both are acting on behalf of the landowners. The objection is summarised below.

#### **4 LEGISLATIVE BACKGROUND**

4.1. Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order is whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.

4.2. When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the tree; that the tree has an intrinsic beauty; that it is clearly visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; and that the tree contributes to the local bio-diversity.

- 4.3. This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201 ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order. This Order remains valid, in its temporary state, until the 14 January 2014.

## **5 OBJECTION TO THE ORDER**

- 5.1. The arboricultural expert objects to the Order for the following reasons:
- (1) The tree has a lean towards the highway, and the continued expansion of the trunk has caused movement to the front boundary wall and to the wall that divides the boundary between nos. 9 & 10 Hillside;
  - (2) The new wall cannot be built according to the approved plans without the removal of the Holm Oak tree;
  - (3) That the making of the Order is unsound because the planning consent (07/P1100) takes precedence over the retention of the tree.
- 5.2. The planning agent has repeated those concerns, and has further threatened to seek to recover legal costs of any formal proceedings over the delay caused to his client to complete the approved development by the intervention of the tree preservation order.

## **6 PLANNING CONSIDERATIONS**

- 6.1. Members should take into account the advice set out in paragraph 4.1 of this report and to bear in mind that the essential purpose of a tree preservation order is to protect the public amenity.
- 6.2. The Tree Officer would respond to each objection in respective order, as follows:
- a) The tree is causing the walls to tilt and is undermining the existing foundations. The trunk of the tree has a slight lean to wards the front boundary wall. The base of the tree has grown to envelope an existing concrete lintel, and the trunk is very close to the wall;
  - b) It is possible for the wall to be built as per the approved plans, but without a special site specific engineered solution, the new wall is likely to be damaged again. However, with the right approach a solution can be found. As this is a short section of wall, there are other materials and methods that could be utilized to design around the tree. The planning agent and landowner have both been advised that this could be done as a non-material amendment. To date, no further communications have been received ;
  - c) The interpretation of planning law is incorrect. It is the case that a planning consent can over-ride a tree preservation order that is already in existence, but not the case where a tree preservation order is issued after the planning consent has been granted. In this particular case, the applicant has clearly shown the tree is to be retained on the approved layout plan, and this tree preservation order is not a case of thwarting an existing consent.

- 6.3 Under planning consent 07/P1100, planning condition (2) required the following to be submitted for written approval:

‘Notwithstanding any materials specified in the application form and/or approved drawings, particulars and samples of the materials to be used for the proposed boundary wall shall be submitted to and approved in writing by the Local Planning Authority before any works are commenced. The development shall be carried out in full accordance with approved details.’

Samples of the type of brick to be used were submitted to the Council on 14 August 2013 (ref: 13/P2581), and were discharged on the 4 November 2013.

- 6.4 As the letter from the planning agent was received on the 21 October 2013, it is difficult to understand how the consideration of the objections to the tree preservation order were in any way impeding the completion of the development, when the matter of satisfying planning condition (2) was still under consideration of the planning officer and was awaiting written approval by the Local Planning Authority.

## **6 OFFICER RECOMMENDATIONS**

- 6.1. The Merton (No.646) Tree Preservation Order 2013 should be confirmed, without modification.

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

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

## **8 LEGAL AND STATUTORY IMPLICATIONS**

- 8.1. The current Tree Preservation Order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge will have to be in the High Court.

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

- 10.1. N/A

## **10 CRIME AND DISORDER IMPLICATIONS**

- 11.1 N/A

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

- 11.1. N/A

## **12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Tree preservation Order plan

## **13 BACKGROUND PAPERS**

- 13.1. The file on the Merton (No 646) Tree Preservation Order 2013  
Tree Preservation Orders – A Guide to the Law and Good Practice





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Merton (No.646) Tree Preservation Order 2013

10 Hillside

London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX





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## **Committee: Planning Applications Committee**

**Date: 12 December 2013**

Agenda item:

Ward: Hillside

**Subject: TREE PRESERVATION ORDER (NO.644) AT LAND ADJACENT TO 2 THORNTON HILL, WIMBLEDON, LONDON, SW19 4HP.**

**Lead officer: HEAD OF PUBLIC PROTECTION AND DEVELOPMENT**

**Lead member: COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE**

**Contact officer: Rose Stepanek**

---

### **Recommendations:**

- A. The Merton (No 644) Tree Preservation Order 2013 be confirmed, without modification.
- 

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

- 1.1. This report considers the objection that has been made to the making of this tree preservation order. The Committee must take the objection into account before deciding whether to confirm the Order, with the recommended modification, or to allow the removal of the tree based on the concerns raised by the objector.

## **2 DETAILS**

- 2.1 This Tree Preservation Order has been served as a result of a request of a resident to provide the maximum legal protection on an Ash tree that is a prominent and significant visual feature in the locality. The tree is located adjacent to a garage, which is a small and separate parcel of land situated adjacent to 2 Thornton Hill. This garage forms part of a parade of garages that front Thornton Hill at its most northern end. The other garages are located at the foot of rear gardens to nos. 2 & 3 Denmark Avenue. The tree and the garages are located opposite Hillymead, 1 Thornton Hill. The resident was concerned that this tree could be at risk of removal should there be any proposals for the redevelopment of these dilapidated garages. The tree is a solitary specimen and provides a very important source of greenery in this part of Wimbledon.
- 2.2 The Merton (No.644) Tree Preservation Order 2013 took effect on the 3 July 2013. A copy of the plan identifying the location of the Ash tree is appended to this report.

## **3 RELEVANT HISTORY**

- 3.1. Prior to the making of this tree preservation order, the Ash tree was subject to the rules and regulations that apply to trees in conservation areas.

## **4 LEGISLATIVE BACKGROUND**

- 4.1. Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order is whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 4.2. When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 7 reasons were given that include references to the visual amenity value of the tree; that the tree has an intrinsic beauty; that is clearly visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; and that the tree contributes to the local bio-diversity.
- 4.3. This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201 ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order. This Order remains valid, in its temporary state, until the 2 January 2014.

## **5 OBJECTION TO THE ORDER**

- 5.1. The Council received one objection to the Order, and three indications of support for the Order.
- 5.2. The landowner of nos. 2 & 3 Denmark Avenue has written to object for the following reasons:
  - a) Parts of the trunk and canopy of the tree overhang the adjacent property;
  - b) The tree is a nuisance;
  - c) The tree is not an elegant specimen;
  - d) The tree casts shade over the neighbouring gardens;
  - e) And the tree is too large for its location.
- 5.3. The objector advised the Council that the advice of a tree specialist would be sought, but to date no further information has been received.

## **6 PLANNING CONSIDERATIONS**

- 6.1. Members should take into account the advice set out in paragraph 4.1 of this report and to bear in mind that the essential purpose of a tree preservation order is to protect the public amenity.
- 6.2. The Tree Officer would respond to each objection in respective order, as follows:
  - a) Parts of the trunk and canopy do encroach into the neighbouring property ( the rear garden of 3 Denmark Avenue), but this is not considered an adequate reason to remove a tree;
  - b) This is a subjective viewpoint, and is not an adequate reason to remove a tree;

- c) The tree has an attractive shape and form that is typical of this particular species of tree;
- d) Noted, but this is not an adequate reason to remove a tree;
- e) The tree sits comfortably within its surroundings. The owner of the neighbouring garage has not raised any objections to the presence of the tree. Should consent ever be given for the removal of this tree, then a replacement tree could be secured through the tree preservation order

## **6 OFFICER RECOMMENDATIONS**

- 6.1. The Merton (No.644) Tree Preservation Order 2013 should be confirmed, without modification.

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

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

## **8 LEGAL AND STATUTORY IMPLICATIONS**

- 8.1. The current Tree Preservation Order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge will have to be in the High Court.

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

- 10.1. N/A

## **10 CRIME AND DISORDER IMPLICATIONS**

- 11.1 N/A

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

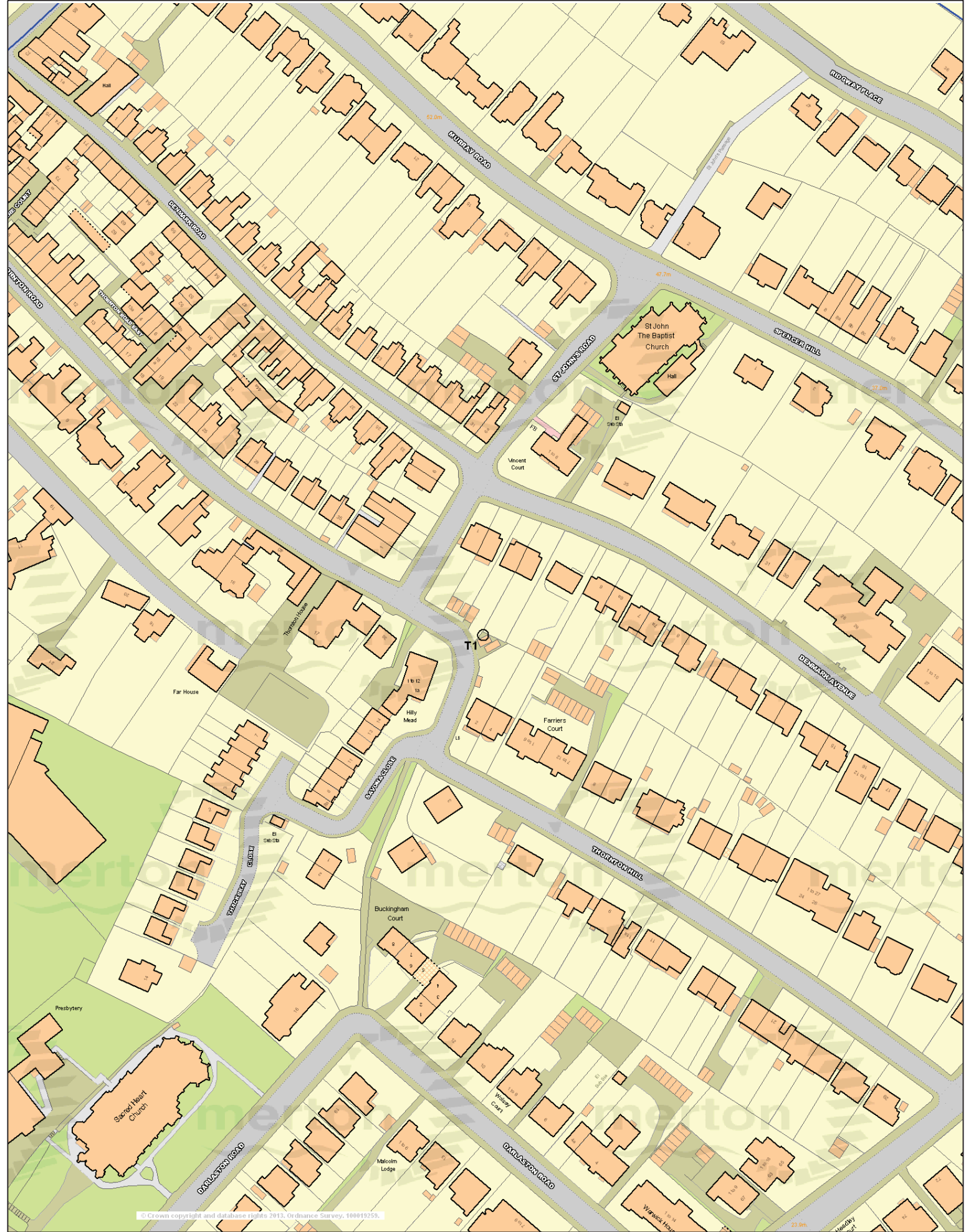
- 11.1. N/A

## **12 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Tree preservation Order plan

## **13 BACKGROUND PAPERS**

- 13.1. The file on the Merton (No 644) Tree Preservation Order 2013  
Tree Preservation Orders – A Guide to the Law and Good Practice



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Merton (No.644) Tree Preservation Order 2013

Land adj. to 2 Thornton Hill

London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX





Committee: Planning Applications

Date: 12<sup>th</sup> December 2013

Wards: All

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Public Protection and Development

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

### **Recommendation:**

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

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

1.1 For Members' information recent decisions made by Inspectors appointed by the Secretary of State for Communities and Local Government in respect of recent Town Planning Appeals are set out below.

1.2 The relevant Inspectors decision letters are not attached to this report, but can be seen on the Council web-site with the other agenda papers for this meeting at the following link:

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

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### **DETAILS**

1.1	Application number:	<b>13/P1857</b>
	Site:	59 Burstow Road, Wimbledon SW20 8ST
	Ward:	Dundonald
	Development:	Erection of two storey rear & single storey side extensions; replacement of garage with parking bay and cycle store
	Recommendation:	Grant Permission (Refused at Committee)
	Appeal Decision:	<b>ALLOWED</b>
	Date of Appeal Decision:	22th November 2013

### **Link to Appeal Decision**

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080833/13P1857\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000080000/1000080833/13P1857_Appeal%20Decision%20Notice.pdf)

## DETAILS

- 1.2 Application number: **12/P2728**  
Site: 181 Worples Road, London SW20 8RF  
Ward: Raynes Park  
Development: Lawful Development Certificate for existing use of garage as self-contained dwelling  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 30<sup>th</sup> October 2013

### Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078416/12P2728\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078416/12P2728_Appeal%20Decision%20Notice.pdf)

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## DETAILS

- 1.3 Application number: **13/P0741**  
Site: 19 Approach Road, London SW20 8BA  
Ward: Dundonald  
Development: Replacement of condenser units on roof  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **ALLOWED**  
Date of Appeal Decision: 27<sup>th</sup> November 2013

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079768/13P0741\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000079000/1000079768/13P0741_Appeal%20Decision%20Notice.pdf)

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## DETAILS

- 1.4 Application number: **12/P3034**  
Site: 6A Griffiths Road, London SW19 1SP  
Ward: Abbey  
Development: Demolition of workshop and erection of 5 bed dwelling.  
Recommendation: Refuse Permission (Delegated Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 20<sup>th</sup> November 2013

### Link to Appeal Decision

[http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078707/12P3034\\_Appeal%20Decision%20Notice.pdf](http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000078000/1000078707/12P3034_Appeal%20Decision%20Notice.pdf)

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## **ALTERNATIVE OPTIONS**

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
  1. That the decision is not within the powers of the Act; or
  2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

## **1 CONSULTATION UNDERTAKEN OR PROPOSED**

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

## **2 TIMETABLE**

- 2.1. N/A

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

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

## **4 LEGAL AND STATUTORY IMPLICATIONS**

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

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

- 5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

- 6.1. None for the purposes of this report.

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

- 7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

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

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**Committee:** Planning Applications Committee

**Date:** 12<sup>th</sup> December 2013

**Agenda item:**

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF PUBLIC PROTECTION AND DEVELOPMENT

**Lead member:** COUNCILLOR PHILIP JONES, CHAIR, PLANNING APPLICATIONS COMMITTEE

**Contact officer** Sam Amoako-Adofo: 0208 545 3111  
sam.amoako-adofo@merton.gov.uk

**Recommendation:**

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That Members note the contents of the report.

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## 1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.



<b>Current Enforcement Cases:</b>	<b>821</b> <sup>1</sup> (766)	<b>New Appeals:</b>	<b>3</b> (1)
<b>New Complaints</b>	<b>80</b> (42)	<b>Instructions to Legal</b>	<b>1</b>
<b>Cases Closed</b>	<b>25</b> (50)	<b>Existing Appeals</b>	<b>5</b> (2)
No Breach:	8	<hr/>	
Breach Ceased:	17	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	0	<b>Tree Applications Received</b>	<b>64</b> (72)
Total	<b>25</b> (50)	<b>% Determined within time limits:</b>	<b>85%</b>
<b>New Enforcement Notices Issued</b>		High Hedges Complaint	<b>0</b> (1)
Breach of Condition Notice:	1	<b>New Tree Preservation Orders (TPO)</b>	<b>2</b> (1)
New Enforcement Notice issued	5	<b>Tree Replacement Notice</b>	-
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
Total	6 (2)		
<b>Prosecutions:</b> (instructed)	0 (1)		

Note (*figures are for the period (29<sup>th</sup> October – 2<sup>nd</sup> December 2013)*) and the figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous months figures

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

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

## 2.00 New Enforcement Actions

- 2.01 2A Crown Road, Morden SM4** An enforcement notice was issued on 30<sup>th</sup> October 2013 against an unauthorised conversion of an Islamic prayer meeting room (D1 community use) into three self-contained residential units comprising two 1-bedroom apartments and a 2-bedroom flat. The notice would come into effect on 12<sup>th</sup> December 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 6 months. Two enforcement notices were issued – one for the material change of use, and the other for the operational development involved in the creation of the residential units.
- 2.02 2 Crowland Walk, Morden SM4** An enforcement notice was issued against the material change of use of part of the land from a single family dwellinghouse into a self-contained residential unit on 30<sup>th</sup> October 2013. The notice would come into effect 12<sup>th</sup> December unless there is an appeal prior to that date and the requirement would be for the unauthorised use to cease within three months. A second notice was issued against the operational development in carrying out the conversion works.
- 2.03 16 – 20 Kingston Road, Wimbledon SW19** A breach of Condition Notice (BCN) was issued on 6<sup>th</sup> November 2013 against Grenfell Housing Association for breaching a planning condition requiring an identified vehicle parking area to be kept for parking. The notice came into effect immediately as there is no right of appeal and the business has 39 days to comply.

- 2.04 41 Leamington Avenue, Morden SM4** An enforcement notice was issued on 13<sup>th</sup> November against the material change of use of a domestic garage at the rear of the land into commercial use involving car repairs. The notice would come into effect on 1<sup>st</sup> January 2014 unless there is an appeal prior to that date and the requirement would be for the unauthorised use to cease within one month.

#### Some Recent Enforcement Actions

- 2.05 Rapid Ready Mix, Alpha Place, Garth Road SM4** a breach of Condition Notice was issued on 9<sup>th</sup> October against the business for breaching a planning condition relating to the hours of working. The notice came into effect immediately as there is right of appeal and the business has 28 days to comply and operate within the approved hours.
- 2.06 84 Sherwood Park Road Mitcham CR4** A section 215 Amenity land Notice was issued on 19<sup>th</sup> September 2013 to require the owners to repair broken fence after clearing overgrown bushes and tidy up the rear garden. The notice comes into effect in 28 days unless there is an appeal to the Magistrate Court. An appeal has been made to Croydon Magistrate Court
- 2.07 23A Bruce Road, Mitcham,** The Council issued a section 215 Amenity Land Notice on 27<sup>th</sup> August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice came into effect on 25<sup>th</sup> September as there was no appeal.
- 2.08 150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21<sup>st</sup> August 2013 against the unauthorised erection of a four storey building with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An appeal has been registered.
- 2.09 Land at 120 Gorringe Park Avenue, Mitcham,** An enforcement notice was issued on 8<sup>th</sup> August 2013 against the unauthorised erection of single storey rear extension. The notice would become effective on 8<sup>th</sup> January 2014 unless an appeal is made prior to that date or the notice complied with, in which case the notice will be withdrawn. The reason for this is that planning permission has been granted for the retention of part of the L-shaped structure with a replacement roof which means some part the existing structure will have to be demolished at some stage. The enforcement action is required to ensure this happens on time. Once effective, the notice would require the demolition of the structure within 2 months.
- 2.10 Land at 7 Morden Gardens CR4.** An enforcement notice was issued on 9/7/13 against the erection of a corrugated plastic and timber lean-to rear extension. The notice became effective as the owners run out of time in making an appeal. The notice therefore came into effect on 9<sup>th</sup> September and requires the removal of the unauthorised structure within 3 months of the effective date. A letter has been sent to the landlord advising that they would be prosecuted for non-compliance unless the required works are completed within 28 days.

**2.11 Flat 3, 28 Lingfield Road, SW19** Enforcement notice was issued on 14/3/13 against an unauthorised uPVC window replacement. The notice would come into effect on 25/4/13 unless there is an appeal prior to that date. The windows have been replaced and the notice has been complied with. Case is recommended for closure.

### **3.0 New Enforcement Appeals**

- **84 Sherwood Park Avenue** – An appeal against the section 215 Notice was made at Croydon Magistrate Court, officers met on 26<sup>th</sup> November and a date was set for a hearing on 3<sup>rd</sup> March 2014.
- **27 Pitcairn Road, Mitcham CR4** An enforcement notice was issued on 10<sup>th</sup> October 2013 against an unauthorised change of use of a garage/outbuilding into residential accommodation. The notice would come into effect on 21<sup>st</sup> November 2013 unless an appeal is made prior to that date and would require the cessation of the unauthorised use within 4 months. An enforcement appeal is now under way.
- **150-152 Haydons Park Road, SW19** An enforcement notice was issued on 21<sup>st</sup> August 2013 against the unauthorised erection of a four storey building with lower and upper basement floors providing nine residential units (5 flats and 2 studio flats), office space and storage in the sub-basement level and office space in the upper basement level. The notice requires the demolition of the building within 4 months of the effective date. An enforcement appeal and two planning appeals have been registered but are co-joined to be dealt together.

### **3.1 Existing enforcement appeals**

- **2 Lyndhurst Avenue SW16 – an appeal has been registered on 13/8/13 against** an enforcement notice issued on 18/7/13 against the unauthorised conversion of the property into 2 self-contained flats. The appeal is proceeding by written representation and consultation letters were sent out on 27/8/13. The Council's final comment was sent on 17<sup>th</sup> October 2013.
- **68 Bond Road CR4.** An enforcement notice was issued on 18<sup>th</sup> July 2013 against the unauthorised erection of single storey rear extension and conservatory addition and an outbuilding. An appeal is proceeding by written representations under ground 'F' only. An inspector site visit took place on Thursday 28<sup>th</sup> November 2013.

### **3.2 Appeals determined -**

None.

### **3.3 Prosecution case.**

- **35 Marian Road** Enforcement notice against the erection of a 2 storey house which was not built in accordance with a planning permission was issued on 07/09/09 with a requirement to demolish the building. An appeal against the

notice was dismissed on 26/01/10 and the landlord was prosecuted for not complying with the requirements of the notice. .

**First prosecution - on 23/3/11** at Wimbledon Crown Court, the landlord pleaded guilty to the offence of not complying with the enforcement notice. He was fined £2,000 and ordered to pay the Council's full costs of £1,197.50 plus the £15 victim's surcharge, being a total of £3,212.50.

**Second prosecution** – was required for failure to comply with the requirements of the enforcement notice. It took place on 8/1/13 at Richmond Magistrate Court after several postponements on the part of the defendant. The owner pleaded guilty. However, the case was referred to the Crown court for sentencing as the magistrate felt they are restricted to only £20,000 on the amount of fines they can impose.

**Crown Court Sentencing** – At Kingston Crown Court on 11/2/13 sentencing was deferred until after September 2013 this was because an application was made and agreed by the court that investigations should be carried out on the defendant, under the terms of the Proceeds of Crime Act 2002 (POCA) and these investigations are progressing accordingly. The Council has sent a statement indicating the amount of money the defendant is expected to respond as part of the POCA procedure.

**4/10/13** – case was deferred to 17/1/14 as the defendant claimed to have changed legal representation and therefore did not receive the council's notifications. The Judge was upset but had to grant the adjournment but the court insists that the case will have to be heard in January 2014.

### **3.4 Requested updates from PAC**

**23A Bruce Road, Mitcham**, The Council issued a section 215 Amenity Land Notice on 27<sup>th</sup> August 2013 to require the owners to prune an overgrown tree near the property, cut back overgrown bushes, vegetation and remove weeds in the rear garden. The notice comes into effect in 28 days unless there is an appeal to the Magistrate. Direct action is being considered and if approved, the remedial works could be carried out by the Council and a charge would be put on the property.

#### **Burn Bullock PH, London Road, Mitcham** –

The landlord has now cleared both the front and rear of the site and removed the rubbish. The guttering has been cleared and fixed and the glass for the windows has been ordered as this has to cut it to the correct size.

The landlord is aware of the lead that has been stolen from the top of the toilets which were on the side of the building but not on the oldest part of the building. He has promised to get it fixed and repaired.

### **4. Consultation undertaken or proposed**

None required for the purposes of this report

- 5 Timetable**  
N/A
- 6. Financial, resource and property implications**  
N/A
- 7. Legal and statutory implications**  
N/A
- 8. Human rights, equalities and community cohesion implications**  
N/A
- 9. Crime and disorder implications**  
N/A
- 10. Risk Management and Health and Safety implications.**  
N/A
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**  
N/A
- 12. Background Papers**