

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

Tobin Byers

David Dean

Ross Garrod

Daniel Holden

Abigail Jones

Philip Jones

Peter Southgate

Geraldine Stanford

Substitute Members:

Janice Howard

Najeeb Latif

Ian Munn BSc, MRTPI(Rtd)

John Sargeant

Imran Uddin

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

Date: 12 February 2015

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 or telephone 020 8545 3357

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Planning Applications Committee

12 February 2015

- 1 Declarations of interest
- 2 Apologies for absence
- 3 Minutes of the previous meeting 1 - 6
Officer Recommendation:
That the Minutes of the meeting held on 15 January 2015 be agreed as a correct record.
- 4 Town Planning Applications - Covering Report 7 - 10
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 27 Cannon Hill Lane, Raynes Park, SW20 9JY (Ref. 14/P2373) (Cannon Hill Ward) 11 - 44
Officer Recommendation:
Grant Permission subject to conditions.
- 6 111 Coombe Lane, Raynes Park, SW20 0QY (Ref. 14/P2600) (Cannon Hill Ward) 45 - 72
Officer Recommendation:
Grant Permission subject to conditions.
- 7 3 Cranbrook Road, Wimbledon, SW19 4HD (Ref. 12/P1012) (Hillside Ward) 73 - 92
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions
- 8 Haydon Road Service Station, 298 Haydons Road, South Wimbledon, SW19 8JZ (Ref. 14/P3578) (Wimbledon Park Ward) 93 - 136
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions.
- 9 34-40 Morden Road, South Wimbledon, SW19 3BJ (Ref. 14/P3856) (Abbey Ward) 137 - 202
Officer Recommendation:
Grant Permission subject to S.106 Obligation and conditions

- | | | |
|----|---|-----------|
| 10 | Tree Preservation Order (No.685) at rear of Milk Depot, 53 Gap Road, Wimbledon, SW19 8JA (Wimbledon Park Ward) | 203 - 210 |
| | Officer Recommendation:
That the Merton (No.665) Tree Preservation Order 2014 be confirmed, but be modified by a correction to the reference on the map referred to under Schedule 1 of the Order to read W1 rather than T1. | |
| 11 | Tree Preservation Order (No.666) at 30 Bradshaw Close, Wimbledon, SW19 8NL (Trinity Ward) | 211 - 216 |
| | Officer Recommendation:
The Merton (No.666) Tree Preservation Order 2014 be confirmed without modification. | |
| 12 | Planning Appeal Decisions | 217 - 220 |
| | Officer Recommendation:
That Members note the contents of the report. | |
| 13 | Planning Enforcement - Summary of Current Cases | 221 - 226 |
| | 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) 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) 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 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>

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.

PLANNING APPLICATIONS COMMITTEE

15 JANUARY 2015

(19.15 - 20.40)

PRESENT: Councillors Councillor Linda Kirby (in the Chair),
Councillor John Bowcott, Councillor Tobin Byers,
Councillor David Dean, Councillor Ross Garrod,
Councillor Daniel Holden, Councillor Abigail Jones,
Councillor Philip Jones, Councillor Peter Southgate and
Councillor Geraldine Stanford

ALSO PRESENT: Neil Milligan (Development Control Manager, ENVR) and
Michael Udall (Democratic Services)

1 FILMING (Agenda Item)

The Chair confirmed that, as stated on the agenda, the meeting would be filmed and broadcast via the Council's web-site.

2 DECLARATIONS OF INTEREST (Agenda Item 1)

None.

3 APOLOGIES FOR ABSENCE (Agenda Item 2)

None.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the Minutes of the meeting held on 11 December 2014 be agreed as a correct record.

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

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

(a) Modifications Sheet: A list of modifications for items 5, 6, 9 & 10 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 5 & 6 (objectors only). 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 received no oral representations at the meeting from other Councillors (who were not members of the Committee for this meeting).

(c) Order of the Agenda – Following consultation with other Members, the Chair amended the order of items to the following - 5, 6, 7, 10, 8, & then 9.

RESOLVED : That the following decisions are made:

6 98 AYLWARD ROAD, MERTON PARK, SW20 9AQ (REF. 14/P3204)
(MERTON PARK WARD) (Agenda Item 5)

1. Proposal – Retention of a single storey detached building.

2. Use of the outbuilding – As part of their oral representations, the objector alleged that the outbuilding was used by the applicant as a full time residence and the main building was used as a lodging house. As part of their oral representations, the applicant stated that they didn't live permanently in the outbuilding, but used it as a private space and did sometimes visit the outbuilding at night to check on their dogs.

2.1 Officers advised that as the outbuilding didn't include the necessary facilities such as a toilet, it did not constitute a separate dwelling, and that there was case law to support this. There was extensive discussion of the previous use and possible future use of the outbuilding. Officers confirmed that if a toilet or shower were to be installed, then enforcement action could be taken.

3. Use of the main building – Reference was made to the use of the main building as a small HMO (house in multiple-occupation) and the allegation by objectors that the back door to the house (leading to the garden) was locked from the outside at night, stopping its use as a fire exit, and that the building didn't have a proper gas safety certificate. Officers undertook to draw such health and safety issues to the attention of Environmental Health, but advised that such issues were not material in considering the current planning application, and the same applied to the allegation that the outbuilding was used as a dog business.

4. Lost Refusal Motion – Some members disagreed with officer advice as to whether the outbuilding constituted a dwelling. It was moved and seconded that the application be refused on the grounds that the proposal would constitute a dwelling and would be too small for that purpose by failing to meet the London Plan's specifications for minimum floor area for a dwelling. The motion was lost by 5 votes to 2 (Councillors David Dean and Daniel Holden voting for the motion.). The Application was subsequently approved as indicated below.

Decision: Item 5 - ref. 14/P3204 (98 Aylward Road, Merton Park, SW20 9AQ)

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

7 42 BEULAH ROAD, WIMBLEDON, SW19 3SB (REF. 14/P3275)
(DUNDONALD WARD) (Agenda Item 6)

1. Proposal – Demolition of existing garage/workshop and the erection of a mixed use three story building comprising ground floor office space (Class B1), 3 x 1 bed flats (2 at first floor and 1 at second floor) (Class C3).

2. Balcony/Terrace Screening – Officers drew attention to the amendments to the officer report included on the tabled modifications sheet for various items, including the proposed imposition of extra conditions, including a condition regarding balcony/terrace screening requiring that any screening be a minimum of 1.75m in height meaning that a person standing on the rear balcony/terrace of the proposed development would need to be at least 6ft tall to see directly the properties in Graham Road. Officers also indicated that higher screening could possibly be considered, but as indicated below, the Committee subsequently agreed to the proposal that the screening be a minimum of 1.75m in height.

3. Window distances – In response to queries about separation distances between the windows at the rear of the proposed development and rear windows of properties in Graham Road, officers advised that due to the sloping/raked design of the proposal, the distances were different at different heights, including 15.5m, just above first storey level, 20m slightly higher up and then more than 20m still higher up, resulting in part of the first floor windows being below the 20m minimum separation distance and part exceeding the 20m minimum.

4. Green Wall – In response to a suggestion that an extra condition be imposed requiring that there be a green wall on the rear wall of the proposed development facing properties in Graham Road, officers explained that such a green wall would probably necessitate the redesign of the proposed development; and that due to the proposed new building being located on the rear boundary of the application site, such a green wall would be difficult to maintain. As indicated below, the Committee subsequently didn't impose any requirement for provision of a green wall.

3. Lost Refusal Motion – Some members were concerned about the size of the proposed development and part of the first floor windows being below the 20m minimum separation distance to windows of properties in Graham Road. It was moved and seconded that the application be refused on the grounds that the massing/bulk of the proposal would be excessive and the proposal's rear windows at first floor level would fail to meet the Council's policy for a minimum separation distance of 20m. The motion was lost by 5 votes to 2. The Application was subsequently approved as indicated below by 6 votes to 2 (Councillors David Dean and Daniel Holden dissenting and voting for the above lost motion.)

Decision: Item 6 - ref. 14/P3275 (42 Beulah Road, Wimbledon, SW19 3SB (Ref. 14/P3275))

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 34 ELMHURST AVENUE, MITCHAM, CR4 2HN (REF.14/P4153)
(GRAVENEY WARD) (Agenda Item 7)

1. Proposal – Demolition of existing garage and the erection of a detached single storey unit of accommodation.

2. Size - A Member referred to the officer report indicating that, compared to the previous application, the current scheme was no higher but had a greater footprint and queried how the officer's report's conclusion (in para. 8.1) could then state that the current scheme "represents a significant reduction in the bulk and massing from original proposals and a material improvement on the most recent appealed proposals". Officers agreed that there was no significant reduction compared to the previous scheme; apologised for the report's wording, but suggested that the report was meaning to indicate that there had been significant reduction compared to the original proposals submitted some years previously.

3. Ancillary Accommodation – Officers highlighted that a standard condition was proposed requiring that proposed new development be not occupied at any time other than for purposes ancillary to the residential use of the existing dwelling at 34 Elmhurst Avenue. Officers also confirmed that all access to the new development would be via the existing house at 34 Elmhurst Avenue, as no separate access to the street was proposed for the new development.

4. Approval - The application was approved by 7 votes to 2 (Councillors David Dean and Linda Kirby dissenting; and Councillor Geraldine Stanford not voting).

Decision: Item 8 - ref. 14/P4153 (34 Elmhurst Avenue, Mitcham, CR4 2HN)

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

9 LAND FORMERLY OCCUPIED BY COMMUNITY CENTRE AT WOODSTOCK WAY, MITCHAM CR4 1BA(REF.14/P1232) (LONGHORTON WARD) (Agenda Item 10)

1. Reason for Urgency - The Chair had approved the submission of this report as a matter of urgency for the reasons detailed below –
At the meeting of PAC in August 2014, the Committee had approved the application, subject to samples of the colours and facing materials for the development being brought to Committee for approval. At rather short notice the applicant had advised that their architects had a set of samples and colour images they wished to use in order to construct the scheme. As before, the applicants are working to a tight timetable in order to get the development constructed on site and had asked if the materials could be considered by the Committee this week at this February meeting.

2. Red facing material – Officers advised that the red colour proposed would be used on the internal parts of the balconies and would not be easily seen from outside.

Decision: Item 8 - ref. 14/P1232 (Land formerly occupied by community centre at Woodstock Way, Mitcham, CR4 1BA)

APPROVE facing materials and amend proposed conditions agreed following consideration of the planning application at PAC on 21st August 2014 so as to ensure the development is completed in accordance with the facing materials as set out in the officer case report and the tabled modifications sheet.

10 PLANNING APPEAL DECISIONS (Agenda Item 8)

RECEIVED

11 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 9)

(a) Number of cases - Officers advised that the apparent increase in the number of cases compared to previous reports was due to the new way of counting cases using the more accurate M3 computer system.

(b) 25 Malcolm Road, Wimbledon, SW19 (para. 2.03) – Officers advised that, notwithstanding the recent County Court decision quashing a Section 215 notice relating to a rear garden in Dorking (reported to the December Committee), officers were considering serving a notice to deal with the rear garden at 25 Malcolm Road.

(c) Burn Bullock PH, 315 London Road, Mitcham, CR4 (para.'s 2.05 & 2.07) – Officers undertook to advise Councillor Ross Garrod when the two week period for the removal of cars from the site (referred to in para. 2.07) would expire.

RECEIVED

12 PROPOSED MODIFICATIONS (FOR VARIOUS ITEM) (Agenda Item 11)

See above Minute on Item 4 (Town Planning Applications – Covering Report).

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Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 12th February 2015

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

Lead member: COUNCILLOR LINDA KIRBY, CHAIR OF PLANNING APPLICATIONS COMMITTEE

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

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).

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

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

2. DETAILS

2.1 This report considers various applications for Planning Permission and may also include applications for Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.

2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 2.3 In Merton the Development Plan comprises: The London Plan (July 2011) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework (“NPPF”) which came into effect in March 2012 is also of particular relevance in the determination of planning applications.
- 2.4 Members’ attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 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.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking providing for example affordable housing contributions, and applications for advertisement consent.

3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.
- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that “the purpose of the planning system is to

contribute to the achievement of sustainable development” and that “there are three dimensions to sustainable development: economic, social and environmental”.

- 3.3 The NPPF states that “pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life”, and that “at the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking”.
- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011. Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

- 4.1. None for the purposes of this report, which is of a general nature outlining considerations relevant to the reports for specific land development proposals.

5 CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

- 6.1. As set out in the body of the report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

7 LEGAL AND STATUTORY IMPLICATIONS

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

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These applications have been considered in the light of the Human Rights Act (“The Act”) and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.
- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and

to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.

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

9 CRIME AND DISORDER IMPLICATIONS

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

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

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

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

- 11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2011)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

- Appropriate Government Circulars and Guidance Notes and in particular the NPPF.
- Town Planning Legislation.
- The Mayor of London's Supplementary Planning Guidance.
- Merton's Supplementary Planning Guidance.
- Merton's Standard Planning Conditions and Reasons.
- Town & Country Planning (Environmental Impact Assessment) Regulations 2011

PLANNING APPLICATIONS COMMITTEE
12 February 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P2373	14/08/2014
Address:	27 Cannon Hill Lane Raynes Park SW20 9JY	
Ward:	Cannon Hill	
Proposal:	Erection of part single, part double storey end of terrace building to the side of 27 Cannon Hill Lane with accommodation in the roof space and basement with a single storey rear extension and rear roof extension constructed to the existing dwelling house and provision within the existing and proposed floor space of five flats [a single three bedroom flat, a single one bedroom flat and 3 two bedroom flats] with five off street parking spaces accessed from Cannon Hill Lane.	
Drawing No's:	Site Location Plan; 001C; 002B; 003B; Assessment of effects of basement construction on Groundwater and Hydrology and Construction Method Statement.	
Contact Officer:	Tony Ryan [020 8545 3114]	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION.

- S106: N/A;
 - Has an Environmental Impact Assessment been submitted: No;
 - Site notice: Yes;
 - Design Review Panel consulted: No;
 - Archaeological Priority Zone: No;
 - Area at risk of flooding: No;
 - Controlled Parking Zone: No;
 - Conservation Area: No;
 - Trees: No protected trees;
 - Number of neighbours consulted: 19
 - Sites and Policies Plan: None
 - External consultations: None;
 - PTAL: 3 [TFL Planning Information Database];
 - Density: 200 habitable rooms per hectare;
 - Number of jobs created: N/A
-

1. INTRODUCTION

- 1.1 This application is brought to the Planning Applications Committee for Members' consideration due the level of public interest shown in this proposal as a result of public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site is an end-of-terrace dwelling house sited at the junction of Cannon Hill Lane and Springfield Avenue. It is a triangular plot with the majority of the garden space located to the side of the existing dwelling.
- 2.2 The existing property on the application site is at the end of a terrace of five properties. As a result of it's siting on the junction of Springfield Avenue the application property is on an irregular shaped plot. The site has vehicle access from Springfield Avenue that was used to access the garage that has now been demolished. The property has not been the subject of any extensions, retaining its hipped roof, and has bay windows to the front and an oriel window to the first floor side elevation
- 2.3 The site is not located in a designated Archaeological Priority Zone, is not in a flood zone, is not in a Conservation Area, and not located within a Controlled Parking Zone. Cannon Hill Lane is classified as a local access road serving as an emergency route. The site has a medium Public Transport Accessibility Level [PTAL] of 3 [where 1a represents the least accessible areas and 6b the most accessible].

3. CURRENT PROPOSAL

- 3.1 The current proposal is for the construction of an end of terrace building with accommodation on four levels including the roof and basement. The proposal includes a single storey ground floor extension and roof extension to the rear of the existing dwelling house and the conversion of the combined existing and proposed floor space to provide five flats. The flats include a single three bedroom flat, 3 two bedroom flats and 1 one bedroom flat with five off street parking spaces.

Table 1: Gross internal floor areas and amenity space provision

Unit	Bedrooms	Bedroom spaces	Floor area [Sq. M]	London Plan standard [Sq. M]	External amenity [Sq. M]	Sites and Policies standard
1	3	4	96	74	41	7
2	1	2	50	50	54 shared*	5
3	2	3	71	61	54 shared*	6
4	3	4	121	74	54	7
5	2	3	63	61	54 shared*	6

* 54 square metres of amenity space is shared between flats 2, 3 and 5.

- 3.2 The application site benefits from an extant planning permission for a two storey, four bedroom end of terrace property. With the current proposal for five flats the external differences between the extant planning permission and the current proposal include the following:
- Addition of a basement and light wells to the new building;
 - Addition of a rear roof extension to the new building;
 - Addition of a rear roof extension to the existing building;
 - Addition of a single storey rear extension to the existing building;
 - A new roof light to the front elevation of the new building,
 - Changes to the window locations on the side and rear elevations of the new building.

4. PLANNING HISTORY.

- 4.1 Planning permission was refused in April 2012 [reference 11/p3172] for the erection of a two-storey end-of-terrace 4-bed dwelling house on land to the side of 27 Cannon Hill Lane incorporating 1 off-street parking space. The reasons for refusal were as follows:

“1.The proposed single storey back addition to the new dwelling by reason of its design, size and siting would be visually intrusive and result in a loss of outlook to the detriment of the amenity of the occupiers of 27 Cannon Hill Lane and would be contrary to policy BE.15 of the Merton Unitary Development Plan (2003).

2) The proposed new dwelling, by reason of the proposed site layout plan, would fail to provide adequate private rear garden space to meet the likely needs of future occupiers to the detriment of their amenities and would be contrary to policy HS.1of the Merton Unitary Development Plan (2003).

3) The proposed dwelling by reason of its design, siting, height, bulk and massing would fail to respond to, or reinforce the locally distinctive pattern of development, resulting in a new dwelling with a frontage that would significantly exceed that of adjoining properties; the proposed building projecting significantly forward of neighbouring terraces in Springfield Avenue and resulting in the loss of a visual gap on the Springfield Road boundary would have a detrimental impact on the visual amenities of the Cannon Hill Lane street scene; on local suburban character and on the local distinctiveness of the adjoining townscape. The proposals would therefore be contrary to policies BE 16, BE.18 and BE 22 of the Unitary Development Plan (2003) and Core Strategy Policy CS.14 (2011)”

- 4.2 Planning permission was refused in September 2012 [reference 12/p1430] for the erection of a two-storey end-of-terrace 4 bedroom dwelling house on land to the side of 27 Cannon Hill Lane incorporating alterations to the roof at no 27 and 1 off-street parking space. The reasons for the refusal of permission were as follows:

“The proposed development by reason of its design, siting, scale, bulk and massing, would (a) fail to respond to and reinforce the locally distinctive patterns of development in the existing street scene; (b) fail to provide a high standard of design that will complement the character and local distinctiveness of the adjoining street scene; (c) result in an adverse impact on the suburban characteristics of the streetscape; and (d) fail to provide an adequate usable private garden space due to its shape; contrary to Policies BE.16, paragraph (i) and BE.22 , paragraph (ii), of the Adopted Merton Unitary Development Plan (October 2003), and contrary to Policy CS.14 (d) (iii) of the Merton LDF Core Planning Strategy (2011)”.

- 4.3 A subsequent appeal to the Secretary of State against the Council’s decision was allowed and planning permission was granted for a two-storey end-of-terrace 4 bedroom dwelling house on the 20 March 2013. This permission expires on the 20 March 2016.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 19 neighbouring properties.

- 5.2 As a result of this consultation seven letters have been received objecting to the proposal on the following grounds:

- The proposed off street parking will ‘eradicate the gardens fronting Cannon Hill Lane’ and would have a negative impact on the visual appearance of the street;
- The development is not in keeping with the rhythm, scale and density of the surrounding buildings;
- The development would be contrary to Core Strategy policy CS14;
- The access to these parking spaces is unclear;
- The proximity of the access to the road junction will damage highway safety;
- The development is ‘not in keeping with the nature and density of living and would deprive the area of family housing’.
- The applicant’s claim about extended family occupying the units is irrelevant;
- The development will increase the pressure on limited local parking provision;
- The development will put a strain on infrastructure;
- The access to the off street parking will reduce on street parking capacity;
- The construction work will harm highway safety;
- There is insufficient parking provided for the residential accommodation;
- The proposal is an overdevelopment of the site;
- The proposed units are of a poor standard in terms of amenity space;
- The proposal does not meet the requirement for 50% of all new developments to be family accommodation;
- The development will set a precedent;
- The development will lead to a loss of privacy;

- Building works will generate noise and disturbance;
- The artificial light emitted from the development will cause disturbance to neighbours.

5.3 **LB Merton Transport Planning** The proposed site is located within an area with a medium Public Transport Accessibility level and outside a Controlled Parking Zone. On the basis that the original proposal is revised to include the removal of one off street car parking, the redesign of the crossover and the relocation of the existing telegraph pole it is considered this application will not have any adverse effects on highway function or safety. On the basis of these changes there are no transport objections to this proposal subject to the standard condition relating to vehicular access and informatives with regard to works on the public highway and the relocation of the telegraph pole

6. **POLICY CONTEXT**

The London Plan [July 2011].

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [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]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

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

Merton Supplementary Planning Guidance

6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

Merton LDF Core Planning Strategy [adopted July 2011]

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

Merton Sites and Policies Plan [adopted July 2014]

6.5 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DM T1 [Support for

sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

National Planning Policy Framework [March 2012]

- 6.6 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.
- 6.7 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.8 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.
- 6.9 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.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the siting, layout, design, appearance of the proposal, assessing the potential impact on the amenities of adjacent residential occupiers in terms of privacy, loss of sunlight and daylight; the potential impact of the basement and assessing potential issues from the development relating to traffic generation, transport and car parking.

Need for additional housing and housing mix

- 7.2 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.
- 7.3 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. There is a minimum target of 500 to 600 homes in the Raynes Park sub area where the proposal site is located with the expectation that the target is exceeded where possible.

- 7.4 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. Policy CS 14 requires the provision of a family sized unit as part of a conversion proposal.
- 7.5 The application site involves the conversion of an existing residential property into flats with additional floor space provided by a new building on adjacent garden land. The principle of a new residential building on this adjacent garden land has been established by an earlier appeal decision to approve permission for a two storey; four bedroom end of terrace property [expires 20 March 2016].
- 7.6 The current application involves the loss of a four bedroom house and provision of a single three bedroom flat, a single one bedroom flat and 3 two bedroom flats. The current proposed redevelopment will improve the local mix of accommodation providing smaller units and help meet the housing target set out in policy CS.9. The new accommodation includes the provision of a three bedroom family unit in line with the requirement set out in policy CS14.
- 7.7 In response to comments made in a consultation response, whilst evidence on housing need identifies that nearly 50% of future housing delivery should take the form of 3 bedroom units, there is no requirement for 50% of units within conversion schemes to be 3 bedroom units.
- 7.8 In this context an increase in the development density on this site and the provision of residential development has 'in principle' support subject to consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and the impact on amenity.

Residential density

- 7.9 The London Plan states that in urban areas such as the application site surrounding with a Public Transport Accessibility Level of 3 the residential density should be within a range of 150 to 250 habitable rooms per hectare. This residential development covers a site area of 0.08 hectares and includes provision of 16 habitable rooms; the residential density of the development is therefore calculated as 200 habitable rooms per hectare. The residential density of the proposed development is within the density range set out in the London Plan and is considered acceptable for this location.
- 7.10 Density on its own does not provide a reliable guide as to whether an infill development such as this is acceptable. Whether a more intensive form of development would be acceptable requires consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and impact on amenity and parking which are addressed below.

Building scale, appearance, siting and layout

- 7.11 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.
- 7.12 The area surrounding the application site is residential in character with housing predominantly in the form of two storey terraced dwellings. The properties on the same side of Cannon Hill Lane as the application site generally have regular plot widths and well defined building lines with greater variety in building design on the opposite side of Cannon Hill Lane.
- 7.13 The scale and appearance of the proposed an end-of-terrace building is considered appropriate for this location. The design of the proposed building reflects the height, width, scale and design of properties in the adjoining terrace and maintains the building line along Cannon Hill Lane.
- 7.14 With regard to the building on garden land, this land has not been safeguarded for any other use and the size of the plot is considered sufficient for the purposes of the proposal. Notwithstanding the tapered shape of the dwelling, the layout and alignment of the development is considered to make good use of the land on this site and is in keeping with the overall character of the surrounding area.
- 7.15 The presence of an extant planning permission for a two storey four bedroom end of terrace property on the application site is also highlighted. The new building proposed as part of the current application is similar to the extant planning permission for a new house in terms of external appearance, building footprint, building width and notwithstanding the addition of a rear roof extension the overall building height.
- 7.16 In addition to the proposed rear roof extension, a new rear roof extension is also proposed to the existing property. There are existing roof extensions to the front and rear elevations of the property adjacent to the application site [29 Cannon Hill Lane] and other rear roof extensions found on properties nearby.
- 7.17 The scale and appearance of the proposed roof extensions are considered acceptable and in keeping with the appearance of the existing building, the proposed new building and the surrounding area. It is also highlighted that due to their relatively small size the roof extensions would normally be permitted development and not require the submission of an application for planning permission.
- 7.18 After consideration by the planning appeal Inspector, the extant planning permission includes a three metre long flat roof single storey extension to the new building. The current application involves four metre long flat roof

extensions to both the existing and proposed buildings. The design and appearance of these extensions are considered acceptable.

- 7.19 The extant planning permission included a single off street parking space to the front of the site. The submitted plans show an enlarged area of hardstanding providing five off street car parking spaces. With the majority of nearby properties in Springfield Avenue and Cannon Hill Lane currently provided with off street parking in their front gardens, a similar approach in this location would not appear out of character.
- 7.20 After assessment of the current proposal, the width of the crossover necessary to access the five spaces is considered detrimental to pedestrians using Cannon Hill Lane especially the visually impaired. The applicant has been requested to amend the proposal with the removal of one off street car parking space and the provision of two separate vehicular crossovers. A planning condition is recommended to seek the submission of details of amendments to the parking spaces. An informative is recommended advising of the requirement at the applicant's expense to relocate the existing telegraph pole in Cannon Hill Lane.
- 7.21 In conclusion the design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policy CS14 of the Core Strategy and policy 7.4 of the London Plan.

Proposed new basement, flooding and construction method.

- 7.22 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for basements should be wholly confined within the curtilage of the application property and be designed to maintain and safeguard the structural stability of the application building and nearby buildings. Basements should not harm heritage assets and should not exceed 50% of either the front, rear or side garden of the property.
- 7.23 Policy DM D2 states that basements should not cause loss, damage or a long term threat to trees of townscape or amenity value. Proposals for basements should ensure that any externally visible elements such as light wells, and roof lights are sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity. Proposals should make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan.
- 7.24 The current proposal includes the construction of a basement under the proposed new building. It is highlighted that the basement does not extend under the existing building or any garden area and is no larger than the footprint of the new building. The application property is not located in a conservation area, it is not on the local or national list of historically important buildings and the proposal will not harm any heritage assets.
- 7.25 There are no trees on the application site that will be affected by the proposed development and it is considered unlikely that the development will have any

impact on the small existing street tree in Springfield Avenue. The proposed basement includes the excavation of light wells to the front, side and rear of the new building. These light wells due to their location at ground level and boundary fencing will have no impact on residential amenity. A planning condition is recommended to ensure that the development will meet Code for Sustainable Homes Level 4 and the current carbon reduction requirements of the London Plan.

- 7.26 In support of the planning application the applicant has provided a statement in relation to the potential impact of the basement on groundwater and hydrology and a construction method statement. The application site is not in an area at risk from flooding or a Groundwater Source Protection Zone as defined by the Environment Agency. The statement reports that British Geological Survey data shows that the bedrock geology under the application site is London Clay, with small deposits of sands and gravels known as Kempton Park Gravel Formation.
- 7.27 The submitted assessment reports that hydrogeology maps show that the ground under the application site comprises rocks with essentially no groundwater. It is stated that it is likely that little or no groundwater is present due to the presence of underlying clays up to 140 metres thick that constrain the lower aquifers. The assessment concludes that it is "...highly unlikely that there will be any significant effects arising from the construction of a basement on the surrounding properties, particularly with respect to the water table and groundwater movement".
- 7.28 The submitted construction method statement sets out the phasing of the work to excavate the basement and it is considered that the method of construction outlined will minimise any impact on residential amenity.
- 7.29 It is considered that the proposed basement is acceptable and will maintain and safeguard the structural stability of the application building and nearby buildings. It is considered that the proposed development is acceptable in terms of the impact on groundwater and surface water movements. The basement is considered in line with policy DM D2 of the adopted Sites and Policies and acceptable in terms of sustainability and unlikely to harm the amenities of adjacent residential occupiers.

Neighbour amenity - privacy and overlooking

- 7.30 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of privacy to adjoining gardens and quality of living conditions.
- 7.31 The extant planning permission includes windows to the side elevation of the new building and the current proposal includes changes to these windows. An objection has been raised to these windows due to the fact that they will directly overlook existing properties in Springfield Avenue.
- 7.32 A separation distance of 20 metres is generally recommended between opposing first floor habitable room windows in order to maintain privacy and

prevent overlooking. In this instance due to the angle of Springfield Avenue there are no properties located directly to the rear of the application site. The side elevation of the new building will face towards properties on the opposite side of Springfield Avenue.

- 7.33 Whilst the requirement for a 20 metre separation distance is not applied as rigidly in situations when windows overlook the public road, in this instance a distance of 21 metres separates the existing windows of properties in Springfield Avenue and the proposed new windows. In these circumstances it is not considered that the proposal will result in a loss of privacy.
- 7.34 The windows at first floor level to the side elevation are to a bathroom and a secondary bedroom window and if members of the committee consider it necessary a planning condition can be used to ensure that these first floor windows are fitted with obscured glass. A planning condition is also recommended to ensure that the flat roof areas are not used as external amenity space for future occupants.

Neighbour amenity - daylight, sunlight and visual intrusion.

- 7.35 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight and the quality of living conditions.
- 7.36 The proposal includes four metre deep single storey extension to the existing and proposed residential properties. The neighbouring property at 29 Cannon Hill Lane is closest to the proposed extensions. This neighbouring property is located to the south of the application site and has an existing single storey rear extension of a comparable depth.
- 7.37 With the separation distances from nearby dwellings including those in Springfield Avenue, the nature of the development and the relatively small scale of the proposed extensions it is considered that the development will not harm amenity in terms of daylight, sunlight or result in visual intrusion.

Neighbour amenity – noise, construction nuisance and artificial light

- 7.38 Policy DM EP2 of the sites and policies plan states that development which would have a significant effect on existing or future occupiers or the local amenity due to noise or vibration will not be permitted, unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.39 It is generally accepted that during the construction process there is likely to be unavoidable short term noise and disruption to adjoining occupiers. Planning conditions are recommended to ensure that any disruption during the construction process is minimised with these conditions controlling matters such as hours of operation and issues such as the storage of building materials.
- 7.40 An objection to the proposal raises concerns about the level of light that will be emitted from the windows of the proposed development. It is considered that the light generated by the development in terms of proposed windows will

be comparable to existing residential properties in the area and to the extant planning permission for a new house. A planning condition is recommended to ensure that any external security lighting to the development is angled to prevent nuisance to adjacent occupiers.

Standard of residential accommodation - internal layout and room sizes

- 7.41 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, 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.
- 7.42 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.
- 7.43 The table provided in section 3 of this report set out the gross internal areas for the proposed residential accommodation. The tables show that the proposed accommodation provides good levels of internal floor space that complies with the London Plan standards. All of the individual units are above minimum floor space requirements. The internal layout of the accommodation is considered to make 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.

Standard of residential accommodation - external amenity space

- 7.44 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.
- 7.45 In accordance with the London Housing Design Guide, the Council's Sites and Policies Plan states that there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed space. The table provided in section 3 of this report set out the areas of external space provided for each of the five residential units.
- 7.46 The total external amenity space requirement for the five units is 31 square metres and the proposed development will provide a total of 149 square of external space. The minimum requirement for Flat 2 is five square metres of private external space, for Flat 3 six square metres and Flat 5 six square metres. It is highlighted that due to the irregular shape of the site these three flats will share an area of 54 square metres. Whilst the external space will be shared it is considered that as a matter of planning judgment due to the large size of this area the amenity space for the proposed flats is considered acceptable.

Standard of residential accommodation - Lifetime Homes standards.

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

Transport - car parking

- 7.49 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one off street space for dwellings with one or two bedrooms a 'maximum' of 1.5 spaces for three bedroom dwellings.
- 7.50 The current proposal provides five car parking spaces that have direct access from Cannon Hill Lane. The development has been assessed in terms of the extant planning permission, the on-street parking capacity that is available locally. The level of parking provided is considered in line with the maximum standards set out in the London Plan and acceptable in principle subject to other considerations including sustainability and vehicle access that are set out below.

Transport – sustainability

- 7.51 In order to reduce carbon dioxide emissions and promote sustainable transport choices the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan states that new car parking provision should include facilities to charge electric vehicles [a requirement of 20% of total spaces]. A planning condition is recommended to ensure that this facility is provided.
- 7.52 The proposal includes the formation of an area of hardstanding. In order to reduce the level of surface water runoff a planning condition is recommended to ensure that the new surface is porous or that any runoff drains into a porous surface on the property.

Transport - vehicle access

- 7.53 Policy CS 19 of the adopted Core Strategy [2011] states that the Council will support and enhance the public transport network by encouraging developers to demonstrate that the proposals do not have an adverse effect on transport Policy CS20 of the Core Strategy [July 2011] states that the Council will

require developers to incorporate safe access to, and from the public highway.

- 7.54 The site is located on Cannon Hill Lane which is a local distributor road and at the junction with Springfield Avenue. At the rear of the application site is an unmade private track providing access to the rear gardens of properties in Cannon Hill Lane and Springfield Avenue. A dropped kerb in Springfield Avenue currently provides vehicular access to land to the side of the existing property on the application site that is surrounded by a two metre high timber fence. A planning condition is recommended to seek the reinstatement of the kerb in Springfield Avenue in the location of the existing crossover.
- 7.55 The design and location of the parking spaces will require a length of dropped kerb within Cannon Hill Lane. It is considered that due to the length of crossover required, this access will be detrimental to the use of the pavement by pedestrians and especially the visually impaired. In order to allow safer access to off street car parking spaces in this location the nearby telegraph pole will also need to be relocated.
- 7.56 Following consultation with the Council' Transport Planning Officer planning conditions are recommended seeking the removal of one off street car parking space and the provision of two separate crossovers to two groups of two off street spaces and the relocation of the telegraph pole.

Transport - refuse storage and collection.

- 7.57 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.58 The submitted application drawings show refuse and recycling storage areas for the new flats. This storage location is considered acceptable in principle and a planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.

Transport - cycling and pedestrian access

- 7.59 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 infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities. A planning condition is recommended to seek further information on cycle parking and to ensure that this cycle parking is provided and retained for the benefit of future residents.

Trees and landscaping

- 7.60 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. Sites and Policies Plan policy DM O2 states that development will not be permitted if it will damage or destroy any tree which is protected by a tree preservation order; is within a conservation area; or has significant amenity value unless the benefits of the development outweighs the tree's amenity value.
- 7.61 A planning condition is recommended to seek the submission of further details of new landscaping for approval and for this landscaping to be in place prior to the occupation of the proposed new dwellings, or the first planting season following occupation. A second planning condition seeks the replacement of the planting should any of it be lost within a five year period.

Sustainable design and construction.

- 7.62 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. Policy CS15 states that all new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes.
- 7.63 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

Other issues raised in public consultation

- 7.64 It is considered that the majority of the issues raised as a result of public consultation have been addressed in this report. The remaining issues are considered below.
- 7.65 It has been stated in consultation responses that the applicant's claim about extended family occupying the units is irrelevant. As it would be unreasonable to place restrictions on the occupation of the proposed accommodation the proposal has been assessed on the basis of the units being sold on the general market and not used by the applicant's family.
- 7.66 It has been stated in consultation responses that the development will set a precedent. The current application has been considered on its merits and planning permission cannot be refused on the grounds that a precedent would be set. The impact of new development on local property values whether this is positive or negative is not a valid planning consideration.
- 7.67 A concern has been expressed in relation to the strain that the development will put on infrastructure. It is highlighted that the current application is similar to the extant planning permission in terms of floor space and includes three additional bed spaces. The impact of development on infrastructure including

schools is mitigated through the Community Infrastructure Levy and details of this are set out below.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is under 0.5 hectares in area the site falls outside the scope of Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and in this context screening opinion is not required.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would be based on the charge of £35 per square metre of net additional space. The figure payable would be subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development is based on the charge of £115 per square metre. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

- 9.6 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.

- 9.7 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.

Provision of affordable housing.

- 9.8 On Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing should not be sought from small scale and self-build development. Following this change, the council can no longer seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000 square metres; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, no longer applies.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area with a satisfactory standard of living space with no detriment to highway safety or loss of amenity to neighbouring occupiers. The quantum of the proposed development, including the height and scale of the building in relation to surrounding properties is considered to be appropriate and in keeping with the character of the area.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

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: Site Location Plan; 001C; 002B; 003B; Assessment of effects of basement construction on Groundwater and Hydrology and Construction Method Statement. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Standard condition [Timing of construction work] No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not 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 Sites and Policies policy DM D2.

4. Amended standard condition [Construction phase impacts] Prior to the commencement of development a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall take place that is not in full accordance with the approved method statement. Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
5. Standard condition [Materials] No development shall take place until details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason for condition: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
6. Standard condition [Access to the flat roof] Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Reason for condition: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
7. Standard condition [Hardstandings] The hardstanding hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason for condition: To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Policies Plan 2014.
8. Standard condition [New Vehicle Access] No development shall commence until details of the proposed vehicular access to serve the proposed off street car parking spaces have been submitted in writing for approval to the Local Planning Authority including the relocation of the nearby telegraph pole. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those

details have been approved and completed in full. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.

9. Standard condition [Redundant crossovers] The development shall not be occupied until the existing redundant crossover in Springfield Avenue has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.
10. Non-standard condition [Car parking spaces] Notwithstanding the layout on the submitted plans prior to first occupation of the proposed new dwellings off street car parking, including an electric vehicle charging point, shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the car parking retained in accordance with the approved details permanently thereafter. 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.
11. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
12. Amended standard condition [Landscaping] Prior to occupation of the proposed accommodation landscaping shall be in place that is in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of 5 years from planting if any trees that form of the approved landscape plan die, if they are removed, if they become seriously damaged or diseased or are dying, they shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2011, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.

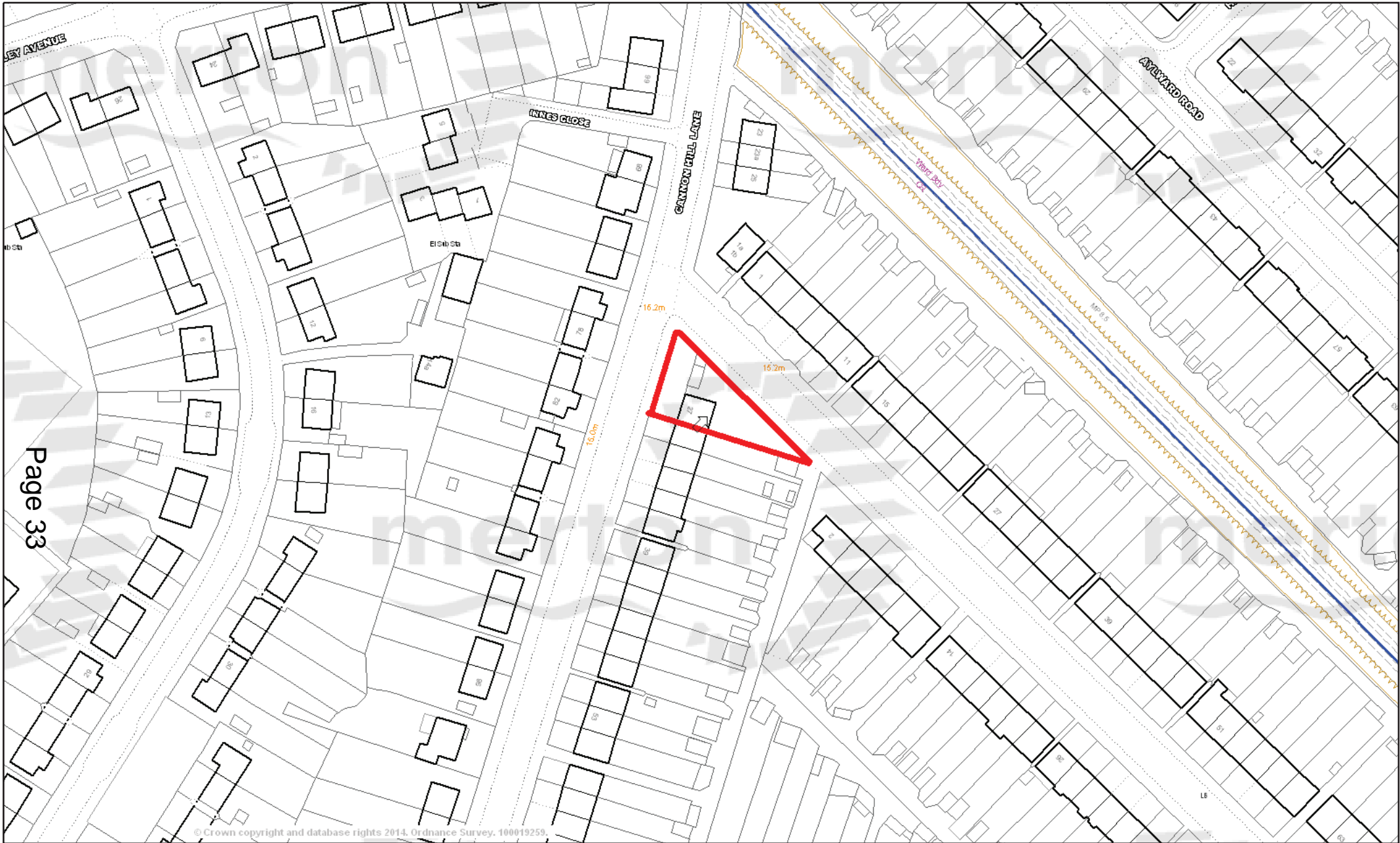
13. Non-standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings details of boundary walls and fences or other means of enclosure shall be in place which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition [Landscaping implementation] Prior to first occupation of the proposed new dwellings or the first planting season following occupation landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority with the landscaping scheme to include on a plan, full details of the size, species, spacing, quantities and location of plants, and measures to increase biodiversity together with any hard surfacing. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
15. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development [excluding demolition] a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 together with a minimum improvement in the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
16. Amended standard condition [Code for Sustainable Homes Pre-Occupation-New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. 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 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

17. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings written evidence shall be submitted to and approved by the Local Planning Authority that confirms that the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
18. Non-standard condition [Cycle storage] Prior to first occupation of the proposed new dwellings cycle storage for occupiers 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].
19. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings refuse and recycling facilities shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the refuse and recycling facilities retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].

INFORMATIVES:

- a) The applicant is advised that details of the Lifetime Homes standards can be found at www.lifetimehomes.org.uk.
- b) The applicant is advised that further details regarding the Code for Sustainable Homes are available at the following link:
http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf
- c) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
- d) The applicant is advised that prior to implementation of the new vehicle crossover the applicant shall contact the Council's Highways Department and British Telecom regarding the removal and reinstatement of the telegraph pole.
- e) 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. . 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.



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27 Cannon Hill Lane

Scale 1/1250

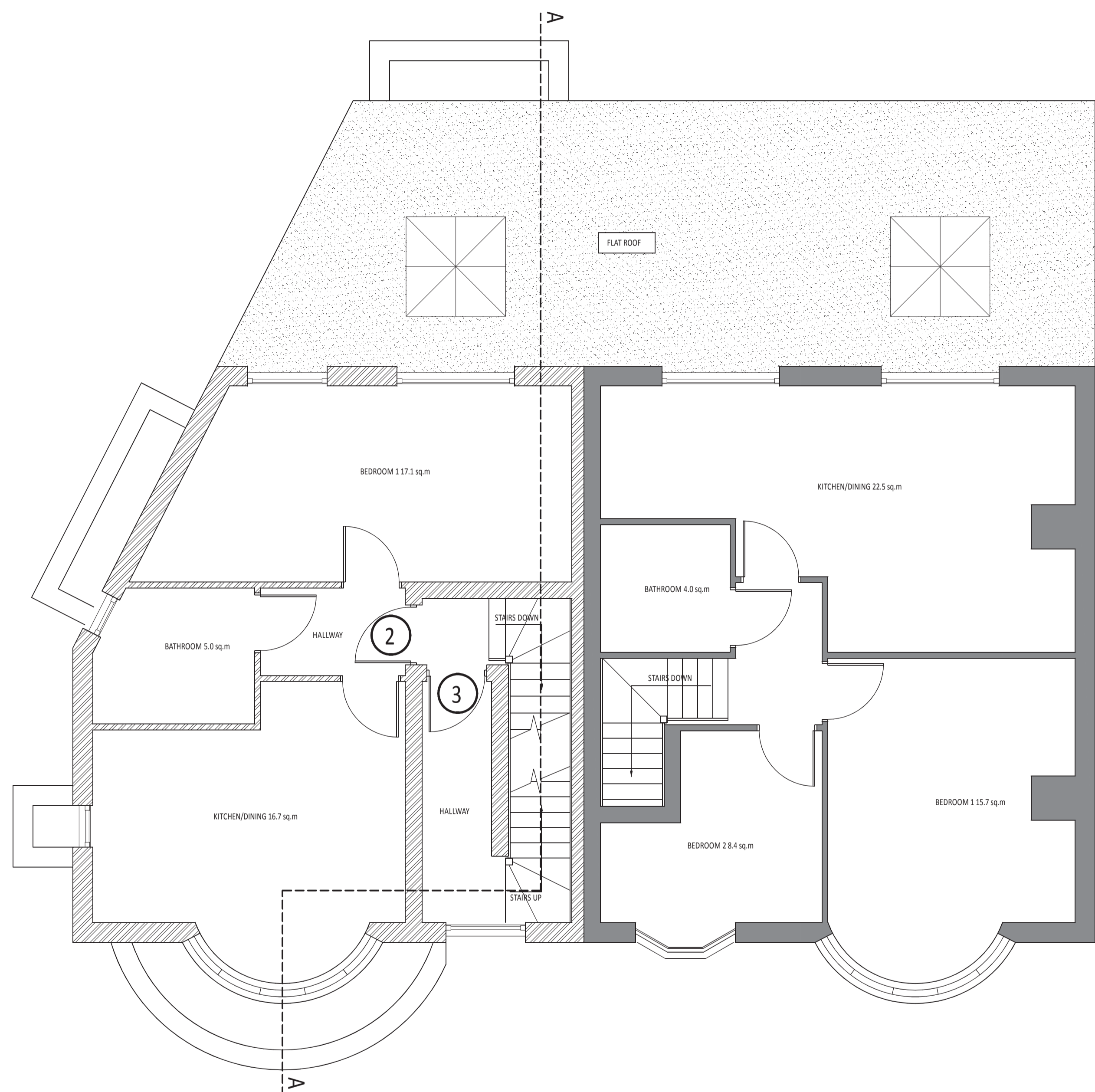
Date 27/1/2015

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

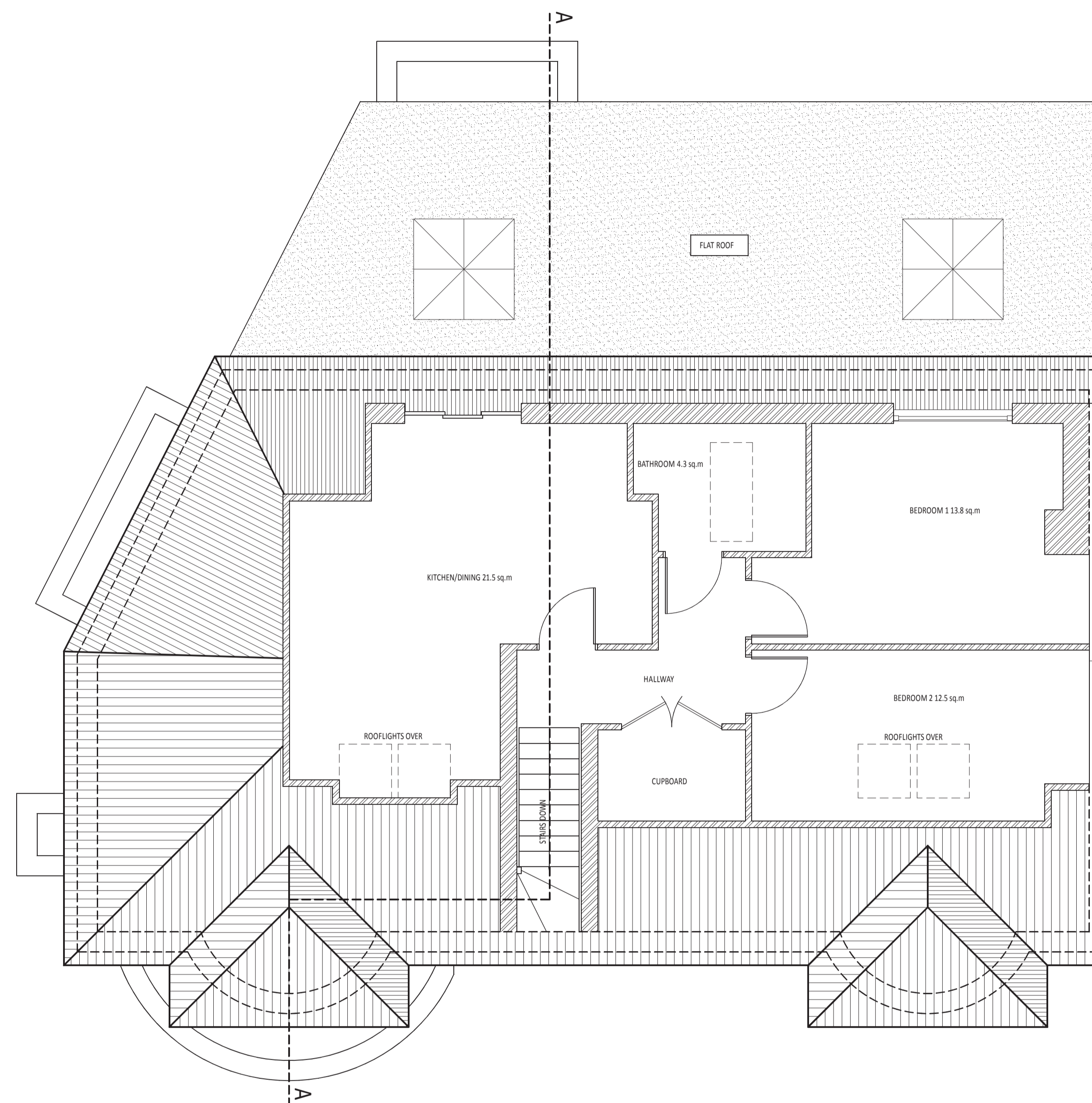


NOTES

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- The Contractor is to confirm levels and dimensions on site prior to commencement of any works and to immediately report any discrepancies to the Engineer
- All brickwork to match existing
- All roof tiles to match existing



FIRST FLOOR
Scale 1:50



SECOND FLOOR
Scale 1:50

REVISION B 18.12.14: DORMERS REVISED AND ROOM AREAS ADDED
 REVISION A 08.12.14: DORMERS REVISED

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 07921 214399
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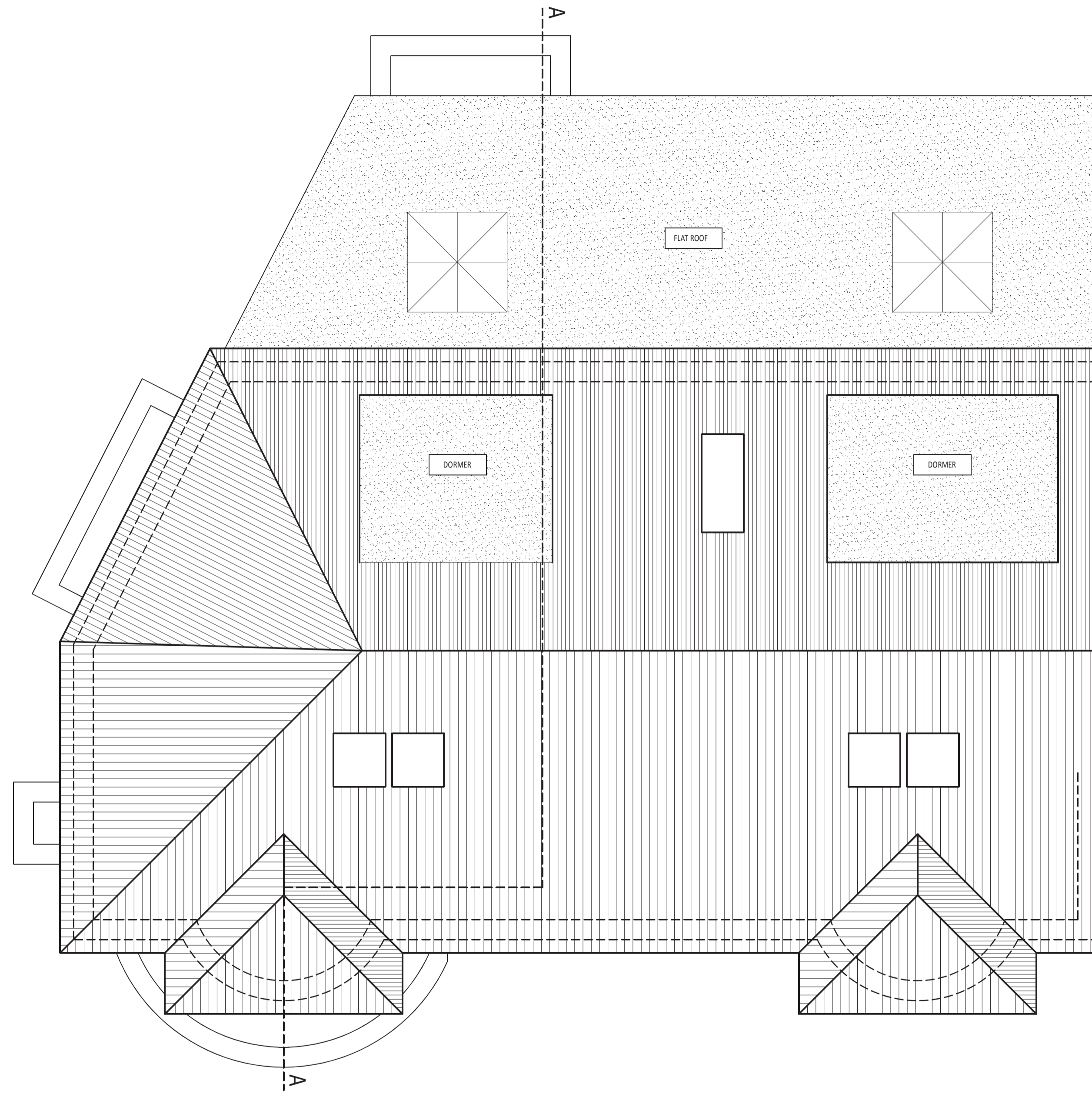
Project
27 CANNON HILL LANE, LONDON SW20 9JY
PROPOSED FIRST FLOOR & SECOND FLOOR PLANS

Drawn By PP	Date MAY 2014	Drawing No 002B
Scale 1:50	Drawing Size A1	
Drawing Status PRELIMINARY		

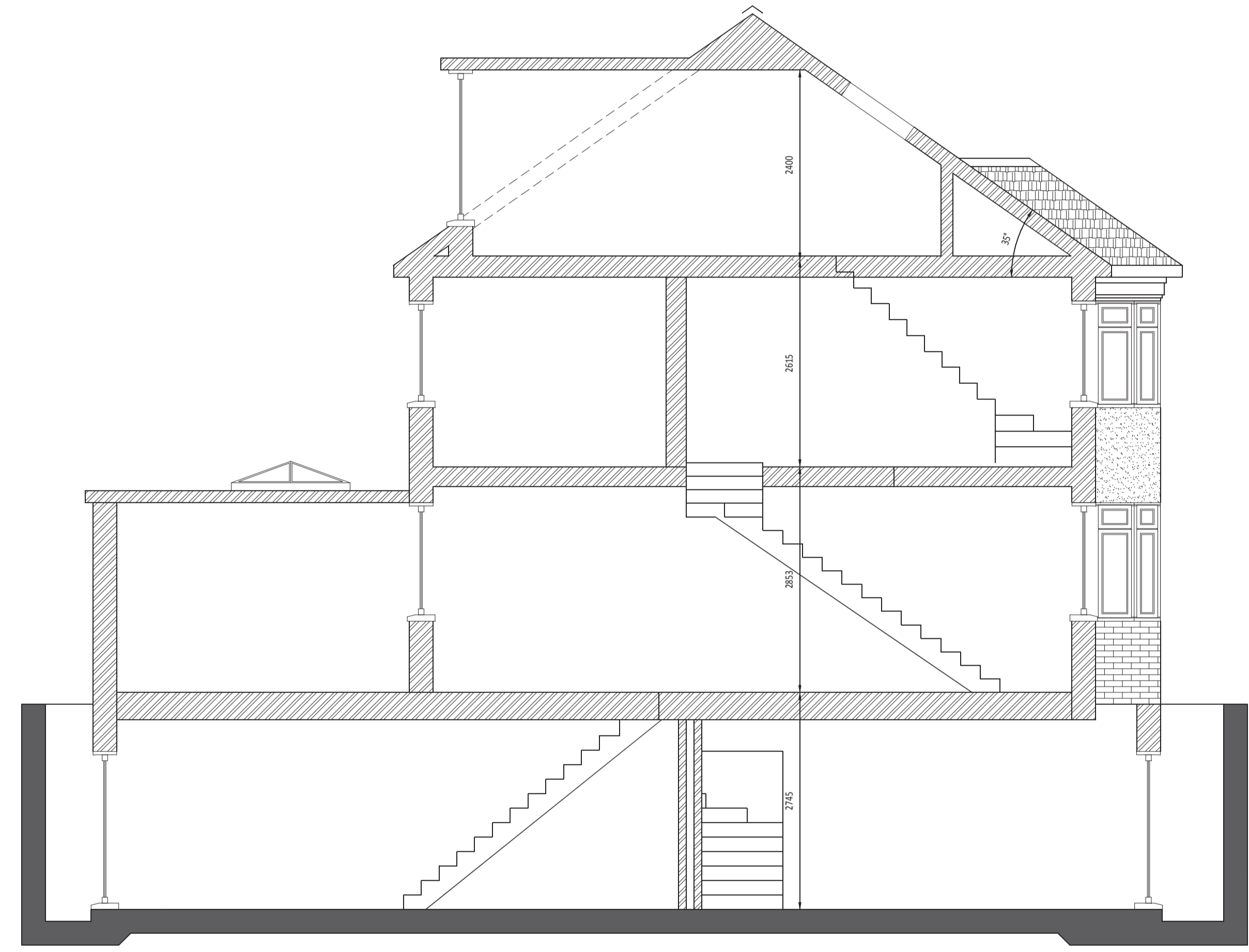
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5. All brickwork to match existing
6. All roof tiles to match existing

Page 35



ROOF PLAN
Scale 1:50



SECTION A - A
Scale 1:50

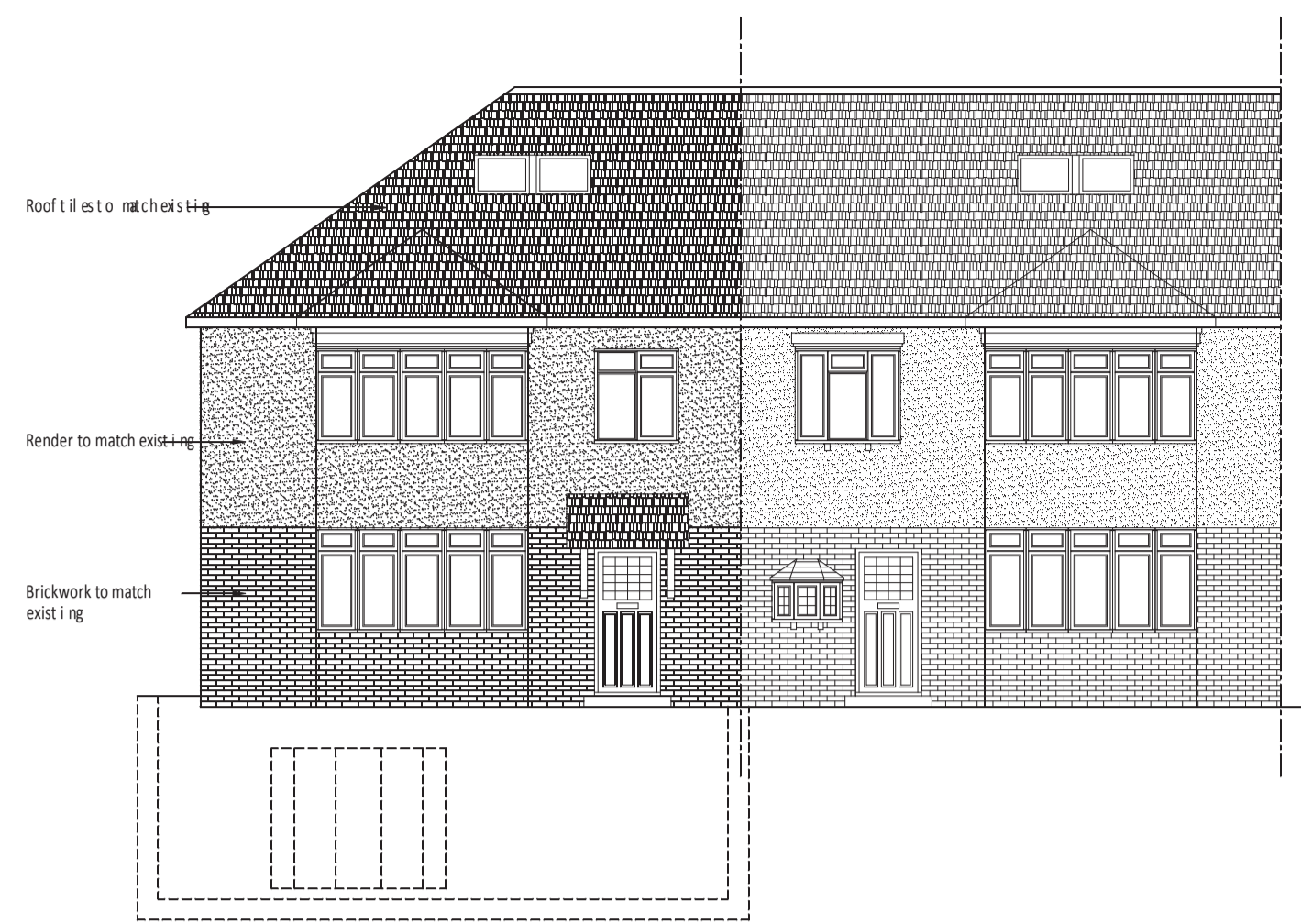
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Email: info@herbertstump.co.uk

REVISION B 18.12.14: DORMERS REVISED
REVISION A 08.12.14: DORMERS REVISED

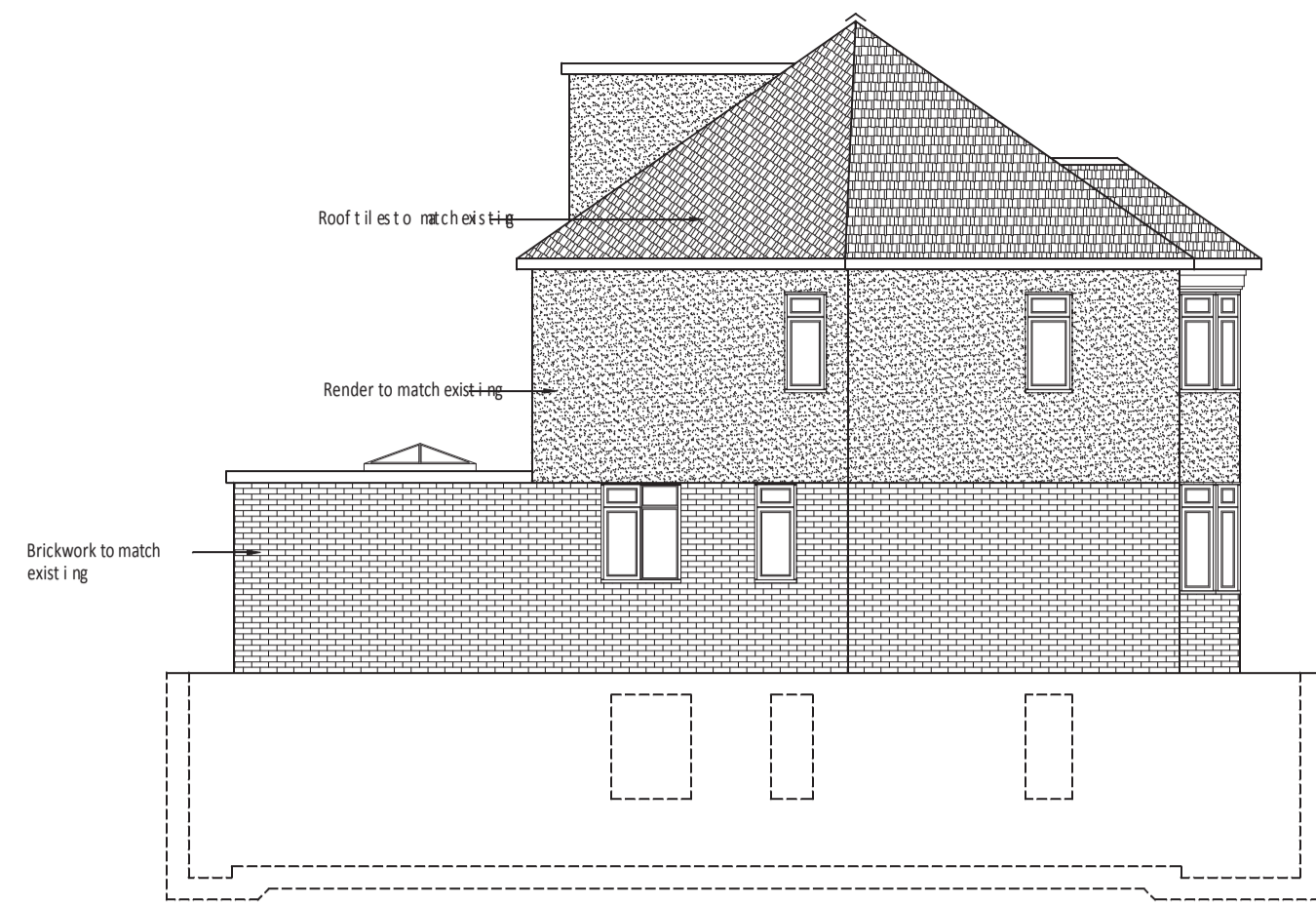
Project
27 CANNON HILL LANE, LONDON SW20 9JY
PROPOSED ROOF PLAN & SECTION

Drawn By PP	Date MAY 2014	Drawing No 003B
Scale 1:50	Drawing Size A1	
Drawing Status PRELIMINARY		

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FRONT ELEVATION
Scale 1:100



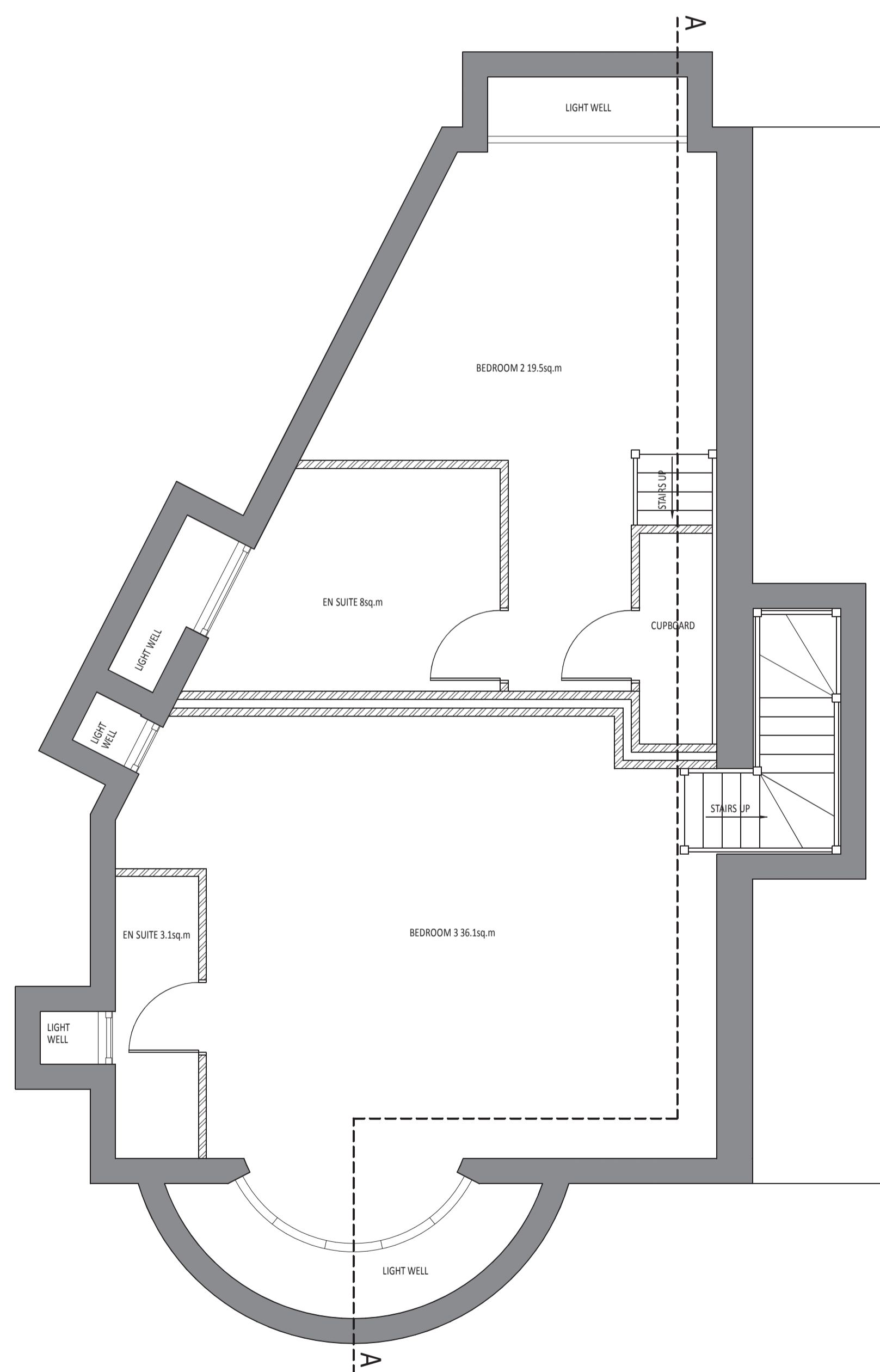
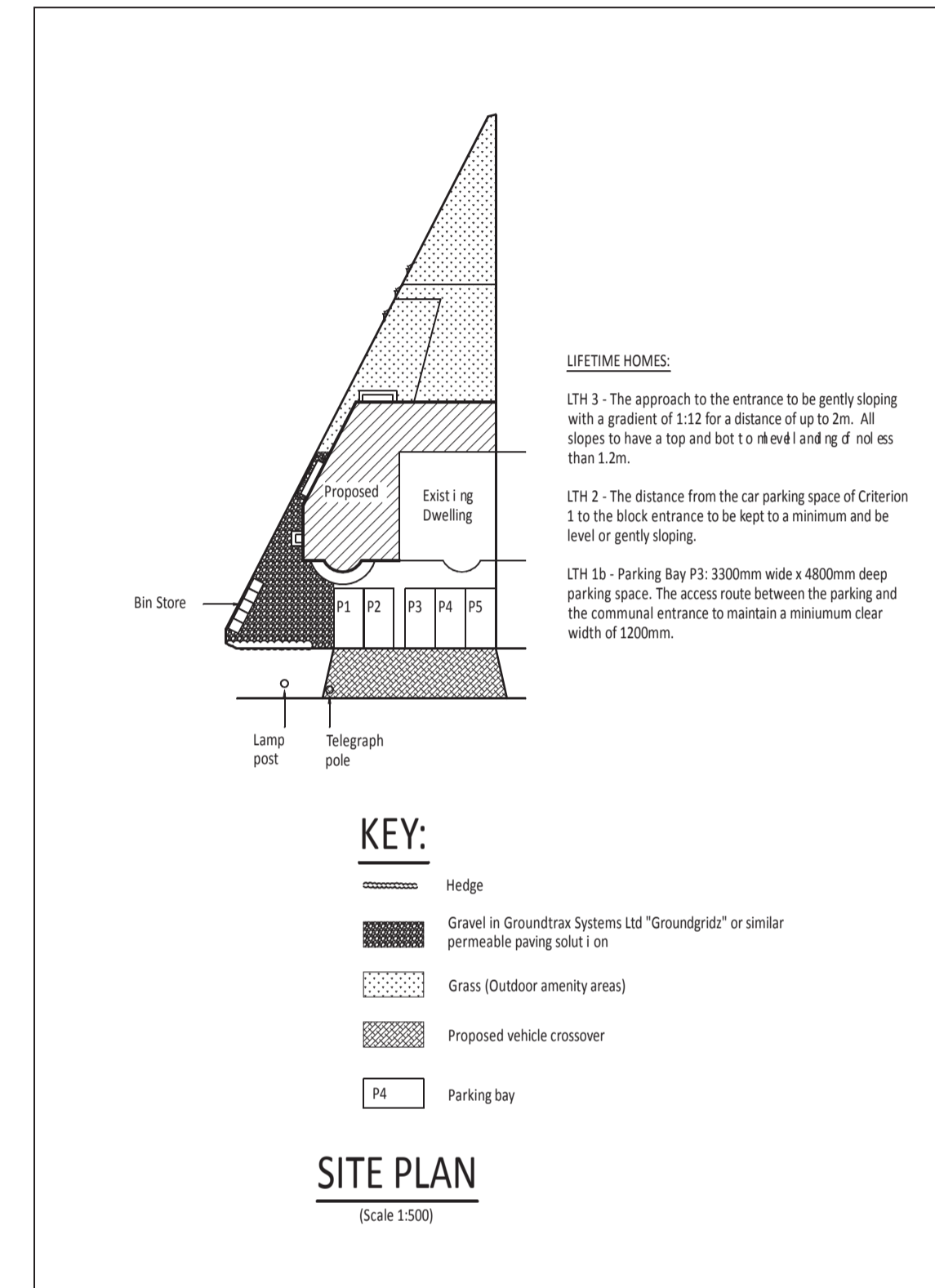
SIDE ELEVATION
Scale 1:100



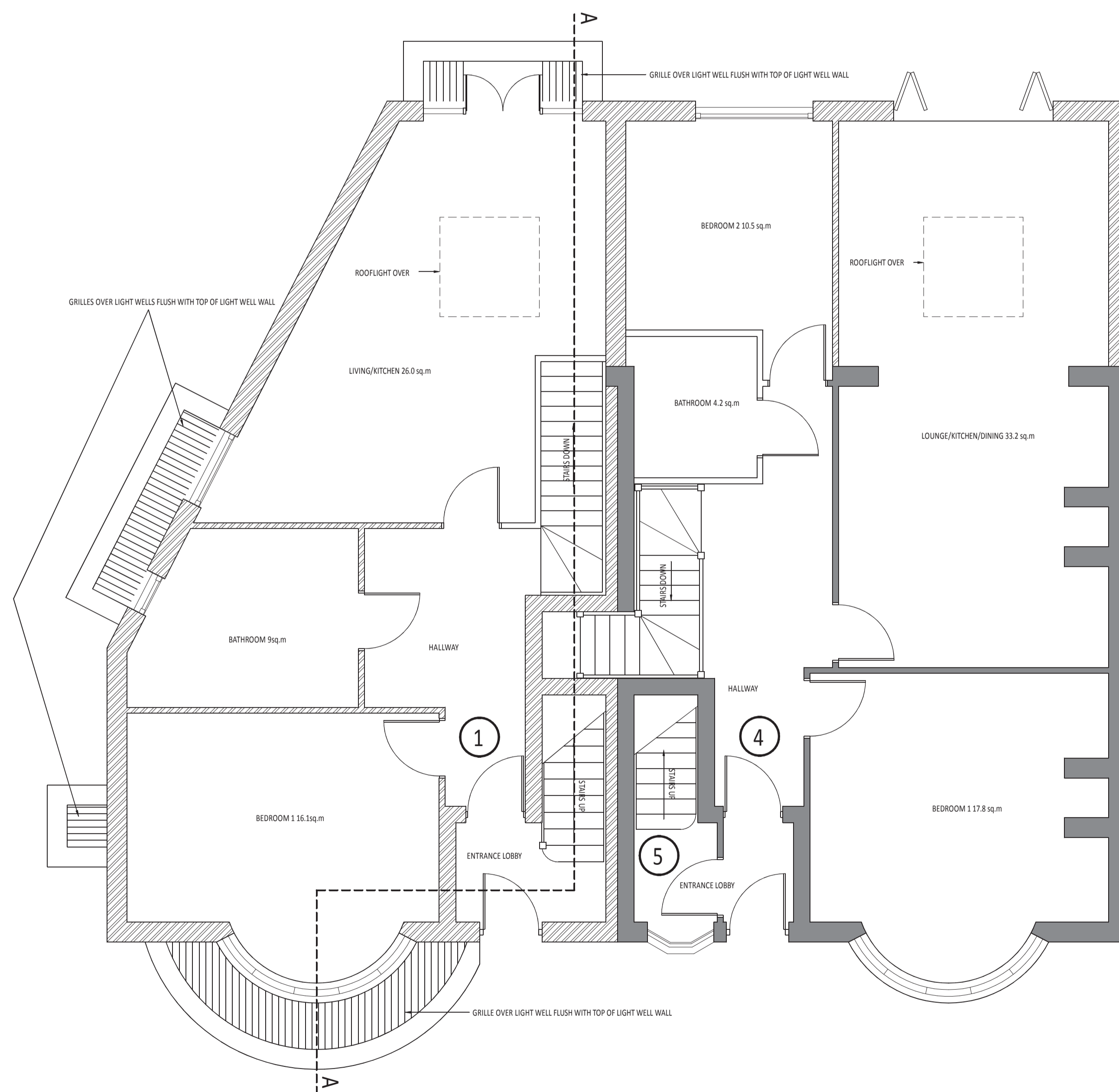
REAR ELEVATION
Scale 1:100

NOTES

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- The Contractor is to confirm all levels and dimensions on site prior to the commencement of any works and to immediately report any discrepancies to the Engineer.
- All brickwork to match existing.
- All roof tiles to match existing.



LOWER GROUND FLOOR
Scale 1:50



GROUND FLOOR
Scale 1:50

REVISION C 18.12.14: DORMERS REVISED AND ROOM AREAS ADDED
REVISION B 08.12.14: DORMERS REVISED
REVISION A 18.07.14: POSITIONS OF LOWER GROUND FLOOR WINDOWS ADDED TO ELEVATIONS. GRILLES SHOWN OVER LIGHT WELLS. AMENITY AREAS CLARIFIED ON SITE PLAN

Project	Drawn By	Date	Drawing No
27 CANNON HILL LANE, LONDON SW20 9JY	PP	MAY 2014	001C
PROPOSED LOWER GROUND FLOOR & GROUND FLOOR PLANS; ELEVATIONS; SITE PLAN	Scale	Drawing Size	
	As Shown	A1	
	Drawing Status	PRELIMINARY	

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Appeal Decision

Site visit made on 22 February 2013

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: 20 March 2013

Appeal Ref: APP/T5720/A/12/2188324

Land Adjacent to 27 Cannon Hill Lane, Merton Park, London SW20 9JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Clark against the decision of the Council of the London Borough of Merton.
 - The application Ref 12/P1430, dated 15 May 2012, was refused by notice dated 28 September 2012.
 - The development proposed is 'construction of a 2-storey semi-detached dwelling (4-bed).'
-

Application for Costs

1. An application for costs was made by Mr Clark against the Council of the London Borough of Merton. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the construction of a two storey semi-detached dwelling on land adjacent to 27 Cannon Hill Lane, Merton Park, London SW20 9JY in accordance with the terms of the application, Ref 12/P1430, dated 15 May 2012, subject to the conditions set out in Schedule A.

Procedural Matter

3. At the site visit it was confirmed that the 'site layout' plan considered by the Council was not 7591/P/01J but 7591/P/01K which provides additional information regarding the arrangement and surface materials of external areas. I have taken this later drawing into account in my decision.

Main Issues

4. The main issues in this case are the effect on the character and appearance of the area and the effect on the living conditions of future occupiers, having particular regard to the layout of proposed garden/amenity space.
-

Reasons

5. The appeal site is occupied by an end of terrace dwelling at the junction of Cannon Hill Lane and Springfield Avenue, within a triangular shaped plot. To the side of the house is a garden area enclosed by fencing.
6. The appeal proposal is for the erection of a further two storey, four bedroom house on the existing side garden continuing the existing terrace.

Character and Appearance

7. The National Planning Policy Framework (Framework) indicates there should be a presumption in favour of sustainable development, but confirms good design is a key aspect of sustainable development and that development of poor design, which fails to take the opportunities available for improving the character and quality of an area, should be refused.
8. Policies BE.16 and BE.22 of the London Borough of Merton Unitary Development Plan (UDP) expect new development to respond to locally distinctive patterns, with a high standard of design complementing the character of the area and respecting various elements of surrounding buildings. Policy CS 14 of the London Borough of Merton LDF Core Planning Strategy (CS), amongst other matters, aims to avoid any 'adverse impact on the suburban characteristics of the streetscape.'
9. The design and form of the proposed house would follow, quite closely, elements exhibited by the existing dwelling on the site. To its frontage, it would have a matching two storey bay feature with similar fenestration. To the flank elevation, a decorative oriel window would replicate that on the existing property and a brick finish to the ground floor with render to the first floor would again follow the pattern of the existing house.
10. The ridge and eaves line of the existing terrace would be followed and a hip end to the roof retained. The proposed house would be the same width as the existing dwelling and follow the same front building line. While it would have a ground floor, single storey addition, this would not represent an uncommon feature in the area. Due to the shape of the plot the rear of the flank wall would run parallel to the angled boundary, but this, to my mind, would not be a jarring or discordant feature. Overall the design, scale, bulk, and massing of the dwelling would be similar to the adjoining property and satisfactorily relate to the adjoining terrace.
11. The proposed house would further enclose the corner of this road and, to some extent, reduce openness of this corner site. However, a gap of around a metre, between the back edge of pavement and the flank wall, would be retained. This spacing would not be uncharacteristic in the area where I noted some properties appear to directly abut adjoining boundaries.
12. I have noted the other sites, cited by the appellant, which illustrate that other similar infill developments have taken place in the vicinity. While these provide some limited support for the current appeal case, I have considered this proposal solely on its individual merits.
13. Overall, the proposed dwelling would appropriately relate to the adjoining terrace and its suburban setting. It would, consequently, not harm the

character or appearance of the area. I therefore find no conflict with the Framework, Policies BE.16 or BE.22 of the UDP or Policy CS 14 of the CS.

Living Conditions

14. The Council accepts that the proposed garden would meet their required minimum standard, in terms of its overall size as required by the UDP, but take issue with its shape and, consequently, whether it would represent a readily useable space for future occupiers. However, while the shape of garden would not be regular, with some restricted areas, overall it would still enable use for general relaxation and provision of garden paraphernalia such as a washing line, potential garden outbuildings, barbeque area, etc.
15. I conclude, the garden area as proposed would be appropriate and suitable for this dwelling. Therefore there is no conflict with Policy CS 14 of the CS which amongst other matters requires development to provide associated functional spaces.

Other Matters

16. The Council indicate that they require a planning obligation to secure a contribution towards affordable housing and education provision. However, the lack of an obligation does not form a reason for refusal of the appeal scheme. I note, that where new housing developments are proposed, Policy CS 8 of the CS indicates contributions for affordable housing will be sought, and Policy C.13 of the UDP similarly requires contributions for education provision. Further guidance is also given in the 'Planning Obligations' Supplementary Planning Document (SPD). Both the contributions required appear to be calculated using standard formulae. However, I have not been provided with any detailed, up-to-date evidence to indicate any existing shortfalls of provision or a clear indication of where the contributions would be spent. Accordingly, I cannot, in this case, be certain that the contributions sought would meet the strict tests of Paragraph 204 of the Framework or Regulation 122 of the Community Infrastructure Levy Regulations 2010. In these circumstances the lack of an obligation does not weigh against the proposal.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

18. I have considered the proposed conditions put forward by the Council, should the appeal succeed, against the advice in Circular 11/95 and for clarity. The standard commencement condition is required, as is a condition referring to the relevant plans, for the avoidance of doubt and in the interests of proper planning.
19. To fully integrate this new development with the existing terrace it is important that suitable external finishes are used, therefore a condition requiring proposed materials to be submitted and agreed is required. While the existing site has a close board fence boundary, this boundary treatment will require some amendment with the new dwelling and therefore a condition relating to this is necessary.

20. The Council have put forward a condition which would preclude extensions or enlargement to the house as 'permitted development.' In this particular case, I consider a condition limiting such changes is required to ensure the integrity of the design put forward is not compromised. The Council suggest a condition limiting windows or other openings in the 'south facing flank wall.' However, the side flank wall of the house would be north facing. In any event, due to the corner location and spacing here, I do not consider such a restriction is necessary to protect the privacy of nearby occupiers.
21. Although the general location of bin storage is shown on the submitted layout plan, a condition relating to exact details of waste provision and associated enclosure is reasonable and necessary. To protect the privacy of the occupiers of the existing property, a condition limiting the use of the roof of the proposed single storey rear extension is reasonable. To avoid undue disturbance to neighbouring occupiers a condition limiting construction times should be imposed. The hard standing proposed is detailed on the approved plans, and therefore only a condition relating to the retention of the parking area needs to be imposed. Conditions relating to reinstatement of the redundant crossover and provision of cycle parking are reasonable to ensure a satisfactory completion of the development and encourage use other than by the car.
22. The house appears to be designed with a layout to meet the requirements of Lifetime Homes, therefore a condition to re-state this is unnecessary. The Council's proposed conditions, in respect of the Code for Sustainable Homes, refer to both level 4 and level 3. In the circumstances I consider a requirement for level 3 is appropriate and reasonable.

Ray Wright

INSPECTOR

Schedule A : Conditions :

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7951/P/01K, 7951/P/02J, 7951/P/03J, 7951/P/04J, 7591/P/07J, and 7951/P/08J.
- 3) No development shall take place until details of the materials to be used in construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position, design, and materials of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extensions, additions or enlargements of the house, as hereby permitted, shall be made or erected.

- 6) A scheme for the provision and siting of waste receptacles and their enclosure shall be submitted to, and agreed in writing by, the local planning authority. The scheme, as agreed, shall be carried out before the house, hereby approved, is occupied and retained thereafter.
- 7) The roof area of the rear extension of the house, hereby permitted, shall not be used as a balcony, roof garden or similar amenity area without the prior written approval from the local planning authority.
- 8) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 9) The vehicle access and parking area, shown on the approved plan 7951/P/01K, shall be completed prior to the first occupation of the dwelling and retained solely for access and parking purposes thereafter.
- 10) The house, hereby permitted, shall not be occupied until the existing redundant crossover has been removed by raising the kerb and reinstating the footway in accordance with the requirements of the highway authority.
- 11) No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to, and approved in writing by, the local planning authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the dwelling and thereafter permanently retained.
- 12) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. The dwelling shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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PLANNING APPLICATIONS COMMITTEE
12 February 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P2600	08/10/2014
Address:	111 Coombe Lane, Raynes Park SW20 0QY	
Ward:	Cannon Hill	
Proposal:	Demolition of the existing garage and the erection of a 5 bedroom detached house on land to the side of 111 Coombe Lane with accommodation at ground floor, first floor and in the building roof space and including the felling of seven of the existing trees on the site.	
Drawing No's:	D572/01A; D572/02B; D572/03B; D572/06A; Code for Sustainable Homes Assessment.	
Contact Officer:	Tony Ryan [020 8545 3114]	

RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION.

- S106: N/A;
 - Has an Environmental Impact Assessment been submitted: No;
 - Site notice: Yes;
 - Press notice: Yes – departure;
 - Design Review Panel consulted: No;
 - Archaeological Priority Zone: No;
 - Area at risk of flooding: No;
 - Controlled Parking Zone: No;
 - Conservation Area: No;
 - Trees: Six Ash trees site covered by Tree Preservation Orders MER (228);
 - Number of neighbours consulted: 57
 - Sites and Policies Plan: Metropolitan Open Land and Open Space
 - External consultations: Thames Water;
 - PTAL: 3 [TFL Planning Information Database];
 - Density: 166 habitable rooms per hectare [5 habitable rooms and 0.03 hectares]
 - Number of jobs created: N/A
-

1. INTRODUCTION

- 1.1 This application is brought to the Planning Applications Committee for Members' consideration as it represents a departure from the adopted development plan.

Departure from the adopted development plan

- 1.2 Section 38[6] of the Planning and Compulsory Purchase Act 2004 requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 1.3 The National Planning Policy Framework [NPPF] published in March 2012 reaffirms the status of the development plan as the starting point for making decisions on planning applications. The NPPF advises “Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise”. The adopted Local Plan in place for the borough includes the Sites and Policies Plan [July 2014], the Core Strategy [July 2011] and the London Plan [July 2011].
- 1.4 The current application proposes the introduction of a new house on land designated as Metropolitan Open Land and Open Space and therefore the proposal represents a ‘departure’ from the development plan. The planning considerations section of this report assesses the planning policy background and whether in line with Section 38[6] of the Planning and Compulsory Purchase Act 2004 there are ‘material considerations’ present in this case that would justify a departure from the adopted development plan.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located on the south west side of Coombe Lane on land between the properties at 109 and 111 Coombe Lane. The application site includes a metre wide section of the existing garden of 111 Coombe Lane and a separate adjacent six metre wide plot of vacant land. This second plot of land has double access gates to the front boundary facing Coombe Lane and is surrounded by two metre high timber fencing.
- 2.2 The side boundary of the application site is separated from the side wall of 109 Coombe Lane by a distance of six metres. This land provides a four metre wide landscaped area and a two metre wide public footpath that provides access from Coombe Lane to Camberley Avenue and Somerset Avenue.
- 2.3 The Playing fields at the rear of the site are used by The Old Wimbledonians Football Club and Donhead Preparatory School. The areas of the application site outside the garden of 111 Coombe Lane and the playing fields at the rear are designated in the development plan as ‘Green Corridor’, ‘Green Chain’, Metropolitan Open Land and Open Space. It has been confirmed by Thames Water that there is a non-trunk foul water sewer running under the application site. The sewer is 225 millimetres in diameter and is approximately 4 metres deep.
- 2.4 The application site is not located in a designated Archaeological Priority Zone, it is not in a flood zone, it is not in a Conservation Area, and not located within a Controlled Parking Zone. Coombe Lane is classified as a local access road serving as an emergency route. The site has a medium Public Transport

Accessibility Level [PTAL] of 3 [where 1a represents the least accessible areas and 6b the most accessible].

3. CURRENT PROPOSAL

- 3.1 The current application involves the demolition of the existing garage to the side of 111 Coombe Lane and includes the felling of seven of the existing trees on the application site. The proposal involves the erection of a four bedroom detached house. The building has living space at ground floor, first floor and in the roof space of the building. The new property is provided with two off street parking spaces accessed from Coombe Lane

4. PLANNING HISTORY.

- 4.1 Planning permission was approved in November 2010 [reference 10/T2791] for works to trees located on the application site.

5. CONSULTATION

- 5.1 The submitted planning application was publicised by means of a site notice, press notice and individual consultation letters sent to 57 neighbouring properties. As a result of this consultation two letters have been received objecting to the proposal on the following grounds:

- There is a concern in relation to loss of sunlight;
- The proposed detached house will damage the 'architectural heritage of Southern Coombe Lane' which consists of semi-detached Edwardian properties
- The new house and loss of the trees will damage underground infrastructure;
- The proposal, replacing an area of trees with a new house, will damage visual amenity;
- The proposal will result in the loss of a green space;
- The removal of the trees would result in the loss of ecological habitat and a valuable wind break.

- 5.2 Raynes Park and West Barnes Residents Association There are concerns expressed relating to the impact of the development including the felling of trees on Thames Water underground infrastructure.

- 5.3 Thames Water There is a foul water sewer running through the site. The sewer in question would be required to be diverted around the new build location and give a clearance of minimum 3 metres to any structure. In order for this sewer to be diverted, a formal Section 185 diversion application would need to be made to Thames Water; detailing the proposals to divert the sewer [This application has now been made by the applicant to Thames Water].

- 5.4 LB Merton Transport Planning The proposed site is located within an area with a medium Public Transport Accessibility level and outside a Controlled Parking Zone. It is considered this application will not have any adverse effects on highway function or safety. There are no transport objections to this proposal subject to the standard condition relating to vehicular access and an informative with regard to works on the public highway

6. POLICY CONTEXT

The London Plan [July 2011].

- 6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [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]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; 7.17 [Metropolitan open land]; 7.18 [Protecting local open space and addressing local deficiency] and 8.2 [Planning obligations].

Mayor of London Supplementary Planning Guidance

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

Merton Supplementary Planning Guidance

- 6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

Merton LDF Core Planning Strategy [adopted July 2011]

- 6.4 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].

Merton Sites and Policies Plan [adopted July 2014]

- 6.5 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DM O1 [Open space]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

National Planning Policy Framework [March 2012]

- 6.6 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms '...to make the planning system less complex and more accessible, and to promote sustainable growth'.
- 6.7 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that

conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.

- 6.8 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively. Local planning authorities should look for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.9 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.
- 6.10 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.
- 6.11 The National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development in view of the designation of the application site as open space and Metropolitan Open Land in the adopted development plan [consisting of the Sites and Policies Plan, the LDF Core Planning Strategy and the London Plan] and whether there are material considerations present that would justify a departure from the development plan.
- 7.2 Other relevant planning considerations include assessing the loss of existing trees on the site, the layout, design, appearance of the proposal, the potential impact on the amenities of adjacent residential occupiers in terms of privacy, loss of sunlight and daylight; and assessing potential issues relating to traffic generation, transport and car parking.

Principle of development - Metropolitan Open Land and Open Space

7.3 The application covers a total area of 308 square metres with an area of 264 square metres designated as Metropolitan Open Land and Open Space within the development plan. Adopted policy DM O1 of the sites and policies plan and 7.17 of the London Plan seek to protect this land from inappropriate development. Whilst the current proposal for a new house is contrary to these planning policies, it is considered that there are material considerations present that would justify a departure from the development plan.

7.4 Policy 7.17 of the London Plan states that Metropolitan Open Land should have at least one of the following three characteristics:

- It should contribute to the physical structure of London by being clearly distinguishable from the built up area;
- It should include open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London;
- It should contain features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value;

7.5 The following paragraphs consider the application site against the above characteristics of Metropolitan Open Land as set out in policy 7.17 of the London Plan.

It should contribute to the physical structure of London by being clearly distinguishable from the built up area;

7.6 The current proposal involves Metropolitan Open Land covering an area of 264 square metres. This land forms part of the larger 'Beverley Brook/A3' portion of Metropolitan Open Land covering 28,870 square metres. The planning application site is seven metres wide and located between the two existing two storey residential properties at 109 and 111 Coombe Lane. The main part of the application site is currently surrounded by two metre high fencing with the remaining land in use as part of the garden and a garage attached to the property at 111 Coombe Lane.

7.7 With these characteristics it is considered that the application site does not contribute to the physical structure of London as it is not clearly distinguishable from the surrounding built up area. The applicant has submitted evidence as part of the planning application to show that the entire application site has been in their ownership since 2002. The applicant has also stated that the land has always been fenced and that existing and previous owners of the property at 111 Coombe Lane have used the land as a private garden.

It should include open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London;

7.8 The application site does not provide any leisure, recreation, or sport use and is not used for the arts or cultural activities and there is no public access. It is considered that the application site does not meet this characteristic of Metropolitan Open Land.

It should contain features or landscapes (historic, recreational, biodiversity) of either national or metropolitan value:

- 7.9 The application site does not include any features or landscapes of either national or metropolitan value. Whilst the presence of trees on the site is highlighted within this report, the site does not have any special biodiversity qualities. It is considered that the application site does not meet this characteristic of Metropolitan Open Land.

Principle of development – Green Corridor and Green Chain

- 7.10 The supporting text to policy DM01 of the Sites and Policies Plan states that it is important to protect the existing green chains and improve links that provide informal recreational opportunities for walking and cycling. Policy DM02 of the Sites and Policies Plan states that the Council will protect Green Corridors from inappropriate development and where possible secure measures that enhance their nature conservation value.

- 7.11 The application site includes garden land attached to 111 Coombe Lane and the adjacent plot of land that has also been used as private amenity space. The planning Inspector in the examination of the Sites and Policies Plan found that the protection of biodiversity within garden land was covered by policies CS13e and DM D2a8. With this finding the Inspector concluded that there was no reason to include private amenity space within the Green Corridor or Green Chain designations.

- 7.12 The current proposal will maintain a separation distance of seven metres between the side elevations of the proposed property and the existing property at 109 Coombe Lane. This land between the existing and proposed buildings would provide a four metre wide area of landscaping and a two metre wide footpath. Whilst the development will result in the loss of an area designated as Green Corridor or Green Chain, it is considered that the retained land between the properties will retain the existing wildlife corridor in this location.

- 7.13 The designation of Metropolitan Open Land, Green Corridor and Green Chain was carried out as part of the preparation of the Local Plan. This assessment was based in part on desk top analysis of open spaces rather than an in depth study of each and every relevant plot and parcel of land across the borough. This method has the potential for limited anomalies to arise in terms of boundary delineation. The relatively narrow strip of land that forms part of the current application site is considered to represent such an anomaly.

Principle of development – biodiversity and trees

- 7.14 Policy CS13 of the Core Strategy states that any proposals for new dwellings in back gardens must be justified against the local context and character of the site, the biodiversity value of the site, the value in terms of green corridors and green island. The application site is designated as a Green Corridor and a Green Chain however the Greenspace Information for Greater London (GiGL) records show that there are no reported sightings of any protected species on the application site. Whilst the presence of existing trees is acknowledged it is

considered that the site, which has been used as garden land, has little biodiversity value.

- 7.15 Policy DM O2 of the sites and policies plan states that development may be permitted when the removal of a tree is necessary in the interest of good arboricultural practice or the benefits of the development outweighs the tree's amenity value. In granting permission for a proposal that leads to the loss of a tree of amenity value, replacement planting will be secured through the use of conditions or planning obligations.
- 7.16 The arboricultural impact appraisal and method statement submitted with the planning application found that the development could potentially impact upon sixteen trees and these trees were subsequently surveyed. It was found that one of these trees was already dead, eleven trees were of low quality, four trees were of moderate quality and there were no trees of high quality. As part of the development it is intended to fell seven of these trees, including four low quality trees, two moderate trees and the dead tree. Two of the trees that are shown as being felled are outside the application site and an informative is recommended advising the applicant that separate approval will be required from the highways section for this work to take place.
- 7.17 Of the sixteen trees surveyed, six trees are covered by a Tree Preservation Order with five of the trees covered by the order to be felled as part of the current proposal. The five trees to be felled include three trees that are of low quality and two trees that are of moderate quality. The trees to be felled are in the position of the proposed new house and located between the existing properties at 109 and 111 Coombe Lane.
- 7.18 The largest existing tree that is of moderate quality is most prominently located at the front of the site and will be retained as part of the proposal. The trees on the application site are also seen in the context of several trees along Coombe Lane in this location. Whilst the loss of any tree is regrettable, in this instance it is considered that with the retention of the largest tree at the front of the site and the development providing a new house the benefits of the proposal outweighs the amenity value. A planning condition is recommended to seek replacement trees and or planting to mitigate against the loss of these trees and this could include trees and or planting on land outside the application site.

Need for additional housing and housing mix

- 7.19 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.
- 7.20 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. There is a minimum target of 500

to 600 homes in the Raynes Park sub area where the proposal site is located with the expectation that the target is exceeded where possible.

- 7.21 In this context an increase in the development density on this site and the provision of residential development has “in principle” support subject to consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and the impact on amenity.

Residential density

- 7.22 The London Plan states that in urban areas such as the application site surrounding with a Public Transport Accessibility Level of 3 the residential density should be within a range of 150 to 250 habitable rooms per hectare. This residential development covers a site area of hectares and includes provision of habitable rooms; the residential density of the development is therefore calculated as habitable rooms per hectare. The residential density of the proposed development is within the density range set out in the London Plan and is considered acceptable for this location.

- 7.23 Density on its own does not provide a reliable guide as to whether an infill development such as this is acceptable. Whether the proposed development would be acceptable requires consideration of other matters such as design, bulk, scale and layout, the standard of accommodation and impact on amenity and parking which are addressed below.

Building scale, appearance, siting and layout

- 7.24 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale, proportion and mass. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton’s sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.

- 7.25 The area surrounding the application site is residential in character with the housing on the south side of the road consisting of two storey semi-detached dwellings with generally regular plot widths and a defined building line. The area is not designated as a conservation area and building alterations include hip to gable roof extensions, and a two storey side and single storey rear extension to the adjacent property at 109 Coombe Lane.

- 7.26 The current application will infill part of the existing 12 metre wide space between 109 and 111 Coombe Lane. The scale of the proposed development providing a detached dwelling is considered appropriate for this location. The design of the proposed building reflects the height, width, scale and design of the adjoining semi-detached property and maintains the building line along Coombe Lane. The proposed building includes a dormer window to the front elevation that is similar in design to the dormer on 111 Coombe Lane. With regard to the building on garden land, this land has not been safeguarded for

any other use and the size of the plot is considered sufficient for the purposes of the proposal

- 7.27 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 CS14 of the Core Strategy and policy 7.4 of the London Plan.

Neighbour amenity - privacy and overlooking

- 7.28 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of privacy to adjoining gardens and quality of living conditions. To minimise the impact of new development on the privacy of existing adjacent residential occupiers the Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.

- 7.29 There is a secondary non-habitable room window located to the side elevation of the extension to 109 Coombe Lane; a planning condition attached to the planning permission for this extension required this window to be fitted with obscure glass. The buildings will be separated by a distance of 6 metres. The proposed building has windows at ground, first and second floor levels to the side elevation facing towards 109 Coombe Lane.

- 7.30 The windows at ground floor level are screened by boundary treatments and the window at second floor level does not directly face the neighbours existing window. In this context a planning condition is recommended to ensure that the windows at first floor level are fitted with obscure glass and fixed shut. With the position of existing and proposed windows the proposal is considered acceptable in terms of the impact on 111 Coombe Lane. The proposed building includes a single storey rear flat roof extension and a planning condition is recommended that will prevent the use of the flat roof as an external amenity area.

- 7.31 In conclusion, it is considered that the proposed development will have no significant impact on residential amenity in terms of loss of daylight, sunlight or privacy to adjacent properties.

Neighbour amenity - daylight, sunlight and visual intrusion.

- 7.32 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight and the quality of living conditions. With the location of the proposed new property between two existing buildings and a modest single storey rear extension it is considered that the proposal will not impact upon daylight, sunlight or result in visual intrusion.

Neighbour amenity – noise disturbance

- 7.33 Policy DM EP2 of the sites and policies plan states that development which would have a significant effect on existing or future occupiers or the local

amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.

- 7.34 With the nature of the development proposed there is the potential for noise and disturbance to be caused through the construction process. It is generally accepted that during the construction process there is likely to be unavoidable short term noise and disruption to adjoining occupiers. Planning conditions are recommended to ensure that this disruption is minimised with these conditions controlling matters such as hours of operation.

Standard of residential accommodation - internal layout and room sizes

- 7.35 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, 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.
- 7.36 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan.
- 7.37 The proposed three storey dwelling has a gross internal area of 193 square metres and this is in line with the minimum standard of 153 square metres set out in the London Plan. The internal layout of the accommodation is considered to make 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.

Standard of residential accommodation - External amenity space

- 7.38 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area. The Council's Sites and Policies Plan states that there should be at least 50 square metres of external space provided for family houses. The proposed dwelling is in line with this standard providing 138 square metres of space as part of the rear garden.

Standard of residential accommodation - Lifetime Homes standards.

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

Transport and traffic - car parking

- 7.41 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling walking and public transport use. Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current 'maximum' car parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.42 Car parking standards are set out within the London Plan at table 6.2 and require a 'maximum' of one of street space for dwellings with four or more bedrooms should have a 'maximum' of between 1.5 spaces and 2 spaces. The proposed development includes the provision of two off-street car parking spaces in the front garden in line with the 'maximum' car parking standards set out within the London Plan.
- 7.43 After consideration of issues relating to traffic and access the submitted proposal is considered acceptable with no objections to the development raised by the Council's Transport Planning team in relation to car parking.

Transport and traffic - trip generation and vehicle access

- 7.44 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to demonstrate that their development will not adversely affect safety and traffic management; and 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.
- 7.45 The site has a public transport accessibility level [PTAL] of 3 [On a scale of 1a, 1b, and 2 to 6a, 6b where zone 6b has the greatest accessibility. This PTAL level indicates that the site has a moderate level of access to public transport services. The site is not located in a controlled parking zone.
- 7.46 The site is located on Coombe Lane which is a London distributor road. A dropped kerb in Coombe Lane currently provides vehicular access to 111 Coombe Lane and to the double access gates to the front of the application site. A planning condition is recommended seeking further details of the new vehicular access. The development has been assessed in terms of highway safety and transport impact and the proposal is considered acceptable.

Transport and traffic - refuse storage and collection.

- 7.47 Policy CS20 of the Core Strategy [July 2011] states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. A planning condition is recommended to seek further details of this storage and to ensure that these facilities are provided and retained for the benefit of future occupiers.

Trees and landscaping

- 7.48 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. Sites and Policies Plan policy DM O2 states that development will not be permitted if it will damage or destroy any tree which is protected by a tree preservation order; is within a conservation area; or has significant amenity value unless the benefits of the development outweighs the tree's amenity value.
- 7.49 A planning condition is recommended to seek the submission of further details of new landscaping for approved and for this landscaping to be in place prior to the occupation of the proposed new dwelling or the first planting season following occupation. A second planning condition seeks the replacement of the planting should any of it be lost within a five year period.

Sustainable design and construction.

- 7.50 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.
- 7.51 Policy CS15 states that all new development comprising the creation of new dwellings will be expected to achieve Code 4 Level for Sustainable Homes. Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that that Code for Sustainable Homes Level 4 is achieved together with a minimum improvement in the dwelling emissions rate in accordance with current policy requirements.

Other issues raised in public consultation

- 7.52 It is considered that the majority of the issues raised as a result of public consultation have been addressed in this report. The remaining issues are considered below:

Underground infrastructure

- 7.53 The presence of a sewer under the application site was highlighted in consultation comments and in response Thames Water have provided comments on the application. Thames water have raised no objection to the proposal on the basis that the underground sewer can be moved.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is under 0.5 hectares in area the site falls outside the scope of Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and in this context screening opinion is not required.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Lev

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of

London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.

- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £5,600 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be net additional floor space of 160 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.
- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £35,200. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be net additional floor space of 160 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

- 9.6 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.
- 9.7 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.

Provision of affordable housing.

- 9.8 The applicant has stated that the development will provide affordable housing On Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing

should not be sought from small scale and self-build development. Following this change, the council can no longer seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000 square metres; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, no longer applies.

Monitoring and legal fees

- 9.9 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fees would be calculated on the basis of 5% of the monetary contribution [to be agreed]. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

10. CONCLUSION

- 10.1 The principle of development on land that might otherwise be afforded protection by reason of its Metropolitan Open Land designation is considered acceptable, the designation being considered an anomaly in the preparation of the Council's local plan and failing to fulfil the key planning principles that would otherwise be associated with Metropolitan Open Land. The proposed development represents an effective and sustainable use of this site providing additional residential units and incorporates a design and layout sympathetic to the character of the surrounding area with a satisfactory standard of living space with no detriment to highway safety or loss of amenity to neighbouring occupiers. The quantum of the proposed development, including the height and scale of the building in relation to surrounding properties is considered to be appropriate and in keeping with the character of the area.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

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: D572/01A; D572/02B; D572/03B; D572/06A; Code for Sustainable Homes Assessment. 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 to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not 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 Sites and Policies policy DM D2.
4. Standard condition [Materials] No development shall take place until details of particulars and samples of the materials to be used on all external faces of the

development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details. Reason for condition: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

5. Standard condition [Access to the flat roof] Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Reason for condition: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.
6. Standard condition [New Vehicle Access] No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Polices Plan 2014.
7. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason 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.
8. Non-standard condition [Car parking spaces] Prior to first occupation of the proposed new dwellings off street car parking 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 car parking retained in accordance with the approved details permanently thereafter. 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.

9. Non-standard condition [Details of walls and fences] Prior to first occupation of the proposed new dwellings and notwithstanding what is shown on the submitted drawings details of boundary walls and fences or other means of enclosure shall be in place which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details permanently thereafter. Reason for condition: To ensure a satisfactory and safe development in accordance with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
10. Standard condition (Removal of permitted development - extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason for condition: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with Sites and Policies Plan policies DM D1, DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
11. Amended standard condition [Landscaping implementation] Prior to first occupation of the proposed new dwellings or the first planting season following occupation landscaping shall be in place that is in accordance with a landscaping scheme that has previously been submitted to and approved in writing by the Local Planning Authority with the landscaping scheme to include on a plan, full details of the size, species, spacing, quantities and location of plants, replacement trees and/or planting to mitigate for the loss of trees outside the application site and measures to increase biodiversity together with any hard surfacing. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
12. Amended standard condition [Code for Sustainable Homes Pre-Commencement - New build residential] Prior to the commencement of development [excluding demolition] a copy of a letter shall be submitted to and approved in writing by the Local Planning Authority from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a Code for Sustainable Homes assessor confirming that the development is registered with BRE or other equivalent assessors under Code For Sustainable Homes and a Design Stage Assessment Report shall be submitted demonstrating that the development will achieve not less than Code for Sustainable Homes Level 4 together with a minimum improvement in

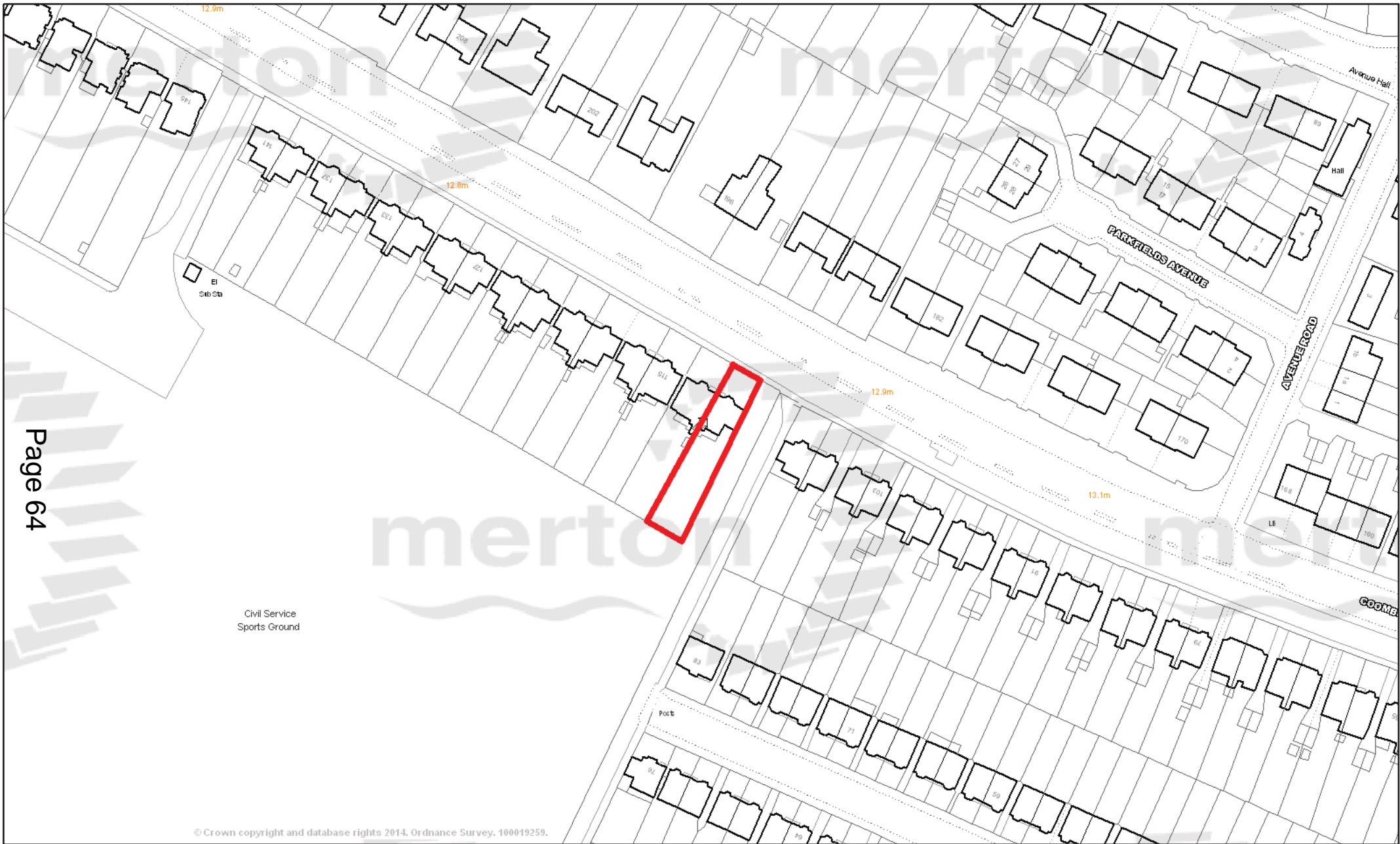
the dwelling emissions rate in accordance with the most up to date London Plan policy. Reason for condition: To ensure the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

13. Amended standard condition [Code for Sustainable Homes Pre-Occupation-New build residential] Prior to first occupation of the proposed new dwellings a Building Research Establishment or other equivalent assessors Final Code Certificate shall be submitted to, and acknowledged in writing by the Local Planning Authority providing confirmation that the development has achieved not less than a Code 4 level for Sustainable Homes together with confirmation that a minimum improvement in the dwelling emissions rate has been achieved in accordance with the most up to date London Plan policy. 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 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings written evidence shall be submitted to and approved by the Local Planning Authority that confirms that the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
15. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwelling 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 CS13 and CS14 of the Adopted Core Strategy [July 2011].
16. Non-standard condition [Tree protection] The details and measures contained in the approved document Arboricultural Impact Appraisal and Method Statement dated 3 October 2014 together with the approved drawing Tree Protection Plan ref 14286-BT2 shall be fully complied with. The approved details and measures shall be installed prior to the commencement of site works and retained until the completion of all site operations Reason for condition: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2011, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.
17. Amended standard condition [Tree works] An arboricultural expert shall be retained for the duration of the development to monitor and report to the Local Planning Authority not less than fortnightly the status of all tree works and tree

protection measures throughout the course of the demolition and site works. To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2011, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.

INFORMATIVES:

- a) The applicant is advised that details of the Lifetime Homes standards can be found at www.lifetimehomes.org.uk.
- b) The applicant is advised that further details regarding the Code for Sustainable Homes are available at the following link:
http://www.planningportal.gov.uk/uploads/code_for_sust_homes.pdf
- c) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
- d) The applicant is advised that separate approval will be required from the Council's highways team for consent to fell the tree outside the boundary of the application site.
- e) 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. . 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.



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111 Coombe Lane

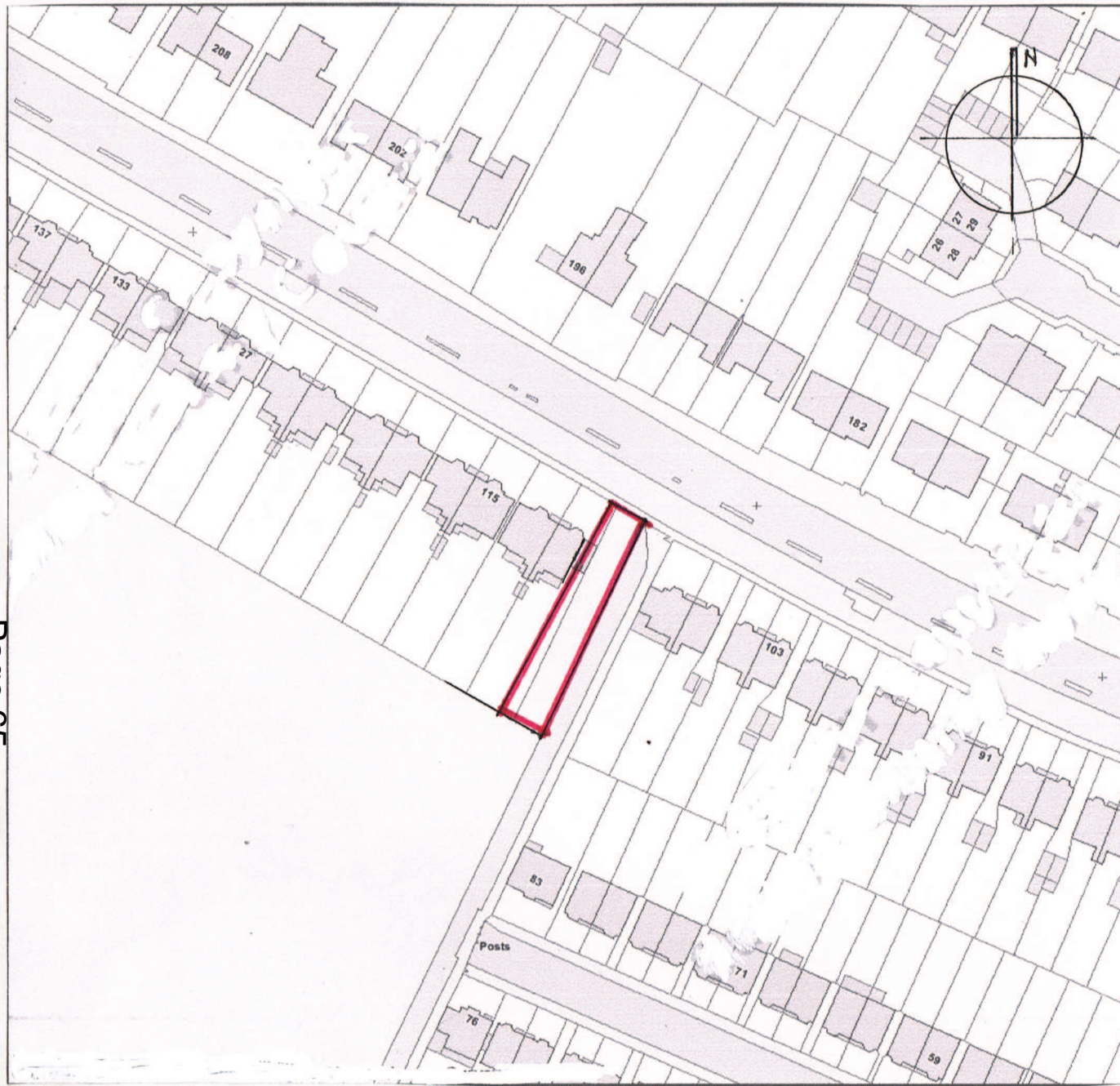
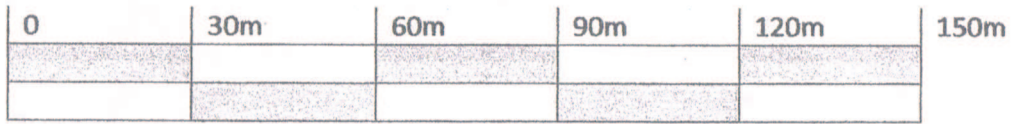
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Date 27/1/2015

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



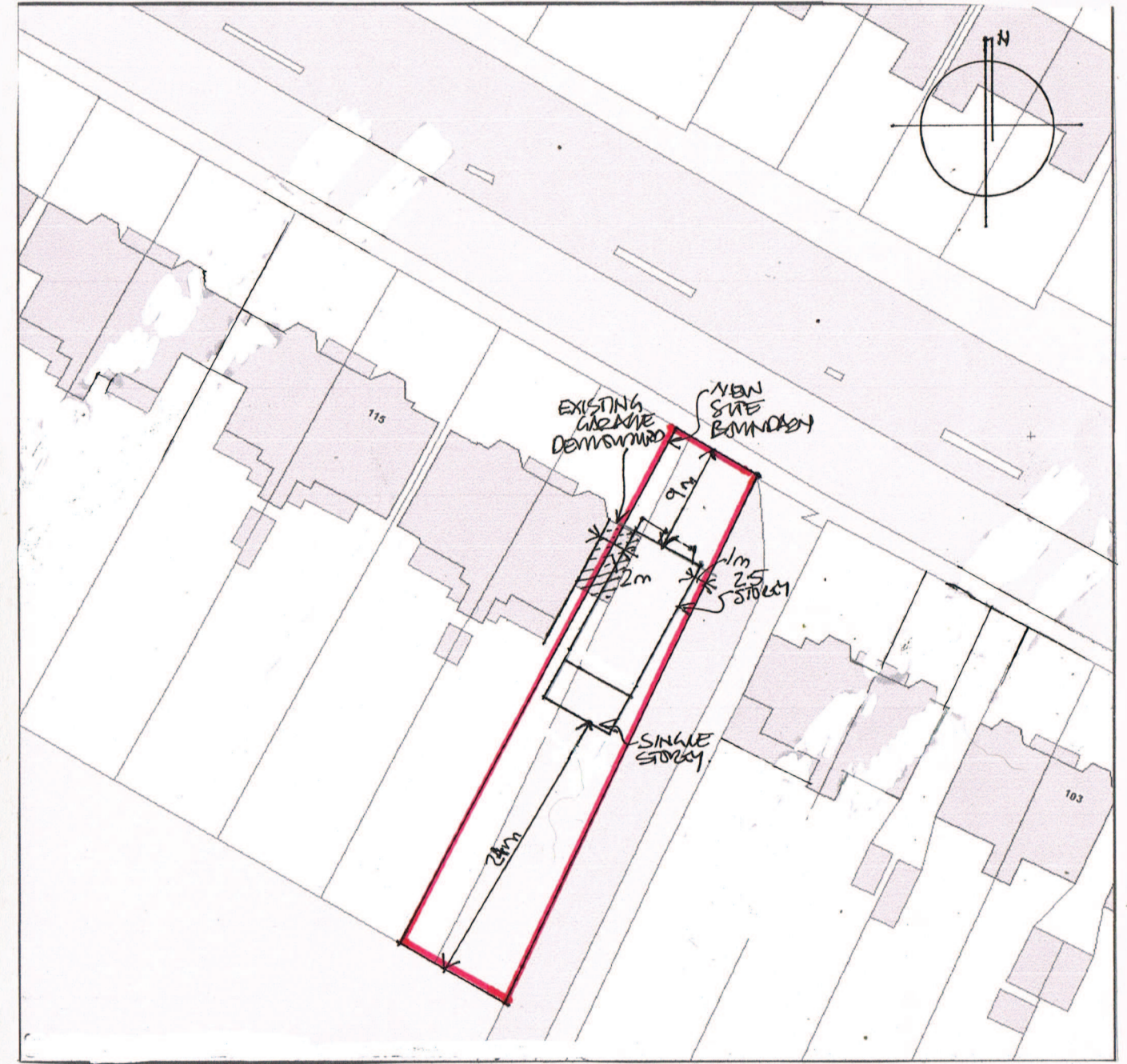
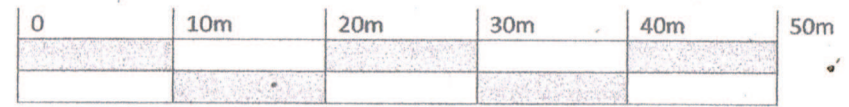
SCALE 1:1250



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1 LOCATION PLAN 1:1250

SCALE 1:500



2 BLOCK PLAN 1:500

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D572/01
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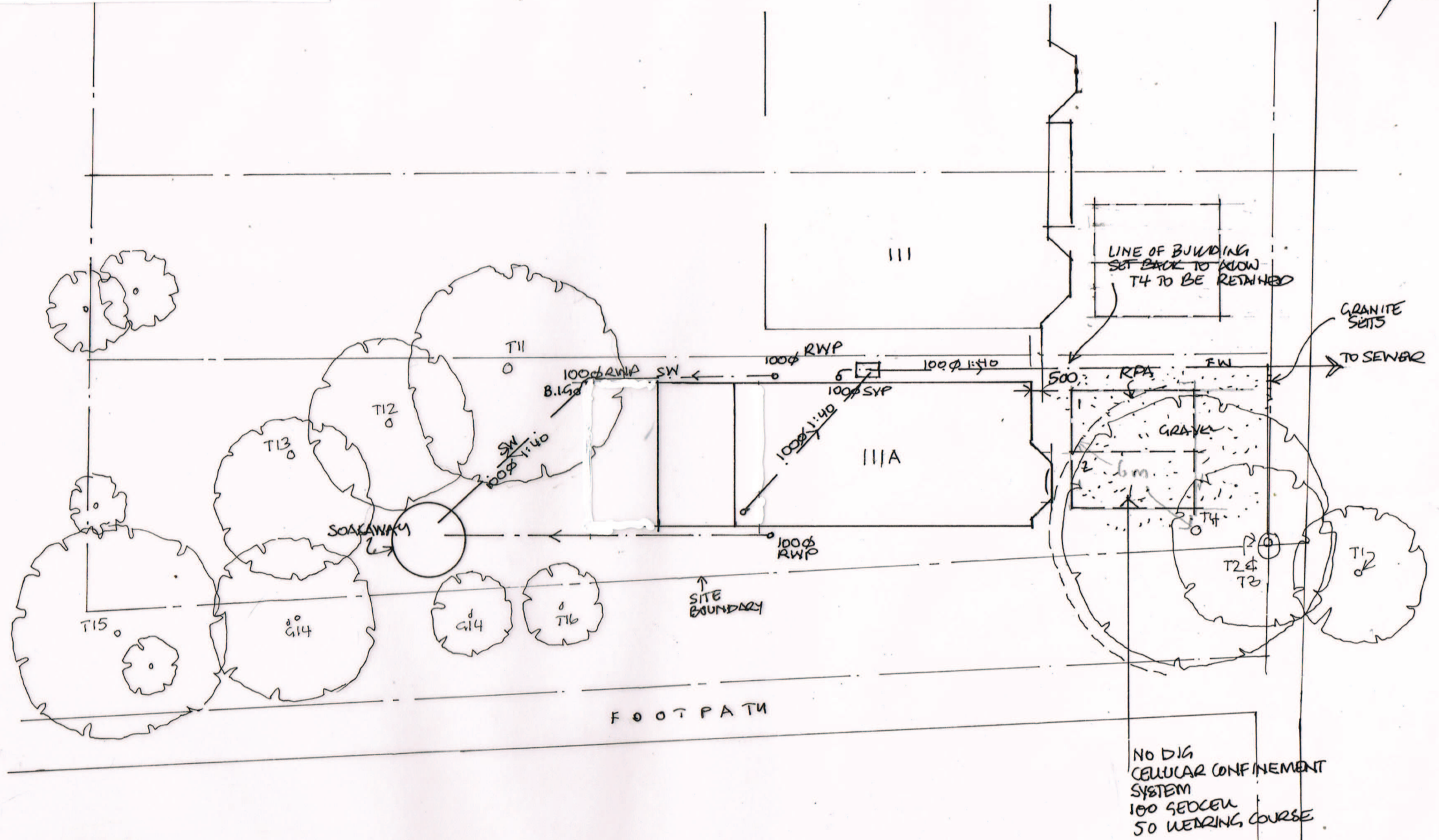
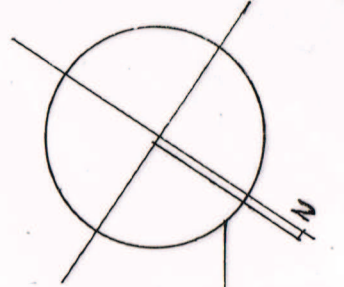
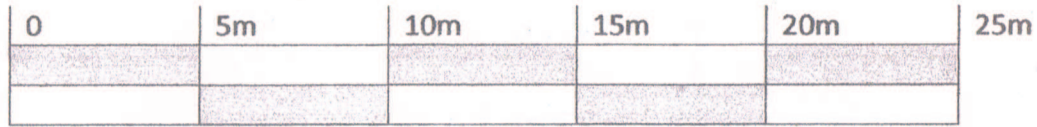
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 1:1250; 1:500
 Date:
 July 2014

Project:
 111 Coombe Lane Raynes Park
 London SW20 0QY
 Title:
 Location and Block Plan

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SCALE 1:200



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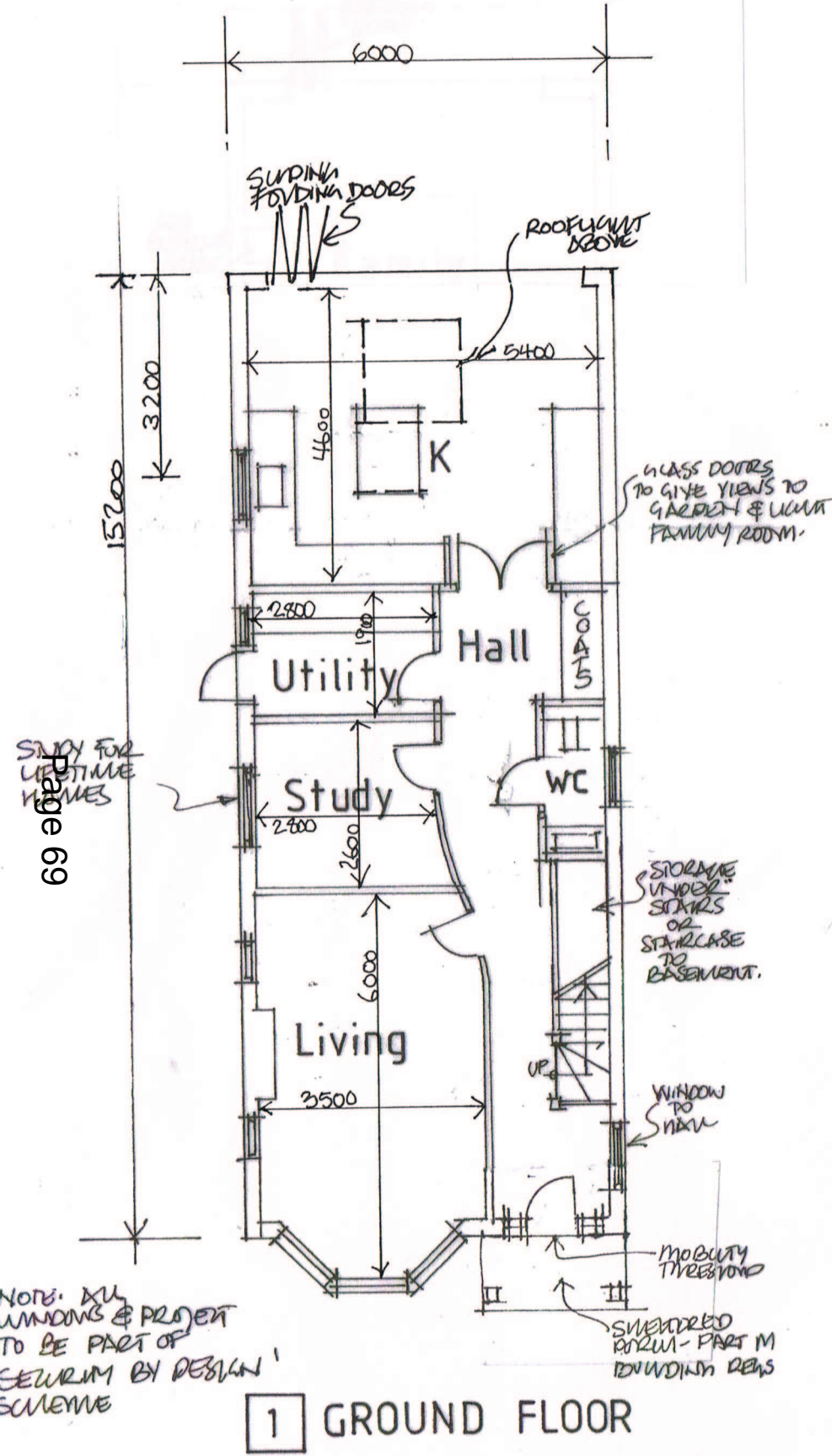
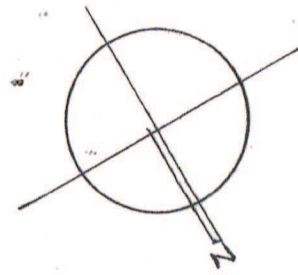
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D572/06
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Date:
August 2014

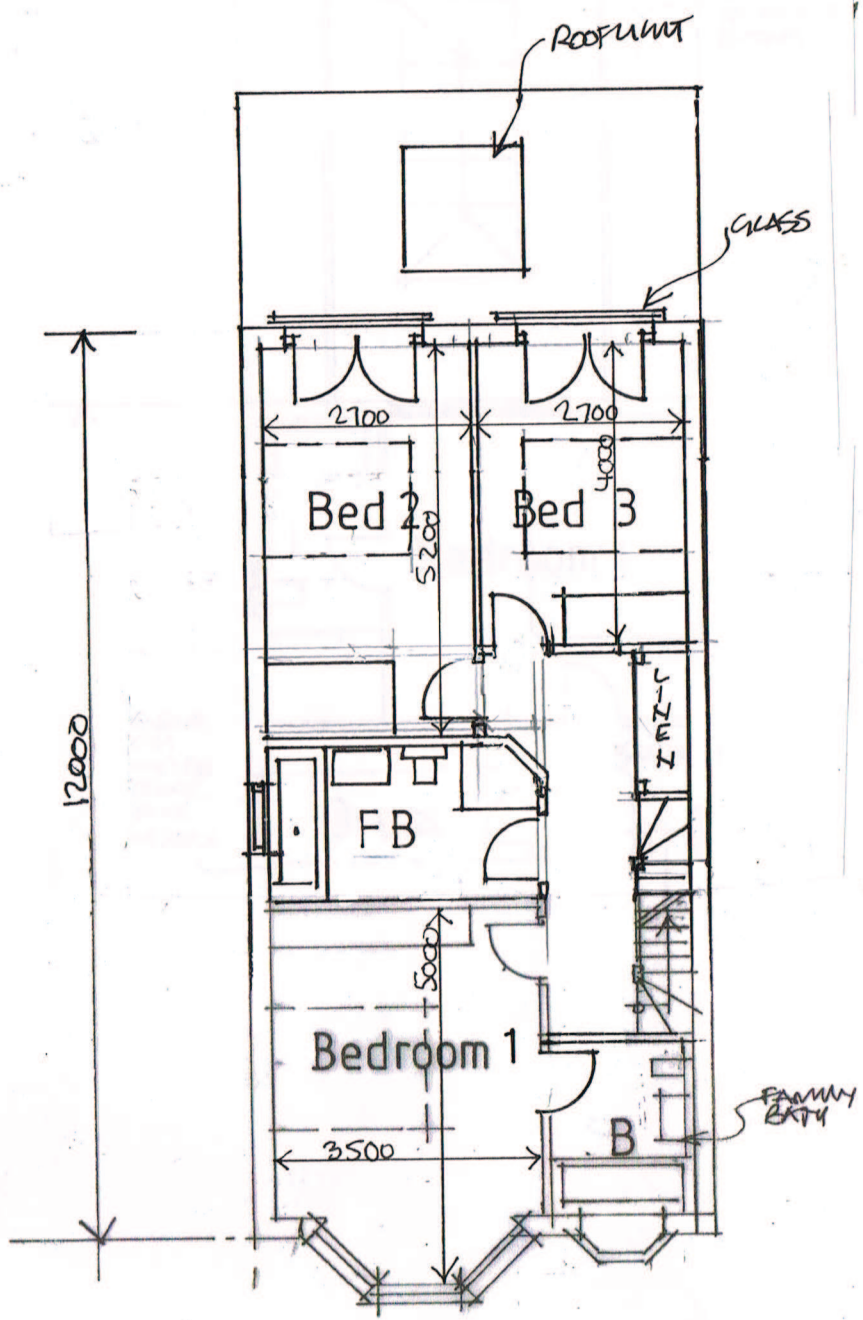
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London SW20 0QY
Title:
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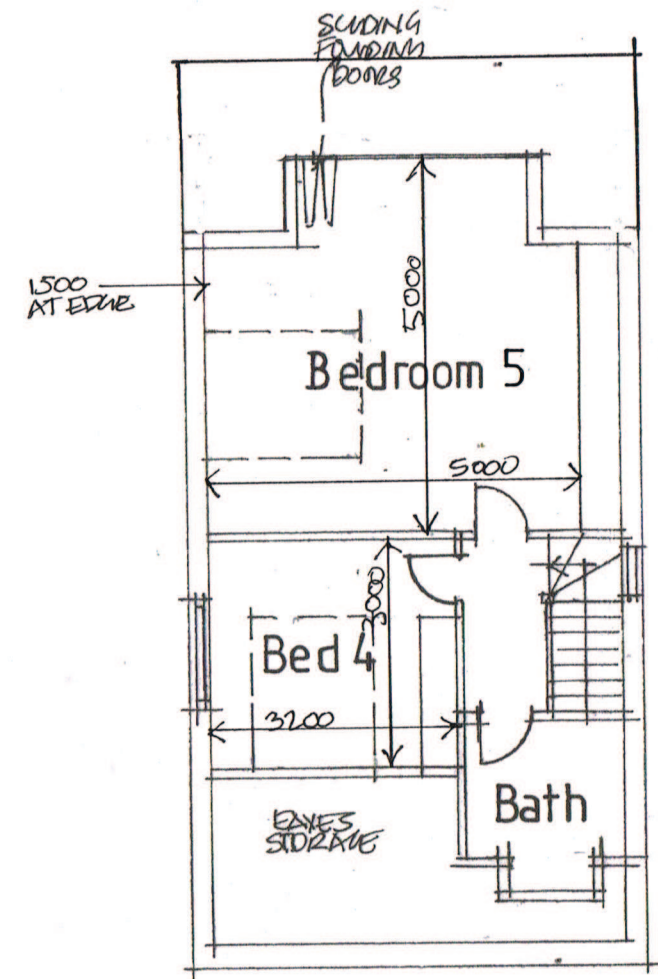
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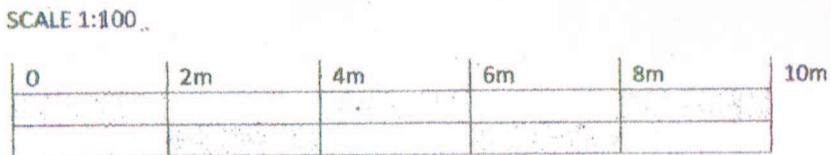
1 GROUND FLOOR



2 FIRST FLOOR



3 SECOND FLOOR



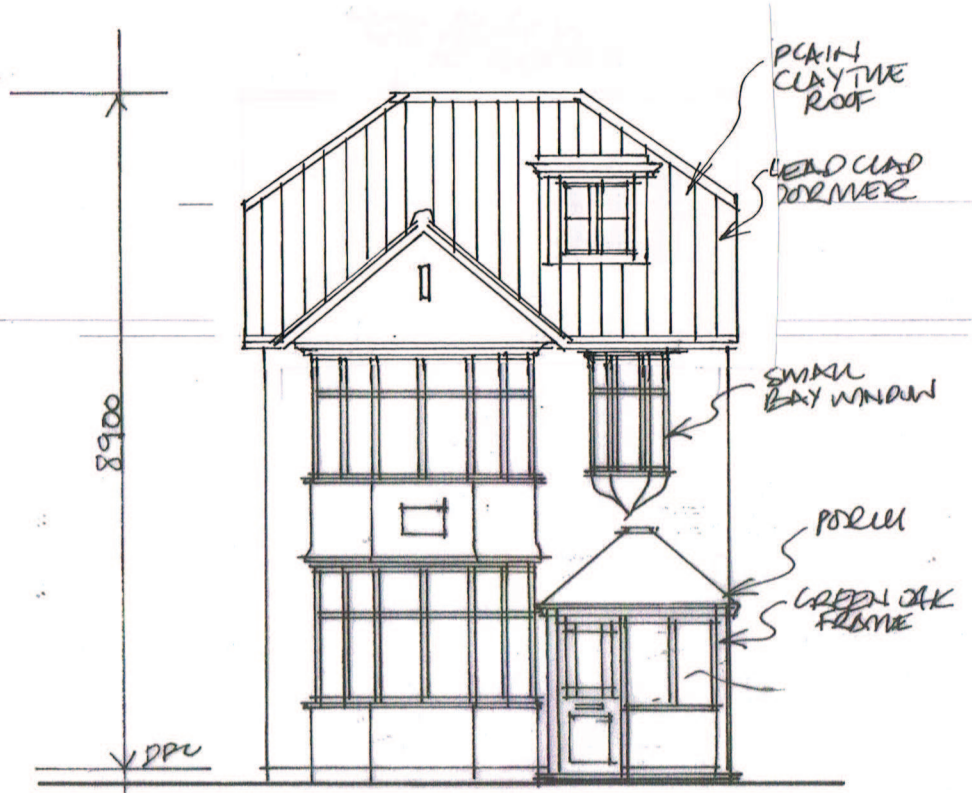
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Date:
July 2014

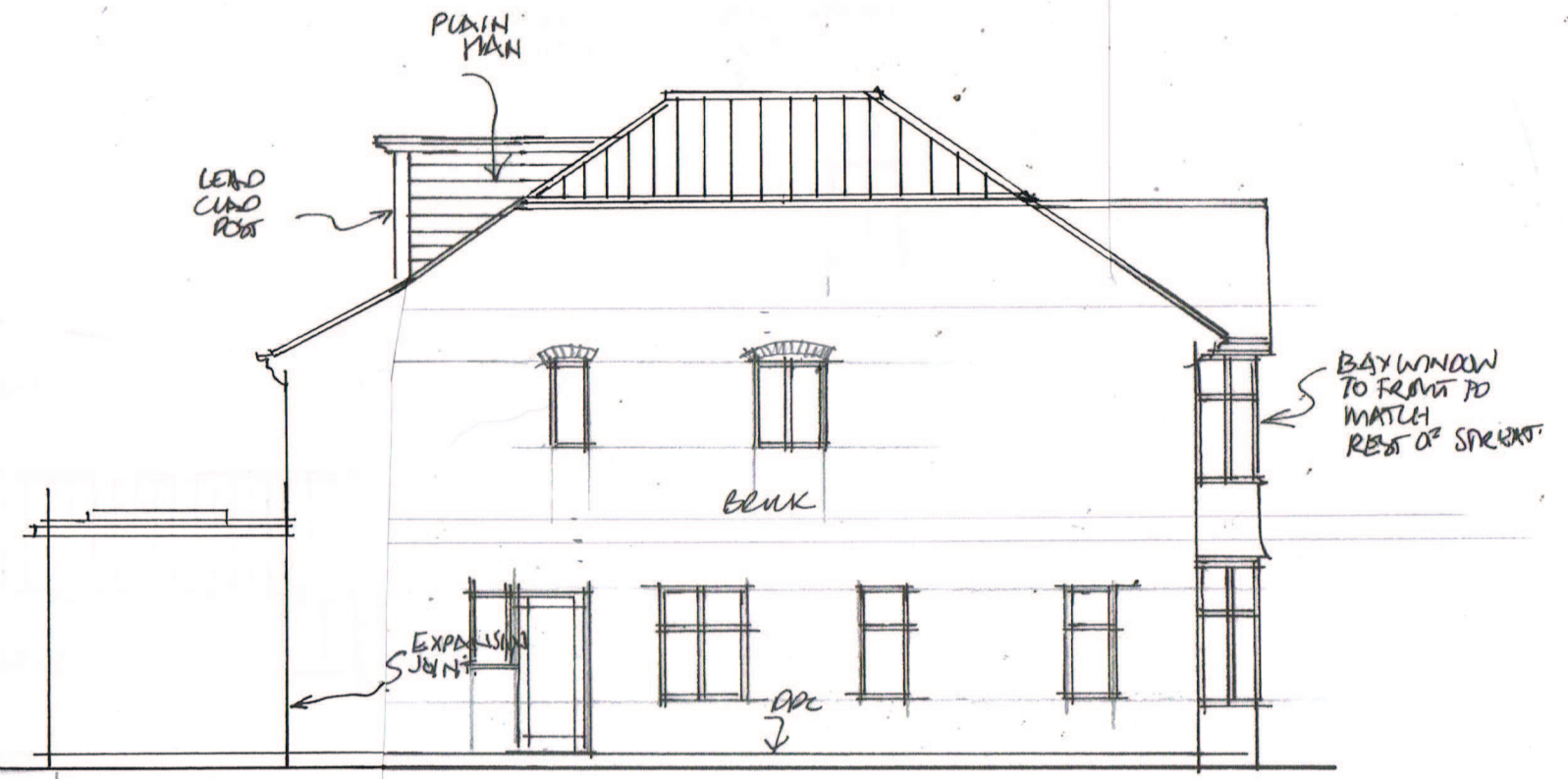
Project:
111 Coombe Lane Raynes Park
London SW20 0QY
Title:
Proposed Floor Plans

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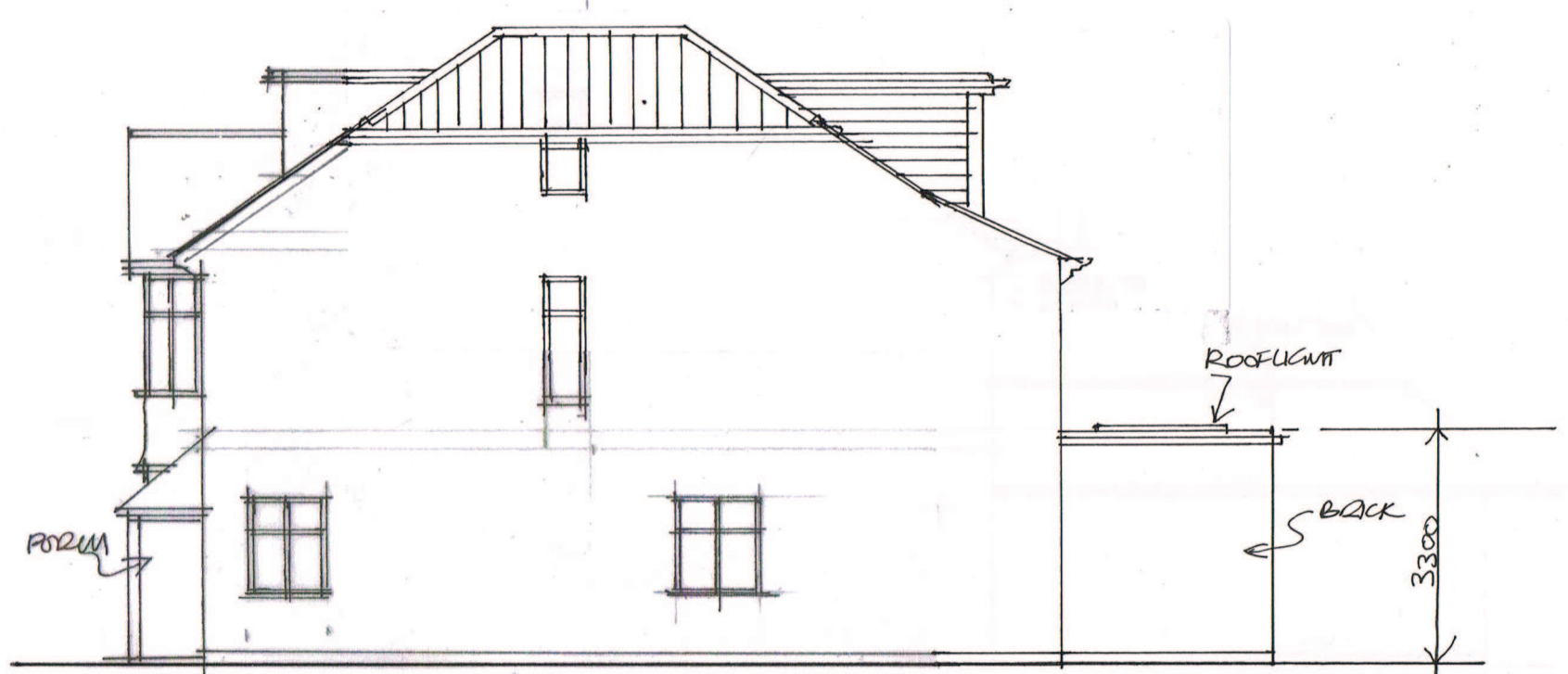
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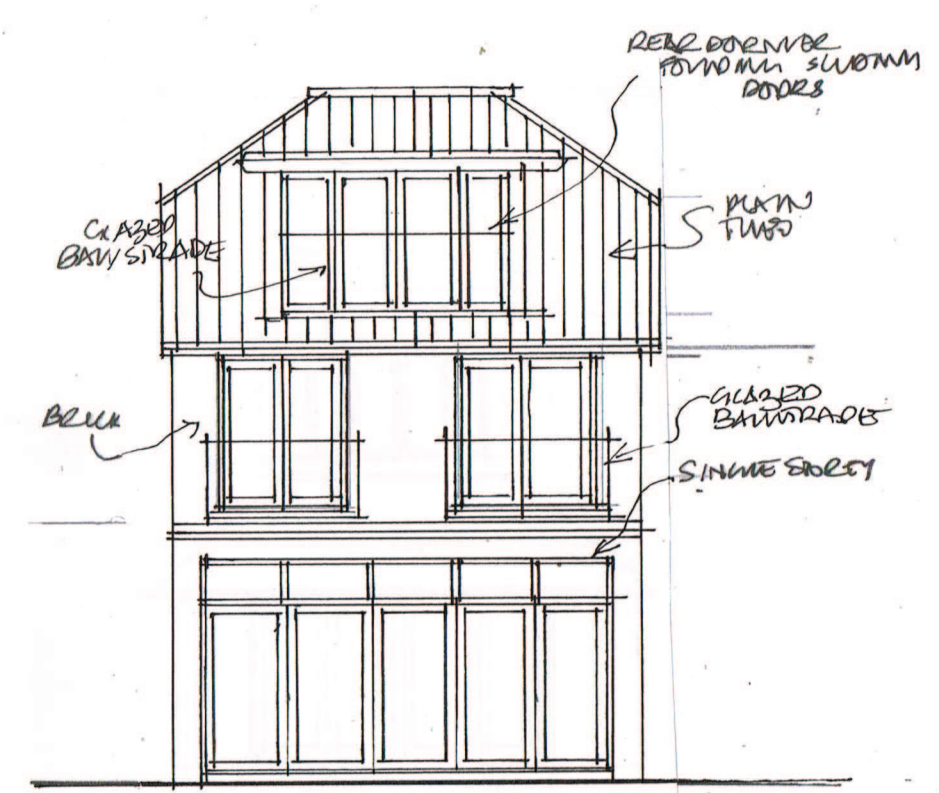
1 FRONT ELEVATION



2 SIDE ELEVATION TOWARDS FOOTPATH

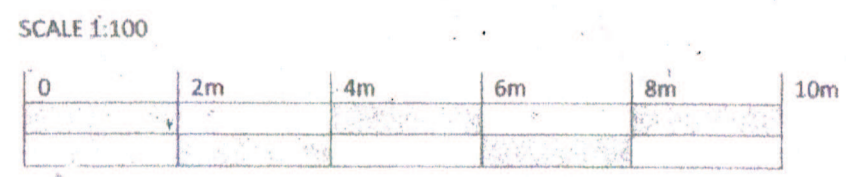


3 SIDE ELEVATION



4 REAR ELEVATION

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REV A: JAN 2015

Drg. No:
D572/03
A

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Date:
July 2014

Project:
111 Coombe Lane Raynes Park
London SW20 0QY
Title:
Proposed Elevations

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PLANNING APPLICATIONS COMMITTEE
12th February 2015

Item No:

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	12/P1012	10/04/2012
Address/Site:	3 Cranbrook Road, Wimbledon, SW19 4HD	
(Ward)	Hillside	
Proposal:	Demolition of existing house and erection of a four storey block of 8 flats (2 x 3 -bed, 4 x 2-bed, 2 x 1-bed) with basement parking.	
Drawing Nos:	LP.01, 101(E), 103(G), 104(H), 105(E), 106(G), 107(K) & 108(J)	
Contact Officer:	David Gardener (0208 545 3115)	

RECOMMENDATION

GRANT Planning Permission Subject to a S106 Legal Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Parking permit free.
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 95
- External consultations: None

1. INTRODUCTION

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of objections received.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two-storey late 19th Century detached property, located on the north-east side of Cranbrook Road. The immediate surrounding area comprises a mixture of residential and commercial uses with varying building sizes and types. A large squash court building (Wimbledon Racquet and Fitness Club) is located to the right hand side of no 3's frontage and No.1 Cranbrook Road, a detached house similar in size and style to No.3, sits to the left..
- 2.2 The site is within a Controlled Parking Zone (W1) with a high Public Transport Accessibility Level (PTAL) of 5. The site is located close to Wimbledon Town Centre, and is 60m from the junction with Worple Road, which is served by a number of bus routes. The application site is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1 The applicant seeks planning permission to demolish the existing building and erect a detached four – storey building comprising eight flats (2 x 3 bed, 4 x 2 bed, and 2 x 1 bed) with basement car parking.
- 3.2 The building would be modern in form, with facing materials comprising red brick at ground, first and second floor levels with grey reconstituted stone banding and silver grey aluminium windows. The top floor is recessed to varying degrees on all sides and is fully glazed on its front and rear elevations. A green wall system is proposed over part of both flank elevations. In addition, green roofs are proposed for the main roof and some ancillary buildings as part of the sustainable urban drainage strategy.
- 3.3 In terms of floor area the three bedroom units would be 96sqm and 104sqm, the two bedroom units would be between 72.5sqm and 85sqm, whilst the one bedroom units would be 50.5sqm and 60sqm.
- 3.4 The 2x 3-bedroom ground floor flats would have directly accessible private garden space, with the flats at 1st and 2nd floor level having balconies and the 3rd floor flats having larger roof terraces. There would also be a communal amenity area at the rear of the building.
- 3.5 Secure cycle storage would be located at the rear of the site. Bin storage would be located at the front of the site as well as a car lift leading to a basement parking area accommodating 8 parking spaces including one disabled space.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 88/P1379 - Redevelopment of site by erection of a four storey block comprising six two bed flats together with the provision of seven parking spaces located at front and rear of block. REFUSED 15/12/1988, for the following reason:

“ By reason of its height, size and siting, the proposed block of flats would be an undesirable and inappropriate form of development, visually obtrusive and out of character with neighbouring residential properties, detrimental to the amenities of occupiers of adjoining residential properties, particularly by reason of loss of light and disturbance by vehicular activity contrary to policies E18 and E22 of the proposed Borough Plan revisions.”

- 4.2 89/P0083 - Redevelopment of site by the erection of a three storey building comprising four 2-bedroom flats and two 1 bedroom flats together with the provision of 7 parking spaces. GRANTED 18/05/1989.
- 4.3 90/P0989 - Erection of a part three-storey part four-storey block of 10 one-bed flats and 7 two-bed flats with basement car park involving demolition of existing buildings on site. GRANTED 13/12/1990.
- 4.4 10/P2348 - Erection of a three-storey block of 6 x 2 bed flats with underground car parking involving demolition of the existing building. REFUSED at Planning Applications Committee on 13/01/2011 for the following reason:

Due to its visual appearance and design, the proposed development would fail to provide a high standard of design that will enhance the character of the area, which is lacking in distinctiveness and attractiveness contrary to part (ii) of Policy BE.22 of the Adopted Unitary Development Plan (October 2003).

This application was subsequently DISMISSED at appeal on 22/11/2011, but only because of the lack of a S106 agreement for contributions to education and transport and a parking permit free requirement. The proposal was found to be acceptable by the Inspector in terms of design, impact on neighbours and additional traffic generation.

- 4.5 11/P0772 - Erection of a three-storey block of 6 x 2 bed flats with underground car parking involving demolition of existing building. Unlike the previous application, this was a more traditionally designed building. Members resolved to grant permission at Planning Applications Committee on 16/06/2011, subject to a S106 Agreement but this was never completed, therefore a planning permission has not been issued.
- 4.6 In February 2012 a pre-application meeting (LBM Ref: 12/P005/NEW) was held between the applicant and Council officers.

5. POLICY CONTEXT

5.1 Relevant policies are as follows:

5.2 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):

DM D1 (Urban design and the public realm)
DM D2 (design considerations in all developments)
DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure)
DM H2 (housing mix)
DM O2 (Nature conservation, trees, hedges and landscape features)
DM T3 (Car parking and service standards)

5.3 Adopted Merton Core Planning Strategy (July 2011):

CS.8 (Housing Choice), CS9 (Housing provision), CS.14 (Design), CS.15 (Climate Change), CS.20 (Parking, Servicing and Delivery)

5.4 London Plan (July 2011):

3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (Parking)

5.4 The following Supplementary Planning Guidance (SPG) is also relevant: New Residential Development (September 1999)

6. CONSULTATION

6.1 The application has been publicised by means of a site notice procedure and individual letters to occupiers of neighbouring properties. In response, 12 letters of objection have been received. The letters of objection are on the following grounds:

- Loss of privacy/overlooking
- Detrimental impact on traffic and parking
- Detrimental impact on visual amenity
- Overdevelopment of Cranbrook Road
- Out of keeping with neighbouring buildings
- Too high
- Damage to trees
- Noise
- Potential subsidence

6.2 Transport Planning – No objections subject to S106 agreement for permit free and conditions.

7. PLANNING CONSIDERATIONS

The main planning considerations concern the design and appearance of the proposed building, standard of accommodation to be provided, and impact of the development upon residential amenity, parking and trees.

7.1 Visual Amenity

7.11 Planning application 10/P2348) was refused at Planning Applications Committee in January 2011 because of concerns regarding the gradual loss of good quality buildings such as the existing property, and the poor quality and uninspiring and unattractive design of the proposed flats.

7.12 Although the Planning Inspector dismissed the subsequent appeal in November 2011, this was solely on the basis of a lack of a suitable S106 legal agreement in relation to education and transport contributions and a parking permit free clause. He did not consider that there would be grounds for refusal based on quality of design, impact on neighbours or additional traffic generation.

7.13 Specifically in relation to the design, the Inspector stated that:

‘The proposed block of flats with its flat roof and rectangular shape would be of a contemporary style and would thus be in keeping with the similar, nearby block of modern flats at the junction of Cranbrook Road and Worple Road. Moreover, buildings of styles contemporary to the period of their construction, rather than pastiches of earlier periods, are a key characteristic of the road. The brick facing material would give the building a high quality appearance and its feature horizontal banding would contrast pleasingly with the vertical emphasis of its fenestration. These features, together with its balconies and extended ground floor would give the development an attractive distinctiveness and would ensure that, although of rectangular appearance, the building would not be inappropriately ‘boxy’.’

He further concludes that:

‘...the proposal is of sufficiently high quality and distinctive design and that, bearing in mind the poor condition of the existing building on the site, it would enhance the character and local distinctiveness of the area.’

7.14 The Planning Inspector’s findings are a strong material planning consideration, given the latest proposal has adopted a very similar design approach to the current submission. The key difference in design terms is the addition of a recessed additional third floor in the latest proposal. The third floor would be set back from the front, rear and side elevations and would feature full floor to ceiling glazing on its front and rear elevations. It is considered that this design approach, which would create a top floor with a smaller floor plate with lightweight

materials that provide a contrast to the facing red brickwork on the lower floors, is acceptable and means that the building would not appear excessive in terms of its bulk and massing when viewed from the street. In relation to its surroundings, it would provide a transition between the higher Wimbledon Racquet and Fitness Club building and the 90cm lower building at 1 Cranbrook Road.

- 7.15 There is an eclectic mix of building sizes, types, and styles along Cranbrook Road. It should be noted that Trafalgar House, which is located on Worple Road, at the junction with Cranbrook Road, is an example of how the design approach proposed has been implemented nearby. Overall, taking into account the previous Inspector's comments, the proposed building is considered to be of sufficiently high quality, appropriate for this location. The proposal is therefore considered would accord with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and CS.14 of the Core Planning Strategy and is acceptable in terms of visual amenity.

7.2 Standard of Accommodation

- 7.21 The London Plan was published in July 2011 and sets out a minimum gross internal area standard for new homes as part of policy 3.5. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourage well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards, and ensures the provision of quality of living conditions.
- 7.22 In terms of Gross Internal area (GIA), the three bedroom units would be 96sqm and 104sqm, the two bedroom units would be between 72.5sqm and 85sqm, whilst the one bedroom units would be 50.5sqm and 60sqm. The GIAs of each flat would exceed the minimum space standards of 86sqm for a 3 bed (5 person) flat, 70sqm for a 2 bed (4 person) flat and 50sqm for a 1 bed (2 person) flat set out in the London Plan. In addition, all the flats are well proportioned with habitable rooms with good outlook, light and circulation. As such, it is considered the proposal would provide a satisfactory standard of accommodation for occupiers in accordance with Policy 3.5 of the London Plan. In addition, the 3 bed flats would provide 30.1sqm, the 2 bed flats a minimum of 7.3sqm and the 1 bed flats 9.5sqm of the private amenity space and as such comply with the minimum amount of private amenity required in policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) which states that a 1-2 person flatted dwelling should include a minimum of 5sqm of private outdoor space and an extra 1sqm should be provided for each additional occupant.
- 7.23 It is also considered that the proposal would comply with policy DM H2, which seeks to create socially mixed communities by encouraging a

mix of housing sizes. The proposed housing mix would be 25% one bedroom, 50% two bedroom, and 25% three bedroom.

7.3 Residential Amenity

7.31 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development will be expected to ensure provision of appropriate levels of sunlight/daylight, quality of living conditions and amenity space to adjoining buildings and gardens. This policy also seeks to protect neighbouring properties from visual intrusion and noise.

7.32 The proposed building would have the same footprint at first and second floor levels as application LBM Ref: 10/P2348, which was dismissed on appeal but was considered by the Planning Inspector to be acceptable in terms of residential amenity. The latest application also proposes additional rear ground floor elements and a third floor.

7.33 It is considered that the proposal is acceptable in terms of daylight/sunlight, passing the Aspect Value Test relative to No.1 Cranbrook Road, which is located to the northwest of the site. The building is sited 2m from the side boundary with No.1 with each floor staggered away from the side boundary to further reduce its impact. The third floor would also be set back 1.9m from the front elevation, a maximum of 2m from the rear elevation, and 90cm from each side elevation and comprise floor to ceiling height glazing on its front and rear elevations to give it a lightweight appearance and prevent the building from appearing to bulky and visually intrusive when viewed from surrounding properties.

7.34 In terms of privacy, the proposed third floor would be sited approximately 19m from the rear boundary of the site and approximately 34.5m from the rear elevations of houses along Salisbury Road in excess of the council's guidelines of 25m. The side elevations would be obscure glazed at first to third floor levels and the front and rear, facing balconies would also feature opaque glass privacy screens. It should be noted that the only the terraces to the third floor flats would be at the front of the building and will also feature privacy screens.

7.35 It is therefore considered that the proposal would not have a detrimental impact on the levels of amenity currently enjoyed by occupiers of surrounding properties and would accord with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014)

7.4 Parking and Traffic

7.41 The site has a PTAL rating of 5, which indicates that it has very good access to public transport services. There are buses, which run

regularly along Worple Road, with bus services to Wimbledon Town Centre, Kingston etc.

- 7.42 A total of 8 basement car parking spaces (including one disabled space), accessed via a car lift, will be provided. This is considered acceptable as it would provide one space per flat. In addition, given the number of parking spaces proposed and to comply with London Plan policy 6.13 a condition will be attached requiring that an electric charging point is provided prior to occupation. Secure cycle parking will be provided at the rear.
- 7.43 The site is within a Controlled Parking Zone and it is recommended that any permission for this site should be 'permit free'.

7.5 Landscaping

- 7.51 The proposal would incorporate landscaping to the front and rear of the site and will not impact on the Sycamore on the rear site boundary. A new tree will be planted at the front. It is considered that the proposed landscaping will soften the appearance of the proposed building from the road. The Holm Oak tree has the potential to be impacted by the basement element because of its close proximity, however, it is of little public amenity value and its loss would not be sufficient to warrant refusal. An arboricultural report and tree protection measures will be required by condition and if it is not possible to retain the Holm Oak, replacement tree planting will be required as part of the landscape scheme. In addition, to further reduce the building's impact when viewed from houses along Salisbury Road, a condition requiring further tree planting close to the rear boundary of the site will be attached.

7.6 Basement

A basement formed part of the previous application which Members resolved to approve in 2011 subject to a legal agreement and the current proposal contains a similar element. In accordance with the Council's latest policies, an on-site ground investigation has been carried out and a land stability assessment and construction method statement has been provided as well as a drainage strategy. The conclusion is that subject to the formation of the basement being carried out in accordance with the construction method statement provided, the ground conditions are such that the basement can be safely constructed whilst minimizing any risk of ground movement in relation to adjoining properties. No ground water was encountered during the site investigations and the site is in a low flood risk zone. In relation to surface water runoff, the development has been analysed in relation to the London plan drainage hierarchy and a combination of green roofs and attenuation in storage tanks is proposed as the best solution for this specific site. These measures will be required by condition.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal involves the erection of a building comprising eight self-contained flats. Conditions have been proposed requiring submission of details of measures to achieve Code for Sustainable Homes Level 4, and for the building to meet Lifetime Homes Standards. An electric charging point will be required to be provided within the basement. Provision of sustainable drainage measures will also be required.
- 8.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms of EIA submission.

9. LOCAL FINANCIAL CONSIDERATIONS

- 9.1 The proposed flats would result in a net gain in gross floor space and as such will be liable to pay the Mayoral and Merton's Community Infrastructure Levy, which has a combined rate of £255 per square metre.

10. SECTION 106 LEGAL AGREEMENT

10.4 Permit Free

- 10.41 The development is to be 'Permit Free' in line with policy CS.20 of the Core Planning Strategy, which seek to reduce reliance on private motor vehicles in locations with good access to public transport facilities.

- 10.5 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>

11. CONCLUSION

- 11.1 It is considered that the design and siting of the proposed building, (which is very similar to that judged to be acceptable by the previous appeal Inspector with the exception of the additional recessed 3rd storey) is considered to be of acceptably high quality, and the proposal is not considered to have a detrimental impact on residential amenity. The standard of accommodation is also acceptable and complies with the minimum internal space standards set out in policy 3.5 of the London Plan. Given the relatively small scale of the proposal, it is considered that the proposal would not lead to the creation of significant traffic impacts that will adversely affect the smooth operation of the existing local highway network.

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. That the residential units are 'Permit Free';
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)
2. B.1 (External Materials to be Approved)
3. B.4 (Details of Site/Surface Treatment)
4. B.5 (Details of Walls and Fences)
5. B.6 (Levels)
6. C.2 (No Additional or Enlarged Window or Door Openings)
7. C.7 (Refuse and Recycling (Implementation))
8. C.8 (No Use of Flat Roof)
9. C.9 (Balcony/Terrace (Screening))
10. C.10 (Hours of Construction)
11. F.1 (Landscaping/Planting Scheme (to include 1m of soil over basement))
12. F.2 (Landscaping (Implementation))
13. F.3 (Tree Survey Required)
14. F.5 (Tree Protection)
15. No work other than demolition and site clearance shall be carried out until details of the green wall system shown on the approved plan No. 105(E) are submitted and approved by the Local Planning Authority. The details as approved shall be implemented and maintained thereafter.

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

16. F.9 (Hardstandings)
17. H.4 (Provision of Vehicle Parking)
18. H.6 (Cycle Parking – details to be submitted)
19. H.9 (Construction vehicles)
20. H.11 (Parking management strategy)
21. H.14 (Garage Doors/Gates)
22. No development shall commence on the basement until details of the location of a charging point for electric vehicles has been submitted to and approved by the local planning authority and the charging point shall be installed before the development hereby permitted is first occupied. The charging point shall thereafter be retained for the use of residential occupiers.

Reason: To encourage the use of environmentally friendly electric vehicles and to comply with policy 6.13 of the London Plan 2011.

23. L.2 (Code for Sustainable Homes (Level 4) – Pre-Commencement (New Build Residential))
24. L.3 (Code for Sustainable Homes (Level 4) – Pre-Occupation (New Build Residential))
25. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

Reason: To safeguard the amenities of the occupiers of neighbouring properties.

26. J.1 (Lifetime Homes)
27. The works shall be carried out in accordance with the approved Construction Method Statement dated January 2015.

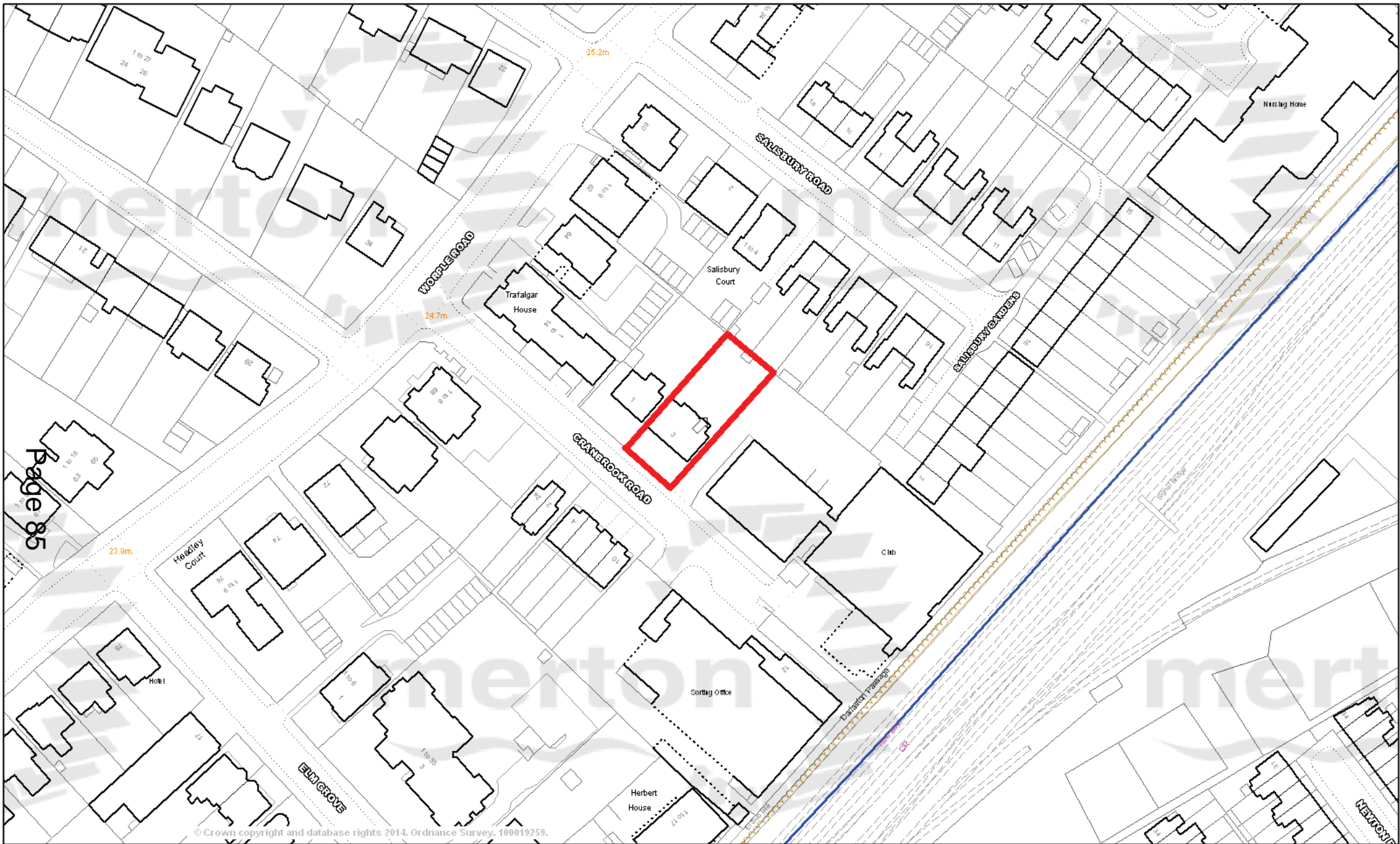
Reason: The details are considered to be material to the acceptability of the proposal and for safeguarding the amenity of neighbouring

residential properties and to comply with policy DM D2 of the adopted Merton sites and Policies Plan 2014.

28. No development other than demolition and site clearance shall be commenced until details of the green roofs (including depth of planting medium, species, and management regime) and attenuation tanks proposed to minimise surface water runoff as shown at figure 3.1 in the approved Drainage Assessment dated January 2015 have been submitted to and approved by the local planning authority and such measures shall be provided prior to first occupation of the development.

Reason: In the interests of reducing susceptibility to surface water flooding and to accord with Policy DM F2 of the adopted Merton Sites and Policies Plan 2014 and Policy 5.13 Sustainable Drainage of the London Plan (2011) as amended.

29. Prior to the occupation of the development, details of the proposed operation of the car lift shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be thereafter maintained.



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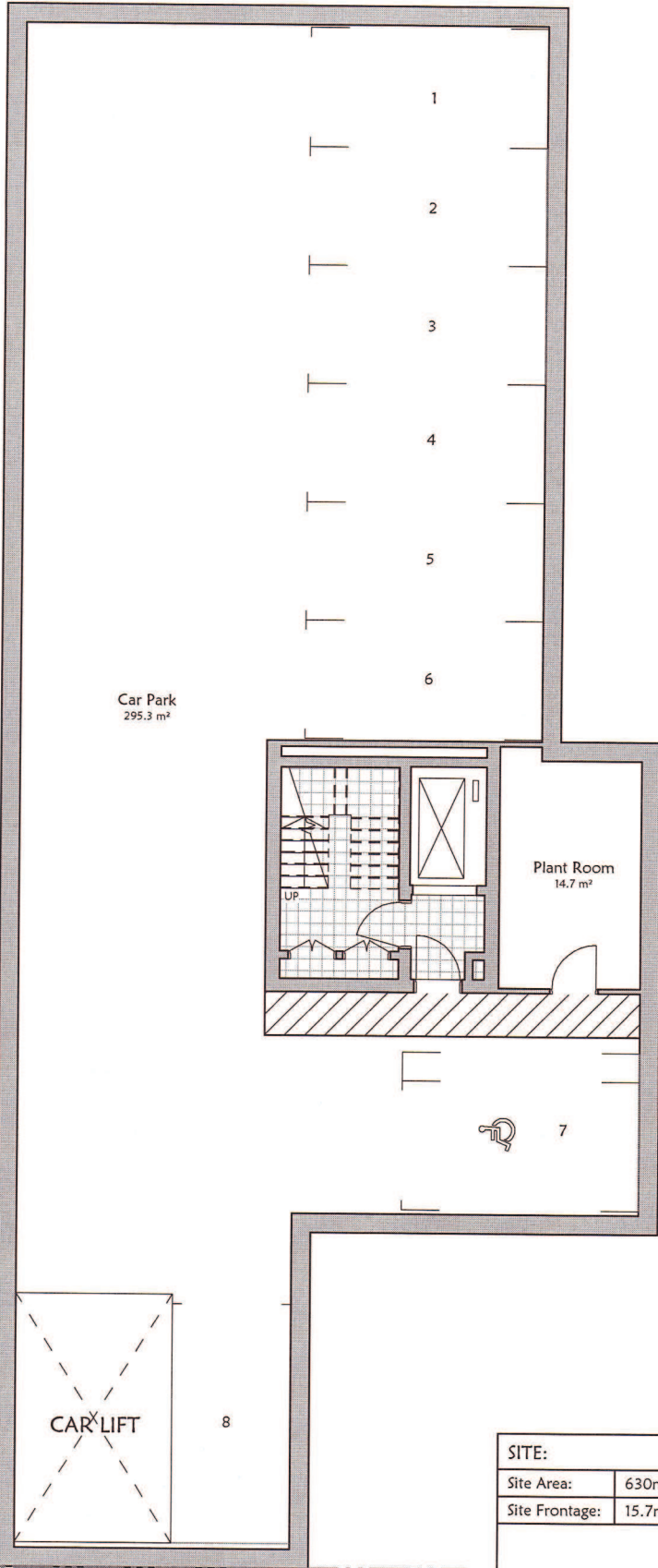
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Date 28/10/2014

London Borough of Merton
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Morden
Surrey
SM4 5DX



DEVELOPMENT CONTROL

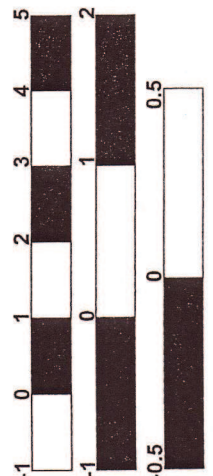


AMENDED

London Borough of Merton

07 OCT 2014

Planning Development Control



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Scale: 1:50
Scale: 1:20

BASEMENT PLAN
1:100

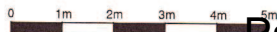
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		Cycle Parking:	16	Flat 3	75m ²	Flat 7	50m ²
		Refuse & Recycling:	5.2m ²	Flat 4	88m ²	Flat 8	60m ²

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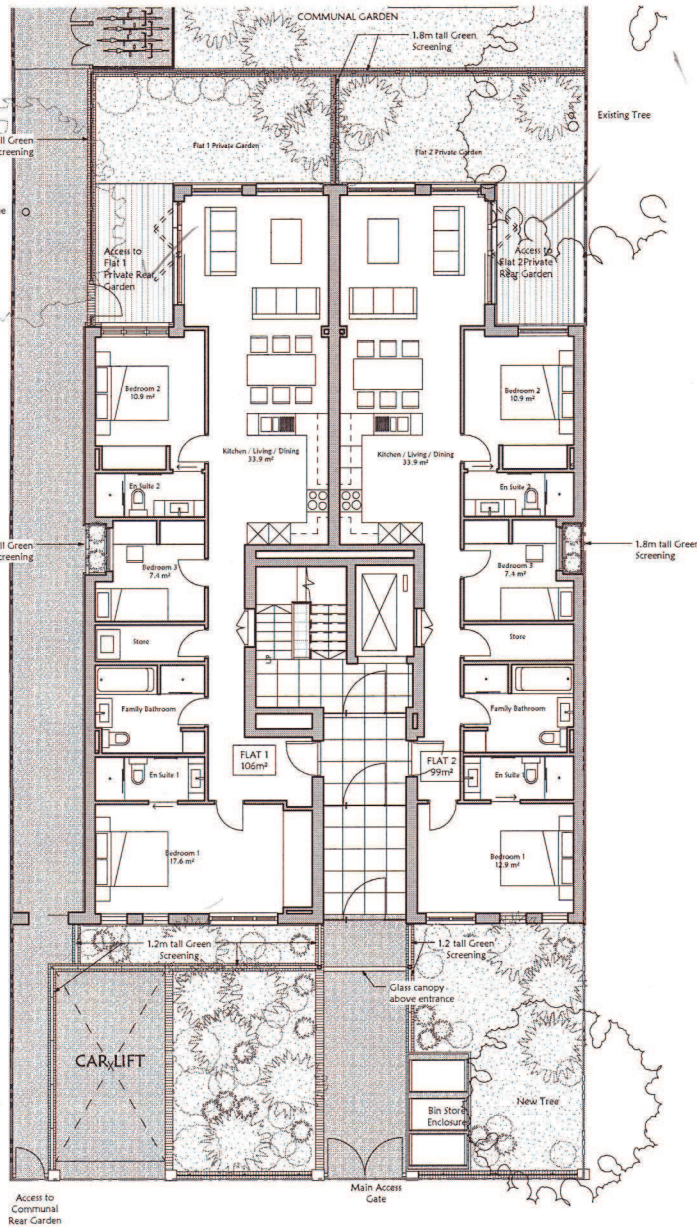
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Client SAVANNAH GREEN		Chartered Architects P.O. BOX 1034 WIMBLEDON MIDDLESEX HA9 9JY	
Job Title TOWN PLANNING		Issue Date 20/01/2014	
Status 3 CRANBROOK ROAD, WIMBLEDON, LONDON - SW19 4HD		Drawn Date 22/11/2013	
Drawn By: MK		Checked By: NP	
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Chk.		Rev: E	

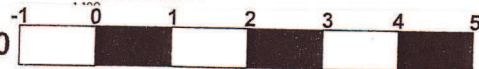
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No. 1 Cranbrook Road

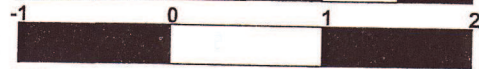


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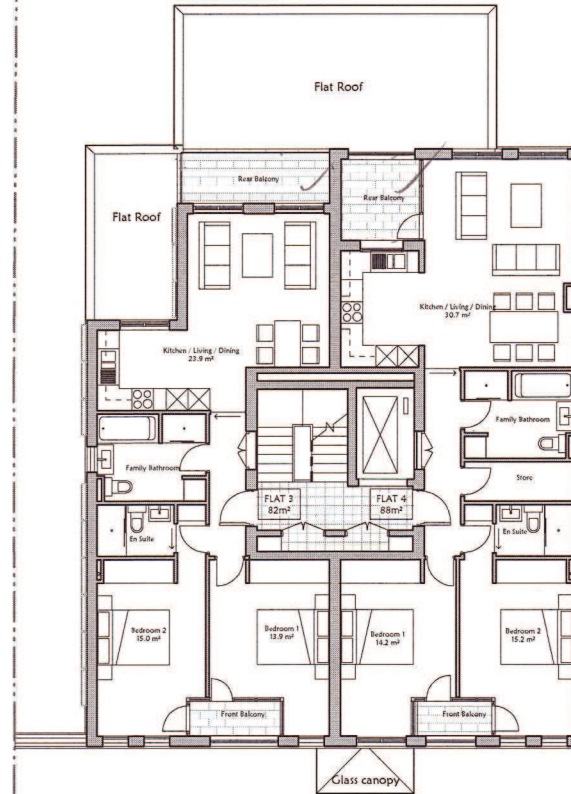
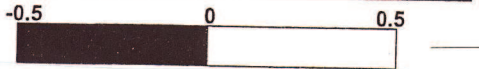
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FIRST FLOOR PLAN
1:100

AMENDED



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Site Frontage: 15.7m	Car Parking: 8	Flat 2	99m ²	Flat 6	88m ²				
	Cycle Parking: 16	Flat 3	75m ²	Flat 7	45m ²				
	Refuse & Recycling: 5.2m ²	Flat 4	88m ²	Flat 8	60m ²				

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REPLACEMENT DRAWING
(ARC 3 ASSOCIATES DWG NO:
G278B/103'A)

London Borough of Merton

26 SEP 2014

Planning Development Control

Rev. No.	Date	Description	CHK.
G	09/09/2014	Drawings revised in accordance with comments from planners.	NP
F	11/08/2014	Drawings revised in accordance with comments from planners.	NP
E	09/06/2014	Drawings revised in accordance with comments from planners.	NP

Drawing Title
PROPOSED GROUND AND FIRST FLOOR PLANS

Client
SAVANNAH GREEN

Job Title
3 CRANBROOK ROAD, WIMBLEDON, LONDON - SW19 4HD

Status:
TOWN PLANNING
Scale:
1:100@A2

Drawn By:
MK
Checked By:
NP

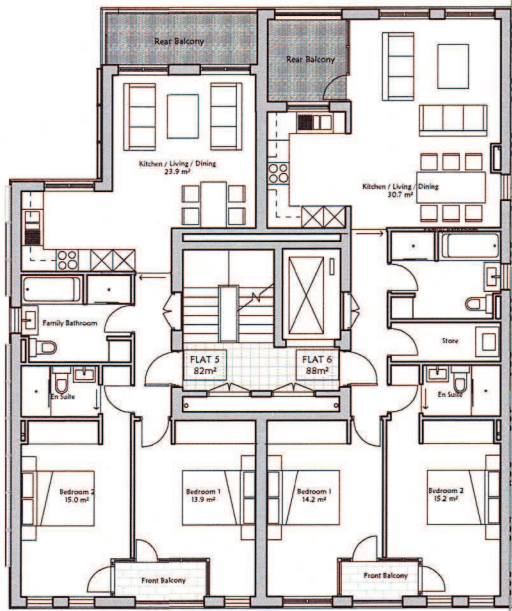
Originator/Author
PMA

Chartered Architect
P O BOX 604 WIMBLEDON
MIDDLESEX HA9 9JY

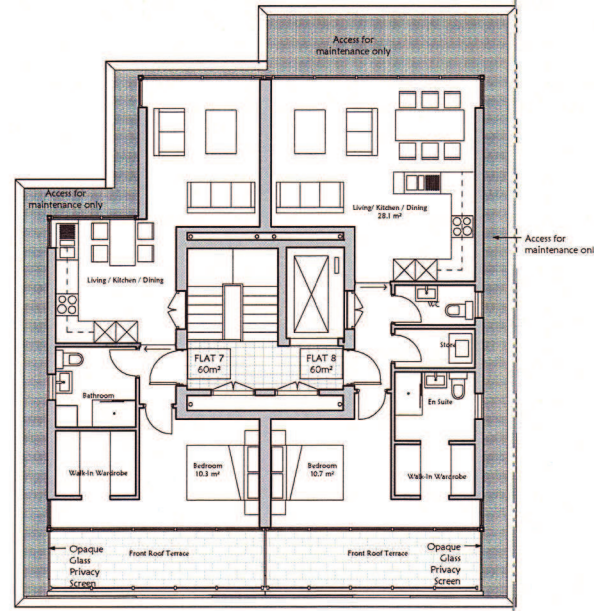
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Job Numbers	Dwg No.	Rev.
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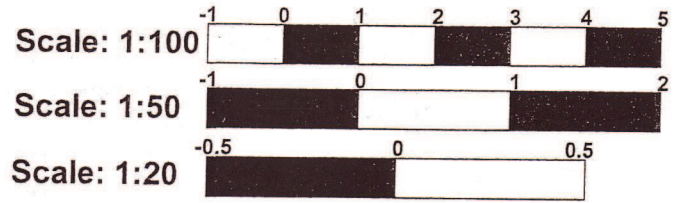
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London Borough of Merton

26 SEP 2014

Planning Development Control

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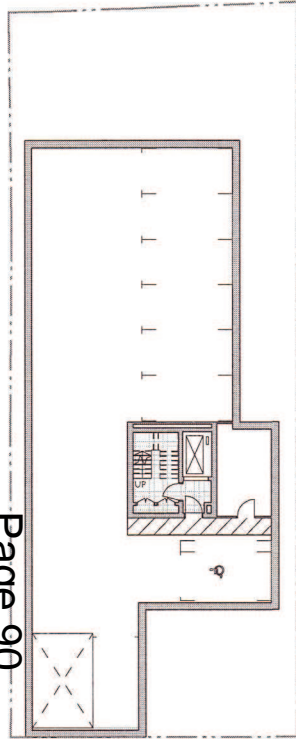
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E	09/06/2014	Drawing revised in accordance with comments from planners.	NP

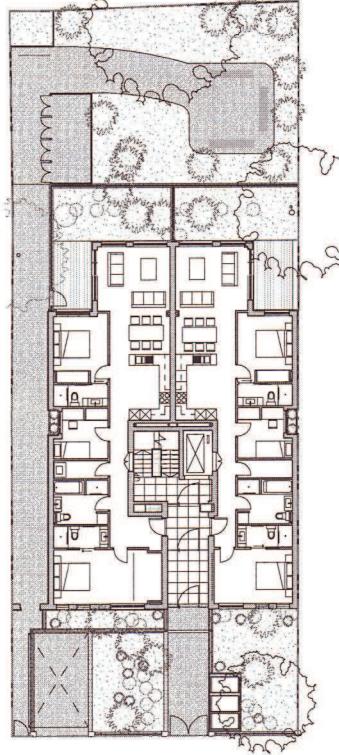
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PROPOSED SECOND AND THIRD FLOOR PLANS

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Status BUILDING REGULATIONS	Drawn By: MK
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Issue Date: 20/01/2014	Drawn Date: 22/11/2013
PM A	Job Number: 3CR
104	Drwg No: 104
H	Rev: H

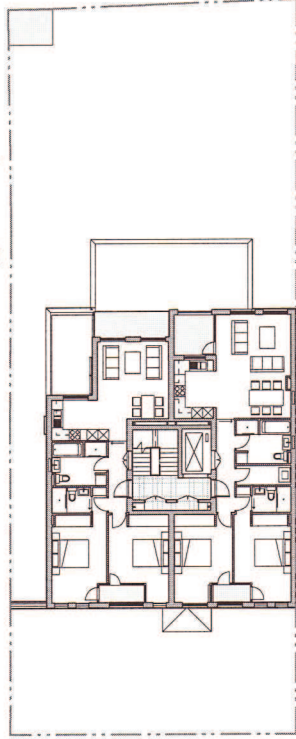
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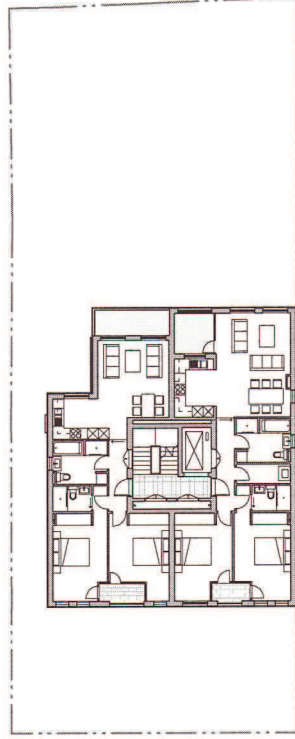
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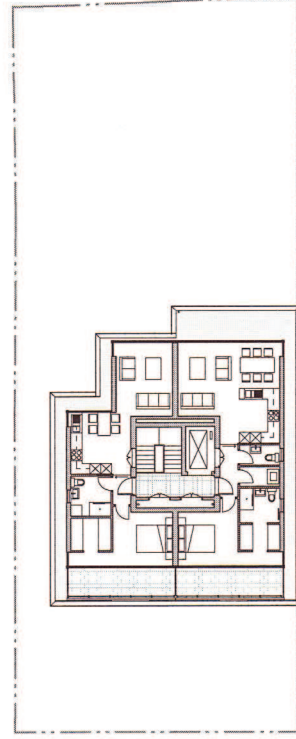
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FIRST FLOOR PLAN
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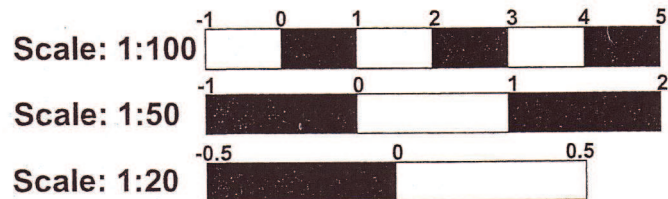


THIRD FLOOR PLAN
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AMENDED

London Borough of Merton

07 OCT 2014



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J	07/10/2014	Drawing revised in accordance with comments from planners.	NP
H	26/09/2014	Drawing revised in accordance with comments from planners.	NP
G	09/09/2014	Drawing revised in accordance with comments from planners.	NP
F	11/08/2014	Drawing revised in accordance with comments from planners.	NP
E	09/06/2014	Drawing revised in accordance with comments from planners.	NP

Rev. No.	Date	Description	Chk.
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Drawing Title
PROPOSED FLOOR PLANS

Client
SAVANNAH GREEN

Originator/Author
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Chartered Architects
P O BOX 1038 WIMBORNE
DORSET BH20 1JY

Job Title
3 CRANBROOK ROAD, WIMBLEDON, LONDON - SW19 4HD

Status
TOWN PLANNING

Scale
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Drawn By:
MK

Issue Date:
20/01/2014

Checked By:
NP

Drawn Date:
22/11/2013

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Site Area:	630m ²	Car Parking:	8	Cycle Parking:	16	Refuse & Recycling:	5.2m ²										
Site Frontage:	15.7m																

PM	A	3CR	108	J
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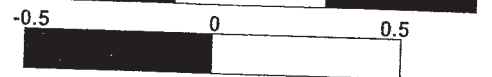
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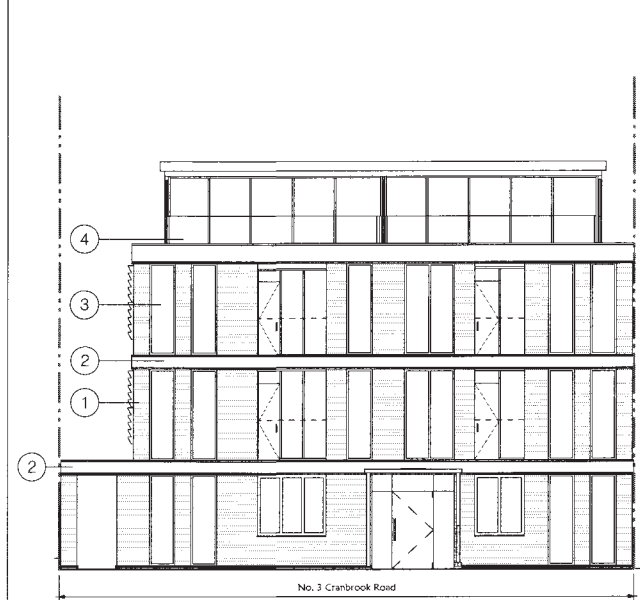
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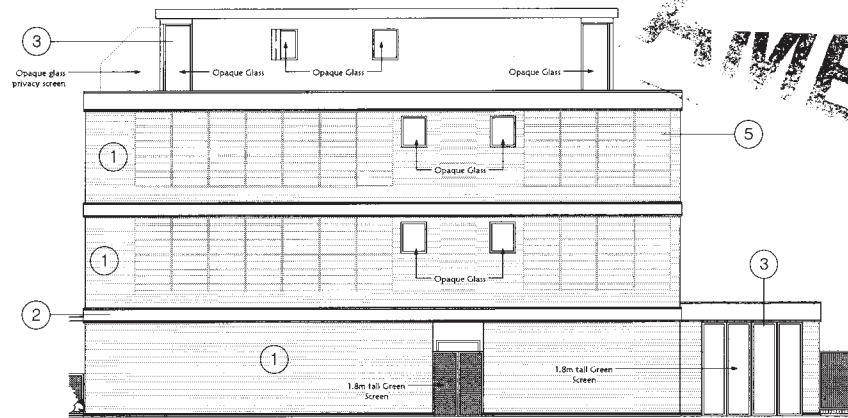
Scale: 1:20



RECOMMENDED

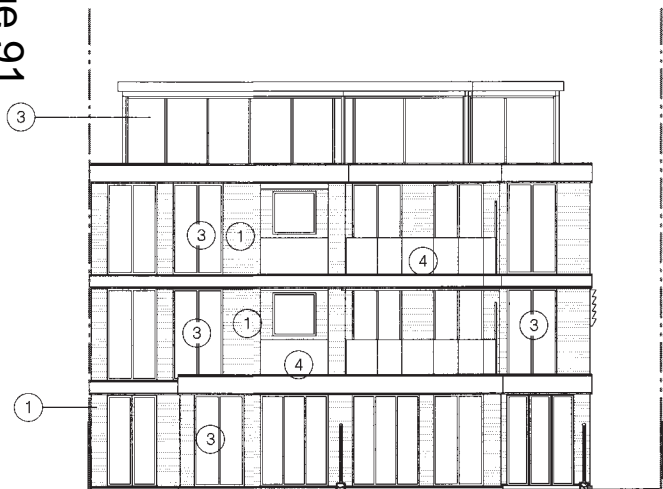


FRONT ELEVATION

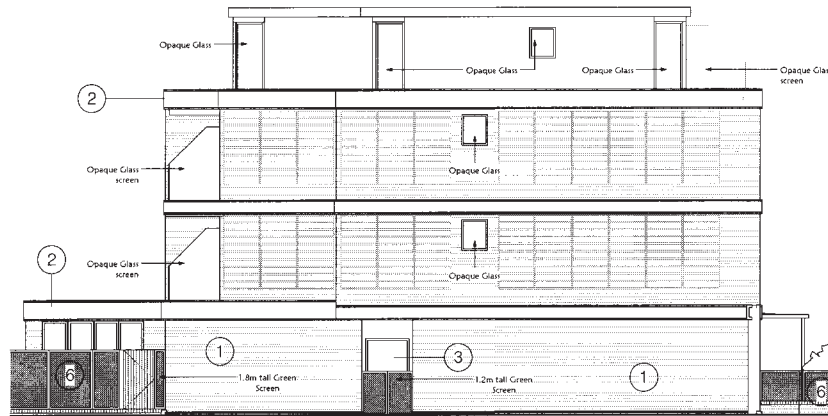


RIGHT SIDE ELEVATION

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REAR ELEVATION



LEFT SIDE ELEVATION

RECOMMENDATION DRAWING.
(M3 ASSOCIATES DWG NO: 09/05/14)

- 1. Do not scale drawings.
- 2. All dimensions are in millimetres unless otherwise stated.
- 3. This drawing is a recommendation only. It is not a contract. It is subject to the contract documents, specifications, details etc. The contractor shall be responsible for checking all dimensions and specifications against the contract documents and specifications.
- 4. This drawing shall be used in conjunction with all other relevant drawings. It is not to be used in isolation. It is not to be used for construction without the contractor's approval and is not to be used for construction without the contractor's approval.
- 5. The contractor shall be responsible for checking all dimensions and specifications against the contract documents and specifications.
- 6. All proprietary products shall be used & fixed in strict accordance with the manufacturer's printed recommendations, notes, specifications etc.
- 7. Only drawings stamped 'ISSUED FOR CONSTRUCTION' shall be used on site.

MATERIAL KEY

1. FACING BRICKWORK - HANSON COUNTY MULTI-SMOOTH OR SIMILAR
2. LIGHT GREY RECONSTITUTED STONE BANDING AND PLINTH
3. POWDER COATED ALUMINIUM WINDOWS WITH FRAME EXTERNAL FINISH IN SILVER GREY (RAL 7015)
4. STRUCTURAL GLASS BALUSTRADING TO ROOF TERRACES AND BALCONIES
5. GREEN WALL SYSTEM
6. FRAMED GREEN SCREENING SYSTEM

Rev. No.	Date	Description	CHK.
E	09/09/2014	Drawing revised in accordance with comments from planners.	NP
D	11/06/2014	Drawing revised in accordance with comments from planners.	NP
C	09/06/2014	Drawing revised in accordance with comments from planners.	NP

PROPOSED ELEVATIONS

Client: SAVANNAH GREEN
 Job Title: 3 CRANBROOK ROAD, WIMBLEDON, LONDON - SW19 4HD
 Original Author:

SITE:		PROPOSED:		SCHEDULE OF ACCOMODATION:			
Site Area:	630m ²	Building Footprint:	256m ²	Flat 1	106m ²	Flat 5	75m ²
Site Frontage:	15.7m	Car Parking:	8	Flat 2	99m ²	Flat 6	88m ²
		Cycle Parking:	16	Flat 3	75m ²	Flat 7	50m ²
		Refuse & Recycling:	5.2m ²	Flat 4	88m ²	Flat 8	60m ²

Status: TOWN PLANNING	Drawn By: MK	Issue Date: 20/01/2014
Scale: As indicated @ A2	Checked By: NP	Drawn Date: 22/11/2013
Job Number: PM A 3CR	Drawn No: 105	Rev: E



Agenda Item 8

PLANNING APPLICATIONS COMMITTEE
12th February 2015

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P3578	23/09/2014
Address/Site	Haydon Road Service Station, 298 Haydon's Road, South Wimbledon, SW19 8JZ	
Ward	Wimbledon Park	
Proposal:	Demolition of existing canopy and associated forecourt building. Redevelopment of site comprising the erection of a part 3 and part 4 storey, plus basement level, mixed use building comprising a ground floor retail unit with ancillary storage accommodation in the basement and residential use on the upper floors comprising nine (2 x 1 bed and 7 x 2 bed) flats. Provision of associated car and cycle parking and refuse storage facilities.	
Drawing Nos	2291_PL_001, 099E, 100H, 101J, 102J, 103G, 104, 110A, 400A, 401A, 402B, 403A, 500A, 501	
Contact Officer:	Stuart Adams (0208 545 3147)	

RECOMMENDATION

GRANT Planning Permission subject to S106 agreement and conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - Permit Free Development
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted – No
- Press notice – No
- Site notice – Yes
- Design Review Panel consulted – Yes
- Number of neighbours consulted – 90
- External consultations – No
- Number of jobs created – Unknown

- PTAL score – 2
 - CPZ – 3F
-

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee in light of the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is a prominent corner site situated at the junction between Haydon's Road and Haydon Park Road, Wimbledon. The site is occupied by a vacant petrol filling station dating from the late sixties/early seventies with a concrete front forecourt, petrol pumps and canopy at the front of the site and a single storey convenience store with a petrol pay window sitting behind and occupying all of the rear footprint of the site right up to the boundaries with adjoining properties. There is a vehicular access on each of the Haydon's Road and Haydon Park Road frontages.
- 2.2 To the immediate left hand side of the site, 284-296 Haydon's Road forms a designated neighbourhood parade within the Council's adopted Sites and Policies Plan. It is a Victorian 2 and a half storey terrace with commercial uses at ground floor and residential at first floor and within the roofspace at second floor served by front dormers. Opposite the site, on the other side of Haydon's Road, nos 319-335 is also a neighbourhood parade in the form of a two storey terrace with commercial at ground floor with residential above.
- 2.3 Haydon Park Road and streets parallel with Haydon's Road generally comprise traditional two storey terraced and semi-detached houses. The property directly adjacent to the application site in Haydon Park Road, known as 1 & 1 A Haydon Park Road, is a two storey detached building which has been split into two flats. Beyond 1 Haydon Park Road is a 1950/1960's three storey terrace.
- 2.4 On the opposite corner of Haydon Road and Haydon Park Road is a post-war block of flats which is a full three storeys in height with a pitched roof above. This block is set back from both roads by a grass strip and low brick wall.
- 2.5 The application site is not situated within a designated shopping area (although it does immediately adjoin the neighbourhood parade) and is not located within a conservation area.

3. CURRENT PROPOSAL

- 3.1.1 The proposal is for the removal of the existing canopy and associated forecourt retail building and petrol payment kiosk and the redevelopment of the site comprising the erection of a 3-storey building with a setback 4th storey, and recessed elements above the first floor where it adjoins neighbouring street frontage buildings. The ground floor would comprise a 290 sq m retail unit with 115 sq m basement storage below with residential use on the upper floors comprising 2 x 1 bed and 7 x 2 bed flats. The proposal also includes 7 parking bays, an electric car charging point and cycle parking provision for the residential units.
- 3.2 The entrance to the retail unit would be from Haydon's Road. The residential accommodation on the floors above would have a residential lobby entrance directly from the Haydon Park Road frontage and the car parking spaces at the rear of the building would be accessed via an undercroft entrance, also on the Haydon Park Road frontage, with a remote controlled gate. Secure storage for residential and retail waste and residential cycle storage is provided either side of the undercroft.
- 3.3 The building would take a modern design approach, using brickwork and stone facing materials and façade detailing and massing to integrate it within its site context. The proposed ground floor along the Haydon's Road frontage would comprise a glazed shopfront with a buff stone base and horizontal stone band above the shop unit for signage at the same height as the fascia on the adjoining shopping parade. The remaining building would be buff brick with a coloured glazed brick detailing to the balcony walls and residential entrance lobby adding interest to the façade. Two projecting bays at upper levels provide additional modelling and break the building down into units of similar scale to the adjoining terrace. Large window and door openings with a vertical emphasis also form part of the modern design approach. The top floor would be set well back from the front and sides of the building and would be of a standing seam metal sheet construction to reduce impact and provide contrast.
- 3.4 The floorspace of the individual residential units is as follows compared to London Plan standards:

Unit	Dwelling type (bedroom (b)/ persons-bedspaces (p))	GIA (sq m)	London Plan standard
Flat 1	2b4p	89	70
Flat 2	2b4p	78	70
Flat 3	2b3p	80	61
Flat 4	1b2p	52	50
Flat 5	2b4p	84	70
Flat 6	2b4p	78	70

Flat 7	2b3p	79	61
Flat 8	1b2p	52	50
Flat 9	2b4p	98	70

4. **PLANNING HISTORY**

4.1 07/P1928 - New HSBC ATM housed in bastion pod, positioned/installed beside the station (near air/water pump) in place of existing trolley bay – Grant - 10/08/2007.

4.2 00/P0289 - Advertisement consent to retain a freestanding 6.5 metres high internally illuminated totem sign – Refused on 27/04/2000 for the following reason:

The size, location and means of illumination of the advertisement sign is detrimental to the amenities of neighbouring residential occupiers and the Haydons Road streetscene, contrary to Policy EB.29 of the Adopted Unitary Development Plan (April 1996) and Policy BE.44 of the Deposit Draft Unitary Development Plan (September 1999).

4.3 00/P0335 - Advertisement consent for the retention of two externally illuminated and two internally illuminated fascia signs, two in house externally illuminated hoarding signs to the building and two internally illuminated double-sided spreader signs above the fuel dispensers (8 signs in total) – Grant - 27/04/2000

4.4 99/P1197 - Advertisement consent for the retention of two externally illuminated fascia signs, internally illuminated 6.5 m high free-standing totem sign and two internally illuminated double sided spreader signs above the fuel dispensers – Refused - 27/01/2000.

4.5 99/P0227 - Redevelopment of site of petrol filling station including the erection of new sales building and canopy together with underground storage tanks – Grant - 29/04/1999

4.6 98/P1158 - Erection of new sales building, forecourt canopy and installation of underground storage tanks, involving demolition of existing canopy and sales building – Refused on 07/01/1999 for the following reasons:

The proposal would result in an overintensive use of the site, leading to an undesirable increase in vehicular movements to and from the premises, detrimental to highway and pedestrian safety and residential amenity, contrary to M.29, M.43 and SE.1 of the

adopted Unitary Development Plan (April 1996).

The proposed building would, by way of its height and siting, would result in loss of light and increased enclosure to neighbouring residential occupiers, contrary to EB.17 and EB.18 of the adopted Unitary Development Plan (April 1996)

- 4.7 92/P0838 - Display of replacement internally illuminated canopy fascia shop fascia pole and petrol pump signs – Grant - 18/12/1992
- 4.8 86/P0966 - Continued use of petrol filling station but with removal of condition restricting hours of operation between 11.30 pm and 7.00 am as previously imposed on MER935/69 – Refused on 30/10/1986 for the following reason:

The proposal would result in the generation of unacceptable noise levels and nuisance between the hours of 11.30 pm and 7.00 am which would be detrimental to the residential amenities of the locality and adjoining occupiers. The proposal would result in the generation of unacceptable noise levels and nuisance between the hours of 11.30 pm and 7.00 am which would be detrimental to the residential amenities of the locality and adjoining occupiers.

- 4.9 MER1037/81 - Display of illuminated canopy signs – Grant - 11/01/1982
- 4.10 MER357/85 - Proposed installation of 12 000 gallon petrol tank underground – Grant - 13/08/1985
- 4.11 MER935/69 - Petrol station, shop and offices – Grant - 04/12/1969
- 4.12 MER308/69 - Erection of a petrol service station into flat area – Grant - 08/05/1969
- 4.13 MER682/69 - Revised detailed plans re erection of petrol filling station and flat over – Grant - 11/09/1969

No other relevant planning history

5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 5 letters of objection from neighbours have been received and 2 letters of qualified support. Objectors had the following concerns:

- Impact of retail unit on local outlets without ability to compete with a national supermarket chain, no need for additional retail facility, loss of petrol station facility. Retail unit 50% bigger and will adversely impact Merton's designated shopping areas
- Out of scale and an overdevelopment of the site, building line too far forward on Haydon Park Road, will obscure views of the sky, out of keeping in terms of height and building design, top storey should be removed, fewer flats
- Construction will cause significant disruption at one of Merton's busiest road junctions
- Off site deliveries to the retail unit will cause unacceptable disruption and traffic obstruction, should be a loading bay on-site
- Need to ensure proposed service bay does not compromise residents' parking on Haydon Park Road.
- No customer parking provision for retail use is unacceptable and will adversely impact the locality, already parking congestion in the area and no capacity for retail customers, extra residents and their guests.
- Cumulative impact with other developments granted permission in the locality will create unacceptable traffic congestion and impact on scarce facilities such as local school places
- Unacceptable impact on traffic. Haydon Park Road already experiences heavy traffic using it as a short cut to try and bypass the intersection between Merton Road and Gap Road / Plough Lane. No analysis of extra traffic. Can phasing of traffic lights at Durnsford Road/Plough Lane be re-considered by TfL as this causes poor traffic flow on Haydon's Road
- Pre-application stated flats were cramped and badly configured with respect to sunlight and traffic noise – has this been addressed?
- Impact of basement

5.3.1 In addition to the above, the occupiers of The Ledge, 1E, Cromwell Road, had the following specific concerns as the neighbour sited directly to the south-west of the site: Not initially consulted on the application, such a high block means that they will be overlooked by a number of windows angled to look directly into their courtyard where they currently have complete privacy, will obscure views of sky, will be enclosing and block out daylight, will be hugely detrimental to quality of life and house value .

5.4 The 2 letters of qualified support welcomed the redevelopment and supported the design but were concerned about potential traffic and

parking issues, and the impact this could have on already limited metered parking in Haydon Park Road for visitors to local residents. Request that further metered spaces for residents be provided or residents parking hours be re-considered. Concerned that traffic would increase on Haydon Park Road, and ask for measures to reduce it by restricting use by heavy vehicles, using an entrance treatment to Haydon Park Road that reinforces that it is a residential street and not a cut through.

5.5 Design Review Panel (25th September 2014)

- 5.5.1 The Panel were very supportive of this proposal in almost all aspects. They welcomed the fact that units were dual aspect and exceeded space standards on what is a difficult site to develop to a good density. It was felt that the site was taking a lot of development but it still had a good feel about it and it had a nice fit to the site. The Panel felt that the open space was well considered and integrated well into the flats, although there were a few places this could be improved such as balconies and some window sizes and aspects.
- 5.5.2 The main point of concern the Panel had on balconies was the front ones in the projecting bays. They felt that they could be a bit dark and would benefit from either opening up a bit, or making more of integrated planting in their design. It was felt that there were also further opportunities to green the building with planting in incidental open spaces and using rain water harvesting.
- 5.5.3 The Panel discussed the approach to the shop-front on the architectural integrity of the building. They proposed that the horizontal banding above the glass be kept completely free of advertising and it kept wholly within the glazed part of the shop-front. Shutters should be see-through and on the inside of the glass.
- 5.5.4 The Panel were particularly complimentary on the architecture. The massing was considered to sit well on the site and could mark a positive entry point into Wimbledon. It had good urban form and was well modelled and considered – it could serve as a good balance to the laundry site development across the railway. The Panel felt that the brick choice was good but important to get this right. Something a bit better than standard stock brick was recommended. They also welcomed the green tiles.
- 5.5.5 As well as protecting the appearance of the building from poor shop-front advertising, the building should design balconies to avoid retrofitting with bamboo and control issues like washing and satellite dishes through good building management. It was also suggested that the design could be strengthened a bit more by finding a subtle theme to ‘Wimbledonise’ the building. Finally, the Panel felt that it was important to ensure the retail

use did not cause parking problems in the vicinity due to the intensified use of the site.

VERDICT: **GREEN**

5.6 Council' s Energy Officer

- 5.6.1 The Code for Sustainable Homes pre-assessment provided by the applicant indicates that the development should achieve an overall score of 68.66%, which meets the minimum requirements to achieve Code for Sustainable Homes Level 4.
- 5.6.2 The site has achieved three credits under ENE1, equivalent to a 19% improvement over Part L of the Building Regulations 2013 (broadly equates to a 25% improvement over Part L of the Buildings Regulations 2010). This is in accordance with requirements of Policy CS15 of Merton's Core Planning Strategy 2011 and Policy 5.2 of the London Plan 2011.
- 5.6.3 The pre-assessment indicates that the site will meet the mandatory elements of SUR1 with regard to site run-off. In addition the pre-assessment indicates that the site should achieve two credits under SUR2 and occupies a site deemed to be at low risk of flooding by the Environment Agency.
- 5.6.4 The scheme has achieved four credits under Hea4 Lifetime Homes , indicating that it will comply with all principles of the Lifetime Homes standard and Policy CS 8 of Merton's Core Planning Strategy (2011).
- 5.6.5 The total non-residential floorspace (A1 use class) for the development – as stated in the submitted application form – equates to 405m². This falls below the 500m² threshold requirement under Policy CS15 part f) of Merton's Core Planning Strategy (2011) for applying the BREEAM Standard. As such the submitted BREEAM Report indicating that the development should achieve a BREEAM rating of 'Pass' is sufficient.

5.7 Planning Policy

No objections raised subject to suitable conditions being imposed.

5.8 Transport Planning

No objections subject to obligations and conditions.

5.9 Environmental Health

No objection subject to suitable conditions in respect of protection of noise from plant relating to the commercial use, protection of proposed flats from external road traffic noise and contamination conditions, given the previous petrol station use.

- 5.10 Metropolitan Police Designing Out Crime Officer
Rear doors from retail unit should be alarmed, effective lighting and clear car park markings should be provided, and Secured by Design principles should be incorporated.

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)

CS7 – Centres
CS8 – Housing Choice
CS9 – Housing Provision
CS14 - Design
CS15 – Climate Change
CS18 – Active Transport
CS19 – Public Transport
CS20 - Parking, Servicing and Delivery

6.2 Adopted Merton Sites and Policies Plan (July 2014)

DM H2 Housing Mix
DM H3 Support for affordable housing
DM.D2 Design Considerations in All Developments
DM.D4 Managing Heritage Assets
DM.EP2 Reducing and Mitigating Noise
DM T1 Support for sustainable transport and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DMR2 Development of town centre type uses outside town centres

6.3 London Plan (July 2011)

3.3 (Increasing Housing Supply),
3.4 (Optimising Housing Potential),
3.5 (Quality and Design of Housing Developments),
3.8 (Housing Choice),
5.1 (Climate Change Mitigation),
5.3 (Sustainable Design and Construction).
7.3 (Designing Out Crime)
7.4 (Local Character)
7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations relate to the principle of the development including the expanded retail use, design, impact on

neighbouring amenity, traffic and transport considerations including parking, traffic generation and servicing and standard of residential accommodation.

7.2 Principle of Redevelopment for Residential and Expanded Retail Use

7.2.1 Residential

The proposal seeks to retain and expand a retail use on the site and also provide 9 residential units. The London Plan and both the Council's adopted Core Planning Strategy (2011) and Sites and Policies Plan (2014) seek to increase housing provision where it can be shown that an acceptable standard of accommodation and a mix of dwelling types will be provided. The London Plan published in July 2011 sets Merton with a minimum ten year target of 3,200 dwellings within the borough between 2011 – 2021. The site already has an established commercial use and sits within a mixed commercial/residential section of Haydon's Road, whilst Haydon Park Road is residential in character. The principle of a residential use is considered to be acceptable, making a modest contribution towards meeting housing choice and housing targets.

7.2.2 Retail

The proposal is for the replacement of the existing convenience store retail unit with an expansion of gross retail floorspace from 266sqm up to 405sqm (a 139 sq m increase) but only a maximum of 290 sq m is net retail sales floorspace, the remainder being 115 sqm of storage within the basement. Only 24 sqm of the expanded floorspace is at ground floor level. Although the application site itself is not within a designated shopping parade as identified on the Council's Policies Map, it sits immediately adjacent to one and there is an existing convenience store on the site. The expansion of the existing convenience offer would need to be considered under the policy requirements set out in policy CS7: 'Centres' of the Core Planning Strategy, and policy DMR2: 'Development of town centre type uses outside town centres' of Merton's Sites and Policies plan (2014).

7.2.3 Planning policy CS7 seeks to protect and support the development of suitable facilities in accessible locations where they are not detrimental to the character and amenity of the area and planning policy DM R2 seeks to focus town centre type uses into the most sustainable locations whilst facilitating development of new small convenience local shops within walking distance of all residents to meet every day needs. Out of centre convenience store development is permitted subject to criteria set out at part c) of planning policy DM R2. In accordance with these requirements, the proposal would be a replacement for an existing convenience shop and the proposal would only exceed 280sqm net retail floorspace by 10 sq m. Overall, it is considered that the proposed retail use would not harm the

vitality and viability of Merton's town centres and would provide convenience shopping in an accessible location for surrounding residential properties, subject to conditions limiting its use to A1 convenience retail goods, limiting the gross floorspace and the amount of net retail sales floorspace, and is therefore acceptable in relation to the objectives of planning policies CS7 and DMR2.

7.3 Design

- 7.3.1 Sitting on the corner of a prominent road junction, the existing petrol station with its canopy and totem sign at the front of the site, and single storey shop have no architectural merit and forms a discordant and unattractive anomaly in the street scene, set between the blank gable ends of 296 Haydons Road and 1/1A Haydon Park Road. The site appears as a gaping hole which fragments a street scene otherwise contained and given legibility by parades and terraces. Redevelopment of the site offers an opportunity to repair this unsightly gap in the frontages with a building of an appropriate scale, siting and massing.
- 7.3.2 The three storey massing with a significantly recessed 4th floor that is set well away from front, side and rear elevations in a contrasting material is considered to be suitable height at this corner location and within the site context. It creates a continuation of the existing terrace on Haydon's Road on the same front building line, and on the same building line as the adjoining residential building on Haydon Park Road. The height steps down where it adjoins neighbouring buildings by the use of balconies to recess the second floor. Whilst the fourth storey is higher than adjoining development, the significant set backs on all sides and use of contrasting materials, as well as the building's corner location, are considered to ensure that it will sit comfortably within the streetscene, receding behind the main facade.
- 7.3.3 The retail entrance is on the Haydon's Road frontage, giving it a relationship to the adjoining commercial parade, whilst the residential entrance lobby is around the corner on Haydon Park Road, which is a residential road.
- 7.3.4 The proposed design and massing of the building is considered to complement and reinforce the existing urban grain and makes better use of the site, creating a well-defined focal point at this prominent corner location. The façade is well detailed, using good quality materials, including a contrasting coloured glazed brick for the recessed balconies and lobby and the two projecting bays break the building down into units of similar scale to the adjoining terrace. The horizontal stone band above the shop unit for signage is deliberately situated at the same height as the fascias on the adjoining shopping parade to provide visual continuity.

7.3.5 The Council's Design and Review Panel (DRP) were very supportive of this proposal and gave it a green verdict and were particularly complimentary about the architecture, with the massing considered to sit well on the site. They considered the building to have a good urban form, to be well modelled and considered. They were also welcoming in relation to the quality of the units. Points which they raise in relation to the details of signage, shutters, balcony screens and exact choice of brick are important in terms of ensuring the quality of the appearance of the finished building and can be adequately controlled through the imposition of suitable conditions and through future advertisement consent.

7.3.6 Overall it is considered that the proposal would create a high quality building that respects the context of the site and makes effective use of this corner plot along one of the main thoroughfares in Wimbledon.

7.4 Standard of residential accommodation

7.4.1 It is considered that the proposed flats would provide a good standard of residential accommodation for future occupiers. They are served by a generous residential lobby directly from Haydon Park Road giving access to refuse, parking and cycle storage facilities. The proposed flats would all exceed the London Plan Gross Internal Area minimum standards set out in relation to Policy 3.5 as demonstrated at para 3.4 earlier in the report and would be designed to meet Lifetime Home standards.

7.4.2 The majority of flats are dual aspect and none are solely north facing. Each flat has a living room with at least one window within 90 degrees of due south, giving good access to sunlight and have good ratios of glazing to room area, maximizing daylight. Each flat would have its own private amenity space in the form of a balcony or balconies which are a minimum of 1.5m in depth and meet or exceed the Council's requirements in terms of area as set out in the justification to Policy DM D2 of the Sites and Policies Plan. The two flats with north facing balconies also have south facing ones to the rear.

7.5 Impact on Neighbouring Properties

The majority of concerns expressed by neighbouring properties relate to parking, traffic and deliveries issues connected to the retail use and during the construction period. These are dealt with in the section on parking and transport issues later in the report. This section will concentrate on the impact of the development in terms of sunlight, daylight, privacy and outlook on neighbouring residential uses.

7.5.1 Sunlight and Daylight

- 7.5.1 The applicant commissioned an independent daylight and sunlight report which undertook a formal technical assessment of the effect of the planning application scheme upon existing surrounding properties. Having regard to the preliminary 25 degree line test and orientation test recommended in the BRE report, the impact on properties at 292, 294, 296, 329, 331, 333, 335 and 337 Haydon's Road and 1/1A and 4 and 4a Haydon Park Road were assessed in relation to the recommendations in BRE Report *Site Layout Planning for Daylight and Sunlight: A guide to good practice* (second edition, 2011). The specialist report concludes that the impact on the vast majority of habitable rooms assessed will be fully BRE compliant with the exception of a small number of transgressions limited to 1 side facing first floor bedroom window at 296 Haydon's Road and to side facing ground floor windows at 1 Haydon Park Road, which currently benefit from uncharacteristically high levels of daylight over the low rise petrol station in contrast to the more typical pattern of development experienced by adjoining properties. The BRE guidance acknowledges that a higher degree of obstruction may be unavoidable if new development is to match the height and proportions of existing surrounding buildings, and the impact on daylight and sunlight on adjoining properties and the impact is considered to be acceptable.
- 7.5.2 Given its orientation (sitting to the south-west of the application site), distance from the development and the location of its windows in relation to BRE guidance, the property at The Ledge, 1E Cromwell Road was not considered to be affected by the daylight/sunlight consultants and therefore did not form part of their initial report. As the occupiers of this property have expressed concerns about impact on daylight and sunlight, an addendum clarifying its relationship to the BRE tests has been submitted for completeness which confirms that in relation to these tests, there is no significant impact in relation to daylight, sunlight or overshadowing given distances, heights and orientation.
- 7.5.3 Outlook and Privacy
1/1a Haydon's Road - The staggered form of the building at the rear is considered to be acceptable in terms of outlook from 1/1A Haydon's Road, being inset 6.5m from its side boundary and 10m from the flank wall. The balconies to flats 1 and 5 have been amended to sit further away from this side boundary and will have an obscure glazed side screen. The small windows facing the boundary to flats 4 and 8 will also be obscure glazed. There would therefore be no unacceptable impact in terms of privacy.
- 7.5.4 296 Haydon's Road - This neighbouring property comprises a commercial at ground floor with residential above. Given the commercial nature of the ground floor there would be no undue loss of amenity from the ground floor element. The flank windows within the upper floors of the proposed

building have been designed to be angled away to prevent them looking directly into neighbouring windows at close proximity. The proposed building at the upper levels is set a minimum of 4.8m away from the boundary, slanting progressively further away. The impact on outlook and privacy is considered to be acceptable.

- 7.5.5 331 – 335 & 304 – 306 Haydon's Road - The proposed development would sit on the opposite side of Haydon's Road and Haydon Park Road respectively in relation to these properties and would be at a distance of at least 20m from No 304 – 306 and 18.5m from 331 – 335. Given the distance and separation by a public highway, the relationship to these properties is considered to be acceptable.
- 7.5.6 1 Cromwell Road & Mews development - 1 Cromwell Road is a two storey detached residential property which would be located over 50m away from the proposed building. Whilst some of the proposed rear balconies would be directed towards this property, the level of separation would ensure that there would be no undue overlooking. The buildings within the mews development comprise commercial uses at ground floor. Whilst some of the units at the entrance to the mews development have been extended with two storey buildings and converted to residential units on the upper floors, these units are situated at a right angle to the application and are well distanced away to ensure that there is no undue loss of amenity.
- 7.5.7 The Ledge 1E Cromwell Road) – this detached residential house is located to the southwest of the application site, and directly adjoins it on its eastern boundary. It has an L-shaped ground floor with accommodation within the roof space on one side of the L and the footprint runs along the north and west site boundaries. Its windows looking south and east into a central courtyard which is enclosed by a high boundary wall, forms the private amenity space and it is therefore orientated to either face away from or look at an oblique angle in the direction of the application site. In terms of separation distances, the corner of the proposed building at its closest point would be located 9.4m from the boundary. The section of the proposed building which is orientated towards this neighbouring property would be distanced 24m away from the boundary. In terms of window to window separation distances from the front elevation of this neighbouring property and the directly facing balcony of flat 3 and windows of flats 3 & 7, they would be located approximately 35m and 31m away respectively, and there is not therefore considered to be any unacceptable impact on privacy.
- 7.5.8 The house sits to the south of the proposed development and there is no unacceptable loss of daylight or sunlight. In terms of outlook, although it is acknowledged that the proposed building would be visible, the existing high boundary wall would partly screen the development from sight and in

any event, the separation distances are such that this is not considered to be grounds for refusal.

7.6 Transport, Highways, Parking and Deliveries

- 7.6.1 Concerns have been raised by a number of residents in relation to traffic generation, parking and deliveries associated with the new development which are addressed below. The site is located within Controlled Parking Zone 3E and has a PTAL of 2/3 although it is on a bus route and within walking distance of Haydon's Road train station. Haydon Park Road is classed as a Local Access Road accommodating local traffic in this residential area.
- 7.6.2 The applicant commissioned an independent Transport & Highways Consultant (Glanville) to produce a Transport Statement as requested by officers at pre-application stage. The Council's Transport Planning team has no objection to the scheme subject to planning conditions and a S106 agreement (permit free).

Access

- 7.6.3 The access and egress into the car parking area is proposed to be taken from Haydon's Park Road using the existing vehicle crossover. A swept path analysis demonstrates that cars can manoeuvre within the car park and exit in forward gear. The other existing access point would be closed off with full height kerbs reinstated. This is considered to be acceptable by the Council's Transport Planning section, permanently removing a point of conflict from the principal highway network with a corresponding benefit to highway safety.

Residential Car and Cycle Parking

- 7.6.4 Seven parking spaces are proposed to serve the 9 residential units in addition to 10 covered secure cycle parking spaces. All car parking spaces would be for the proposed residential units. One of the residential parking spaces would be of a size suitable for disabled use. In order to ensure that there is no increased pressure placed on the existing CPZ by the occupiers of the proposed flats, the proposed development would be required to be permit free, secured via a S106 agreement. The level of provision (0.77 spaces per unit) is considered to be acceptable subject to this requirement. The parking restrictions of the CPZ makes no allowance for visitor parking. The cycle parking provision meets London Plan standards.

Retail Parking and Cycle Provision

- 7.6.5 In terms of the retail floor space provision, the relevant standard in the London Plan is a 'maximum' and would permit a maximum of 12 spaces. However the scale of proposed floor space is such that it is not considered

that the shop would be a primary destination in its own right and is therefore highly unlikely to attract single purpose car trips, but would attract predominantly foot borne custom from the local residential area.

7.6.6 Notwithstanding, there are a limited number of pay and display spaces on Haydons Park Road to the east of the site, as well as short stay spaces on Haydon's Road which could cater for pass-by car borne trips made to the shop. The site is located with a CPZ and therefore the retail element of the development would not give rise to additional pressure upon controlled on-street parking provision.

7.6.7 2 Sheffield type stands capable of accommodating 4 bicycles are proposed to be conveniently located for use by staff and customers of the retail shop, close to the store entrance.

Servicing Provision

7.6.8 Given the site constraints and residential car parking being provided on site, it is not possible to also accommodate servicing on-site for the following reasons:

- A service vehicle would block access to the car park, making it impossible to access or egress the car park at such time as a delivery was being made.
- The height of a ridged HGV is 3.95m and therefore allowing access to the rear would rise to architectural difficulties given the 'drive under' design proposed.

7.6.9 Options for servicing were discussed at pre-application stage, including both a formalised loading bay on-street with loading extended from 20 to 40 minutes or a layby. The preferred option was a formalised on-street loading bay with a minimum running lane width of 3m being maintained along Haydon's Road.

7.6.10 The application proposes the formation of an on-street loading bay within the existing highway extents. The loading bay would be 16.2 metres long and would terminate opposite the existing bays on the southern side of Haydon's Road. The provision of the bay would allow 3m wide running lanes to be maintained in both and east and westbound direction and thus larger vehicles would still be able to pass one another even if vehicles were occupying the bays on both sides of Haydon's Road. The applicant would require current loading times to be increased from 20 minutes to up 40 minutes, necessitating an amendment to the Traffic Regulation Order. This would require a S278 Highways Agreement and public consultation process as this would alter the public highway

Traffic Generation

7.6.11 Traffic generation figures for the petrol station have been estimated by the applicant's consultant and compared to the proposed retail and residential uses. The scale of the proposed retail development is such that the consultants do not consider that the shop will be a primary destination in its own right and would be highly unlikely to attract single purpose car trips. For this reason the traffic generation for the proposed retail shop has not been calculated. The proposed change of use from petrol filling station to residential units and retail is estimated to result in a significant reduction in traffic at peak times and over the course of a typical day and to therefore have a beneficial effect on the local highway network in terms of both capacity and safety.

Construction Vehicle Provision

7.6.12 The impact of construction traffic on the capacity of the local highway network is anticipated to be relatively small overall. The majority of HGV movements would occur throughout the day away from peak times and therefore would not affect congestion. In order to mitigate potential conflict with the highway network, it is considered appropriate to impose a planning condition requiring details of a Construction Traffic Management Plan (CTMP) to be submitted to the Council for approval prior to the commencement of the development. The consultants have indicated the type of measures that could be employed to mitigate the construction impacts which are as follows:

- Erection of clear signage indicating permitted and non-permitted routes.
- Scheduling of deliveries/collections away from peak hours, either before the AM peak or during the interpeak daytime period.
- Specifying and encouraging construction hours to avoid the AM and PM peak traffic periods for construction workers.
- Specifying that construction hours will avoid peak school start and finish times.
- On-site recycling of materials to reduce export and import vehicle movements, including crushing existing hardstanding material for engineering fill.
- Implementation of wheel washing facilities to prevent debris being deposited on the public highway.
- Implementation of appropriate traffic management to ensure that construction of the highway works do not give rise to undue disruption.

7.6.13 Transport and Traffic Conclusions

Overall, the proposed development, due to its modest scale, is not considered to be likely to have any unacceptable impacts upon highway conditions in and around the site. To ensure that there is no increase

pressure on the existing CPZ, the proposed development would be subject to a permit free development which is secured via a S106 agreement, preventing occupiers of the new flats from obtaining car parking permits. A formalised servicing bay which retains 3m wide running lanes in each direction can be provided to ensure no obstruction to traffic.

7.7 Affordable Housing

- 7.7.1 As of 28 November 2014, the National Planning Policy Guidance (NPPG) was updated setting out that planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. The Council no longer seeks financial contributions from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm. The proposal is for 9 units and the gross floorspace is 864sqm, therefore an affordable housing contribution is not required.

7.9 Local Financial Considerations

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

7.10 Noise

- 7.10.1 The applicant has commissioned an independent noise report (by Cole Jarman). The report, using results of the noise survey undertaken along with the normal local authority requirements, limits have been set for noise emissions from new mechanical services plant items, to apply at the nearest neighbouring residential windows.
- 7.10.2 The report states that an assessment of noise intrusion into dwellings has been carried out. Specifications have been provided for external building fabric elements including glazing and ventilation openings, in order to ensure an acceptable internal noise climate will be achieved.
- 7.10.3 The Councils Environmental Health section have confirmed that they have no objection to the proposal subject to suitable conditions.

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

8.1 The proposal is for minor householder development and an Environmental Impact Assessment is not required in this instance.

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

9. **CONCLUSION**

9.1 The principle of development is considered to be acceptable and the Council welcomes the improvements to the built form. The height and massing of the building is considered to respond to the existing pattern of development and corner plot. The architecture, materials and detailing are considered to create a high quality design. A retail use will be retained on the site that would meet local needs without harming the vitality and viability of Merton's town centres. The standard of residential accommodation proposed is considered to meet the needs of future occupiers, with an appropriate level of amenity space and room sizes with good levels of outlook and light. There would be no undue impact upon neighbouring amenity, trees, traffic or highway conditions. The proposal is in accordance with Adopted Unitary Development Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to S106 agreement and conditions.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the completion of a Section 106 Agreement covering the following heads of terms:-

1. Designation of the development as permit-free and that on-street parking permits would not be issued for future residents of the proposed development.
2. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 **Commencement of Development**

2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. C.03 Before the development hereby permitted is first occupied, the side windows in flats 4 and 8 shall be glazed with obscure glass and fixed shut and shall permanently maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
6. C07 Refuse & Recycling (Implementation)
7. C08 No Use of Flat Roof
8. D10 The commercial use hereby permitted shall operate only between the hours of 07.00 to 23.00 on any day.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2011, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
9. D09 No External Lighting without prior approval, no light spillage outside the site
- 10 D11 Construction Times
- 11 Unless otherwise approved in writing by the local planning authority the use of retail unit hereby approved shall be limited to the sale of convenience retail A1 goods;

Reason for condition: In order to protect the vitality and viability of Merton's town centres and to accord with policy CS.7 of Merton's adopted Core Planning Strategy (2011) and DM R2 of Merton's Sites and Policies plan (2014).

- 12 Unless otherwise approved in writing by the local planning authority the building shall not exceed 405 sqm gross floorspace;
- Reason for condition: In order to protect the vitality and viability of Merton's town centres and to accord with policy CS.7 of Merton's adopted core planning strategy (2011) and DM R2 of Merton's Sites and Policies Plan (2014).
- 13 Unless otherwise approved in writing by the local planning authority the net retail sales floorspace shall not exceed 290 sqm floorspace;
- Reason for condition: In order to protect the vitality and viability of Merton's town centres and to accord with policy CS.7 of Merton's adopted core planning strategy (2011) and DM R2 of Merton's Sites and Policies plan (2014).
- 14 Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property.
15. Full details of measures to mitigate the impact of road traffic noise on the proposed units with reference to recommendations set out in the Cole Jarman, Planning Noise Assessment Report 13/1671/R1//Revision 1 shall be submitted to and approved by the LPA and shall be implemented in accordance with the approved details prior to first occupation of the units and shall thereafter be retained.
- 16 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 17 Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to

human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 18 Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority.
- 19 Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect the amenities of future occupiers and those in the local vicinity.

21. No development shall commence until details of the highway alterations, including the provision of an extended servicing bay on Haydons Road, and reinstatement of the redundant access point have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the alterations have been completed in accordance with the approved details.
22. H1 New Vehicle Access – Details to be submitted
23. H3 Redundant Crossovers

24. H4 Provision of Vehicle Parking
25. H7 Cycle Parking to be implemented
26. H10P Construction Traffic Management Plan
27. H14 The roller shutter or remote controlled gate hereby shall not open over the adjacent highway.
- Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.
28. B5 Details of walls/fences
29. L3 Code for Sustainable Homes - Pre-Occupation (New Build Residential)
30. Lifetime homes
31. C10 No development shall take place until a scheme of details of screening of the balconies has been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.
- Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties, in the interests of visual amenity and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2011, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
32. H11 Parking Management Strategy

Planning Informative

- 1 Informative – Works to the Public Highway and works impacting upon a Controlled Parking Zone

You are advised that the proposed alterations to the public highway will require changes to an existing Traffic Management Order, which will be subject to a separate decision making process, including public consultation, and will also incur additional costs on behalf of the applicant. The Council's Highways team must be contacted before undertaking any works within the public highway in order to obtain the necessary approvals and/or licences. Works affecting a Controlled Parking Zone may incur further costs.

2. INF12 Works affecting the public highway

3. Met Police

Drawings 2291_PL_100H shows two rear doors leading from the ground floor retail unit into the rear residential parking undercroft area. There should be clear demarcation between residential space and shared retail/residential space. The doors should be alarmed so to sound when opened. This is to make staff aware that the door has been opened possibly by someone with criminal intent.

4. INF 01 Party Walls Act



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298 Haydons Rd

Scale 1/1250

Date 30/12/2014

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



DEVELOPMENT CONTROL



revisions		
--	First Issue	15.08.14
A	Building plan updated Annotation added Proposed vehicular access added	04.09.14

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Site Plan- Distances to Adjacent Properties**
 scale **1:500 & 1:1250 @ A3**
 drawing no. **2291_PL_110A**

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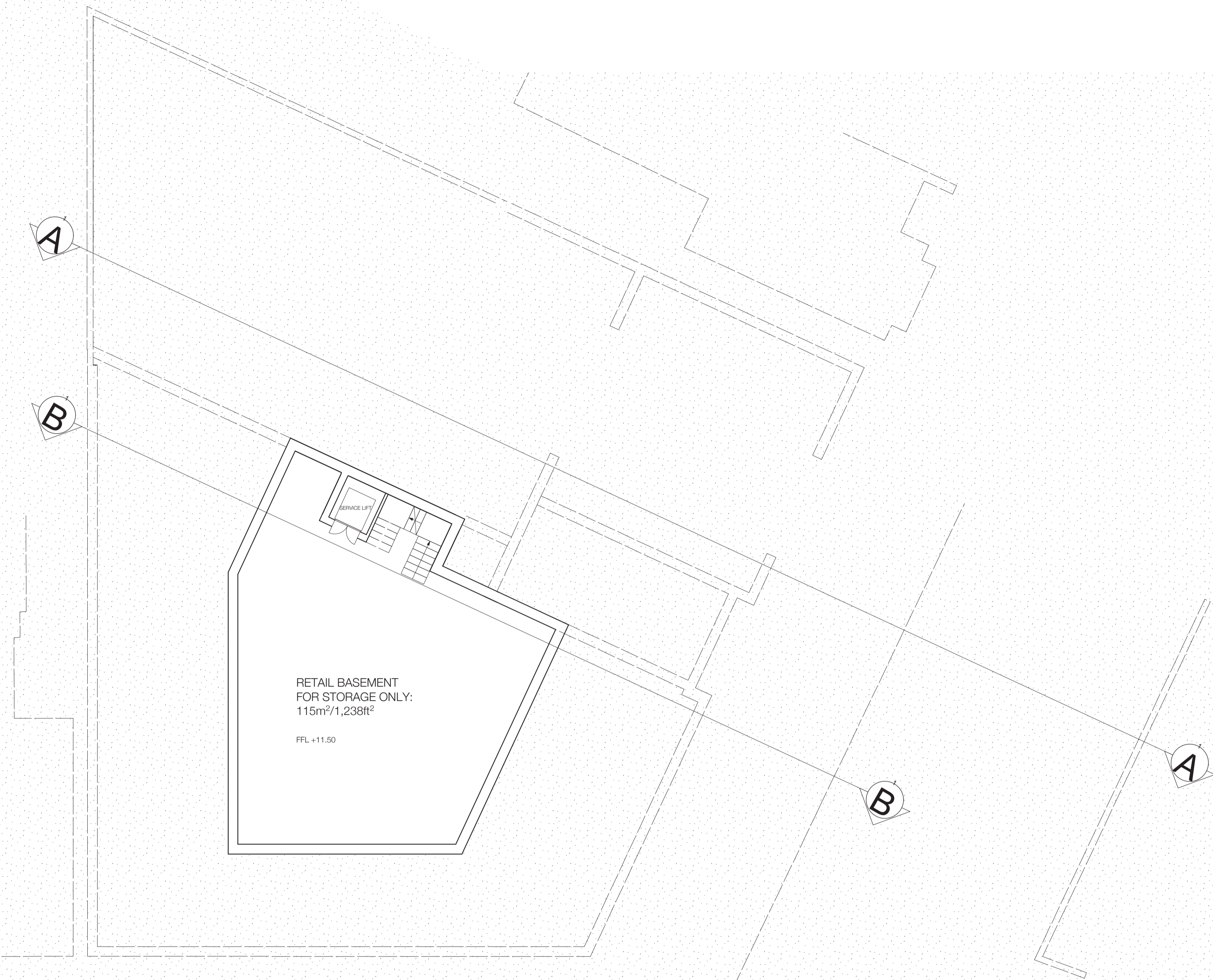
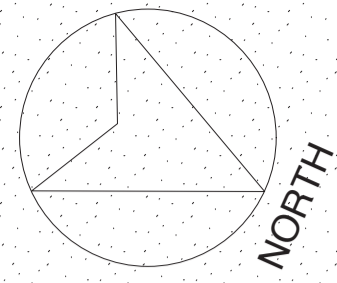
revisions		
--	First Issue	15.08.14
A	Building plan updated Annotation added Proposed vehicular access added	04.09.14
B	Annotations added and amended following receipt of responses to planning submission public consultation	19.11.14

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Site Plan- Distances to Adjacent Properties**
 scale **1:500 & 1:1250 @ A3**
 drawing no. **2291_110B**

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Basement Floor Plan



revisions

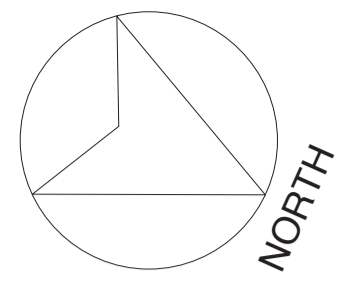
- Rev A : 01.08.14
- Revised Footprint, staircore & lift layout
- Rev B : 15.08.14
- Revised Footprint, Scale bar and North arrow added
- Rev C : 03.09.14
- Revised core layout
- Rev D : 04.09.14
- Revised Data
- Rev E : 10.09.14
- Revised context. Section lines added

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Basement Plan**
 scale **1:200 @ A3 / 1:100 @ A1**
 drawing no. **2291_PL_099E**

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Retail unit rear door to car park
Electric charging point with a metre space between two parking spaces

New private access from residential lobby to refuse / cycles / yard
Residential refuse & recycling storage
Residential bicycle storage
Covered spaces for 10 bicycles
Retail refuse storage

Retail access to plant zone
New boundary wall (hatched)

Automatic roller shutter above
Sliding doors

RESIDENTIAL LOBBY
FFL 14.25

GROUND FLOOR RETAIL
290m² / 3,121ft²

FFL 14.30

ENTRANCE

Retail Cycle Stand Provision
2 No. Sheffield Stands
within curtilage of 298
Haydon's Road

EXISTING LOADING BAY EXTENDED

HAYDON'S ROAD

HAYDON PARK ROAD

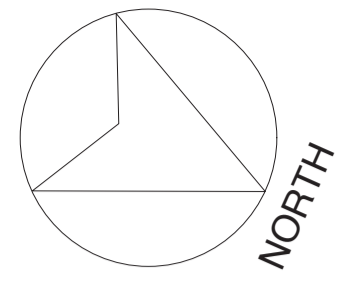
revisions		
--	First Issue	15.07.2014
A	Updated proposal for panning/refuse store	24.07.2014
B	Revised Parking Arrangement Revised Commercial Floor Plan	24.07.2014
C	Revised Parking Arrangement Revised Commercial Floor Plan Scale bar and North arrow added Electric Charging Point added	15.08.2014
D	Revised core layout Hatching added to boundary walls	01.09.2014
E	Vehicle Tracking Added Hatching to boundary walls amended Landscape context added	03.09.2014
F	Revised Data	04.09.2014
G	Vehicle Tracking Removed	08.09.2014
H	Entrance amended Section lines added	10.09.2014

notes
Refuse and recycling provision based on preliminary advice from Merton Council

project **298 Haydon's Road, SW19**
for **TLS Investments**
title **Ground Floor Plan**
scale **1:100 @ A1/1:200 @ A3**
drawing no. **2291_PL_100H**

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GIA:

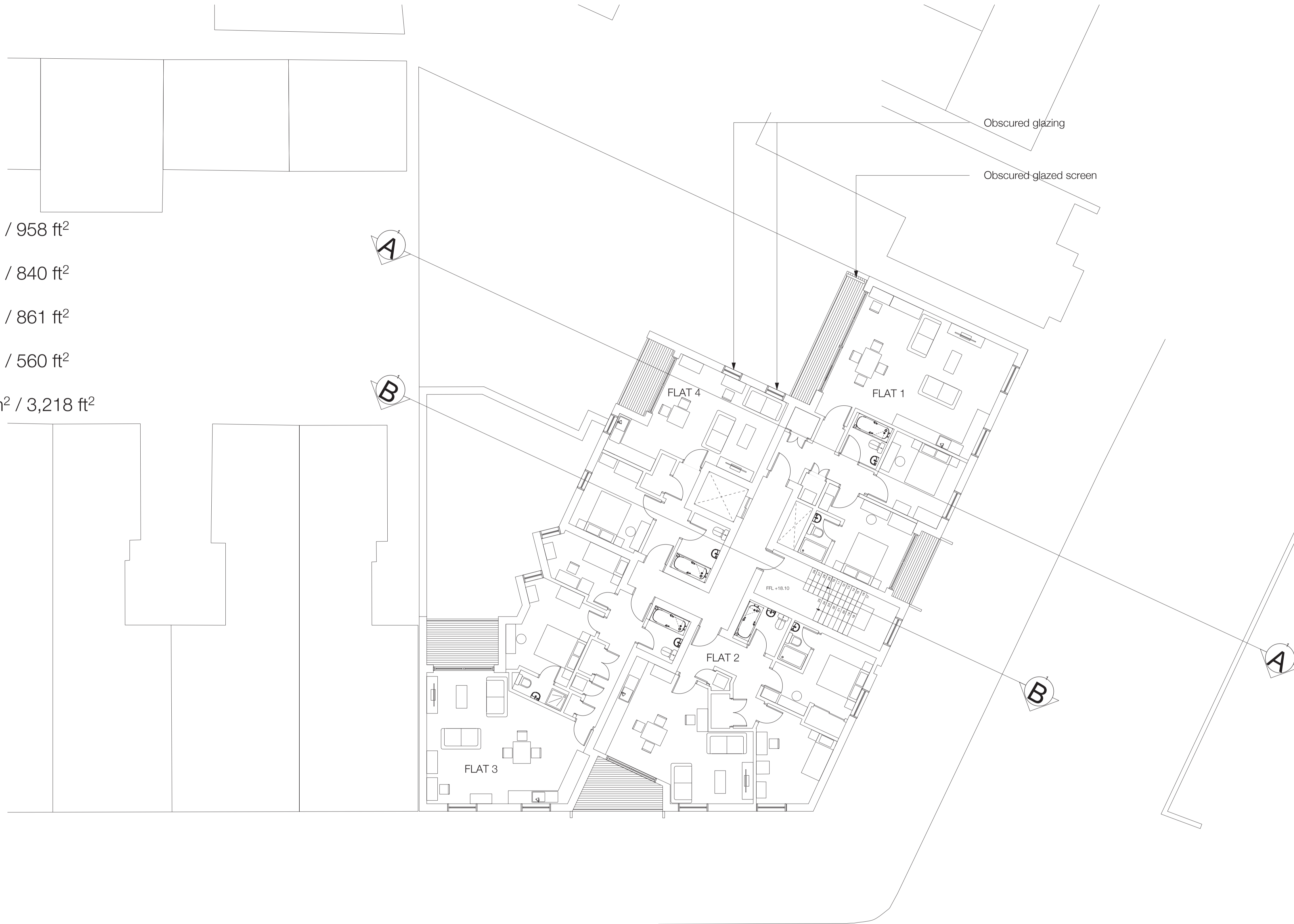
FLAT 1: 89m² / 958 ft²

FLAT 2: 78m² / 840 ft²

FLAT 3: 80m² / 861 ft²

FLAT 4: 52m² / 560 ft²

TOTAL: 299m² / 3,218 ft²



First Floor Plan



revisions

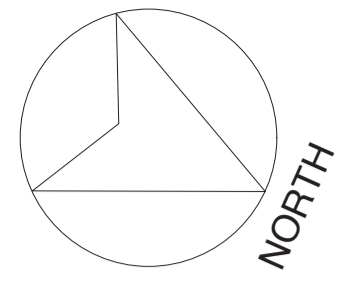
- Rev B : 15.08.14
- Amendment to Flat 3 windows
- Rev C : 15.08.14
- Scale bar and North arrow added
- Rev D : XX.08.14
- Flat 2 layout amended to move living room door
- Rev E : 03.09.14
- Amendments to meet lifetime homes requirements
- Removal of balcony from flat 1
- Obscured glazing annotations added
- Rev F : 04.09.14
- Revised Data
- Rev G : 05.09.14
- Minor Amendments
- Rev H : 10.09.14
- Minor Amendments. Section lines added

notes

project **289 Haydon's Road, SW19**
 for **TLS Investments**
 site **First Floor Plan: Option 2**
 scale **1:200 @ A3 / 1:100 @ A1**
 drawing no. **2291_PL_101H**

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GIA:

FLAT 5: 84m² / 904 ft²

FLAT 6: 78m² / 840ft²

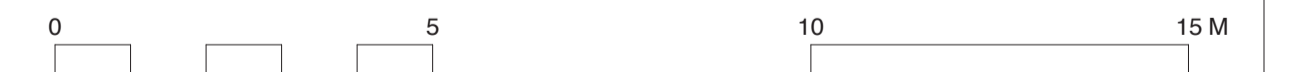
FLAT 7: 79m² / 850 ft²

FLAT 8: 52m² / 560 ft²

TOTAL: 293m² / 3,154 ft²



Second Floor Plan



revisions

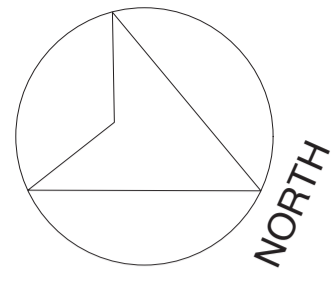
- | | |
|--|---|
| Rev B : 15.08.14
- Amendment to Flat 7 windows | Rev F : 04.09.14
- Revised Data |
| Rev C : 15.08.14
- Scale bar and North arrow added | Rev G : 05.09.14
- Minor Amendments |
| Rev D : XX.08.14
- Flat 2 layout amended to move living room door | Rev H : 10.09.14
- Minor Amendments. Section lines added |
| Rev E : 03.09.14
- Amendments to meet lifetime homes requirements
- Amendments to balcony fronts to be glazed
- Obscured glazing annotation added | |

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 site **Second Floor Plan**
 scale **1:200 @ A3 / 1:100 @ A1**
 drawing no. **2291_PL_102H**

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FLAT 9: 98 m² / 1,055 ft²



Third Floor Plan



revisions

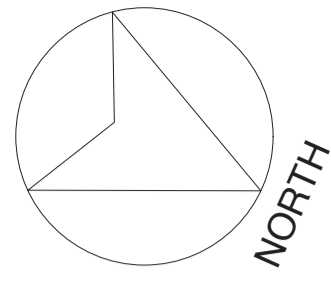
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|---|---|
| Rev A issued: 09.05.14
- Revised staircase & flat layout | Rev E : 04.09.14
- Revised Data |
| Rev B issued: 15.08.14
- Scale bar and North arrow added | Rev F : 05.09.14
- Minor Context Amendments |
| Rev C issued: 15.08.14
- Layout amended- Reduction in GIA | Rev G : 10.09.14
- Minor Amendments. Section lines added |
| Rev D issued: 03.09.14
- Layout amended to original GIA layout
- Plan amended to comply with lifetime homes | |

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Third Floor Plan**
 scale **1:200 @ A3 / 1:100 @ A1**
 drawing no. **2291_PL_103G**

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NORTH



Roof Plan



revisions

Rev - issued: 14.05.14
First Issue

notes

project **298 Haydon's Road, SW19**
for **TLS Investments**
title **Roof Plan**
scale **1:200 @ A3 / 1:100 @ A1**
drawing no. **2291_PL_104**

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South Elevation:
Rear of Building

revisions

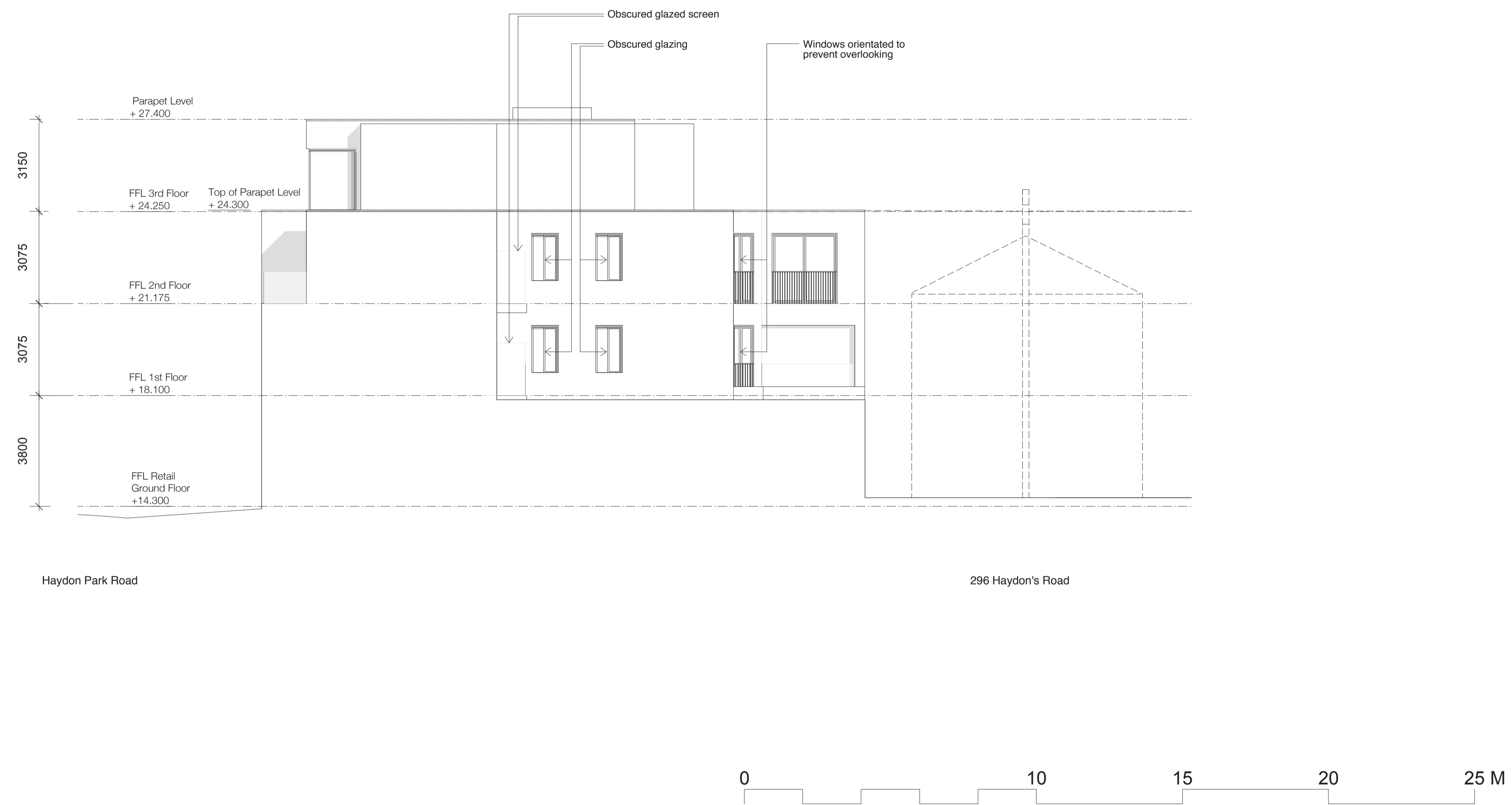
Rev. A 11/03/14 Revised Content

notes

project **289 Haydon's Road, SW19**
 for **TLS Investments**
 title **South Elevation**
 scale **1:100 @ A3 / 1:50 @ A1**
 drawing no. **2291_PL_402A**

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revisions
Rev. 1 12/20/14 Final Issue

notes

project	289 Haydon's Road, SW19
for	TL5 Investments
title	West Elevation
scale	1:100 @ A3 / 1:50 @ A1
drawing no.	2291_PL_403

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revisions	
Rev -:	08.09.14 First Issue
Rev A:	11.09.14 Minor Amendments

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Elevation - Haydon Park Road**
 scale **1:200 @ A3**
 drawing no. **2291_PL_400A**

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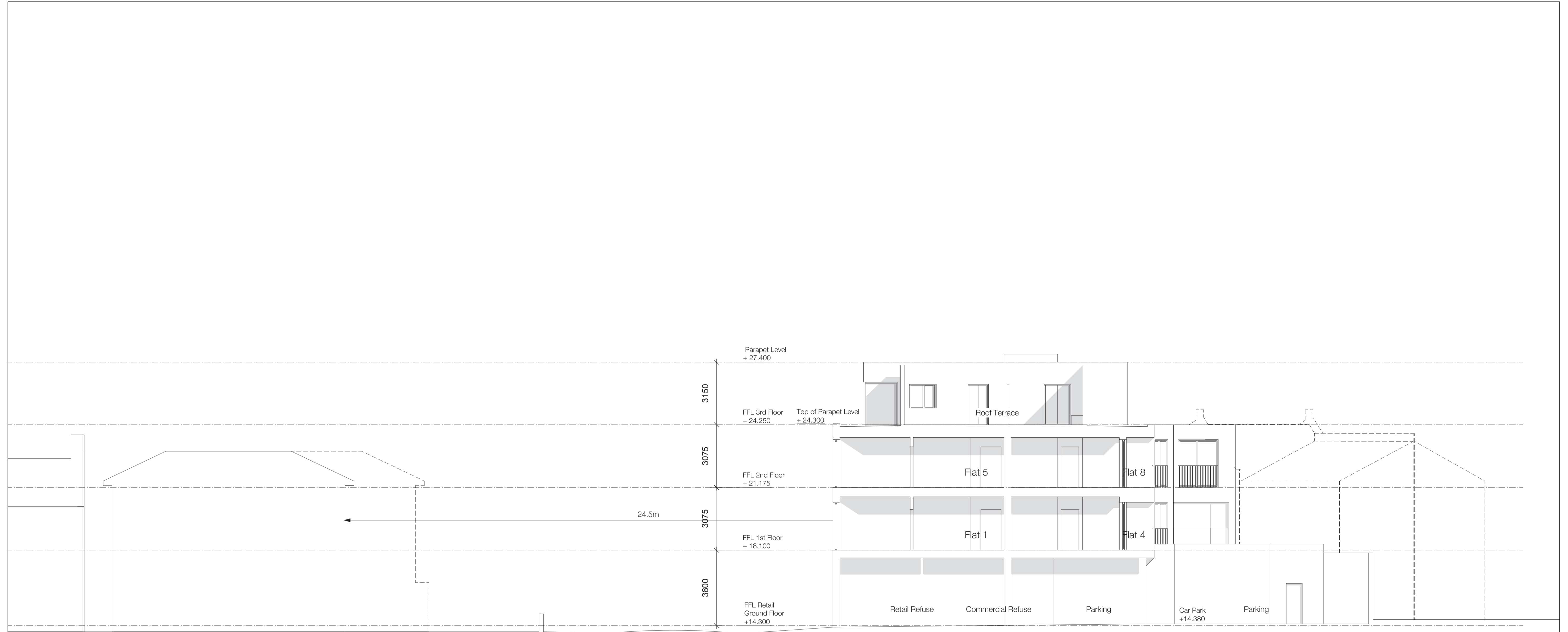
revisions	
Rev -:	08.09.14 First Issue
Rev A:	11.09.14 Minor Context Amendments

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Elevation - Haydon's Road**
 scale **1:200 @ A3**
 drawing no. **2291_PL_401A**

Richards Partington Architects
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304 - 306 Haydon's Road

Outline of 304-306 Haydon's Road behind

Haydon Park Road

Undercroft Area

Car Park

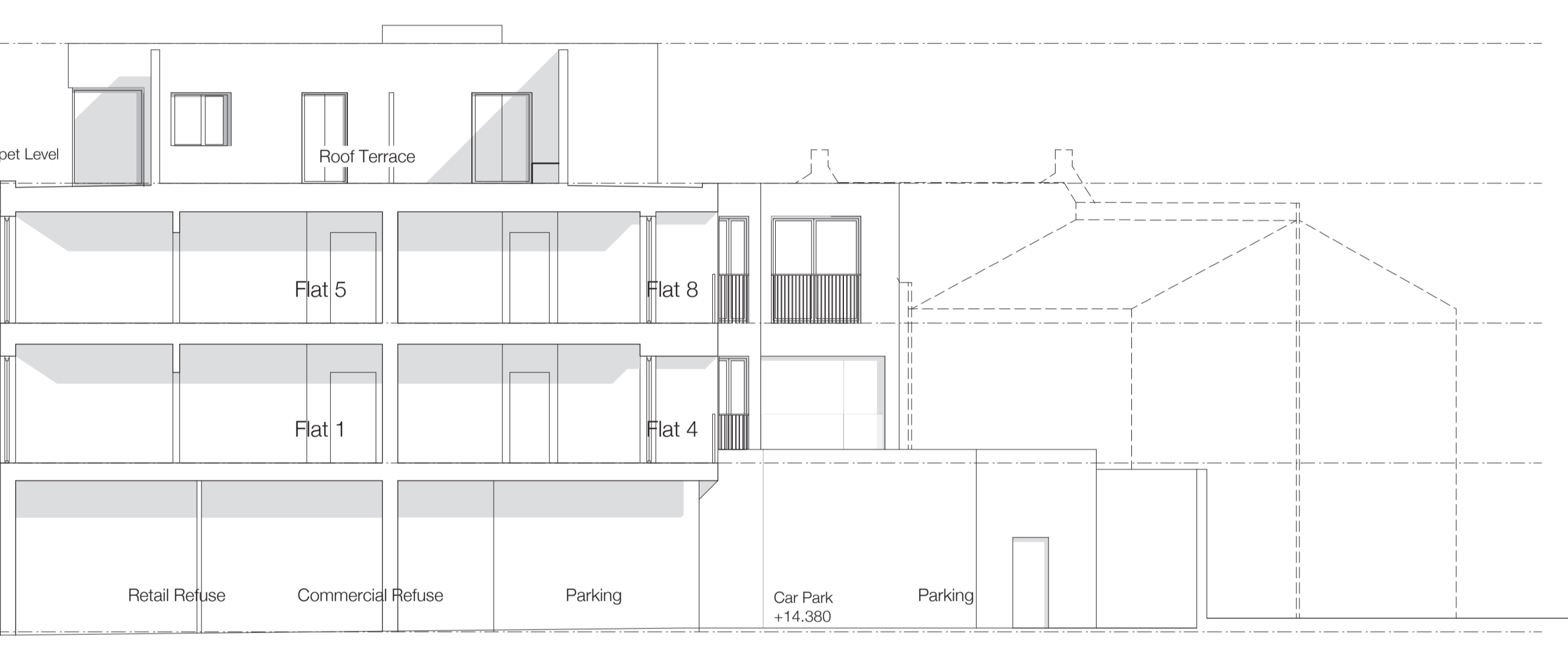
Boundary Wall 296 Haydon's Road

Section A-A:

24.5m

3150
3075
3075
3800

Parapet Level +27.400
FFL 3rd Floor +24.250
FFL 2nd Floor +21.175
FFL 1st Floor +18.100
FFL Retail Ground Floor +14.300

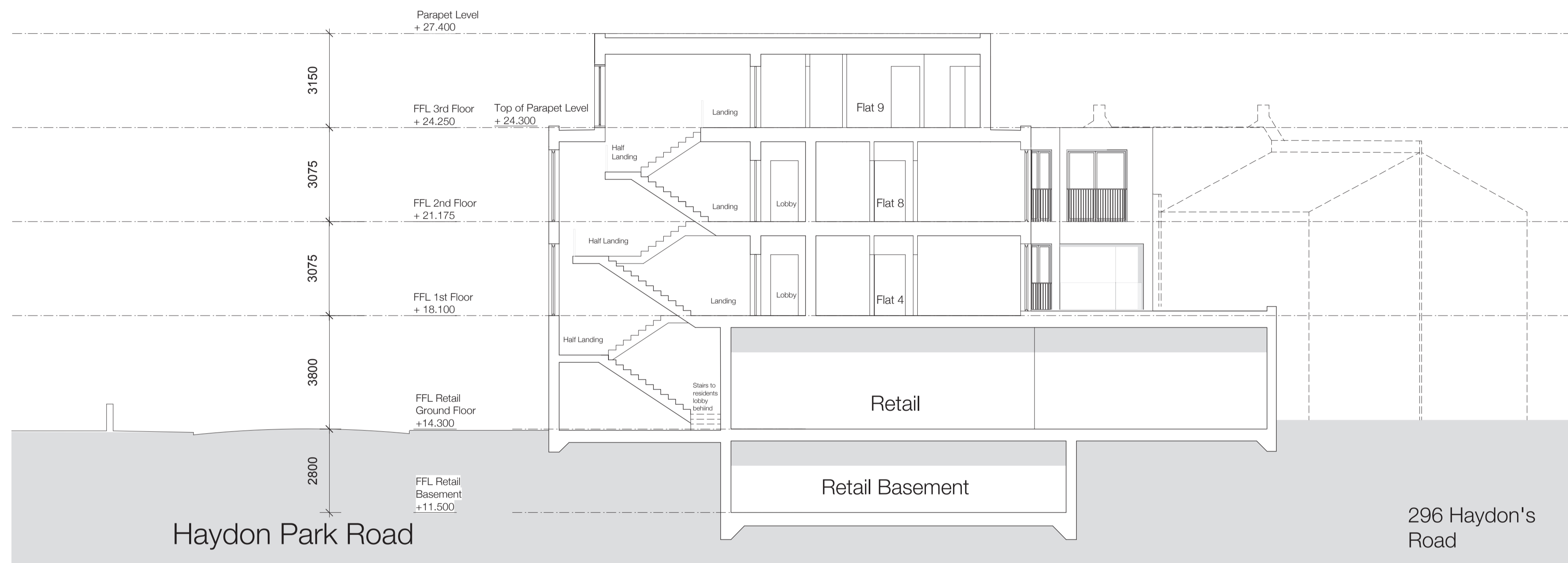


revisions
Rev -: 08.09.14 First Issue
Rev A: 11.09.14 Minor Updates

notes

project	298 Haydon's Road, SW19
for	TLS Investments
title	Section AA
scale	1:200 @ A3 / 1:100 @ A1
drawing no.	2291_PL_500A

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Section B-B:
Through Staircore



revisions
 Rev -: 11.09.2014 First Issue

notes

project **298 Haydon's Road, SW19**
 for **TLS Investments**
 title **Section BB**
 scale **1:200 @ A3 / 1:100 @ A1**
 drawing no. **2291_PL_501**

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081 543 4008

Coopers

Don't Cook JUST EAT
hungryboess
RK
FREE HOME DELIVERY
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TEL: 020 8543 3888

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Page 135

R.K.
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COFFEE

20
ZONE
Except for
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Team

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PLANNING APPLICATIONS COMMITTEE
12 February 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	14/P3856	06/11/2014
Address:	34 - 40 Morden Road, South Wimbledon, SW19 3BJ	
Ward	Abbey	
Proposal	Application for outline planning permission considering access and scale for the demolition of the existing two storey buildings at 34-40 Morden Road [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] and erection of a building up to a maximum of five storeys [previously up to 8 storeys] providing an 'aparthotel' consisting of 17 serviced apartments including 7 studio units and 10 one bedroom units provided short term accommodation together with 9 residential flats providing 6 one bedroom, 2 two bedroom and 1 studio flat [Outline planning application with access and scale considered at this stage with external appearance, landscaping, layout reserved matters for future consideration].	
Drawing No's	DMWR/A3/21; PL2-00001; PL2-00002; PL2-00003; PL2-00004; PL2-00032; PL2-00033; PL2-00034; PL2-00035; Planning Statement; Daylight and Sunlight Assessment Design and Access Statement; Transport Note; explanatory note 'The Concept of an Aparthotel [C1 Use]'	
Contact Officer	Tony Ryan [020 8545 3114]	

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

CHECKLIST INFORMATION.

- S106: public realm improvements.
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Conservation Area – No
 - Archaeological Priority Zone – No
 - Area at Risk from Flooding - No
 - Site notice – Yes
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 217
 - External consultations – Transport for London, Police Crime Prevention Design Advisor and Thames Water.
 - PTAL: 6a [TFL Planning Information Database]
 - Density – 383 habitable rooms per hectare
 - Number of jobs created: 1
-

1. INTRODUCTION

- 1.1 This application is brought before Committee for Members' consideration as a result of the public interest in the proposal and in response to a request from Councillor Andrew Judge and Councillor Katy Neep for committee determination.

2. SITE AND SURROUNDINGS

- 2.1 The application site [0.1 hectares] is located on the west side of Morden Road [A219] at the road junction with the cul-de sac called The Path and opposite the road junction with High Path. The application site is currently occupied by two storey pitched roof buildings that provide 1 two-bedroom house, 2 one-bedroom flats and 7 studio flats. The existing pitched roof buildings are 7 metres high at the roof eaves and 9.8 metres high at the roof ridge.
- 2.2 The existing buildings are set back from the front boundary of the site, with front gardens separating the existing buildings from the pavement in Morden Road. The buildings are constructed in different facing materials including yellow brick, red brick and render. The majority of the buildings have previously been extended with single and double storey rear extensions and a large double storey side extension facing The Path.
- 2.3 A private access road separates the rear gardens of the properties on the application site from the side elevation of a terrace of two storey residential properties on the north side of The Path [with the Nelson Industrial Estate located to the south of The Path]. This private access road provides access to garages and off street parking located to the rear of properties on the application site and in The Path.
- 2.4 The application site forms part of a group of buildings located between the road junctions with The Path and Milner Road. The residential building at 30 Morden Road that is located immediately to the north of the application site is part two storey, part three storeys in height with an additional fourth storey of accommodation within a mansard roof. This building constructed of yellow brick with red brick detailing is set back behind the front elevation of the buildings on the application site and provides 12 flats. The adjacent four storey flat roofed residential building at 26 Morden Road is constructed in buff brick and provides 23 flats.
- 2.5 The three storey red brick commercial building [11.3 metres high] at 16-20 Morden Road is occupied by Barclays Bank with vacant office space on the upper floors. Spur House is located at the junction of Morden Road and Milner Road and currently provides residential and commercial uses. Construction work is currently taking place to implement a planning permission for extensions and alterations to provide a nine-storey building [see planning history section of this report].
- 2.6 To the south of the application site are commercial buildings set back from Morden Road that are within the Nelson Trading Estate. On the eastern side of Morden Road opposite the application site is the High Path Housing Estate with two four-storey buildings called Priory Close [32 flats] and Gilbert Close [20 flats]. The High Path Housing Estate also including three

12-storey tower blocks. Circle Housing have recently carried out public consultation on regeneration plans for the High Path Estate that include an additional 642 homes. The proposed increase in residential density is in line with the Mayor of London's designation of the area between South Wimbledon and Colliers Wood as an 'area of intensification'.

- 2.7 The open space called Nelson Gardens and St John the Divine Church are located on the eastern side of Morden Road. The church was built in 1913 to mark the centenary of the death of Admiral Lord Nelson, whose country house Merton Place was formerly located nearby. The church is not included on the national statutory list of historically important buildings. The church is included on the Council's separate non-statutory list of buildings in the borough that are considered to be of local rather than national significance. The church is described as a stone built gothic church, with the main features of interest the squat tower, the large west facing window, and the roof which is covered in greenish coloured slate. The nave and aisle each have separate gabled roofs. Nelson Gardens does not appear on the national or local list.
- 2.8 The site has a Public Transport Accessibility Level rating of 6a [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. South Wimbledon Underground Station is 130 metres to the north and Morden Road tram stop 570 metres to the south. The site is located within a controlled parking zone [zone S1] with double yellow line waiting restrictions along the main Morden Road frontage and along part of the secondary frontage in the Path. A bus lane also passes the front of the site. The railings associated with a nearby traffic light controlled pedestrian crossing are along the pavement to the front of the site. There is a large area of pavement to the side of the application site at the Morden Road/The Path road junction and includes a marked cycle route.
- 2.9 The main traffic route in the local area is the strategic A24 red route that forms part of the Transport for London road network. The A24 runs from Morden Town Centre in a northerly direction along Morden Road to the road junction with Merantun Way [100 metres to the south of the application site]. At this junction the A24 turns eastwards off Morden Road onto Merantun Way towards central London and Colliers Wood. The other arterial route in the area is Kingston Road/Merton High Street (A238) that is 170 metres to the north of the application site. The application site is located off these main traffic routes on a section of Morden Road that forms part of the A219.
- 2.10 The application site is not in an archeological priority area, and not in an area at risk from flooding [June 2012]. A purple leaf plumb tree in the rear garden of the adjacent property at 30 Morden Road is the subject of a Tree Preservation Order.

3 CURRENT PROPOSAL

- 3.1 The current application has been submitted as an 'outline' planning application with a request that the Council only consider certain standard aspects of the development. The applicant has requested that the

submitted outline application considers 'means of access' and 'scale'. Further information on what these matters include is provided below:

- 'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.

3.2 If outline planning permission is granted, a 'reserved matters' application must be made within three years of the planning permission. The details of the 'reserved matters' application must be in accordance with the matters that were agreed as part of the outline planning approval, including any conditions and planning obligations attached to the planning permission.

3.3 The applicant has requested that in this case the reserved matters include 'appearance', 'landscaping' and 'layout.' It should be noted that aspects of the development that are shown on the submitted drawings that relate to these reserved matters are only illustrative. Further information on what these reserved matters include is provided below:

- 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

3.4 The redevelopment of the site will provide a new building providing an 'aparthotel' consisting of 17 serviced apartments including 7 studio units and 10 one bedroom units. The proposed building also provides 9 residential flats including 4 one bedroom, 4 two bedroom and 1 three bedroom flats that will be provided as general market accommodation. A schedule providing information on room sizes, amenity space provision and tenure is provided as an appendix to this report.

3.5 The ground floor has a main entrance from Morden Road and a secondary entrance from an under croft parking area at the rear of the site. This parking area with a proposed new vehicular access from 'The Path' provides five car parking spaces, including two spaces suitable for those with disabilities. This under croft area also provides a self-contained store

for 21 cycles and a self-contained refuse store. Two lifts and a staircase in the centre of the building provide access to the upper floors of the building.

- 3.6 Following the dismissed appeal the current proposal includes a reduction in the height of the proposed building from 8 storeys to 5 storeys; a reduction in number of serviced apartments from 31 to 17; with the number of flats remaining as 9 units and changes to the shape and layout of the building.
- 3.7 The following table provides a comparison between the previously refused application and the current proposal.

Table 1 Comparison between the previous and current proposals

	Previous proposal refused permission reference 13/p1898	Current proposal reference 14/p3856
Building height	Up to 8 storeys	Up to 5 storeys
Total no. of Aparthotel units	31	17
Studio flats	10 [10 habitable rooms]	7 [7 habitable rooms]
One bed flats	19 [38 habitable rooms]	10 [20 habitable rooms]
Two bed flats	2 [6 habitable rooms]	0[0 habitable rooms]
Total no. of flats	9	9
Studio flats	1 [1 habitable room]	1 [1 habitable rooms]
One bed flats	6 [12 habitable rooms]	6 [12 habitable rooms]
Two bed flats	2 [6 habitable rooms]	2 [6 habitable rooms]

- 3.8 The proposed 17 serviced apartments are located on at first and second floor level of the building. The proposed aparthotel accommodation concept is aimed at those persons that are seeking residential accommodation for time periods that are longer than the typical hotel stay, but shorter than the six months minimum period that is required for a tenancy agreement. The units would be suitable for persons seeking accommodation for a period of a few months whilst they are working locally. The accommodation would generally offer a 24 hour reception and aims to provide a 'home away from home' feeling in a hotel-like environment.
- 3.9 The accommodation typically uses a hotel booking system but is able to provide accommodation that is cheaper than a normal hotel as the accommodation would not include all the normal services of a hotel such as room service, or a hotel bar. The apartments are different than normal residential accommodation because a resident of an aparthotel will not be required to enter into a tenancy contract. There would be no minimum level of stay for a resident of an aparthotel and they would not be directly responsible for utility bills, maintenance and ground rent.
- 3.10 Central Government circular guidance [ODPM Circular 03/2005] advises "...short-term (i.e. purchased at a nightly rate with no deposit against damage being required) self-contained accommodation, sometimes called

Apart-Hotels...” fall within the C1 Planning Use Class. Planning Use Class C1 also includes hotels, guesthouses and boarding houses but excludes hostels.

- 3.11 The proposed 9 residential flats are located on the top two floors of the building at on the third and fourth storeys. This accommodation includes external amenity space in the form of shared roof terraces and private balconies to the majority of the proposed units.

4. PLANNING HISTORY.

- 4.1 The planning history associated with the application site at 34, 36, 38, 40 is provided below. The planning history for the nearby site at Spur House, 14 Morden Road is also provided. This site is considered relevant as an appeal has recently been allowed which allows three additional storeys to the existing six storey building on this nearby site.

34, 36, 38, 40 Morden Road

- 4.2 On the 5 December 2012 an outline planning application [reference 12/P1891] was withdrawn for the site 34-40 Morden Road South Wimbledon. The applicant withdrew the application after the applicant was advised that the application was likely to be recommended for refusal. This application was for the demolition of the existing two storey buildings [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] and erection of a nine-storey building providing an 'aparthotel' consisting of 58 serviced apartments [22 studio units and 29 one bedroom units] provided short term accommodation together with 10 residential flats (2 one bedroom, 8 two bedroom and 1 three bedroom flats).
- 4.3 An application for outline planning permission [considering access and scale] was refused on the 25 October 2013 [reference 13/P1898, overturned officer recommendation] for the demolition of the existing two storey buildings [providing 1 two bedroom house, 2 one bedroom flats and 7 studio flats] at 34-40 Morden Road and erection of a eight storey building providing an 'aparthotel' consisting of 31 serviced apartments [10 studio units, 19 one bedroom units and 2 two bedroom units] provided short term accommodation together with 9 residential flats [4 one bedroom, 4 two bedroom and 1 three bedroom flats]. The reasons for refusal are provided below:

“The proposals fail to demonstrate that the development (i) would respond to and reinforce the locally distinctive pattern of development and landscape; (ii) respect the siting, rhythm, scale, density, proportions, height, and massing of surrounding buildings; (iii) achieve a high standard of design that would complement the character and local distinctiveness of the adjoining townscape and landscape and; (iv) not adversely affect the nearby Nelson Gardens; and would be harmful to the visual amenities of neighbours and of the area generally. The proposals would be contrary to policies 3.5 and 7.4 of the London Plan, policy CS.14 of the Merton LDF Core Planning Strategy, and policies BE16 (i) and BE.22 (i) and (ii) of the Merton Unitary Development Plan (2003)”

- 4.4 A subsequent appeal to the Secretary of State against the Council's refusal of planning permission was dismissed in August 2014 and the Inspectors decision letter is appended to this report.

36 Morden Road

- 4.5 Planning permission was approved in May 2004 [reference MER105/84] for alterations to and conversion of dwelling house into two flats involving erection of a single storey rear extension, new front porch and two garages at rear.

34 and 36 Morden Road

- 4.6 Planning permission was refused on the 17 March 2008 [reference 07/P3503] for the demolition of 34 and 36 Morden Road and the construction of 14 one-bedroom flats. The reasons for refusal are provided below:

“The current proposal fails to demonstrate that adequate living standards can be provided for future occupiers of the building or that an appropriate mix of dwelling can be provided without adverse impacts which would result to neighbouring occupiers by reason of loss of outlook and overshadowing, contrary to policies BE15, BE22, HS1 and HN3 of the Adopted Unitary Development Plan 2003”.

- 4.7 A subsequent appeal to the Secretary of State against the decision to refuse planning permission was dismissed.
- 4.8 An application was withdrawn in October 2008 [reference 08/P1897] for outline planning application [with access to be determined], for demolition of the residential properties at 34 and 36 Morden Road and construction of a new building providing nine, one bedroom residential units.

40 Morden Road

- 4.9 In December 1987 planning permission [reference 87/P1324] was refused for the conversion of property to form 2 one-bedroom flats and two studio flats involving the erection of two 2 storey extensions at the rear and the provision of 4 parking spaces. Planning permission was refused on the following grounds:

- 1. The proposed conversion would bring about an over intensive use of the property and will result in substandard units of accommodation contrary to policy P3.13 (as revised) of the Adopted Borough Plan.**
- 2. The proposed two storey rear extension nearest the southern boundary would by reason of its size and siting be detrimental to the amenities of the adjoining residential property.**

- 4.10 In March 1988 planning permission was approved for the [reference 88/P0162] for alterations to and conversion of property into 4 studio flats involving erection of a two storey extension at rear and a new enclosed entrance staircase at side together with provision of four parking spaces at

rear involving the demolition of the existing entranceway and single storey rear extension.

4.11 In July 1990 planning permission [reference 90/P0127] was refused for the erection of a two-storey extension at rear of building for use as a bedsitting unit at first floor level together with the provision of two off street car parking spaces at ground floor level. Planning permission was refused on the grounds:

1. **The proposed bedsitting unit by reason of its layout and size represents a substandard unit of accommodation contrary to Policy H.15 of the Merton Borough U.D.P. Pre-Deposit Draft Plan.**
2. **Having regard to the extant planning permission granted on 31st March 1988 (ref.88/P0162) for the conversion of the existing building to use as four flats, the proposed development would bring about an over intensive use of the site, resulting in inadequate provision of amenity space for the benefit of prospective occupiers of the proposed flats, contrary to Policy H.12 of the U.D.P. Pre-Deposit Draft.**
3. **The proposed extension would result in a loss of daylight/sunlight to rooms at the rear of the existing building at 40 Morden Road, causing a loss of amenity to the occupiers of this accommodation, contrary to Policy H.17 of the U.D.P. Pre-Deposit Draft.**
4. **The proposed extension is unacceptable in that it would be detrimental to the amenities of the occupiers of No. 38 Morden Road by reason of a loss of daylight/sunlight, contrary to Policy H.17 of the U.D.P Pre-Deposit Draft.**

Spur House 14 Morden Road

4.12 In November 2009 the Planning Applications Committee resolved to refuse planning permission [LB Merton Ref 09/P2219] for the extension and refurbishment of Spur House to provide a building ranging from one to nine storeys in height providing 46 private flats (21 one bedroom, 20 two bedroom and 5 three bedroom) on the upper floors with external amenity area at first floor level and a retail shop unit (986 square metres) at ground floor level including an internal service area, electricity substation and cash point machines on the Milner Road elevation.

4.13 Planning permission was refused for the following reasons:

“The proposed development, by reason of its size, bulk and scale, would be unduly dominant and visually prominent and would fail to either respect the height and massing of surrounding buildings, or enhance the character of the area, detracting from visual amenities of the locality and the surrounding street scenes. The proposal would therefore be contrary to Policies BE.22 and BE.23 of the Adopted Unitary Development Plan (October 2003)”.

- 4.14 Following an appeal to the Secretary of State an appeal decision letter dated 11 May 2010 overturned the decision of the Council to refuse planning permission and granted planning permission for the redevelopment of Spur House.
- 4.15 In March 2010 the Planning Applications Committee resolved to grant planning permission [LB Merton Ref 10/P0049] subject to a section 106 agreement for the extension and refurbishment of Spur House to provide a building ranging from one to eight storeys in height providing 49 private flats (29 one bedroom and 20 two bedroom) on the upper floors with external amenity area at first floor level and a retail shop unit (986 square metres) at ground floor level including an internal service area, electricity substation and cash point machines on the Milner Road elevation. The developer chose not to proceed with the S106 in relation to this development and the application was withdrawn in January 2011. This proposal included a reduction in building height from 9 storeys to 8 storeys and an additional three residential properties when compared to the proposal that was approved as part of the decision to allow the planning appeal.
- 4.16 On the 4 June 2013 planning permission was approved [reference 12/P2165] following a committee resolution for the demolition of existing commercial buildings fronting Milner Road and forming part of Spur House and the construction of two residential blocks, one four storey and one three storey containing 16 apartments [8 two bedroom and 8 one bedroom] with access on to Milner Road.

5. **CONSULTATION**

5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 217 local properties. As a result of this consultation 55 letters [including 39 circular letters] have been received objecting to the proposal and two letters expressing support for the development. The objections to the development were on the following grounds:

5.2 **Design and scale**

- Reducing the height by three storeys does not resolve the issue raised by the planning inspector in relation to impact on local character;
- The development is contrary to policies 7.1 and 7.4 of the London Plan; policies ST18, BE15, BE16 and BE22 of the UDP and policy CS14 of the Core Strategy;
- The development will lead to the loss of local historic buildings worthy of protection;
- The development does not have any architectural quality;
- Potential mobile phone equipment will further increase the height of the building;
- This is an overdevelopment of the site;
- The development does not respect, reinforce and enhance the local area contrary to policy CS14.
- The approval of a nine storey building on the Spur House site does not justify a taller building on this site;

- The height of the building will damage the character of the area.
- Other commercial development has been kept low to avoid any loss of character.
- The building is out of proportion with its surroundings;
- The development fails to complement the local housing stock and is contrary to policy CS Policy 14: Design;
- The development is incongruous to the design of the St John the Divine Church and the neighbouring Nelson Gardens;
- The lack of maintenance of the existing buildings is a reason to allow demolition;
- The development is contrary to Council policy in that it includes a tall building with no architectural merit.

5.3 **Car Parking**

- The development will result in pressure on local on street parking within the CPZ and other local private car parking areas.
- The obligations on parking put forward by the applicant do not cover the aparthotel users;
- The users of the aparthotel are likely to use their own vehicles rather than public transport;
- The development will harm the safety of the nearby vehicle access.

5.4 **Nuisance and amenity**

- The point at which the proposed building rises to 5 storeys was raised as an issue by the planning inspector and this has not changed significantly;
- The development will dominate, be overbearing and will lead to visual intrusion and loss of outlook;
- The development will lead to a loss of sunlight and daylight to adjacent dwellings contrary to policy BE15;
- The development will have an adverse impact on the privacy of adjacent properties.

5.5 **Proposed accommodation**

- There is a concern that the aparthotel will turn into a 'low quality hostel';
- The proposal would create few local jobs;
- A hotel is inappropriate in this area;
- There is no need for an additional hotel in this area;
- There is insufficient local infrastructure to support the development.
- The applicant has not demonstrated a need for the aparthotel;
- If the aparthotel is not successful the Council will be forced into considering a change to something else which is more harmful;
- There are safety concerns as this is temporary and low cost accommodation;
- The short term nature of the proposed accommodation will bring residents who will not consider existing residents and will increase crime rates;
- The development does not add anything including employment or facilities.

- 5.6 **Car Parking**
- The development will result in pressure on local on street parking within the CPZ and other local private car parking areas.
 - The obligations on parking put forward by the applicant do not cover the aparthotel users;
 - The users of the aparthotel are likely to use their own vehicles rather than public transport;
 - The development will harm the safety of the nearby vehicle access.
- 5.7 **Other comments**
- It is questioned why a full planning application has not been submitted with all the sustainability measures that the applicant is promoting;
 - The proposal is driven by a desire to make profit but this will be at the expense of the local community;
 - There have been too many construction projects and this must stop;
 - The development will decrease local property values.
- 5.8 Two letters have been received in support of the development, with these letters making the following points:
- The development would be a vast improvement to the current site;
 - The mail distributed locally urging people to object hides the truth that the existing buildings are "...more like 'squats' than properties of architectural heritage" with nothing of visual or historic value;
 - If we are to improve South Wimbledon than badly judged sentiment should not stand in the way of progress;
 - The current proposal removes previous objections to the development;
 - The development will provide new quality accommodation;
 - The development is an opportunity to improve this part of Morden Road which is '...an ugly blight on the area'.
- 5.9 **Councillor Andrew Judge** The following concerns are raised about the proposed development:
- The application involves the demolition of a heritage asset in the form of the existing buildings that retain the original proportions, roof line and characterful arched windows.
 - The application includes no Heritage Statement and there should be one. The opportunity should be taken during the development control process to identify the heritage value of the site.
 - A petition that these cottages be given a local listing has been submitted and the local listing process should continue during the planning application, including local consultation.
 - The proposed building is too high for the site, by at least a storey, being higher than nearby buildings in Morden Road and the Path. As such it affects the visual amenity of 2A The Path.
- 5.10 **Councillor Katy Neep** The following concerns are raised about the proposed development:

- The application involves the demolition of a heritage asset in the form of the existing buildings that retain the original proportions, roof line and characterful arched windows.
- The application includes no Heritage Statement and there should be one. The opportunity should be taken during the development control process to identify the heritage value of the site.
- A petition that these cottages be given a local listing has been submitted and the local listing process should continue during the planning application, including local consultation.
- The proposed building is too high for the site, by at least a storey, being higher than nearby buildings in Morden Road and the Path. As such it affects the visual amenity of 2A The Path.

5.11 LB Merton Transport Planning Transport Planning have no objection to the proposal on the basis that conditions are used to seek further details in relation to intended cycle and pedestrian movements; the new vehicle access, cycle parking, the submission of Delivery and Servicing Plan, submission of a Parking Management Plan, a planning obligation stating that occupants will not be able to obtain on street parking permits and informatives relating to construction of accesses and works affecting the public highway.

5.12 LB Merton Tree and Landscape Officer There is no objection to the development as the proposal is unlikely to have any impact on the tree protected by a Tree Preservation Order in the rear garden of the adjoining property at 30 Morden Road.

5.13 Transport for London There is no objection to the proposed development subject to the following:

- The footway and carriageway on the A219 Morden Road must not be blocked during the development. Temporary obstructions during works must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A219 Morden Road.
- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- No skips or construction materials shall be kept on the footway or carriageway on the Transport for London Road Network at any time.
- The proposed cycle parking spaces are welcomed are in line with relevant standards;
- A car free development without any off street parking would be supported in this location;
- The development will not cause a significant impact on the Transport for London Road Network;
- The borough should seek electric vehicle charging points in line with London Plan policy.
- To ensure the impact of the access and servicing activities on the existing contraflow cycle lane is minimised at the detailed design stage of the section 278 agreement, it is recommended that the borough

seeks and agrees the details of this access to ensure a continuous safe cycle route is maintained.

- It is recommended that a travel plan is secured and measures to prevent future occupants from applying for parking permits in the surrounding Controlled Parking Zone, in order to promote public transport.
- The submission and agreement of a Construction Logistics Plan before work commences should be secured by a planning condition.

5.14 Metropolitan Police Crime Prevention Design Advisor It is recommended that Secured by Design should be incorporated as a minimum standard for security in this development. There have been no adverse comments on this application from the local Counter Terrorism Security Advisor.

6 POLICY CONTEXT

The London Plan [July 2011].

6.1 The relevant policies in the London Plan [July 2011] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.6 [Children and young people's play and informal recreation facilities]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 3.11 [Affordable housing targets]; 4.5 [London visitor infrastructure]; 5.1 [Climate change mitigation]; 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.10 [Urban greening]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.1 [Building London's neighbourhoods and communities]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes]; and 8.2 [Planning obligations].

Merton Sites and Policies Plan [adopted July 2014]

6.2 The London Borough of Merton 'Sites and Policies Plan' was formally adopted by the Council on the 9 July 2014. The relevant policies within the Sites and Policies Plan are as follows: DMD1 [Urban Design and the Public Realm]; DMD2 [Design Considerations and the Public Realm]; DM D4 [Managing heritage assets]; DMEP2 [Reducing and mitigating against noise]; DMEP4 [Pollutants]; DM T1 [Support for sustainable travel and active travel]; DM T2 [Transport impacts from development]; and DMT3 [Car parking and servicing standards].

Merton Supplementary Planning Guidance

6.3 The key supplementary planning guidance relevant to the proposals includes New Residential Development [1999]; Design [2004] and Planning Obligations [2006].

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

6.4 The relevant policies within the Council's Adopted Core Strategy [July 2011] are; Policy CS5 [Wandle Valley]; CS7 [Centres]; 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].

National Planning Policy Framework [March 2012]

- 6.5 The National Planning Policy Framework [NPPF] is a key part of central government reforms '*...to make the planning system less complex and more accessible, and to promote sustainable growth*'.
- 6.6 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.
- 6.7 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.

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of the development in terms of the loss of the existing buildings, the need for the proposed accommodation; the relationship with St John the Divine Church and Nelson Gardens, residential density, the impact of the development including in terms of design, scale and layout, the standard of the proposed residential accommodation; the impact on residential amenity including privacy daylight and sunlight and the impact on access and parking.
- 7.2 These issues are considered in the context of the appeal inspector's decision letter dated 4 August 2014 that is a material consideration. A copy of this decision letter report is attached to this report.

Loss of the existing buildings

- 7.3 Policy CS8 within the LDF Core Strategy [2011] states that all development needs to be designed in order to respect, reinforce and enhance the local character of the area in which it is located and to contribute to Merton's sense of place and identity. This will be achieved by conserving and enhancing Merton's heritage assets and wider historic environment including other non-designated heritage assets.
- 7.4 The existing buildings on the application site are not located in a conservation area. The existing buildings do not appear on either the statutory national list of historically important buildings or on the Council's own local list of buildings that are considered to have historic, architectural or townscape value.

- 7.5 Historic maps suggest that the existing buildings on the application site were built around 1820. The buildings have suffered from various subsequent inappropriate building extensions and alterations, including a large and prominent two storey side extension and rear extensions. These alterations and extensions severely detract from the appearance of the buildings and any historic or other value that they may have had. In this context it is considered that the loss of the existing buildings is acceptable and this loss does not constitute grounds on which to refuse planning permission for the current development.
- 7.6 The loss of the existing buildings was found to be acceptable by the planning committee when the previous planning application was considered in 2013. The loss of the existing buildings was considered acceptable after an assessment by the Secretary of State appointed Planning Inspector who considered the appeal against the refusal of planning permission. The Council's Conservation and Design Team have also considered the current application and there is no objection to the demolition of the buildings.
- 7.7 At the full Council meeting on the 5 February 2014 a petition was presented by Councillor Andrew Judge. The petition asked for the Council's Conservation and Design Team to consider including the buildings on the application site at 34-40 Morden Road on the local list of historically important buildings. In the context of the current proposal it is highlighted that inclusion on the local list of historically important buildings would not offer the buildings any statutory protection and would not prevent the demolition of the buildings.
- 7.8 The Council's Conservation and Design Team have considered the request and have concluded that the buildings are of insufficient merit for inclusion on the local list of historically important buildings. The detailed assessment carried out by the Conservation and Design Team of the buildings is appended to this committee report. With a number of similar requests for other buildings to be included on the local list public consultation through the Council's website is due to conclude in early March 2015.
- Need for the proposed accommodation**
- 7.9 In terms of current planning policy, policy CS9 within the Council's Adopted Core Strategy [2011] states that the Council will support the provision of well-designed housing located to create socially mixed and sustainable neighbourhoods.
- 7.10 The existing buildings on the application site provide 1 two bedroom house, and 9 flats [2 one bedroom flats and 7 studio flats]. The current development as well as the 17 serviced apartments within the aparthotel will provide 9 residential flats [4 one bedroom, 4 two bedroom and 1 three bedroom flat]. The removal of the 7 studio flats and the provision of an improved mix of residential accommodation are both welcomed and are considered to outweigh the overall loss of one residential unit as part of this development.

- 7.11 The supporting text to policy CS7 of the Council's Adopted Core Strategy [2011] states that new hotels will be directed to parts of the borough that are very accessible by public transport, as this will minimise traffic congestion and help support surrounding restaurants, shops, cafés and theatres. Policy 4.5 of the London Plan states that developments should contribute towards the hotel provision target of 40,000 net additional hotel bedrooms by 2031 and ensure that at least 10 per cent are wheelchair accessible.
- 7.12 The application site has a Public Transport Accessibility Level rating of 6a which is one level below the highest possible Public Transport Accessibility rating of 6b. South Wimbledon Underground Station is 130 metres to the north of the site and Morden Road tram stop 570 metres to the south. There are also various bus routes that pass the application site. With the high public transport accessibility and access to the underground network this location is considered suitable for the provision of hotel accommodation.
- 7.13 The current development is considered in keeping with policy CS7 of the Council's core strategy and policy 4.5 of the London Plan. There are no planning policies in the development plan that restrict hotel provision in certain areas and it should also be noted that the current proposal seeks to provide accommodation that is different to that which is currently provided locally.

Residential density,

- 7.14 To ensure the sustainable and efficient use of land the London Plan states that in urban areas, along main arterial routes and with a public transport accessibility level of between 4 and 6 new residential development should be within a density range of between 200 and 700 habitable rooms per hectare. The areas of the borough such as the application site with good access to public transport and access local facilities provide opportunities for more intensive development in terms of the sustainable use of land.
- 7.15 The proposed development that has a public transport accessibility level of 6a has a residential density of 383 habitable rooms per hectare. The density of the proposed development will ensure the efficient use of land in this location which has good access to public transport and access to facilities without the need to use a car. The density range is considered appropriate for this location and is within the London Plan density range.

Relationship with St John the Divine Church and Nelson Gardens

- 7.16 St John the Divine Church is included on the Council's list of historically important buildings. The application site is located on the opposite side of Morden Road to the church and there would be a distance of 65 metres separating the proposed building from the church. The nearby four-storey building called Priory Close is located 40 metres from the church. In this context, and with the separation between the buildings, it is considered that the proposed development will have no significant impact on St John the Divine Church.

- 7.17 In the assessment of the earlier appeal the planning appeal Inspector considered that an 8 storey building on the application site [now reduced to 5 storeys] was acceptable in terms of the relationship with Nelson Gardens. The inspector states in the decision letter at paragraph 14 that “...given the separation across Morden Road and the urbanised location, although the building would be visible especially in winter months, it would not harm the function or nature of that space. Nelson Gardens”.

Building appearance, layout and landscaping.

- 7.18 Policy CS8 within the LDF Core Strategy [2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 within the Council’s Adopted Core Strategy [2011] states that development should respect, reinforce and enhance local character and contribute to Merton’s sense of place and identity.
- 7.19 The nearby existing development along Morden Road does not have a defined front building line with the Barclays Bank building set forward of all other existing buildings. The front elevation of the proposed building is set back 5 metres from the front boundary of the application site to reflect the position of the front elevation of Spur House and this is considered appropriate for this location.
- 7.20 If outline planning permission is granted, a ‘reserved matters’ application must be made within three years of the date that the planning permission is issued. The details of the ‘reserved matters’ application must be in accordance with the matters that were agreed as part of the outline planning approval, including any conditions and planning obligations attached to the planning permission.
- 7.21 The applicant has requested that in relation to this application the reserved matters include ‘appearance’ [aspects of a building or place which affect the way it looks, including the exterior of the development], ‘landscaping’ [improvement or protection of the amenities of the site this could include planting trees or hedges as a screen]; and ‘layout’ [buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development]. It is highlighted that aspects of the development that are shown on the submitted drawings that relate to the reserved matters layout’ are only illustrative. These details are included to assist in the assessment of the planning application and to show what could be achieved on the site. .

Building scale and means of access

- 7.22 The applicant has requested that the submitted outline application considers ‘scale’ [information on the size of the development, including the height, width and length of buildings] and ‘means of access [accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site].

• Scale

- 7.23 The London Plan policy 7.4 requires buildings, streets and open spaces to provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in terms of orientation, scale,

proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including that they should be of the highest architectural quality, they should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and buildings should have details that complement, but not necessarily replicate the local architectural character.

- 7.24 Policy CS14 of the Council's Core Strategy states that the Council will protect the valued and distinctive suburban character of the borough by resisting the development of 'tall buildings' where they will have a detrimental impact on this character. Tall buildings may therefore only be appropriate in the town centres of Colliers Wood, Morden and Wimbledon. The London Plan defines tall buildings as those that are a) substantially taller than their surroundings; b) that cause a significant change to the skyline, c) or are larger than the threshold size for the referral of planning applications to the Mayor of London.
- 7.25 In terms of local context, the existing development along Morden Road between the application site and South Wimbledon Underground Station is mainly four storeys in height and provides a mix of residential and commercial uses. This includes the flat roof building at 26 Morden Road on the same side of the road as the application site. The building immediately adjacent to the application site at 30 Morden Road is also four storeys high with this including accommodation within a mansard roof. In the consideration of the appeal against the earlier refusal of planning permission for an 8 storey building the appeal inspector [paragraph 10] advised that the adjacent buildings "...fronting Morden Road provide a strong visual sense of scale which in my view is characterised by buildings of up to four storeys".
- 7.26 In dismissing the appeal the Inspector considered that an 8 storey building would be a 'tall building' because it was twice the height of and '*substantially taller*' than the predominant local building height of 4 storeys. In seeking to address the concerns raised by the appeal inspector the height of the proposed building has been reduced. The building height has been reduced from eight storeys to five storeys. Using the reasoning of the planning Inspector the proposed building which is one storey higher than adjacent development is not '*substantially taller*' than adjacent buildings and is considered in keeping with the character of the area that was highlighted by the appeal inspector. The bulk and scale of the proposed building is further reduced by the set back on the top floor of the building.
- 7.27 The area to the west of the application site provides a 'grid iron' pattern of residential development, with buildings typically of a smaller scale than those on Morden Road. The nearby two storey residential properties at 4a, 8, 14 The Path have previously had rear roof extensions to the original pitched roof creating three storeys of accommodation. Other properties on The Path and on the application site have pitched roofs with a height equivalent to that of a three storey building.
- 7.28 The revised proposal includes a building that is five storeys at the front of the site but stepping down along the secondary elevation in The Path to

four storeys, two storeys and then a single storey. The single storey part of the proposed building is separated by a distance of 3.5 metres from the side boundary and blank side elevation of the two storey residential property at 2a The Path. The two storey part of the proposed building is separated by a distance of 7 metres, the three storey part of the proposed building separated by a distance of 11 metres and the fourth storey by a distance of 17 metres from the side boundary of 2a The Path.

7.29 It is considered that the overall reduction in building height has successfully addressed the concerns expressed by the appeal inspector in relation to the scale of the development and that the development will be in keeping with the character and appearance of the surrounding area. Using the reasoning of the appeal inspector it is considered that the proposed building which is a single storey higher than neighbouring four storey buildings reflects the local “*visual sense of scale*”.

- Access

7.30 Policy CS 20 of the adopted Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developments to incorporate safe access to and from the public highway as well as on-site parking, refuse storage and collection, and for service and delivery vehicles. London Plan policy 4.5 states that The Mayor will, and boroughs and relevant stakeholders should seek to achieve 40,000 net additional hotel bedrooms by 2031, of which at least 10 per cent should be wheelchair accessible. Policies in the London Plan and Core Strategy require all new residential properties to be built to Lifetime Home Standards.

7.31 The applicant has stated that the vehicle access to the proposed 6 off street car parking spaces will be provided in the southern boundary of the site fronting The Path. The main pedestrian access to the building will be provided from the main Morden Road elevation. used in to the proposed

7.32 The submitted plans show a shared refuse storage room and a room providing parking for 21 cycles within the proposed building. The external access to these storage rooms is shared with the vehicle access provided from The Path with double doors providing internal access provided to the buildings staircase core. This provision is considered acceptable and planning conditions are recommended to ensure that these storage areas are provided and retained for the benefit of future occupiers.

7.33 A further planning condition is recommended seeking further details from the developer on the proposed new vehicle access from The Path and access and servicing activities. This condition will seek to ensure that there is no adverse impact on the operation of the existing contra flow cycle lane outside the application site.

7.34 The Council’s Transport Planning Team and Transport for London have both confirmed that they have no objection to the proposed development in terms of the arrangements for servicing and access.

- 7.35 The applicant has stated that all floors of the building will be served by twin lifts and that the development will comply with Lifetime Homes standards and building regulations. A planning condition is recommended to ensure that prior to first occupation of the proposed new dwellings; the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. It has been confirmed that the development In line with policy London Plan policy 4.5 the applicant has stated that 10 per cent of the aparthotel units will be wheelchair accessible.
- 7.36 In conclusion it is considered that the proposed development has been designed with adequate access and servicing arrangements and with the planning condition seeking to protect the nearby cycle lane the proposal is considered in line with Policy CS20 of the Core Strategy [July 2011]. The accessibility of the development is acceptable in terms of routes to and within the site and the relationship of the development to roads and pathways outside the site.

Impact on residential amenity

- **Loss of privacy and overlooking**

- 7.37 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure the quality of living conditions including in terms of privacy. The Council's Supplementary Planning Guidance sets out minimum separation distances, recommending a minimum separation distance of 20 metres between directly opposing habitable room windows located on the upper floor levels of residential accommodation.
- 7.38 The planning appeal inspector made the following conclusions in terms of loss of privacy and overlooking *"Given the relationship with the adjoining properties and the orientation of the proposed development, with the likely aspect for the scheme to be to the front and rear, privacy could be adequately secured through appropriate design measures. The terrace areas could similarly be secured and privacy screens designed and provided to ensure there was no significant impact on the privacy enjoyed by occupiers of adjoining properties"*.
- 2A The Path.
- 7.39 The proposed residential accommodation is provided with external amenity areas on the upper floors of the building. It is considered that the proposed screening to these areas that are annotated on the submitted drawings will ensure that these areas do not result in overlooking or loss of privacy. A planning condition is recommended seeking further details of this screening to be submitted and for the approved screening to be in place prior to occupation of the building.
- 7.40 The west elevation of the proposed building faces towards the side elevation of the adjacent residential building at 2A The Path. Whilst there is a non-habitable staircase window located to the side elevation of 2A The Path there are no windows on this part of the proposed building.

- 7.41 The new building includes windows at first floor level to studio 108 and 109 that are separated from the side elevation of 2A The Path by a distance of 15 metres. At second, third floor levels the proposed lift lobby windows are separated from the side elevation of 2A The Path by a distance of 14 metres. It is considered that these windows will not result in a loss of privacy or overlooking due to the separation distance and the screening provided by the proposed building and the potential for frosted glazing around the new external amenity area.
- 30 Morden Road
- 7.42 The proposed building includes external amenity areas at first, second third and fourth floor levels with windows at second and third floor levels. It is considered that these windows will not result in a loss of privacy or overlooking due to the screening provided by the proposed building and the potential for frosted glazing around the new external amenity area.
- Noise
- 7.43 Policy DM EP2 of the sites and policies plan states that development which would have a significant effect on existing or future occupiers or the local amenity due to noise or vibration will not be permitted unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.44 The planning appeal inspector made the following conclusions in terms of noise *"I am satisfied that the proposed use as an apart-hotel and residential flats would not introduce an activity that would add significantly to the local noise environment"*.
- 7.45 With the nature of the development proposed there is the potential for noise and disturbance to be caused through both the construction process and secondly the proposed new use of a site. It is generally accepted that during the construction process there is likely to be unavoidable short term noise and disruption to adjoining occupiers. Planning conditions are recommended to ensure that this disruption is minimised with these conditions controlling matters such as hours of construction work and suppression of the dust generated as a result of the demolition process.
- Visual intrusion and outlook
- 2A The Path
- 7.46 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure the quality of living conditions to both proposed and adjoining buildings and gardens and should protect new and existing development from visual intrusion so that living conditions are not unduly diminished.
- 7.47 The planning inspector in the decision letter noted several concerns that contributed to his conclusion that the previously proposed eight storey building *"...would result in material harm to the living conditions of the occupants of the neighbouring properties 2a and 4a The Path with particular reference to outlook"* These factors are set out below with details of how the revised proposal has been amended to address these concerns.

- 7.48 In terms of the relationship of a three storey part of the building with properties in The Path the Inspector noted that *“The height and bulk of this part of the building sited so close to the boundary would dominate the views from the rear gardens of the adjoining properties in The Path and would be particularly obtrusive and oppressive”*. In response to these comments the building has been reduced to from three storeys to a single storey in the same location at the rear of the site. The separation distance between the three storey part of the proposed building and 2A The Path has been increased from 3.2 metres to 11 metres.
- 7.49 The Inspector noted that the five storey part of the proposed building would be slightly in excess of 10 metres from the side boundary of 2A The Path. In addition to the overall reduction in the height of the building from eight storeys to five storeys the current proposal increases the separation distance between the five storey part of the building and the side elevation of 2A The Path to 17 metres.
- 30 Morden Road
- 7.50 After assessing the impact of an eight storey building on the adjacent building at 30 Morden Road the Inspector noted that *“The impact on the outlook of the occupiers of 30 Morden Road would not be affected to the same degree given the relationship of that building with the proposed building. Whilst there may be some intrusion into their views this would not be so significant as to warrant resisting the scheme”*.
- 7.51 In conclusion it is considered that the proposed development of a building up to five storeys in height will not unduly diminish the living conditions of adjacent occupiers and is acceptable in terms of visual intrusion and outlook. The proposal is considered in line with Policy DM D2 of the adopted Sites and Policies Plan.
- Sunlight and daylight
- 7.52 The appeal inspector stated that *“The appellant had submitted with the application a report by GIA entitled Daylight, Sunlight and Overshadowing which demonstrated that there would be no substantial breaches of daylight or sunlight to any of the surrounding properties. During the site visit I was satisfied that this was a reasonable conclusion”*.
- 7.53 Policy DM D2 of the adopted Sites and Policies Plan states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight and the quality of living conditions. In order to protect daylight and sunlight to existing properties the Council’s Supplementary Planning Guidance on Residential Development advises on general building design and location. As part of the application the applicant has also submitted the conclusions of a more detailed BRE investigation into the daylight and sunlight impact of the proposed new building.
- 2A The Path.
- 7.54 The application site is located to the east of the properties in The Path. Whilst the existing building on the application site protrudes past the building line of properties in The Path, the proposed building is in line with the front elevation of adjacent properties. The proposed new building will

be separated from the rear garden of the property at 2A The Path by a private shared road providing access to the rear of neighbouring gardens. The proposed building will a single storey [reduced from three storeys] where it is closest to the property at 2A The Path and then the building will step up to five storeys at the junction with Morden Road.

7.55 A distance of 3.2 metres will separate the single storey part of the proposed building from the two storey side elevation of 2A The Path. At the closest point a distance of 7 metres will separate the two storey part of the proposed building from 2A The Path. The three and four storey parts of the building will be separated by a distance of 11 metres and the five storey part of the building will be separated by 17 metres from the side elevation 2A The Path.

- 30 Morden Road

7.56 The residential building at 30 Morden Road is located immediately to the north of the application site. The building is part two storey, part three storeys in height with the two storey part of the building adjacent to the boundary with the application site. There are no windows at ground floor level adjacent to the boundary as a rear under-croft vehicle access is provided. A dormer window in the front mansard roof provides natural light to the roof space of the building.

7.57 The existing two storey building on the application site with a pitched roof currently extends 6 metres past the front elevation of the adjacent building at 30 Morden Road. The proposed building at ground and first floor level would extend 8.5 metres past the front elevation of 30 Morden Road.

7.58 There would be a separation distance of one metre between the two buildings and two metres separation distance between the side elevation of the new building and the existing window in the front elevation of 30 Morden Road. At second and third floor levels the section of the new building closest to the boundary would extend 3.4 metres past the front elevation of 30 Morden Road. The top floor the building is set back a further 1.5 metres from the boundary and extends 1.8 metres past the front of located with this distance

- Priory Close

7.59 This four storey building on the opposite side of Morden Road provides 32 flats. There is a distance of 50 metres separating the proposed building from this existing residential accommodation. The BRE study commissioned by the applicant concluded that due to the orientation of the front elevation windows the level of daylight and sunlight to this building would be within recommended limits.

7.60 In conclusion, the BRE study commissioned by the applicant found that whilst the previously proposed eight storey building would result in some increased overshadowing to the rear garden of this adjacent property, this impact was well within recommended thresholds. The methodology used by the applicant in assessing daylight and overshadowing issues is considered to be sound and follows the assessment criteria that are recognised in the justificatory text to the relevant Council's planning

policies. With the reduction in the scale of the proposed building towards the rear of the site, the separation distances from the adjacent garden and the building orientation it is considered that the proposal is acceptable in terms of impact on sunlight and daylight.

Standard of the proposed new accommodation.

7.61 Policy DM D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy to adjoining gardens. Policies CS8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.

• **Internal layout and room sizes**

7.62 Policy 3.5 of the London Plan [July 2011] states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out as gross internal areas in table 3.3 of the London Plan. Further advice on internal layout is provided within the Supplementary Planning Guidance on Housing published by the Greater London Authority in November 2012.

- **Serviced apartments**

7.63 The serviced apartments are located on the first and second floors of the building. There are no internal space standards within the London Plan or in supplementary guidance for hotel accommodation or serviced apartments. The minimum floor space standards for permanent accommodation [set out as gross internal areas] are provided in a table appended to this report only as a guide against which to judge the proposed temporary residential accommodation.

7.64 Whilst a number of the serviced apartments provided in excess of the general minimum space requirements, seven of the serviced apartments are under the minimum floor space requirement. It is considered that whilst these units do not meet the general minimum space standards for permanent accommodation, the proposed temporary accommodation is considered acceptable in light of the nature of the accommodation and the length of proposed stay.

- **General market flats**

7.65 The flats are located on the third and fourth floors of the proposed building. Three of the flats [units 305, 306 and 307] are below the minimum gross internal areas specified in the London Plan for this type and size of accommodation [total of 15 square metres deficit]. The applicant has stated that unit 307 will be used by the building concierge.

7.66 A number of the proposed units provide accommodation above minimum standards [total of 14 square metres]. It is considered that amendments could be made to the internal layout to improve the space available to units 305, 306 and 307 that are currently below minimum standards. The current application is for outline planning permission considering only 'scale' and 'access'. The future consideration of matters such as layout provides the

opportunity to seek these changes to the internal layout of the development.

- External amenity space

- 7.67 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords appropriate minimum standards and is compatible with the character of the surrounding area.
- 7.68 In accordance with the London Housing Design Guide, the Council's Sites and Policies Plan states that there should be 5 square metres of external space provided for one and two bedroom flats with an extra square metre provided for each additional bed space. The table provided as an appendix to this report sets out the areas of external space provided for each of the 9 residential units.
- 7.69 All of the proposed nine flats are provided with private external private amenity space in the form of a balcony. Whilst the provision of external space is below the Council's normal standards for three of the proposed flats, the units also have access to a shared external amenity space covering 327 square metres. In other similar developments accommodation has been found to be acceptable without any provision of private external space. This includes the redevelopment of Spur House site, with members resolving to grant planning permission for development of this site in March 2010 for the application under LB Merton Ref 10/P0049.
- 7.70 There are no external amenity space standards set out in the development plan for the proposed serviced apartments, however the table provided as an appendix to this report the units are assessed against the standards for normal flats. Whilst some of the serviced apartments significantly exceed the external space standards, five of the units are below standard including two units without any external space. With the serviced apartments providing temporary accommodation the level of external amenity space that is proposed is considered acceptable.
- 7.71 In conclusion it is considered that the proposal is well designed and provides adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants in accordance with policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] and and the Mayor's Supplementary Planning Guidance on Housing.

Traffic impact, access, servicing, car parking, and cycling

- Traffic impact

- 7.72 Policy CS 19 of the adopted Core Strategy [2011] states that the Council will support and enhance the public transport network by ensuring that the proposals do not have an adverse effect on transport within the vicinity of the site.
- 7.73 The application site is in an accessible location in terms of the road network with the A24 [Transport for London road network], the A238 and

the A219 located nearby. A planning condition is recommended seeking the submission of a bespoke travel plan that will be required to demonstrate how an operator will minimise impact on the public highway. It is considered that the anticipated traffic that would be generated by the proposed development can be adequately and safely accommodated on the existing road network. A consultation response has raised concerns about the width of the private access road at the rear of the application site. The submitted planning application does not encroach on to the rear access road and this road will retain the current width.

- Car parking

7.74 Policy 6.13 of the London Plan [July 2011] states that a maximum of one car parking space should be provided for a three bedroom flat and less than one space for each one or two bedroom flat. A maximum of one car parking space should be provided for each ten members of hotel staff with no standard for residents of hotels. The standards for car parking are set at maximum levels rather than minimum levels with the aim of discouraging the use of the private car.

7.75 The site is located within a controlled parking zone [zone S1] with double yellow line waiting restrictions along the main Morden Road frontage and along part of the secondary frontage in the Path. The application site is located in an area of very good public transport accessibility. The proposal includes 5 parking bays 2 of which are suitable for disabled use.

7.76 In order to promote public transport, a planning obligation is recommended to ensure that future residents of the proposed flats and serviced apartments are unable to apply for on street parking permits in the surrounding Controlled Parking Zone. A planning condition is also recommended seeking the provision of an electric vehicle charging point as part of the development.

- Cycling

7.77 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 infrastructure that will reduce conflict between pedestrians, cyclists and other transport modes; and encouraging design that provides, attractive, safe, covered cycle storage, cycle parking and other facilities.

7.78 The submitted plans show cycle storage within the new building in line with Transport for London cycle parking standards and a planning condition is recommended to seek further details of this cycle storage and to ensure that this storage is maintained.

7.79 In conclusion the proposal is considered acceptable and in line with Policy CS 19 of the adopted Core Strategy [2011]. The Council's Transport Planning Team and Transport for London have both confirmed that they have no objection to the proposed development in terms of any potential impact on the road network. The previous reasons for the refusal of planning permission did not raise any concerns about traffic impact and the revised proposal has reduced the overall number of units from 31 to 17

units. The level of off cycle parking is considered acceptable and the development in accordance with Policy CS 18 of the adopted Core Strategy [July 2011]

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT

Sustainability

- 8.1 Policy CS 15 of the adopted Core Strategy [2011] states that proposals will be required to demonstrate how resources have been used effectively. Proposals would also need to demonstrate how they make the fullest contribution to minimising carbon dioxide emissions. Residential development should achieve Code for Sustainable Homes level 4 certification. Proposals should meet the CO2 reduction targets in line with the London Plan. Policy 5.2 of the London Plan [2011] states that development proposals should make the fullest contribution to minimising carbon dioxide emissions.
- 8.2 Planning conditions are recommended to seek the submission of a design stage assessment and post construction certification to show that Code for Sustainable Homes Level 4 is achieved for the residential flats and BRE 'Very Good' standard for the aparthotel accommodation together with a minimum 25% improvement in the dwelling emissions rate in accordance with Policy 5.2 of the London Plan.

Environmental Impact Assessment

- 8.3 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 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL.
- 9.2 The Mayor of London Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £37,100 This is based on the charge of £35 per square metre and information provided by the applicant that states that there will be additional floor space of 1,060 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost as part of this proposal has been in lawful use.

London Borough of Merton Community Infrastructure Levy

- 9.3 After approval by the Council and independent examination by a Secretary of State appointed planning inspector, in addition to the Mayor of London levy the Council's Community Infrastructure Levy commenced on the 1 April 2014. The liability for this levy arises upon grant of planning permission with the charge becoming payable when construction work commences.

- 9.4 The Merton Community Infrastructure Levy will allow the Council to raise, and pool, contributions from developers to help fund local infrastructure that is necessary to support new development including transport, decentralised energy, healthcare, schools, leisure and public open spaces. The provision of financial contributions towards affordable housing and site specific obligations will continue to be sought through planning obligations a separate S106 legal agreement.
- 9.5 The London Borough of Merton Community Infrastructure Levy charge that would be payable for the proposed development would provisionally be £233,200. This is based on the charge of £220 per square metre and on the information provided by the applicant that states that there will be additional floor space of 1,060 square metres. This figure is also subject to future reassessment in terms of whether the floor space to be lost has been in lawful use.

Planning Obligations

- 9.6 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.
- 9.7 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.
- Affordable housing
- 9.8 The current application involves the demolition of the existing two storey buildings that provide ten residential units [1 two bedroom house, 2 one bedroom flats and 7 studio flats] and the erection of a eight storey building that includes 9 residential units [4 one bedroom, 4 two bedroom and 1 three bedroom flats].
- 9.9 On Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing should not be sought from small scale and self-build development. Following this change, the Council can no longer seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000 square metres; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 *housing choice*, no longer applies.
- 9.10 The proposed development also includes an 'aparthotel' consisting of 17 serviced apartments. To ensure that the proposals remain in compliance with the relevant local and national policies in relation to affordable housing provision, a planning condition is recommended to ensure that the

apartments do not become permanent residential units within the terms of Class C1 or Class C3 of the Town and Country Planning (Use Classes) Order 2005.

- A restriction preventing future occupants from obtaining an on street car parking permit.
- 9.11 In order to encourage public transport use in this sustainable location a planning obligation is recommended to prevent future occupants from obtaining on street car parking permits.
- The developer agreeing to meet the Council's costs of preparing and monitoring the Section 106 Obligations;
- 9.12 As set out in the Council's adopted Supplementary Planning Guidance the s106 monitoring fee would be £250 with legal fees agreed at a later date.

10. CONCLUSION

- 10.1 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units that would meet a need for hotel accommodation set out in the London Plan.
- 10.2 The development is of a scale that is sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. The revised proposal with the reduction in building height is considered to have satisfactorily addressed the concerns of the appeal Inspector that resulted in the dismissal of the earlier appeal. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

RECOMMENDATION

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

1. A planning obligation preventing future occupants from obtaining on street car parking permits.
2. The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [to be agreed].
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£250].

And the following conditions:

1. Standard condition [Time period - outline] The development to which this permission relates shall be commenced before the expiration of 3 years from the date of this permission or 2 years from the approval of the last of the reserved matters as defined in the condition below, whichever is the later. Reason for condition: To comply with Section 92 (as amended) of the Town & Country Planning Act 1990.
2. Standard condition [Submission of reserved matters] Details of the reserved matters set out below ('the reserved matters') shall be submitted to the Local Planning Authority for approval within 3 years from the date of this permission: (i) layout; (ii) appearance; and (iii) landscaping. The reserved matters shall be carried out as approved and the approval of all reserved matters shall be obtained from the Local Planning Authority in

writing before any development is commenced. Reason for condition: To comply with Section 92 (as amended) of the Town & Country Planning Act 1990.

3. Amended standard condition [Approved plans] The development hereby permitted shall be carried out in accordance with the following approved plans: DMWR/A3/21; PL2-00001; PL2-00002; PL2-00003; PL2-00004; PL2-00032; PL2-00033; PL2-00034; PL2-00035; Planning Statement; Daylight and Sunlight Assessment Design and Access Statement; Transport Note; explanatory note 'The Concept of an Aparthotel [C1 Use]' Reason for condition: For the avoidance of doubt and in the interests of proper planning.
4. 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 to Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not 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 Sites and Policies policy DM D2.
5. Non-standard condition [Demolition dust and noise] Prior to the commencement of development [including demolition] measures shall be in place to prevent nuisance from dust and noise to surrounding occupiers with these measures in accordance with a method statement that has previously been submitted to and approved in writing to the Local Planning Authority with the approved measures retained until the completion of all site operations. Reason for condition: To protect the amenities of occupiers of neighbouring properties and to accord with Sites and Policies policy DM D2.
6. Amended standard condition [Construction phase impacts] Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement. Reason 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.
7. Amended standard condition [Construction Logistics Plan] Prior to the commencement of development [including demolition], a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority and all works shall take place in accordance with approved plan Reason for condition: In the interests of vehicle and pedestrian safety and the amenities of local residents to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

8. Amended standard condition [Parking Management Strategy] Prior to the commencement of development a Parking Management Strategy shall be submitted to and approved in writing by 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 a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2011, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
9. Amended Standard condition [New vehicle access] No development shall commence until details of the proposed vehicular access to serve the development including the relationship with the nearby cycle lane have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full. Reason for condition: In the interests of the safety of vehicles and pedestrians and to comply with policy RN.3 of the Adopted Merton Unitary Development Plan 2003.
10. Non standard condition [Car parking spaces] Prior to occupation of the development hereby permitted the car parking spaces shown on the approved drawing that will include an on site facility for charging electric vehicles 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.
11. Non-standard condition [Cycle storage and parking] Prior to first occupation of the proposed new dwellings the cycle storage shown on the approved drawing to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for cycle parking purposes for users of the development and for no other purpose. 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].
12. Non-standard condition [Refuse and recycling facilities] Prior to first occupation of the proposed new dwellings the refuse and recycling facilities shown on the approved drawing to serve the development shall be provided and thereafter shall be kept free from obstruction and shall be retained for refuse and recycling purposes for users of the development and for no other purpose. Reason for condition: To ensure the provision of

satisfactory facilities for the storage of refuse and recycling material and to comply with policies CS13 and CS14 of the Adopted Core Strategy [July 2011].

13. Amended standard condition [External Lighting] Any new external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason for condition In order to safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
14. Amended standard condition [Lifetime homes] Prior to first occupation of the proposed new dwellings written evidence shall be submitted to and approved by the Local Planning Authority that confirms that the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy [July 2011].
15. Non Standard condition [Aparthotel – length of stay] The short-term let /serviced apartments forming part of the aparthotel shall not be used other than for temporary sleeping accommodation (periods of less than 90 consecutive nights) only and for no other purpose including any other purpose falling within Class C1 and Class C3 of the Town and Country Planning (Use Classes) Order 2005 Reason for condition: To ensure that the short-term lets/serviced apartments are not used for permanent residential purposes without the provision of affordable housing, and the provision of accommodation of a suitable standard in accordance with Central Government Guidance, the London Plan, policy CS8 of the Core Strategy, and supplementary planning advice.
16. Amended standard condition [Landscaping] Prior to occupation of the proposed accommodation landscaping shall be in place that is in accordance with details that have been previously submitted to and approved in writing by the Local Planning Authority. Within a period of 5 years from planting if any trees that form of the approved landscape plan die, if they are removed, if they become seriously damaged or diseased or are dying, they shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. Reason for condition: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2011, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Polices Plan 2014.
17. Amended Standard condition [Timing of deliveries] All deliveries, loading, unloading or other servicing activities associated with the operation of the completed building shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays and not 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 Sites and Policies policy DM D2.

18. Amended standard condition [Screening of external amenity areas] Prior to first occupation of the proposed new dwellings screening to the proposed external amenity areas above ground floor shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved screening maintained permanently thereafter. Reason for condition: To safeguard the privacy and amenities of the occupiers of neighbouring properties and to comply with Sites and Policies policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
19. Standard condition [Code for Sustainable Homes Pre-Commencement - flats] 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 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
20. Standard condition [Code for Sustainable Homes Pre-Occupation-flats] 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, 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
21. Standard condition [BREEAM - Pre-commencement-aparthotel] 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 BREEAM – Pre-Commencement (New build non-residential) assessor that the development is registered with BRE under BREEAM (either a ‘standard’ BREEAM or a ‘bespoke’ BREEAM) and a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than ‘Very Good’ has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include evidence to show how the development will meet the London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). 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 5.2 of the

Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

22. Standard condition [BREEAM - Pre-occupation - aparthotel] Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan C02 reduction targets relevant at the time of determination of the application (equivalent to minimum emissions reductions required to achieve BREEAM excellent) 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 5.2 of the Adopted London Plan 2011 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

INFORMATIVES:

- a) The applicant is advised that details of Lifetime Homes Standards can be found at www.lifetimehomes.org.uk
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- c) The applicant is advised to contact the Council's Highways team prior to undertaking any works within the Public Highway.
- d) The applicant is advised that should they wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>
- e) The applicant is advised that it is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.
- f) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for

bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

- g) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing garages on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.

Appendix 1: Room sizes, amenity space and tenure information for the proposed residential accommodation

- Ground floor – no residential accommodation.

- **Table 1: First floor accommodation providing 9 aparthotel units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 101	62	50 [one bedroom two person]	4.8*	5	Aparthotel unit - market rent
Unit 102	56	50 [one bedroom two person]	5.6*	5	Aparthotel unit - market rent
Unit 103	51	50 [one bedroom two person]	5.6*	5	Aparthotel unit - market rent
Unit 104	51	50 [one bedroom two person]	5.7*	5	Aparthotel unit - market rent
Unit 105	50	50 [one bedroom two person]	3.8*	5	Aparthotel unit - market rent
Unit 106	28	37 [one person unit]	5*	5	Aparthotel unit - market rent
Unit 107	32	37 [one person unit]	5.7*	5	Aparthotel unit - market rent
Unit 108	35	37 [one person unit]	0*	5	Aparthotel unit - market rent
Unit 109	35	37 [one person unit]	0*	5	Aparthotel unit - market rent

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 2: Second floor accommodation providing 8 aparthotel units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 201	56	50 [one bed two person]	5.6*	5	Aparthotel unit - market rent
Unit 202	51	50 [one bed two person]	5*	5	Aparthotel unit - market rent
Unit 203	51	50 [one bed two person]	7.6*	5	Aparthotel unit - market rent
Unit 204	50	50 [one bed two person]	4*	5	Aparthotel unit - market rent
Unit 205	47	50 [one bed two person]	18*	5	Aparthotel unit - market rent
Unit 206	33	37 [one person unit]	5*	5	Aparthotel unit - market rent
Unit 207	29	37 [one person unit]	5*	5	Aparthotel unit - market rent.

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 3: Third floor accommodation providing 7 general market units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 301	56	50 [one bed two person]	7.6*	5	General market flat
Unit 302	51	50 [one bed two person]	6.8*	5	General market flat
Unit 303	51	50 [one bed two person]	7.6*	5	General market flat
Unit 304	50	50 [one bed two person]	4*	5	General market flat
Unit 305	47	50 [one bed two person]	8*	5	General market flat
Unit 306	33	37 [one person flat]	4.7*	5	General market flat
Unit 307	29	37 [one person flat]	4.7*	5	General market flat

*Occupants will also have access to 327 square metres of on site shared external amenity space.

- **Table 4 Fourth floor accommodation providing general market units**

	Floor area [Sq. M]	London Plan standard [Sq. M]	Amenity space [Sq. M]	Sites and Policies standard [Sq. M]	Tenure
Unit 401	65	61 [two bed three person]	68*	5	General market flat
Unit 402	61	61 [two bed three person]	57*	5	General market flat
Unit 403	53	50 [one bed two person]	43.5*	5	General market flat

*Occupants will also have access to 327 square metres of on site shared external amenity space.

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Local list assessment for 34 – 40 Morden Road



I have assessed the terrace against the six approved criteria below:

Architectural Style:

Simple terrace of residential cottages dating from the early 1800's. Originally brick faced with render detail over arched window at ground floor. Shallow pitched, slate roof. Good example of simple domestic architecture of the period.

Age and History:

Buildings older than 1850 may be acceptable for inclusion on the Local List with less justification in terms of the other criteria. However, the cottages have no significant historical associations and each building in the terrace has been substantially altered.

Detailing:

The existing authentic detailing is limited, windows are either upvc or inappropriate timber replacements. Original brickwork has been rendered and inappropriate porches added. The original roof form and chimneys remain to the main terrace.

Group Value:

The terrace is unified as a group by the shallow pitched slate roof. Other than that, variety in detailing and subsequent alterations has resulted in a discordant group.

Building Materials:

Standard building materials were used in the construction of the original terrace, including, slate, brick and timber. Subsequent alterations have involved the addition of more contemporary materials including Upvc, modern brickwork and inappropriately designed timber window and doors

Subsequent alterations:

The terrace has been the subject of a number of insensitive alterations which have had a serious impact on the character and appearance of the terrace. The side extension to number 40, with its discordant roof form, has destroyed the simple line of the terrace. Rear extensions have also impacted on the integrity of the terrace. Number 34 also has an inappropriate side extension which introduces a parapet to the side of the hipped roofed terrace.

Conclusion:

Although buildings earlier than 1850 should be considered more favourably against the criteria for local listing, I feel that the extent of the subsequent alterations to this terrace have destroyed the simple character of the group. The main roof form,

although intact, has been compromised by the later side additions. The simple detailing has been destroyed by a range of insensitive alterations.

Decision:

Not suitable for local listing

Comparison with other locally listed cottages in the borough

As a comparison, the following groups represent similar style and date cottages in the borough that are currently included on the Local List. They are relatively unaltered and are excellent examples of simple early Victorian cottages. Their quality is in strong contrast to the group at 34-40 Morden Road.



84-94 Phipps Bridge Road



2-20 Church Path, Mitcham

Caroline Kearey

25.9.14



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34-40 Morden Rd

Scale 1/1250

Date 27/1/2015

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



DEVELOPMENT CONTROL



The Path, Morden Road, SW19
GROUND FLOOR
PL2-00000
"illustrative"
1:200 @ A3

M O R D E N R O A D



The Path, Morden Road, SW19
FIRST FLOOR
PL2-00001
"illustrative"
1:200 @ A3

M O R D E N R O A D



The Path, Morden Road, SW19
SECOND FLOOR
PL2-00002
"illustrative"
1:200 @ A3

M O R D E N R O A D



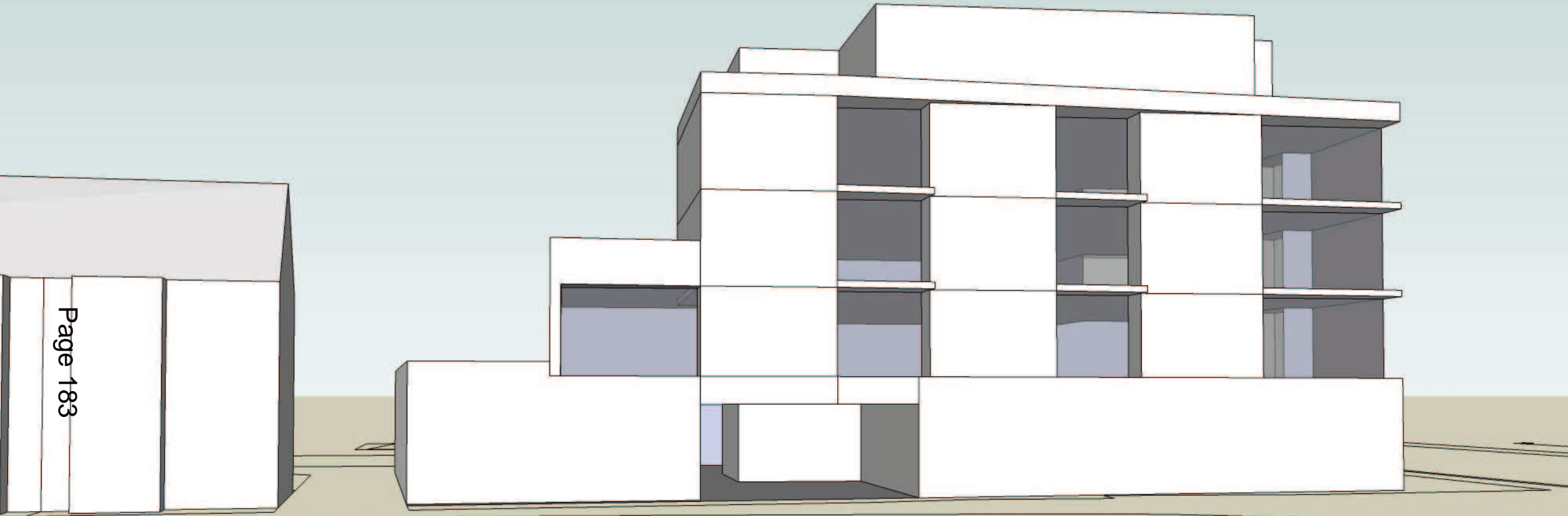
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THIRD FLOOR
PL2-00003
"illustrative"

1:200 @ A3

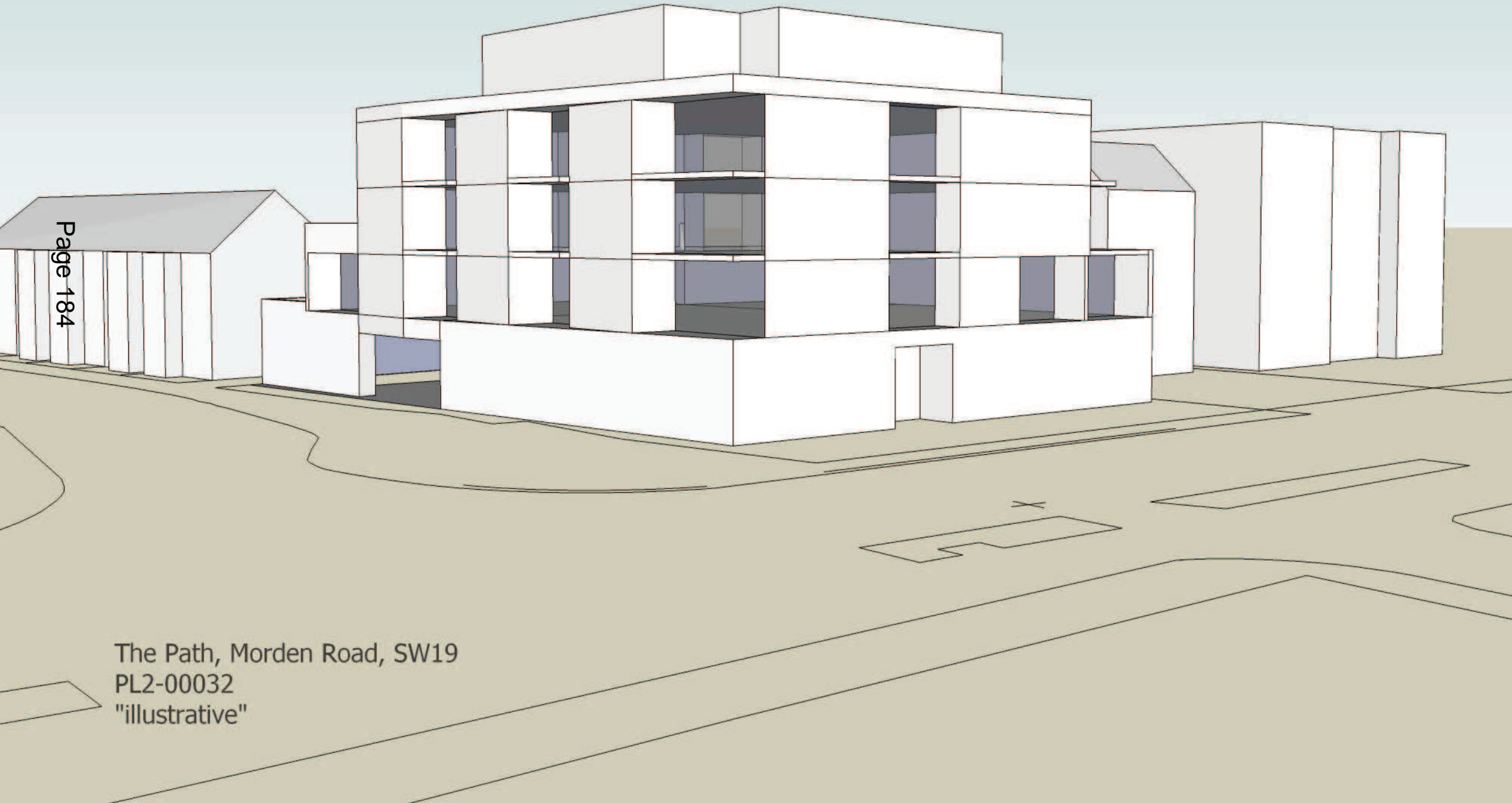


The Path, Morden Road, SW19
FOURTH FLOOR
PL2-00004
"illustrative"

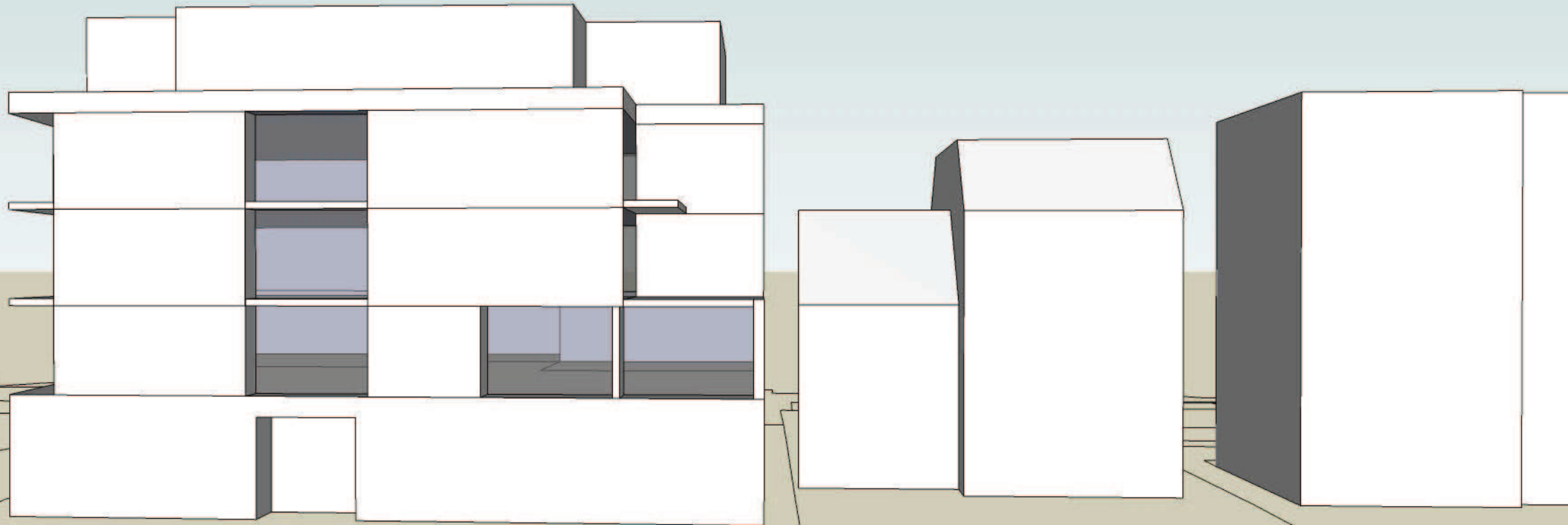
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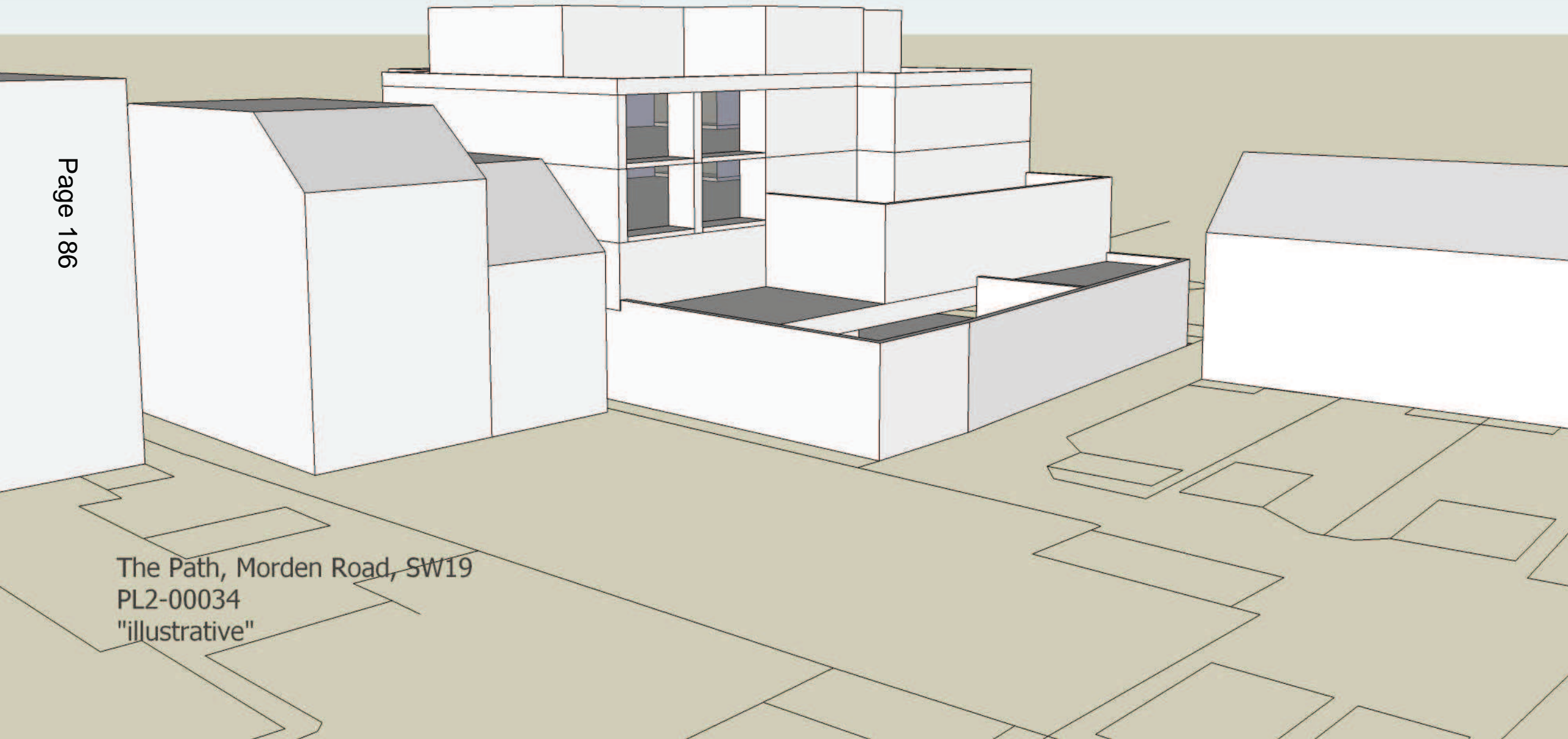
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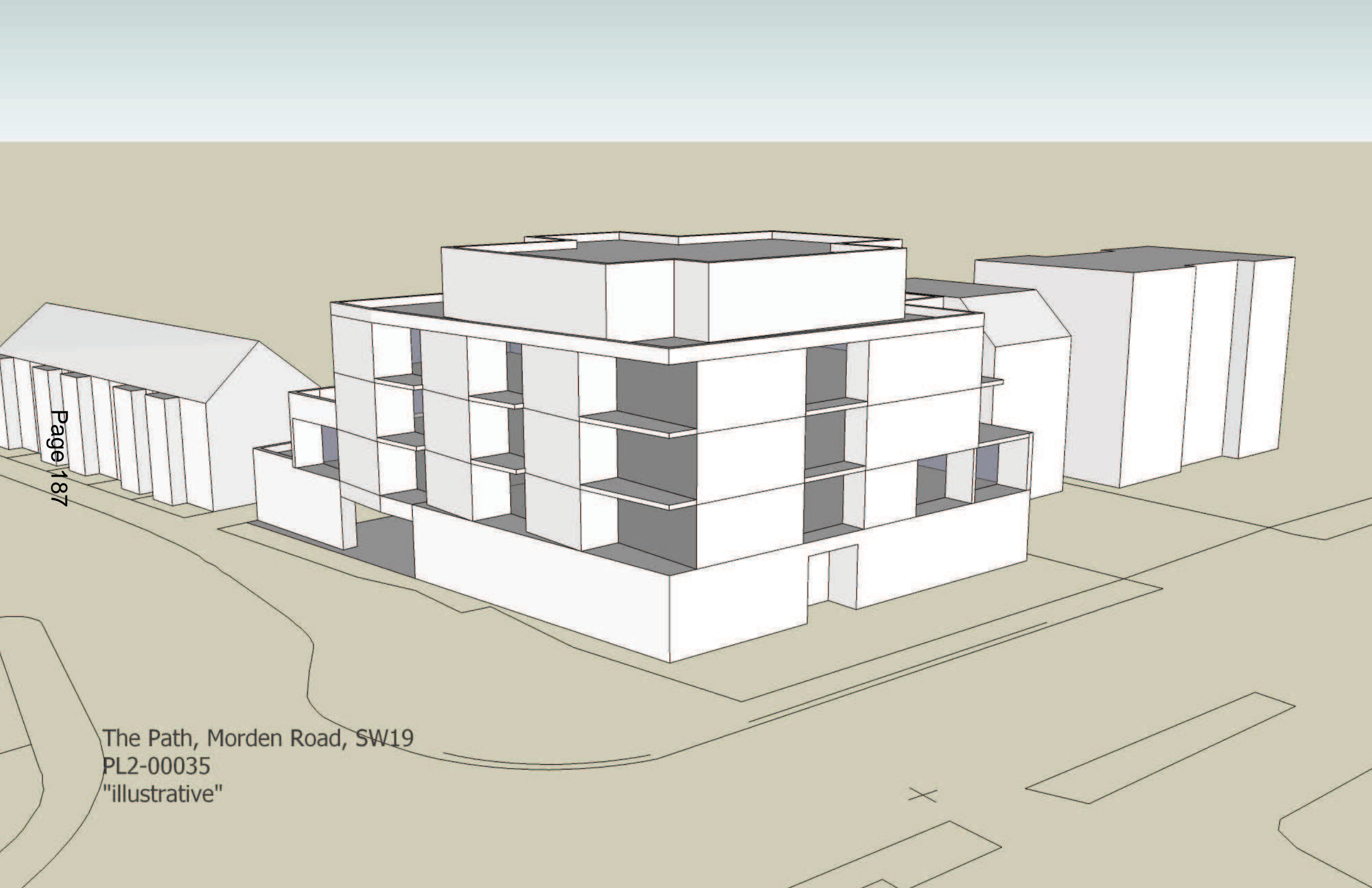
The Path, Morden Road, SW19

PL2-00033

"illustrative"



The Path, Morden Road, SW19
PL2-00034
"illustrative"



The Path, Morden Road, SW19
PL2-00035
"illustrative"

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THE CONCEPT OF AN APARTHOTEL (C1 USE)



JANUARY 2012

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www.jonesgranville.com

Gareth W Jones BSc FRICS MCI Arb IRRV

APARTHOTELS:

'Apartment hotels', 'aparthotels', 'apart-hotels' or 'serviced apartments', are the terms given to a serviced apartment or apartment complex using a hotel booking system.



The hotel building can be designed to include both apartments and guest suites, with a hotel reception on the ground floor through which guests would pass to access their accommodation.

The length of stay can be a month, a week or even a day, as people are choosing to live in them for short-term periods as a home away from home. Therefore they are often fitted with everything the average home would require.

How do Aparthotels compare to Hotels?

Aparthotels serve a market for people who are looking for comfortable, often longer-term accommodation, providing a similar lifestyle and facilities of a home, whilst on a more affordable basis compared to a traditional hotel, usually in central hub locations.



A traditional hotel usually provides a range of services which generate additional revenue. These vary dependent on the grade of hotel, but can often include the following:

- Concierge
- Restaurant
- Bar
- 24-hour room service
- 24-hour reception
- Leisure and/or gym facilities
- Lounge
- Swimming pool



For a guest staying more than a few days, these services can be unnecessary and expensive.

An aparthotel is able to operate at a lower cost base because it does not provide all these extra services.

Citadines Apart'hotel

Citadines Apart'hotel is one of the biggest aparthotel providers worldwide, with four locations in London. Extracts from their website refers to their Apart'hotel as follows.



Citadine 'London Holborn' – Covent Garden



Citadine 'London Holborn' – Covent Garden

"When you have to work and live away from home, changing your location doesn't have to mean changing your lifestyle. At Citadines, we'll help you live the life you want, anywhere in the world."

“That's why each of our Apart'hotels offers you a menu of flexible services to choose from, so you can create the stay experience you desire. All in a space that combines the freedom and privacy of an apartment with the convenience of a hotel.

“At Citadines, we believe that you should have it all your way. That means helping you customise the mix of services you want to suit your lifestyle and budget. So whether it's breakfast in or out, daily or weekly housekeeping, broadband in your living room or WiFi at the lobby, simply pick what you want and drop what you don't. Till you feel perfectly at home. Making your business trips feel like you never left home.”

How do Aparthotels differ from Hostels?

Hostels are often designed to offer cheaper accommodation in a social environment. As such, hostel rooms are typically shared between 2 or more people in dormitory style rooms. Facilities such as kitchens, bathrooms and television areas tend to be low-specification, and are communally shared. Extracts from established hostel providers are as follows.

London Hostel Association:

“Created in 1940 to give shelter to those made homeless by the Blitz; we now cater for students, up-and-coming working people and those starting out in London for the first time.



“Whether you are looking to make friends or take time to get to know London, with 12 sites across the city - LHA is the perfect place to start your adventure in the nations capital”

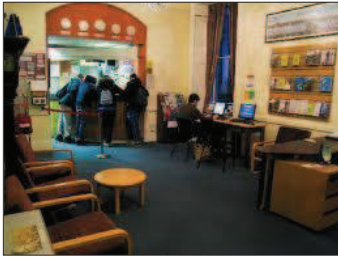
YHA:

“YHA is aiming to reach out and enhance the lives of all young people. We operate a network of more than 200 Youth Hostels, bunkhouses and camping barns across England and Wales.

“We're also part of an international network of Youth Hostels in 60 countries around the world.



“The first Youth Hostel was started 100 years ago and since then the idea has spread right around the world. We’re proud of our history and of the part we play in creating:



- Growth in skills, confidence, self reliance and well being*
- Engagement with diverse people and communities*
- Exploration of wider horizons of culture and location, particularly for young people.*

“Anyone can stay with YHA. We are open to all. Our accommodation and social spaces, our tradition of sharing, offers everyone the chance to mix with and meet people from other communities and from around the world.

“Through YHA, people are able to explore new places, to understand different cultures: an experience which encourages and enhances the growth of all.”



YHA London images

How do Aparthotels differ from Residential Accommodation?

With residential renting options, a contract is usually a condition of occupancy, where the person renting is deemed a ‘tenant’ who pays rent, typically for a minimum term of 6 months under an Assured Shorthold Tenancy. Once the term expires the tenant will very often be able to remain on a rolling ‘periodic’ tenancy basis for an unlimited period of time.

A tenant of residential accommodation will usually be required to take responsibility for paying council tax and utilities bills directly, paying for actual usage rather than an estimate. In contrast, with an aparthotel the hotel operator pays for all services except perhaps telephone usage if provided.

In residential accommodation, where applicable the tenant will often be required to pay directly for service charges and ground rent relating to the overall upkeep of the building and any grounds. The tenant therefore takes overall responsibility for the property.

Furthermore, in direct contrast to an aparthotel, no person is allowed to enter residential accommodation without prior agreement from the tenant. Otherwise would be a direct contravention of the Administration of Justice Act, and also a

breach of the implied covenant of a 'right to quiet enjoyment'. Therefore a tenant of residential accommodation has rights that do not apply when staying in a hotel or aparthotel.

Services

Examples of services that are often provided in an aparthotel but not residential accommodation are:

- Vending machines
- Manager / concierge
- Internet access
- Cleaning
- Changing of laundry
- Extra bed (optional)
- Welcome pack

Examples of Aparthotels:

1 Westminster Bridge Park Plaza, Waterloo SE1 7NJ

153-157 Tower Road, London SE1 3LW

The Corner Of Lyons Walk And Hammersmith Road, London W14

Appeal Decision

Hearing held on 17 June 2014

Site visit made on 17 June 2014

by **Kenneth Stone Bsc(Hons) DipTP MRTPI**

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

Decision date: 4 August 2014

Appeal Ref: APP/T5720/A/14/2216963

34-40 Morden Road, London SW19 3BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Gareth Jones (Jones Granville) against the decision of the Council of the London Borough of Merton.
 - The application Ref 13/P1898, dated 18 February 2013, was refused by notice dated 25 October 2013.
 - The development proposed is described as an 'application for outline planning permission considering access and scale for the demolition of the existing two storey buildings (providing 1 two bedroom house, 2 no. 1 bedroom flats and 7 studio flats) at 34-40 Morden Road and erection of a 8 storey building providing an "aparthotel" consisting of 31 serviced apartments (10 studio units, 19 1 bedroom units and 2 no. 2 bedroom units) providing short term accommodation together with 9 residential flats (4 no. 1 bedroom, 4 no. 2 bedroom and 1 no. 3 bedroom flat).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline. The appellant's statement of case refers to layout as a matter to be determined at this stage however it was clarified at the hearing that this was not the case and that the proposal was as identified on the application form which made it clear that approval is sought at this stage for the matters of access and scale, but not for landscaping, appearance or layout.
3. The application was also accompanied by a number of plans providing a site plan, floor layouts of the proposed building, a side elevation, a section and a street scene. These have been referred to as illustrative by both the appellant and the Local Planning Authority albeit that there is no such annotation on the plans. At the hearing it was clarified that they should be treated as illustrative as the matter of layout was not a matter to be determined at this time. The appellant confirmed the plans show the approximate location of the building footprint, its building lines along The Path and Morden Road, the point of access into the site and an illustration of how the floor plate of the upper floors could be laid out to demonstrate how the scheme could be accommodated on the site. I have dealt with the appeal on that basis treating the floor layout plans, elevation and section as illustrative.

4. The description of development I have used in the banner heading is taken from the appeal form which reflects that on the decision notice. This more accurately describes the scale, quantum and nature of the development. At the hearing the appellant confirmed that fundamentally there was no change to the development, that this was an appropriate description and that there was no confusion over the nature and form of the development. The Local Planning Authority and interested parties agreed. I have dealt with the appeal on the basis of this description of development.
5. At the hearing the appellant submitted a copy of a signed s106 Unilateral Undertaking primarily in respect of parking and parking permit holders. I return to this matter below.
6. The appellant also provided at the hearing a signed copy of a Statement of Common Ground and I have had regard to this in my consideration of this appeal.
7. I have had regard to the Government's recently published Planning Practice Guidance (PPG) but its provisions have not materially affected my considerations in this case.

Main Issues

8. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the residents of surrounding properties with particular regard to outlook.

Reasons

Character and appearance

9. The appeal site presently accommodates a two storey terrace of modest 19th Century houses in residential uses. It is located on the western side of Morden Road, which at this point forms part of the heavily trafficked A219, and the junction with The Path, a short residential cul-de-sac that also provides access to Nelson Trade Park, a designated industrial area that lies to the south. Opposite the site, to the south east, is Nelson Gardens a small public park and beyond which lies an extensive industrial area, Morden Industrial Area, identified as a Strategic Industrial Location (SIL). To the north Morden Road is fronted by predominantly four storey buildings, which on its eastern side are in the form of residential mansion blocks set back from the road frontage while on its western side are a mix of building forms and designs accommodating residential and commercial uses.
10. The proposed building would be substantially taller than the surrounding buildings. In the immediate vicinity of the site those fronting Morden Road provide a strong visual sense of scale which in my view is characterised by buildings of up to four storeys. The hinterland beyond particularly to the west dropped to two storey residential streets and in this context the introduction of an eight storey building, albeit that the top floor may be recessed, in such a prominent location would be particularly intrusive and out of keeping.
11. The location of the building on a line taken from the frontage of Spur house, which is some distance to the north, would place the building closer to the

highway than the immediately neighbouring buildings and than the existing properties. This forward position would accentuate the scale of the building on this prominent corner location and increase the dominance of the building in the context of the immediately adjacent buildings.

12. Whilst the Nelson Trade Park accommodates larger buildings these are similarly scaled in terms of height to those existing on Morden Road and are set back from the road such that they do not significantly change the overall height of buildings in the area. There are residential tower blocks on the High Path estate some distance to the east, whilst they are visible in longer views and in the skyline they are read as discreet elements that do not directly affect the appearance of the Morden Road street scene. The church spire of St John the Devine Church was also drawn to my attention however this is of limited scale in comparison and is screened by trees, albeit less so in winter months.
13. Much has been made of a recent appeal decision for Spur House¹ where permission was granted for a 9 storey building and where the appellant contends that the Inspector found such a building acceptable in a similar context. However, from my reading of that decision it appears the Inspector gave significant weight to the existing building which was already taller than those surrounding, the negative impact it had on the character and appearance of the area and to the benefits associated with the replacement or refurbishment of that building. None of these factors are relevant in this appeal. Even so I have considered the impact of that permission in changing the character of the area but see this as an isolated building located closer to a commercial centre which does not significantly change the relatively homogenous four storey scale of buildings fronting Morden Road in the location of the appeal site.
14. Concern has been expressed about the impact of the proposed building on Nelson gardens. However, given the separation across Morden Road and the urbanised location, although the building would be visible especially in winter months, it would not harm the function or nature of that space.
15. The London Borough of Merton Core Strategy, July 2011 (CS) Policy CS14 – Design, includes reference to tall buildings. Notwithstanding the Council Officer's report I viewed the proposed building as a building with greater vertical emphasis, almost twice the height of the tallest of those surrounding buildings, and therefore in my view 'substantially' taller. The proposed building would therefore qualify as such in terms of this policy. The policy directs tall buildings to the town centres of Colliers Wood, Morden and Wimbledon subject to criteria related to the protection of the townscape and wider heritage. The following justification section at paragraph 22.22 however also notes that designated industrial locations are sensitive areas of the borough where taller buildings may be appropriate. The appellant contends that given the proximity of Nelson Trade Park and Morden Industrial Area, designated industrial areas, that tall buildings could be located in these locations and which would therefore mean that the proposed building was not out of keeping. However, the justification includes a caveat that the presence of these buildings should not have a detrimental impact on the areas outside the designated industrial area. There are no significantly taller buildings presently in the industrial areas that affect the character of the area surrounding the appeal site and where there

¹ APP/T5720/A/09/2118978

are larger buildings these are well within the industrial location of the Morden Industrial Area and have limited impact on the surrounding area.

16. The site lies within the 'Wandle Valley Sub-Area' as identified on Figure 8.1 Key Diagram in the CS and which Policy CS5 identifies as a strategic fulcrum linking the east and west of Merton. Point d of CS5 has the objective of maximising business and employment opportunities and the appellant contends that this will add to the pressure for increases in building heights in appropriate locations in this area. However, as stated above this will be within the context of other policies in the plan namely CS14 and that if tall buildings are proposed they would need to support the industrial or business function and have regard to the surrounding distinctive character.
17. For the reasons given above I conclude on this main issue that the proposed development would result in material harm to the character and appearance of the surrounding area. It would therefore conflict with policies 3.5 and 7.4 of the London Plan 2011, Policy CS14 of the CS and Policies BE16 and BE22 of the Merton Unitary Development Plan, 2003 (UDP). Collectively these seek to ensure developments respect and reinforce the local distinctive patterns of development and character which contribute to Merton's sense of identity. This is consistent with the National Planning Policy Framework (the Framework) and in particular paragraphs 17, 56 and 60 which require high quality design that reflects local distinctiveness.

Living conditions

18. The appeal site is separated from the properties fronting The Path by a narrow unmade access road. The proposed building would be sited close to the rear boundary and at this point would accommodate a service yard area with two floors of accommodation above; the roof of which it is illustrated would be used as a terraced area. It was suggested that a screen could be added to the terrace to reduce overlooking however this would add further to the height and impact of the likely bulk of the building. The height and bulk of this part of the building sited so close to the boundary would dominate the views from the rear gardens of the adjoining properties in The Path and would be particularly obtrusive and oppressive. Whilst it is illustrated that the main part of the building would be stepped back before rising to 5 and then 8 storeys the building would be only slightly more than 3m away at three storeys stepping back to some where slightly in excess of 10m at 5 storeys. Given these short distances the siting of a building of the scale proposed would dominate and be overbearing for the occupants of those properties significantly harmful to the outlook they presently enjoy.
19. The impact on the outlook of the occupiers of 30 Morden Road would not be affected to the same degree given the relationship of that building with the proposed building. Whilst there may be some intrusion into their views this would not be so significant as to warrant resisting the scheme.
20. At the hearing residents reiterated their concern about the impact of the development on their living conditions and in particular matters related to noise, light pollution, daylighting, sunlighting, privacy and parking. The Council had not identified these matters as reasons for refusal and had addressed the issues in the officer's report to Committee. I am satisfied that the proposed use as an apart-hotel and residential flats would not introduce an activity that would add significantly to the local noise environment. The site is adjacent to a

heavily trafficked road and an industrial location and the comings and goings associated with a residential and quasi - residential use would not to my mind introduce unacceptable noise and disturbance. The intensity of activity may be greater than presently exists but the parking and servicing area is enclosed and the terraced areas and open windows of residential or serviced apartments would not be unduly disturbing in this context.

21. No evidence was provided with regard to light pollution and no specific concern identified it appeared more an assertion that more light would come from the windows of the properties. Given the lighting in this urban area and general street lighting this would not be excessively intrusive. With regard to daylighting and sunlighting again the concern was expressed primarily through assertion. The appellant had submitted with the application a report by GIA entitled Daylight, Sunlight and Overshadowing which demonstrated that there would be no substantial breaches of daylight or sunlight to any of the surrounding properties. During the site visit I was satisfied that this was a reasonable conclusion.
22. Given the relationship with the adjoining properties and the orientation of the proposed development, with the likely aspect for the scheme to be to the front and rear, privacy could be adequately secured through appropriate design measures. The terrace areas could similarly be secured and privacy screens designed and provided to ensure there was no significant impact on the privacy enjoyed by occupiers of adjoining properties.
23. I deal with the issue of parking below.
24. For the reasons given above, whilst I have found that there is no significant harm to matters of daylight, sunlight, noise and light pollution I have found that the proposed development would result in material harm to the living conditions of the occupants of the neighbouring properties 2a and 4a The Path with particular reference to outlook. Consequently it would conflict with policy BE15 of the UDP which expects developments to protect amenities from visual intrusion. This is consistent with the Framework and in particular paragraph 17 which requires a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

25. The appellant submitted a signed Unilateral Undertaking (UU) at the Hearing. This sought to restrict the occupation of the development to prevent people with a parking permit occupying the development. Parking in the immediate locality of the site and in the surrounding streets is limited to parking permit holders. There is limited parking available at the development. In effect the obligation makes the development car free which given the high public transport accessibility level (PTAL) is not unreasonable. The UU is directed at a restriction on the occupation of the land and appears suitably drafted to be within the context of sec 106. The obligation will ensure that occupiers of the development would not utilize existing parking spaces allocated for permit holders and would not therefore affect local residents or highway safety. I am satisfied that the obligation is necessary, directly related to the development and reasonable. In this regard I am satisfied the obligation is compliant with regulation 122 of the CIL Regulations and paragraph 204 of the Framework.

26. Whilst I have taken account of the obligation it seeks to mitigate a consequence that would only result from the development and as such is not a direct benefit to be positively weighed in support of the development.
27. The appellant has identified a number of positive benefits that it is contended would support the appeal, these can be grouped into issues. Firstly those related to the re-development of the site for a more intense form of development. The proposal would replace aging residential stock with a residential and apart hotel use. Whilst there is some benefit associated with the re-use of urban land this needs to be appropriate in context and in keeping with the character of the area which I have concluded above this proposal is not.
28. Secondly, it is a more sustainable development both in terms of the building construction and the reliance on other modes of transport than the private car. Given the PTAL level and the modern standards of construction required of new development this would be expected of any development and would be required to meet normal planning criteria. I have not therefore afforded these benefits significant weight. Thirdly, the economic benefits associated with the development. Given the limited employment opportunities and levels of occupation these benefits are not significant. Fourthly, it is stated the development would introduce passive surveillance with on-site security and CCTV. This is of limited benefit as it would only address the immediate environs of the new development.
29. It is also contended that there would be no material increase on public services however the lack of harm is not a benefit. Finally it is suggested there would be an improvement to the street scene this is obviously a subjective assertion and one with which I do not agree given my conclusions above.

Conclusions

30. For the reasons given above I conclude that the development would conflict with the development plan and result in material harm. None of those matters identified as benefits of the scheme outweigh that harm and therefore the appeal should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Justin True BA (Hons), Dip TP,
MRTPI

John Atkinson Dip Arch, RIBA DMWR Architects Ltd

Gareth Jones Jones Granville

FOR THE LOCAL PLANNING AUTHORITY:

Leigh Harrington BA (Hons), Planning Officer London Borough of Merton
MA.

INTERESTED PERSONS:

Councillor Andrew Judge Abbey Ward Councillor, London Borough of
Merton

Andrew Boyce Local Resident, Flats at 30 Morden Road.

Christine Hart Local Resident, The Path.

Derek Manning Local Resident, The Path.

Peter Barry Local Resident, Melbourne Road.

DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of a signed and executed Unilateral Undertaking submitted by the appellant.
2. Original copy of a signed Statement of Common Ground submitted by the appellant.
3. Copy of e-mail correspondence from City of London regarding their classification of 'apart-hotels' submitted by the Local Planning Authority
4. Extracts from the London Borough of Merton Core Strategy, July 2011 providing Key Diagram 8 (page 32) and Policy CS5 - Wandle Valley Sub-Area and the following justification (pages 70 to 75) submitted by the appellant.

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Committee: Planning Applications Committee

Date: 12th February 2015

Agenda item:

Wards: Wimbledon Park

Subject: Tree Preservation Order (No.665) at Land R/O Milk Depot, 53
Gap Road, SW19

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING
APPLICATIONS COMMITTEE

Contact Officer Rose Stepanek: 0208 545 3815
rose.stepanek@merton.gov.uk

Recommendation:

That the Merton (No.665) Tree Preservation Order 2014 be confirmed, but be modified by a correction to the reference on the map referred to under Schedule 1 of the Order to read W1 rather than T1.

1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take the objection into account before deciding whether or not to confirm the Order, with the recommended modification.

2. Details

- 2.1 In a letter dated 15 August 2014, a resident of Ashcombe Road, SW19, requested a tree preservation be made on a large parcel of land located to the

rear of the Milk Depot, because the land supported a wide range of trees and wildlife.

- 2.2 The land is approximately 5477 sq. metres and supports a range of tree species of varying ages across the whole area. In terms of public visibility, the area can be viewed from the bridge over Ashcombe Road, and by the users of the adjacent railway line. More slight and distant views can be glimpsed from the public car park to the rear of the Centre Court Shopping Centre.
- 2.4 Following this request, the Merton (No.665) Tree Preservation Order 2014 took effect on the 8 September 2014. A copy of the plan identifying the location of the wooded area (referred to as W1) is appended to this report.

3. Relevant History

- 3.1 Under the Merton's Local Plan this area of land has been identified as a Site of Importance for Nature Conservation (SINC) and the Green Corridors Policies. Policies CS13 and DM02 apply.
- 3.2 Soon after this tree preservation order was made it became apparent that the land formed part of an emerging proposal for a development consisting of a mixture of housing and workshops, as well as there being a need to safeguard the area for the Crossrail 2 scheme.
- 3.3 More recently, a planning application (ref: 14/P4637) has been submitted proposing an outline proposal for the re-development of the Milk Depot as well as the adjoining Abbey Self Storage depot. Under this proposal the land has been retained as a SINC area.

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 are whether the particular tree, or in this case, a woodland, 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 woodland has been protected by a tree preservation order. In this particular case 9 reasons were given that include references to the visual amenity value of the area of woodland; that the woodland has an intrinsic beauty; that is visible to the public view; that the woodland makes a significant contribution to the local landscape; that it forms part of our collective heritage for present and future generations; that it contributes to the local bio-diversity; and as a support to the Council's policies, referred to above..
- 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 7 March 2015.

5. Objection to the Order

- 5.1 The Council received an objection to the Order by the agent acting on behalf of the landowner. The agent also provided a copy of an arboricultural assessment of the trees on the land.
- 5.2 The agent objected to the Order on two grounds:
- That the Order does not accord with government guidance on the making of TPOs, and;
 - The TPO is an inappropriate use of the Council's powers given that there is no appeal procedure or external oversight when TPOs are made.
- 5.3 The arboricultural report assessed the land and its trees, and identified 10 individual trees using the BS 5837:2012 – Recommendations in relation to design, demolition and construction, which were considered to have some value. The remaining trees are described as 'scrub', 'very young trees' and 'self-sown semi-mature and early mature sycamores of low quality'. The report is critical of the Order for the following reasons:
- There is a typing error in the TPO document (Schedule 1 of the Order refers to T1 rather than W1);
 - Disputes the description of the land being in a residential area as the Merton Policies Map states the land is part of a Locally Significant Industrial Area;
 - The outline of the TPO includes areas without any tree growth;
 - Views of the trees are very limited;
 - An ecological assessment of the site in 2014 concluded that the site has relatively little potential to support protected species;
 - By safeguarding the woodland for the public, it is implied that the public has access to the land, which is not the case;
 - Only one tree, an Oak, merits protection;
 - The protection of those trees as if they were an established woodland is an inappropriate use of the powers to make TPO's.

6. Planning Considerations

- 6.1 Members should take into account the advice set out in paragraph 4.1 of this report and bear in mind that the essential purpose of a tree preservation order is to protect the visual amenities of a local area.
- 6.2 Local Planning Authorities are advised to use tree preservation orders if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. The term 'amenity' is not defined in law, but in protecting trees; authorities should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Ways of assessing the amenity of trees includes the visibility of the tree/woodland. Authorities are advised that at the trees, or at least a part of them, should be visible from a public place. Public access onto the land is not required for that amenity value to exist. Public visibility alone will not be sufficient to warrant an Order, and further criteria should be included in that assessment, such as the characteristics of the tree/woodland, including its

future potential as an amenity; contribution to the landscape; its importance to nature conservation; or a response to climate change. In this particular instance, the land is already identified in Merton's Local Plan as a SINC area.

- 6.3 As the Local Planning Authority, Merton has exercised its powers to issue a tree preservation order on a wooded area of land that is considered to have amenity value. There is no provision within the Act for an 'external oversight', or appeal procedure in the Act. However, should a tree works application be made, and then be refused, the applicant would have a right to appeal against that decision.
- 6.4 The arboricultural report uses the wrong method of assessing the trees. The BS 5837:2012 provides recommendations and guidance on the relationship between trees and design, demolition and construction process. It has no relationship with tree preservation orders.
- 6.5 The Act is not concerned with the species of the trees being protected, as the main focus is the amenity provided by those trees.
- 6.6 Authorities are advised that an Order can be used to protect trees of any size and species. More specifically: 'Orders covering a woodland protect the trees and saplings whatever the size within the identified area, including those planted or growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration or new planting'.
- 6.7 The land currently adjoins a residential area, and has a direct bearing on the local environment and its amenities to the public. If the plans submitted under 14/P4637 are fully realised, then the land will become a central focus for an enlarged residential area.
- 6.8 The resident who asked for the tree preservation order, describes the land as being '...home to dormice, squirrels, all kinds of birds (crows, thrush, robins, and some bright green tropical-looking varieties)..'. Whilst the value of the land to nature conservation alone is not a sufficient reason to warrant making an Order, it can be seen as an additional factor for making an Order. An area recognised as having nature conservation interest is not dependent on the inclusion of a protected species. This site has been recognised as having an importance within the Borough and for its role as part of a Green corridor, which links large green spaces to each other and allows animals to undertake movements between different habitats that they require for survival.
- 6.9 There is scope to amend the boundaries of the Order. However, this would be dependent on an accurate tree and land survey being carried out, and for the existing Order to be rescinded and replaced by a new Order.

7. Officer Recommendations

- 7.1 The Merton (No.665) Tree Preservation Order 2014 be confirmed, but be modified by a correction to the reference on the map referred to under Schedule 1 of the Order to read W1 rather than T1.

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. Financial, resource and property implications

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

11. Legal and statutory implications

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

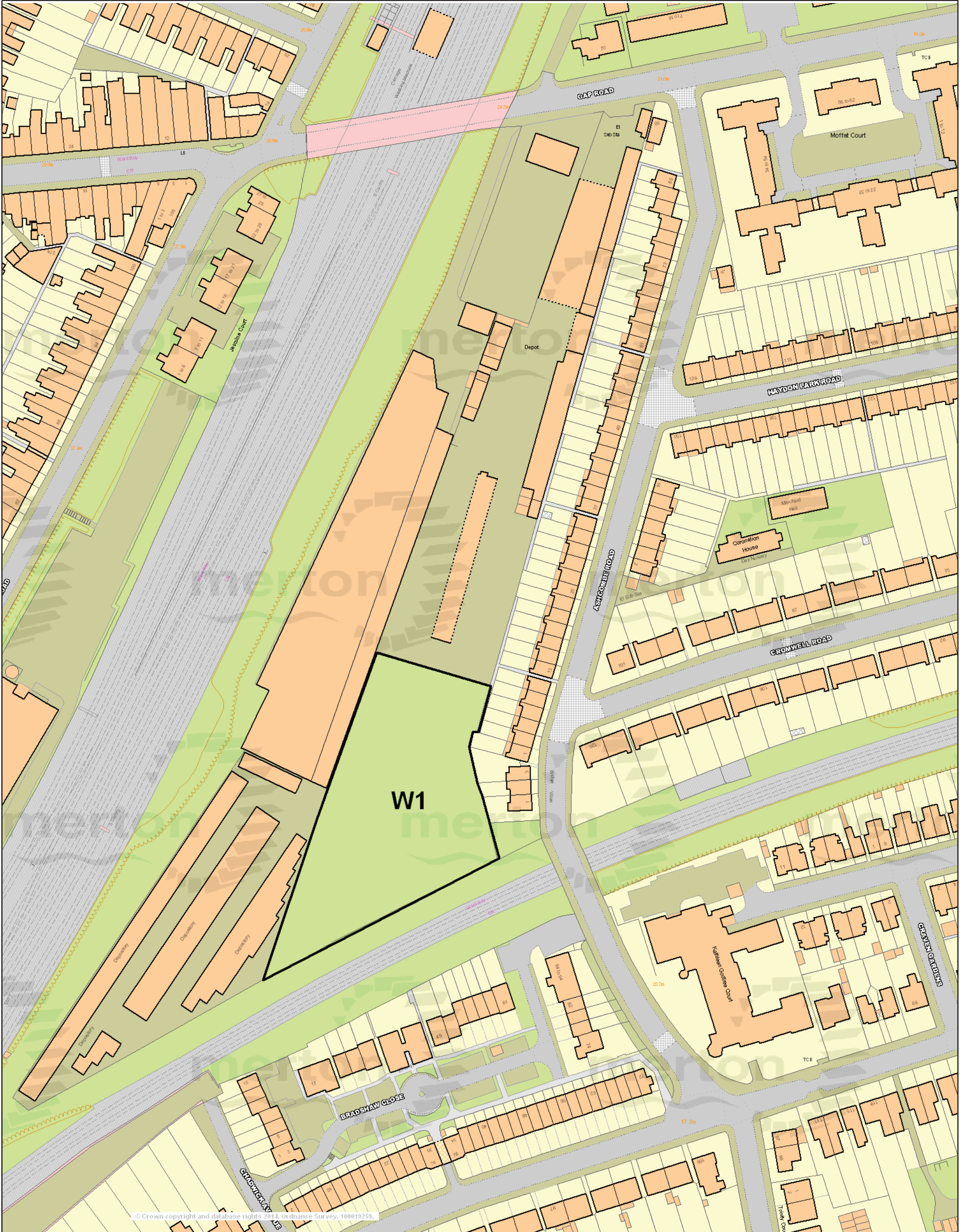
15. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.665) Tree Preservation Order 2014
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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Merton (No.665) Tree Preservation Order 2014
 Land r/o Milk Depot, 53 Gap Road

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



Date 27/8/2014

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 Scale 1/1250

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Committee: Planning Applications Committee

Date: 12th February 2015

Agenda item:

Wards: Trinity

Subject: Tree Preservation Order (No.666) at 30 Bradshaw Close, SW19

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Rose Stepanek: 0208 545 3815
rose.stepanek@merton.gov.uk

Recommendation:

That the Merton (no.666) Tree Preservation Order 2014 be confirmed, without modification.

1. Purpose of report and executive summary

This report considers the objection that has been made to the making of this tree preservation order. Members must take the objection into account before deciding whether to confirm the Order, with the recommended modification, or to permit the removal of the tree based on the concerns raised by the objector.

2. Details

- 2.1 On the 18 July 2014, a s.211 notice was submitted to the Council proposing the removal of a Purple leaved Plum tree located within the area of open amenity space that borders Queen's Road, and is positioned directly behind 30 Bradshaw Close. The reason being the tree work was in connection with 'on-going subsidence issues to the property'. No evidence of this claim was

provided. However, planning regulations do not require any reasons to be given in connection with proposals for tree work in a conservation area.

- 2.2 No objections or representations were received in connection with this notification.
- 2.3 The Purple leaved Plum tree is a healthy middle aged specimen and provides a significant level of visual amenity value to the local environment.
- 2.4 As this tree is located in the South Park Gardens Conservation Area, it was decided that a tree preservation order should be made to protect the tree, and to allow the applicant, or others who have an interest in the matter, a chance to provide evidence of the need to remove the tree. The Merton (No.666) Tree Preservation Order 2014, and this took effect on the 5 September 2014. A copy of the plan identifying the location of the tree (referred to as T1) is appended to this report.

3. Relevant History

- 3.1 In 1993, planning consent (ref: 93/P1161) was granted for the redevelopment of a former Council depot into a major new residential development. Part of this development included the retention and conversion of the buildings that front Queen's Road, and which includes the applicants property. The open amenity space formed part of the original planning application and is owned by the London and Quadrant Housing Trust.
- 3.2 After the tree preservation order took effect, the agent provided the tree officer with a copy of a structural engineer's initial assessment of the damage to the property. The assessment is dated 23 May 2014.
- 3.3 The assessor advises that the cracking to the property is of recent origin and '...is typical of that caused by foundation movement. There is an indication of subsidence to the front elevation towards the vegetation in the front garden.' Furthermore '...In all probability, the movement affecting this property can be stabilised by removal of the trees and shrubs to the front but this can only be confirmed following the conclusion of the investigations and a crack monitoring exercise.'

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 12 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; that the tree contributes to the local bio-diversity; and as a supplement to planning ref: 93/P1161.

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 4 March 2015.

5. Objection to the Order

5.1 The Council received an objection to the Order by the leaseholders who occupy the property. A copy of the same report referred to above was appended to the letter of objection.

5.2 The objectors informed the Council that 'significant structural damage' was also evident in the neighbouring property, no.32, although this is not mentioned in the report. They are of the opinion that: 'Until such time as the subject tree is potentially able to be removed the properties are not able to be Mortgaged, re-mortgaged or insured due to the Structural issues evident and reported. As part of the solution to the above issue [the structural damage] the option to remove the tree is very important.'

6. Planning Considerations

6.1 Members should take into account the advice set out in paragraph 4.1 of this report and bear in mind that the essential purpose of a tree preservation order is to protect the visual amenities of a local area.

6.2 Where incidents of subsidence occur, it is normal procedure to carry out more site investigations, and these regularly include tree root analysis; arboricultural report; soil analysis; monitoring results for 12 months or more; details of foundations; full details of any areas of damage attributed to the subsidence; details of any drainage report; and information of any previous underpinning works or building works to the property. This has yet to be carried out at this property.

6.3 No evidence has been provided in connection with the reported difficulties relating to a mortgage, re-mortgage or insuring the property. However, this is not a material consideration in the matter of this tree preservation order.

6.3 Photographs provided as part of the assessment referred to in item 3.3 above, show a substantial and mature climber abutting the base of the bay window where cracking has been reported. An investigation would assess what, if any, influence this climber has on the bay window area of the property.

6.4 To remove a tree that has a significant visual amenity value in the locality on the basis of an initial opinion of a structural engineer, and without any actual site investigation, would be a premature reaction that could set a harmful precedent to s.211 notices elsewhere in the borough. It is wrong to assume that the mere presence of a tree is insufficient proof as a cause of damage as there may be other causes of the damage to the property that have yet to be identified.

6.5 Should further investigation prove that the tree is the main cause of the damage, then this can be processed through the submission of a new tree works application.

7. Officer Recommendations

- 7.1 The Merton (No.666) Tree Preservation Order 2014 be confirmed, without modification.

8. Consultation undertaken or proposed

None required for the purposes of this report

9. Timetable

N/A

10. Financial, resource and property implications

The Order may be challenged in the High Court and legal costs are likely to be incurred by Merton. However, it is not possible to quantify at this time, and may be recoverable from the property owners if the Court finds in favour of the Authority.

11. Legal and statutory implications

The current tree preservation order takes effect for a period of 6 months or until confirmed, whichever is the earlier. There is no right of appeal to the Secretary of State. Any challenge would have to be in the High Court.

12. Human rights, equalities and community cohesion implications

N/A

13. Crime and disorder implications

N/A

14. Risk Management and Health and Safety implications.

N/A

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

Tree Preservation Order plan

16. Background Papers

The file on the Merton (No.666) Tree Preservation Order 2014
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



Merton (No.666) Tree Preservation Order 2014
 30 Bradshaw Close

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



Date 4/9/2014

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Committee: Planning Applications

Date: 12th February 2015

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

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

http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165

DETAILS

Application Number: **14/P1460**
Site: 84 Cardinal Avenue, Morden SM4 4SX
Development: Retention of single storey rear outbuilding
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th January 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000084000/1000084332/14P1460_Appeal%20Decision%20Notice.pdf

Application Number: 14/P2976
Site: 32 Consfield Avenue, New Malden KT3 6HB
Development: Retention of single storey rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th January 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085673/14P2976_Appeal%20Decision%20Notice.pdf

Application Number: 14/P2445
Site: 29 Milner Road, South Wimbledon SW19 3AB
Development: Erection of side & rear roof extension & single storey rear extension
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th January 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085167/14P2445_Appeal%20Decision%20Notice.pdf

Application Number: 14/P2316
Site: 325 London Road, Mitcham CR4 4BE
Development: Variation of conditions relating to temporary use of site, operating hours and signage
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 27th January 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085047/14P2316_Appeal%20Decision%20Notice.pdf

Application Number: 14/P2291
Site: 15 Ashridge Way Morden SM4 4EF
Development: Erection of single storey rear extension & raising height of outbuilding
Recommendation: Refuse Permission (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 30th January 2015

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000085000/1000085021/14P2291_Appeal%20Decision%20Notice.pdf

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: 12th February 2015

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

Lead member: COUNCILLOR LINDA KIRBY, CHAIR, PLANNING APPLICATIONS COMMITTEE

Contact Officer Sam Amoako-Adofo: 0208 545 3111
sam.amoako-adofo@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

This report details a summary of case work being dealt with by the Planning Enforcement Team and contains figures of the number of different types of cases being progressed, with brief summaries of all new enforcement notices and the progress of all enforcement appeals.

Current Enforcement Cases:	1017 ¹ (1085)	New Appeals:	0 (0)
New Complaints	23 (233)	Instructions to Legal	0
Cases Closed	91 (89)	Existing Appeals	3 (2)
No Breach:	52	<hr/>	
Breach Ceased:	39	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	48 (33)
Total	91 (89)	% Determined within time limits:	90%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	1 (2)
New Enforcement Notice issued	0	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	1		
Total	1 (0)		
Prosecutions: (instructed)	0 (0)		

Note (*figures are for the period (6th January – 2nd February 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

None

Recent Enforcement Actions

- 2.01 84 Cardinal Avenue Morden SM4** An enforcement notice was issued on 27th November 2014 against an outbuilding erected to the rear of the property. A retrospective application for its retention was refused planning permission on 28/08/14. Enforcement action was considered necessary as the property was put on the market for sale. The notice came into effect on 5th January 2014 as the Council has not been notified of an appeal prior to that date. The owners are required to demolish the outbuilding within two months.

An appeal against the refusal of planning permission has been allowed and planning permission is granted for a single storey outbuilding to be used as a playroom at 84 in accordance with the terms of the application, Ref 14/P1460, dated 10 March 2014, and the plans submitted with it, subject to the condition that the outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 84 Cardinal Avenue.

2.02 25 Malcolm Road Wimbledon SW19 A section 215 (Amenity Land) Notice was issued on 10th September 2014 to require remedial works to the land involving the removal of hoarding, bamboo fencing, plastic sheeting on an existing car port, a marquee, a skip and also clear the land of abandoned building materials, wooden pallet and general waste. The notice came into effect on 9th October 2014 (28 days after service) as there was no appeal against the notice. Some works have been carried out to tidy the site.

There has been no further progress so consideration is being given to the possibility of taking direct action.

2.03 Burn Bullock, 315 London Road, Mitcham CR4 A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed. The notice came into effect immediately and as a first step requires the owner to submit an application for planning and listed building consent by 27th October 2014 for consideration. The schedule of works covering the roof and rainwater goods, masonry, chimney, render repairs, woodwork, glazing external and internal repairs, should be completed within five months of the approval date.

The application was due to expire on 27th January 2015. However comments are required from English Heritage before the report can be written up with an appropriate recommendation. The delay is due to the fact that English Heritage (EH) had to get a heritage structural engineer to look at some aspects of the proposal at a late stage.

2.04 Burn Bullock, 315 London Road, Mitcham CR4 - An enforcement notice was issued on 9th July 2014 against the material change of use of the car park on the land for the sale of motor vehicles. The notice came into effect on 20th August 2014 as there was no appeal prior to that date and the compliance period would expire by 20th October 2014 (2 calendar months). The car sales business has ceased in compliance with the requirements of the notice. Cars have been removed from the front car park and the site tidied up but there are a significant number left in the rear car park.

We have been informed that the individual selling the cars has been on hospital admission for some time and that is why the cars have not been removed from the car park. The option left to the Council is to prosecute the landlords and or/ occupier for non-compliance as they are in control of the land to be able to carry out the required works. Prosecution will now be pursued subject legal advice confirming that such action would satisfy the public interest requirement

3.0 New Enforcement Appeals

None

3.1 Existing enforcement appeals

- **33 Eveline Road Mitcham CR4.** An enforcement notice was issued on 1st October 2014 against the unauthorised conversion of the property into two self-contained flats. The notice would come into effect on 12th November 2014 unless there is an appeal prior to that date and the compliance period

would be three months. The requirements are for the unauthorised use to cease and remove all partitions, facilities, and means of separation, fixtures and fittings facilitating the use of the dwelling as two residential units. An appeal has been registered and given the history of the site the Inspectorate has agreed at the Council's request, and the appeal is proceeding by way of a public enquiry to allow evidence to be tested under oath. The Council's statement was sent on 29th December 2014.

An enquiry date has been scheduled for June 2015.

- **Land and premises known as 336 Lynmouth Avenue, Morden SM4.** An enforcement notice was issued on 1st September 2014 against the unauthorised change of use of the land to a mixed use comprising a dwellinghouse and hostel accommodation involving the use of an outbuilding to the rear of the land as student accommodation. The compliance period would be 2 calendar months and the requirements are for the unauthorised use to cease and the removal of the wooden decking and banister at the front of the outbuilding.

The Council's statement is due on 19th February 2015

- **Unit 6, Mitcham Industrial Estate, Streatham Road Mitcham CR4.** An enforcement notice was issued on 24th June 2014 against the installation of three extraction vents to the rear roof of the building. The notice would have come into effect on 5th August 2014 but an appeal has been registered with a start date from 8th August 2014. Final statements have been exchanged and now waiting for an inspector site visit date.

An inspector site visit date has been scheduled for 13th February 2015.

3.2 Appeals determined –

None

3.3 Prosecution case.

None

3.4 Requested update from PAC

Burn Bullock PH, 315 London Road, Mitcham – Officers to advise Cllr Ross Garrod when 2 week period to remove cars expires.

The enforcement notice relating to the car sales came into effect on 20th August 2014 as there was no appeal and the compliance period expired at the end of October 2014. Following a threat of prosecution for non-compliance a month after the expiry date, the landlord asked for an extension to move the cars as some of them had broken down and needed to be moved on transporters. The extension period has run out and the enforcement report should have been updated. This was an oversight.

The option left to the Council is to prosecute the landlords and/or occupier for non-compliance as they are in control of the land to be able to carry out the

required works. Prosecution will now be pursued subject to legal advice confirming that such action would satisfy the public interest requirement.

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

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