

# 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:** 18 June 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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3357

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# Planning Applications Committee

## 18 June 2015

- 1 Declarations of interest
- 2 Apologies for absence
- 3 Minutes of the Previous Meeting 1 - 4
- 4 Town Planning Applications - Covering Report 5 - 8  
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 Phoenix House, 2a Amity Grove, Raynes Park, SW20 0LJ (Ref. 15/P1214) (Raynes Park Ward) 9 - 56  
Officer Recommendation:  
Grant Permission subject to S.106 Obligation and conditions.
- 6 14 Burley Close, Streatham, SW16 4QQ (Ref 15/P0499) (Longthornton Ward) 57 - 76  
Officer Recommendation:  
Grant Permission subject to conditions.
- 7 Upton Court, 2 The Downs, West Wimbledon, SW20 8JB (Ref. 14/P0615) (Raynes Park Ward) 77 - 100  
Officer Recommendation:  
Grant Permission subject to S.106 Obligation and conditions.
- 8 Eagle House, High Street, Wimbledon, SW19 5EF (Ref. 14/P3027 & 14/P3029) (Village Ward) 101 - 142  
Officer Recommendations:  
(a) Ref. 14/P3027 - Grant Permission subject to conditions.  
(b) Ref. 14/P3029 - Grant Listed Building Consent subject to conditions.
- 9 27 Lindisfarne Road, West Wimbledon, SW20 0NW (Ref. 15/P0940) (Village Ward) 143 - 164  
Officer Recommendation:  
Grant Permission subject to conditions.
- 10 Car Park Land on the junction of Milner Road and Morden Road, South Wimbledon, SW19 3BH (Ref. 15/P0940) (Village Ward) 165 - 218



15/P0377) (Abbey Ward)

Officer Recommendation:

Grant Permission subject to S.106 Obligation and conditions.

- 11 20 Sheridan Road, Merton Park, SW19 3HP (Ref. 15/P1218) (Merton Park Ward) 219 - 256

Officer Recommendation:

Grant Permission subject to conditions.

- 12 Planning Appeal Decisions

*No appeal decisions received since the last meeting.*

- 13 Planning Enforcement - Summary of Current Cases 257 - 262

Officer Recommendation:

That Members note the contents of the report.

#### **Declarations of Pecuniary Interests**

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

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

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

## NOTES

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

## Procedure at meetings of the Planning Applications Committee

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

### 1 Public speaking at the Planning Applications Committee

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

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

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

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

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

## PLANNING APPLICATIONS COMMITTEE

21 MAY 2015

(19.15 - 20.25)

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: Councillor Abdul Latif

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 MEMBERSHIP (Agenda Item )

Officers advised that the Annual Council Meeting on 13 May 2015 had approved the Committee's provisional membership as shown on the front page of the agenda.

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

None.

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

Councillors David Dean and Ross Garrod gave apologies for lateness.

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

RESOLVED: That the Minutes of the meeting held on 23 April 2015 be agreed as a correct record.

### 6 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: There was no list of modifications for various items for this meeting; but 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 item 7. 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).

(c) Order of the Agenda – Following consultation with other Members at various times during the meeting, the Chair amended the order of items to the following - 7, 5 & then 6.

RESOLVED : That the following decisions are made:

7 GROUND FLOOR FLAT, 85 AMITY GROVE, RAYNES PARK, SW20 0LQ (REF. 15/P0177) (RAYNES PARK WARD) (Agenda Item 5)

1. Proposal - Erection of a single storey rear and side infill extension

2. Objections- Officers advised that the report should be amended to indicate that 4 (not 2) objections had been received.

3. Size of proposed rear extension – Officers confirmed that the extension extended 3.5m into the garden and that if this had been a family dwelling house, an extension of 3m in depth would constitute permitted development and that many such 3m extensions would fail the Merton daylight/sunlight test (as did the current proposals).

Decision: Item 5 - ref. 15/P0177 (Ground Floor Flat, 85 Amity Grove, Raynes Park, SW20 0LQ)

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

8 141 THE BROADWAY, WIMBLEDON, SW19 1QJ (REF. 14/P1008) (ABBEY WARD) (Agenda Item 6)

1. Proposal - Demolition of first and second floors of existing building, retention of ground floor within use class A3 and erection of six storey building to provide 16 residential units.

2. Discussion – There was considerable discussion of whether the proposed development was appropriate for this site. Some members expressed concern about the proposed height, bulk and massing and that the development would be out of keeping with the rhythm of the street and surrounding buildings but refusal on these grounds was not supported by the Committee. However members were also concerned about the proposed design and materials, in relation to neighbouring buildings, particularly the adjacent CIPD building at 151 The Broadway.

3. Refusal Motion: It was moved and seconded that permission be refused as detailed below. The motion was carried by 6 votes to 2 (Councillors Tobin Byers and Ross Garrod dissenting). Subsequently the Committee agreed that officers be delegated authority to agree the detailed grounds of refusal and also agreed (C) below.

Decision: Item 6 - ref. 14/P1008 (141 The Broadway, Wimbledon, SW19 1QJ)

(A) subject to detailed grounds of refusal being agreed in accordance with (B) below, REFUSE permission on grounds relating to the following -  
(a) the proposed design and materials, including matters such as  
(i) the extent of the glazing  
(ii) the proportion of brickwork to glazing  
(iii) the colour of the brickwork.

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

(C) Reasons for not following Planning Officers' recommendation for permission: The Committee considered that officers had given insufficient weight to the proposed design and materials.

9 48 LEOPOLD ROAD, WIMBLEDON, SW19 7JD (REF. 14/P4398)  
(WIMBLEDON PARK WARD) (Agenda Item 7)

1. Proposal - Application for

(a) the variation of condition 03 restricting the use of the premises as a day care nursery from up to 15 children to up to 20 children and  
(b) variation of condition 8 of the hours of use of the garden as a play area from 0830 to 1700 hours on Mondays to Fridays only to 0945 to 1145 and 1430 to 1630 Monday to Friday  
attached to planning permission (ref:12/P3253) dated 18/07/2013 for the change of use from residential to child care on domestic premises (Class D1) for a maximum of 15 children.

2. Number of children attending – Reference was made to the allegation by objectors that a visit by Council (education) officers had found 20 children on the premises in excess of the current permitted maximum of 15 children. Officers indicated that they accepted this as true, but that other visits had shown the nursery to be complying with the current 15 children limit.

2.1 Members expressed concern that the proposals would have a detrimental effect on the children attending as the numbers would increase but time outside in the garden would reduce. Officers advised that this aspect was covered by other legislation and was not a planning matter, subject to the nursery complying with relevant educational standards.

3. Discussion – There was also extensive discussion regarding other aspects of the proposals including traffic/highway safety implications, the impact on neighbours, the continued use of the upper floors for residential purposes by the owner, and the possibility of temporary permission

4. Approval – The application was approved by 5 votes to 2 (Councillors John Bowcott and Daniel Holden dissenting; and Councillors Linda Kirby and Geraldine Stanford not voting).

Decision: Item 7 – ref. 14/P4398 (48 Leopold Road, Wimbledon, SW19 7JD)

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

10 PLANNING APPEAL DECISIONS (Agenda Item 8)

Cavendish House, High Street, Colliers Wood, SW19 2HR (including new public library) – Officers undertook to advise Councillor David Dean whether this application (considered by the Committee in March 2015) had been formally approved.

RECEIVED

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

38 Alwyne Road (formerly Worcester Hotel), Wimbledon, SW19 – Councillor David Holden referred to the complaint submitted to the Development Control Team alleging that this site had been converted illegally from a family dwelling house to flats. Officers undertook to update the Councillor on the matter.

RECEIVED



**Committee:** PLANNING APPLICATIONS COMMITTEE

**Date:** 18<sup>th</sup> June 2015

**Wards:** ALL

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

**Lead officer:** James McGinley (Head of Sustainable Communities)

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

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

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## **Recommendations:**

- A. The recommendations for each individual application are detailed in the relevant section of the reports. (NB. The recommendations are also summarised on the index page at the front of this agenda).
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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

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

## **2 DETAILS**

- 2.1. This report considers various applications for Town Planning permission, including Conservation Area Consent, Listed Building Consent and Advertisement Consent and for miscellaneous associated matters submitted to the Council under the Town & Country Planning Acts.
- 2.2. Members' attention is drawn to Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. In Merton the Development Plan comprises The London Plan: Consolidated with Alterations Since 2004 (February 2008) and the Unitary Development Plan (adopted October 2003) excluding those policies that were not saved in September 2007, following scrutiny by the Government Office for London".
- 2.3. Members' attention is also drawn to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 2.4. With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that "special attention shall be paid to the desirability of preserving or

- enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.5 Each application report details policies contained within the Adopted Unitary Development Plan (October 2003). For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. Recommended reasons for refusal as well as reasons for approval cover policies in the Adopted Unitary Development Plan.
- 2.6 All letters, petitions etc making representations on the planning applications which are included in this report will be available on request for Members at the meeting.
- 2.7 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission and that certain, generally routine, applications are delegated to Officers under the agreed Delegated Powers.
- 2.8 **SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT**
- 2.8.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on "Sustainable Development". This has been defined as "a development which meets the needs of the present without compromising the ability of future generations to meet their own needs." A sustainability checklist has been drawn up which takes into account the conservation of resources, improvements to the quality of life and the physical and natural environment, and the idea of stewardship of resources/quality of life for present and future generations.
- 2.8.2 The precise criteria are being re-examined and further refinements will be necessary before the assessment referred to in each item can be treated as an accurate assessment of sustainability. It should be noted that at the present time this Council is the only Authority in London including a sustainable development assessment in its development control reports and to some extent therefore it is necessary to continually evaluate the methodology by which the sustainability levels are calculated. A plus score indicates a development which is generally sustainable and a minus score a development which is not sustainable.
- 2.8.3 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) (England and Wales) Regulations 1999. Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application.

### **3 Alternative options**

- 3.1. None for the purposes of this report.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. None for the purposes of this report.

## **5 TIMETABLE**

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

## **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

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

## **7 LEGAL AND STATUTORY IMPLICATIONS**

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

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

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

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

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

## **9 CRIME AND DISORDER IMPLICATIONS**

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

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

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

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

None for the purposes of this report.

## **12 BACKGROUND PAPERS**

<b>Background papers – Local Government (Access to Information) Act 1985</b>
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Planning application files for the individual applications.

Unitary Development Plan October 2003.

Appropriate Government Circulars and Guidance Notes.

Town Planning Legislation.

Merton's Planning Guidance Notes.

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

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

Sustainability

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

**PLANNING APPLICATIONS COMMITTEE**  
**18 June 2015**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P1214	30/03/2015
<b>Address:</b>	Phoenix House, 2A Amity Grove, Raynes Park, SW20 0LJ	
<b>Ward</b>	Raynes Park	
<b>Proposal</b>	Demolition of the existing three storey West Wimbledon College building (Use Class D1 - 526 square metres) and the erection of a new four storey building with additional basement level at the front of the site providing retail, financial services, business, non-residential institutions or assembly and leisure use (Use Class A1, A2, B1, or D1-278 square metres) at basement and ground floor level with floor space to the rear of the commercial space and in a second detached building with floor space at basement and ground floor level providing a total of 9 flats (4 three bedroom; 3 two bedroom and 2 one bedroom) including 4 off street car parking spaces with vehicle access from Amity Grove.	
<b>Drawing No's</b>	602/010B; 011P4; 012P3; 013P3; 014P3; 015P4; 030P3; 031P3; 050P3; 051P4; loss of D1 use report; Daylight and Sunlight Report; Basement Construction Methodology; Land Contamination Report; Flood Risk and SUDS Assessment; Design and Access Statement.	
<b>Contact Officer</b>	Tony Ryan (020 8545 3114)	

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

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**CHECKLIST INFORMATION.**

- S106: restriction on parking permits.
  - Is an Environmental Statement required: No
  - Conservation Area – No
  - Archaeological Priority Zone – No
  - Area at Risk from Flooding – No
  - Trees – No protected trees
  - Controlled Parking Zone – Yes (Zone RPC - 11am till midday Monday to Friday)
  - Development Plan designation – Raynes Park Local Centre (buildings along Coombe Lane and at 1a Amity Grove are within the Core Shopping Frontage).
  - Design Review Panel consulted – No
  - Site notice – Yes
  - Press notice – Yes
  - Number of neighbours consulted – 58
  - External consultations – Raynes Park and West Wimbledon RA and RAWW.
  - PTAL: 4 (TFL Planning Information Database)
  - Density – 415 habitable rooms per hectare.
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## **1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration as a result of the public interest in the proposal.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site (0.07 hectares) is located on the east side of Amity Grove and is within Raynes Park Local Centre boundary. Existing development to the south of the site consists of three storey buildings fronting Coombe Lane with ground floor commercial uses and residential accommodation on the upper floor levels. Coombe Lane (A238) is a London Distributor Road that runs through Raynes Park Local Centre.
- 2.2 A footpath providing access to the rear of the adjacent terrace at 2 to 12 Amity Grove separates the side boundary of the application site from the side elevation of the building at 2 Amity Grove. The terrace at 2 to 12 Amity Grove is known as Shakespeare Villas and provides accommodation at ground floor, first floor and within the roof space. The adjacent building at 2 Amity Grove is separated into three flats (MER902/72).
- 2.3 Shakespeare Villas are on the Council's local list of historically important buildings. The local list description refers to paired houses dating back to 1885 that have three strong gables facing the street with the architectural style "strongly gothic revival from the Victorian period. The building materials used for Shakespeare Villas include red brick with stone detailing to the ground and 1st floors, white brick with terracotta panels in chequerboard arrangement to the 3 gables"
- 2.4 On the opposite side of Amity Grove to the application site is a 6 storey former office building called Durham House (1a Amity Grove). Construction works are at an advanced stage to convert this building into an 86 bedroom hotel. A food retail store and a post office are retained at ground floor level. The building at the corner of Amity Grove and Coombe Lane is occupied by an estate agent that has a display window extending along the Amity Road frontage to the boundary with the application site. The three and four storey Raynes Park Medical Centre building in Lambton Road is located to the rear of the application site.
- 2.5 The existing three storey brick flat roof building located on the application site (floorspace of 526 square metres) is currently used to provide further education courses. The building is occupied by West Wimbledon College who provide English language courses for foreign students. The building was previously in use as offices. At the rear of the site there are 11 off street car parking spaces linked to the education use with vehicle access from Amity Grove provided to the south of the building. This existing vehicular access to these parking spaces is also used for deliveries to the adjacent ground floor commercial units fronting Coombe Lane and for residential access.
- 2.6 The site has a Public Transport Accessibility Level rating of 4 (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility). Raynes

Park Railway Station is located 150 metres to the east of the application site. The site is located within a controlled parking zone (zone RPC) that operates between 1100hrs and 1200hrs Monday to Friday. Marked bays located opposite the application site allow some restricted on street car parking when the controlled parking zone is in operation and include a reserved car club bay.

- 2.7 Highway restrictions on the section of Amity Grove between the northern application site boundary and the junction with Coombe Lane only permit way vehicle movements (travelling south towards Coombe Lane), with no vehicle access to Amity Grove from Coombe Lane. Two way vehicle movements are restored to the north of the application site. The site is not in a conservation area, not located in an archaeological priority area and not in an area at risk from flooding.

### 3 **CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing three storey building (526 square metres of Use Class D1 - non-residential institution floor space) and the redevelopment of the site with two new buildings. The new buildings providing 278 square metres of commercial space (Use Class A1/A2/B1 or D1) and 9 flats (4 three bedroom; 3 two bedroom and 2 one bedroom). Further information on the proposed residential accommodation and a comparison with minimum standards is provided in the table below:

**Table 1: Comparison table of accommodation with minimum standards**

Unit number	Floor	Internal layout (Sq. M)					Amenity space (Sq. M)			
		Bedrooms	Bed spaces	Habitable rooms	Gross Internal Area	London Plan Standard	Garden	Balcony / terrace	Shared	Sites and Policies Plan standard
1.	Basement and ground	3	6	4	170	95	18	7	-	9
2.	Basement and ground	3	5	4	123	86	21	-	-	8
3.	First	3	6	4	110	95	-	11	-	9
4.	First	2	4	3	75	70	-	12	-	7
5.	Second	1	2	2	50	50	-	5	-	5
6.	Second	1	2	2	55	50	-	6	-	5
7.	Second	2	4	3	75	70	-	7	-	7
8.	Third	3	6	4	110	95	-	11	-	9
9.	Third	2	4	3	75	70	-	7	-	7

- 3.2 The development includes the erection of a new building that will be four storeys high at the front of the site, with an additional rooftop plant room and

basement level. This building will provide a retail, financial services, business, non-residential institutions or assembly and leisure use at basement and ground floor level.

- 3.3 The floor space to the rear of the commercial space will provide a single split level flat at basement and ground floor level (flat 1 – three bedroom) with further residential accommodation on the upper floor levels (flats 3 to 9 providing 2 two bedroom, 3 two bedroom and 2 three bedroom flats). At the rear of the site a new building with floor space at basement and ground floor level provides a single split level flat (flat 2 – three bedroom) The new residential accommodation is provided with external amenity space in the form of sunken gardens at basement level, roof terraces and balconies.
- 3.4 The building at 2 Amity Grove next to the application site has been converted into flats. A 2.2 metre wide shared pedestrian access to the rear gardens of properties in Amity Grove currently separates the side elevation of the existing building on the application site from the side elevation of the adjoining building at 2 Amity Grove (Shakespeare Villas). This separation distance will be maintained as part of the proposed development.
- 3.5 The front elevation of the existing education building on the application site is in line with the main front elevation of the adjacent building at 2 Amity Grove. A single storey ground floor entrance lobby protrudes 2.4 metres past the front elevation of the existing application building. With the proposed removal of this entrance lobby, the front elevation of the proposed building will be in the same location as the main front elevation of the existing building and level with the front elevation of 2 Amity Grove.
- 3.6 The ground floor of the adjacent building at 2 Amity Grove currently extends 3.2 metres past the rear elevation of the existing three storey building on the application site. The larger proposed building will be level with the ground floor rear elevation of the building at 2 Amity Grove on the northern site boundary. at a distance of 2.6 metres from the boundary. At a distance of 2.6 metres away from the site boundary the proposed building at ground floor level will extend a distance of 2.6 metres past the ground floor rear elevation of 2 Amity Grove
- 3.7 At first and second floor levels the adjacent building at 2 Amity Grove currently extends 2.3 metres past the rear elevation of the existing building on the application site. On the site boundary at first, second and third floor levels the proposed building will be in the same location as the existing building (set back by 2.3 metres behind the rear two storey part of 2 Amity Grove). At a distance of 7 metres away from the boundary, the new building will extend 4.7 metres past the two storey part of 2 Amity Grove.
- 3.8 The rear elevation of two and three storey buildings at 46 to 66A Coombe Lane overlook the side boundary of the application site. These buildings have various commercial uses at ground floor level that have been altered with single storey rear extensions of various sizes. Residential accommodation is provided on the upper floors of these building fronting Coombe Lane with the



flat roof of the ground floor commercial extensions generally used as external amenity space with external access staircases to ground level at the rear.

- 3.9 The development is provided with thirteen cycle parking spaces and five off street car parking spaces with three at the front of the site and two located to the rear. The current delivery, servicing and residential access to the rear of the site is retained to the south of the site with a security access gate installed following advice from the Metropolitan Police.

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

- 4.1 There are several historical entries in the planning register relating to the buildings on the application site with the most relevant planning applications are outlined below.

- 4.2 Planning permission was approved in January 2010 (LBM reference 09/p2246) for the use of vacant office floor space (use class B1) for education purposes (use class D1). The applicant has confirmed that this planning permission was implemented with the education use commencing in 2010. A planning condition attached to this approval restricted the use of the building to higher education use with no other D1 use permitted.

- 4.3 An earlier planning application (LBM reference 14/p3626) was withdrawn by the applicant in December 2014. The application was for the demolition of the existing three storey building occupied by West Wimbledon College (526 square metres in Use Class D1) and the erection of two new buildings. The development included a new four storey building at the front of the site providing retail, financial services, business, non-residential institutions or assembly and leisure use (Use Class A1, A2, B1, D1 or D2 ) at ground floor level (117 square metres) with 9 flats (6 one bedroom and 3 two bedroom above) on the upper floors and a second three storey building at the rear of the site providing undercroft car parking at ground floor level with 2, two bedroom flats on the upper floors. The development included 11 off street car parking spaces with a new vehicle access located adjacent to 2 Amity Grove.

- 4.4 Other relevant entries on the planning register include planning permission approved in June 1987 (LBM reference 87/p0341) for the installation of 3 additional windows in south elevation of the existing office building. A part three storey and part single storey office block with parking was approved in March 1972 (LBM reference mer52/72). In April 1957 planning permission was approved for the installation of two petrol pumps on the forecourt (LBM reference wim3192).

#### **5. CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, a press notice and individual consultation letters sent to 58 local properties. As a result of this public consultation seven letters have been received objecting to the proposal on the following grounds:

- 5.2        **Loss of the existing use and tree at the front of the site**
- The applicant has failed to justify the loss of the existing education use (Use Class D1);
  - The removal of the tree that previously existed at the front of the site was unnecessary and a suitable replacement tree of equal value should be secured with steps to ensure its survival.
- 5.3        **Commercial floorspace**
- The commercial floor space represents ‘commercial creep’ into a residential area;
  - The flexible use creates uncertainty and conditions should be used to restrict operating hours;
  - It is considered that a commercial use in this location is ‘unfounded’ and may not be commercially viable;
- 5.4        **Bulk, scale massing and Design**
- The height of the new building would ‘significantly exceed’ the existing building;
  - The proposal is an overdevelopment of the site;
  - The development would prevent any future construction of an additional storey to the rear of 46-56 Coombe Lane;
  - The building is too high and will have a negative impact on the street scene;
- 5.5        **Servicing and car parking**
- The servicing of shops in Coombe Lane will be impossible during the construction phase and will lead to servicing from Coombe Lane with impacts on traffic and parking;
  - The completed development will severely affect the servicing of shops in Coombe Lane;
  - The access to flats on the upper levels of buildings in Coombe Lane will be affected;
  - The development has inadequate emergency vehicle access;
  - All of the flats should not be allowed to obtain on street parking permits;
  - The development will have an adverse impact on the viability and vitality of the adjacent shops in Coombe Lane in terms of deliveries and servicing;
- 5.6        **Nuisance and amenity**
- The development will harm residential amenity in terms of overlooking; loss of privacy including from the balconies and noise and disturbance;
  - The additional building height will result in a loss of light to habitable windows on the flank elevation of the neighbouring building;
  - The development will lead to a loss of light and outlook to neighbours;
  - The construction phase will cause local disruption and a clear plan should be formulated;
  - The development will adversely impact on property values

**Impact of the proposed basement**

- There is a concern about the impact of the basement excavation on the structure of the adjacent locally listed building;
- There is a concern about the impact of the basement excavation on a tree in a neighbouring garden;
- It is considered that the basement would increase the possibility of flooding;
- There are concerns about the need to relocate an sewer pipe as part of the basement excavation;

5.7 **Amity Grove Residents Association** there is an objection to the development on the following grounds:

- The proposed off street parking level is inadequate;
- All of the residential units should be subject to the on-street permit restriction;
- Restrictions should be placed on the commercial floor space to protect amenity;
- Planning conditions should be used to lessen the nuisance caused by construction work.

5.8 **Residents Association of West Wimbledon** The association wish to make the following comments on the planning application:

- The development must comply with the requirements of Policy DM D2 on basement proposals;
- The proposals are contrary to policy in that the development fails to respect the “height and scale of the existing street pattern”.
- The proposals are contrary to policy in that the development fails to respect the amenities of neighbouring residents including sunlight and daylight to buildings and gardens, and overlooking and loss of privacy;
- The development provides sub-standard accommodation in terms of access to external space, sunlight and daylight provision, outlook, ventilation and proximity to ‘food cooking operations’ in units fronting Coombe Lane;
- There are inadequate arrangements for the collection of refuse from the proposed flats and existing nearby shops;
- There are inadequate arrangements for access to adjacent residential properties and commercial deliveries;
- With local on street parking pressure the of street spaces should be managed by a planning condition with no on street permits issues to the new residential and commercial floor space;
- Planning conditions should be used to ensure that the use of the commercial space does not harm residential amenity;

5.9 **Raynes Park Association** The association wish to express the following concerns in relation to the proposed development:

- There is an existing problem with the storage of refuse and the proposed development will make matters worse by restricting available space for bins and creating extra demand from the new accommodation;
- An assessment of parking demand should be carried out before decisions are made on development density;

- The proposed development will further restrict the parking space available for adjacent residents;
- There is a concern about the standard of the accommodation in terms of the lack of external amenity space;
- The access to the rear of residential properties fronting Coombe Lane needs to be considered in terms of access and deliveries;
- Planning conditions should be used to ensure that demolition and construction phase nuisance is minimised.

5.10 **Wimbledon Society** The society wish to make the following comments on the planning application:

- Whilst the top floor has a different elevation treatment the top floor still appears too bulky;
- The top floor should have a lower roof eaves and a pitched roof;
- Although set well back could the plant room be integrated into the roofscape;
- The outlook for the proposed flats 1 and 2 is restricted;
- Would the 4 metres headroom projecting bays over the access
- The access to the rear of residential properties fronting Coombe Lane needs to be considered in terms of access and deliveries;
- Planning conditions should be used to ensure that demolition and construction phase nuisance is minimised.
- The forecourt area to the front of the site lacks interest.

5.11 **Councillor Stephen Crowe** There is an objection to the application on the basis that the proposal is overdevelopment with this shown by the fact that

- The proposed building is taller than adjacent houses;
- The development builds on the rear car park which is the same space as the adjacent rear garden;
- There is inadequate of street car parking.

5.12 **Councillor Adam Bush** There is an objection to the application on the basis that the proposal is overdevelopment with the additional floor exceeding the height of the neighbouring Shakespeare Villas.

5.13 **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. Following a series of recent burglaries where access has been gained from a rear access road the architect was advised to secure the shared access drive. It is noted that the recommended gate has been incorporated into the development.

5.14 **Transport Planning** There is no objection to the development subject to the following:

- The inclusion of planning conditions that seek the submission and approval of a a parking management strategy to understand how the proposed off street car parking spaces would be allocated/managed; that seek further details of the provision of 16 cycle parking spaces; the

removal of redundant sections of vehicular crossover and the submission and approval of a construction logistics plan;

- The inclusion of an informative to the applicant relating to the need to contact the highways section in relation to works to the highway;
- A S106 agreement that includes a restriction on future residents preventing them from applying for parking permits in the nearby area.

## **6 POLICY CONTEXT**

### **London Plan 2015**

- 6.1 The further alterations to the London Plan were published on the 10 March 2015. The relevant policies in the London Plan (July 2015) are 3.1 (Ensuring equal life chances for all); 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); 3.16 (Protection and enhancement of social infrastructure); 3.18 (Education facilities); 4.7 (Retail and town centre development); 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); 5.15 (Water use and supplies); 6.5 (Funding Crossrail); 6.9 (Cycling); 6.10 (Walking); 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); 7.15 (Reducing noise and enhancing soundscapes); 7.19 (Biodiversity and access to nature); 8.2 (Planning Obligations).

### **Merton Sites and Policies Plan (adopted July 2014)**

- 6.2 The relevant policies within the Sites and Policies Plan are as follows: DM C1 (Community facilities); DM C2 (Education for children and young people); DM.D1 (Urban design and the public realm); DM.D2 (Design considerations and the public realm); DM.EP2 (Reducing and mitigating against noise); DM.EP4 (Pollutants); DM F2 Sustainable drainage systems (SuDS) and; Wastewater and Water Infrastructure; DM.H2 (Housing mix); DM.O2 (Nature conservation, trees, hedges and landscape features); DM R1 (Location and scale of development in Merton's town centres and neighbourhood parades); DM R4 (Protection of shopping facilities within designated shopping frontages); DM.P1 (Securing planning obligations); DM.T1 (Support for sustainable travel and active travel); DM.T2 (Transport impacts from development); and DM.T3 (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; CS4 (Raynes Park); CS7 (Centres); CS.8 (Housing choice); CS.9 (Housing provision); CS11 (Infrastructure); 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 loss of the existing community use and loss of the existing building; the acceptability of the replacement commercial uses; the need for additional housing, the potential impact of the proposed basement on the adjoining listed building and on trees; residential density, housing mix, building design, scale massing and materials, potential impact on neighbour amenity, the standard of accommodation, the potential impact on traffic and transport; potential ground contamination, and sustainable design and construction.

### **Loss of the existing community use and the existing building**

- 7.2 The adopted development plan resists the loss of community uses (Use Class D1 - non-residential institutions) unless it can be demonstrated that the following planning policy tests have been met:

- It can be demonstrated that the loss would not impact on an identified local need for the type of facility provided (London Plan 3.16, Core Strategy CS 11 and Sites and Policies Plan DM C1i);

- 7.3 Merton Adult Education have advised that there is no defined need, or shortage in the Raynes Park area for the type of floor space that is provided on the application site.

- It can be demonstrated that that there is no ongoing or future demand for education facilities at this site (London Plan 3.18);

- 7.4 The application building was in use as offices (Use Class B1) until 2010 when planning permission was given for a change of use for education purposes

(Use Class D1). Since 2010 the building has been in use by West Wimbledon College providing further education in the form of English language courses for foreign students.

- 7.5 The applicant has stated that the existing further education use is no longer viable, as there is no longer sufficient demand for the courses that are offered. The college has a focus on foreign students and changes that have been made in immigration policy have made it more difficult for foreign students to come to this country to study.
- It can be demonstrated that there is no demand for other community uses (London Plan 3.16 and Sites and Policies Plan DM C1ii).
- 7.6 A property consultant acting on behalf of the applicant has carried out a review of community floor space (non-residential institution - Use Class D1 and assembly and leisure Use Class D2) requirements in the Raynes Park area including proposal sites within the Sites and Policies Plan. The review over a period of 12 months had the aim of finding a suitable future occupier for the application building and to look at the general demand for community floor space and the suitability of the application building.
- 7.7 The application building has been marketed for uses within use class D1 or D2. This marketing consisting of the circulation of a brochure to 600-700 London and suburban commercial estate agents in 2011. The property consultant searched property data bases looking for potential occupiers who were seeking similar floor space. The consultant also used personal contacts within the property industry that have been built up over 30 years working in the commercial property market in London.
- 7.8 There were inquiries from nursery operators, schools and religious organisations who sought suitable sites in South West London. After these inquiries were investigated by the applicant's consultant it was found that they sought buildings larger than the application building. The applicant also received separate advice from the Councils transport planning officer that the application site would not be suitable for a nursery use due the road layout and potential issues with additional traffic movements.
- 7.9 In terms of general local demand, the review found that the accommodation (Use Class D1) in Wimbledon Hill Road that the West Wimbledon College had vacated to move to the application site was still vacant. It was found that a number of proposal sites that the Council suggest could be suitable for D1 or D2 use including the nearby NHS clinic at 9 Amity Grove were also currently vacant.
- 7.10 In addition to the marketing of the building the applicant conducted a review of the standard of the existing building. It was found that the existing building did not meet modern requirements and was built to a low specification in the 1970's. The building suffers from low floor to ceiling heights, with narrow internal circulation areas and is costly to run and maintain. The existing building on the application site is also considered by officers to be of poor quality externally and it is considered to detract from the appearance of the

local area. As a result subject to the design and appearance of a replacement building it is considered that the proposed development that involves the loss of the existing building is acceptable.

- 7.11 In conclusion it is considered that the applicant has adequately demonstrated through marketing that there is no demand for the use of the application building either for a different further education use or an alternative community use. It is considered that works to improve the existing floor space would not be economically viable due to the significant investment that would be required and the uncertainty in finding a future tenant. In this context the development is considered in line with adopted planning policy and the loss of the existing use is considered acceptable.

#### **Replacement commercial uses**

- 7.12 Sites and Policies Plan policy DM R1 aims to protect the viability and character of Merton's town centres whilst ensuring that there are a wide range of town centre type uses to meet the everyday needs of Merton's residents. The policy states that the Council will support proposals for development of up to 1,000 square metres of floor space for town centre type uses.
- 7.13 Sites and Policies Plan policy DM R4 states that in areas such as the application site, the Council will permit a wide range of town centre type uses including shopping, leisure, entertainment, cultural, community and office uses which contribute towards the vitality and viability of the town centres. All town centre development proposals must have active street frontages that contribute towards vibrancy and to promote a positive identity.
- 7.14 The application site is located within the designated Raynes Park Town Centre boundary and the nearby buildings opposite in Amity Grove and 66 Coombe Lane form part of the core shopping frontage. Construction work is well advanced to convert the six storey building on the opposite side of Amity Grove to an 86 bedroom hotel with a food retail store and a post office retained at ground floor level. The building at 66 Coombe Lane is located adjacent to the application site and is occupied by an estate agent with a display window that extends to the boundary with the application site. The Amity Grove NHS clinic building is located to the north of the application site on the opposite side of Amity Grove.
- 7.15 The existing three storey building on the application site currently provides 525 square metres of commercial floor space. With the building previously providing offices (Use Class B1), the use of the building as a language school commenced in 2010. Whilst an objection to the application has stated that the proposal represents 'commercial creep' the development will actually reduce non-residential floor space from 526 square metres to 278 square metres.
- 7.16 The proposed commercial floor space is located in a well-designed and flexible unit that has other commercial uses located nearby. The unit is in a good location within the town centre boundary and is well placed in terms of access to the main high street and the nearby train station. The new hotel under construction nearby is also likely to generate additional footfall and



potential customers that will make the unit more attractive for future tenants. A study by the Local Data Company in 2012 found Raynes Park to be the best-performing high street in London, with less than two per cent of stores unoccupied. In this context it is considered by officers that the applicant is likely to be successful in finding a future tenant for the replacement commercial floorspace. The applicant has stated that the current floorspace supports employment for 5 people and that the proposed modern purpose built accommodation has a significantly better chance of continuing to support employment for the same number of people.

- 7.17 The commercial unit is provided at basement and ground floor at the front of the site and potential uses include retail, financial services, business, non-residential institutions or assembly and leisure use (Planning Use Classes A1, A2, B1 or D1). All of these potential uses are considered acceptable in this location within the Raynes Park Town Centre boundary and are in accordance with Sites and Polices Plan policy DM R4. The potential impact on residential amenity is considered later in this report.

**Need for additional housing.**

- 7.18 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. Policy CS. 9 within the Council’s Adopted Core Strategy (July 2011) and policy 3.3 of the London Plan (2015) state that the Council will work with housing providers to provide a minimum of 4,800 additional homes (A minimum of 411 new dwellings annually, up from 320, following adoption of the London Plan 2015) between 2015 and 2025. This minimum target should be exceeded where possible including a minimum of 500 to 600 homes in the Raynes Park sub area where the proposal site is located.
- 7.19 The Core Strategy states that the Council will encourage residential accommodation in ‘sustainable brownfield locations’. The Core Strategy states that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including the development of brownfield sites. The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties. The site benefits from good access to public transport and access to other local facilities available within Raynes Park Centre without the need to use a car.
- 7.20 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

**Residential density**

- 7.21 The London Plan states that in urban areas such as the application site with a Public Transport Accessibility Level of 4 the residential density should be

within a range of 200 to 700 habitable rooms per hectare. With the application site covering a site area of 0.07 hectares and provision of 29 habitable rooms the residential density of the development is 415 habitable rooms per hectare.

- 7.22 In conclusion the residential density of the proposed development is in the middle of the density range set out in the London Plan and the proposed residential density is considered acceptable for this location. In this context the current proposal is not considered an overdevelopment of the site.

### **Housing mix**

- 7.23 Policy CS. 8 within the Council's Adopted Core Strategy (July 2011) states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.24 The application site is located in an area, where there is currently a mixture of housing types with terraced houses nearby and flats in the neighbouring building in Amity Grove and on the upper floors of buildings in Coombe Lane. The current application provides 9 residential units consisting of 2 one bedroom, 3 two bedroom and 4 three bedroom flats.
- 7.25 In conclusion it is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal provides an appropriate mix of accommodation will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.

### **Proposed basement, the adjoining locally listed building and trees.**

- 7.26 The proposed basement is not located under a statutory or locally listed building or the garden of a statutory or locally listed building. The basement will be separated from the locally listed building at 2 Amity Grove by a distance of 2.2 metres with the potential impact on this building considered within the submitted 'Basement Construction Methodology Statement'.
- 7.27 The proposed basement is wholly confined within the curtilage of the application property and has been designed to maintain and safeguard the structural stability of the application building and nearby buildings. It is considered that the basement will not affect the integrity of the locally listed building due to this separation distance and the need for the works to meet the structural requirements of the Building Acts. A concern has been expressed in a public consultation response about the potential need to relocate a sewer pipe as part of the basement excavation and this would also be considered separately under the Building Acts.
- 7.28 The open areas of the application site are currently in hardstanding apart from a small flower bed located adjacent to the front boundary. The current proposal includes the provision of new open garden areas within the site and also a green roof on the building at the rear of the site. With the reduction in the area of hardstanding the introduction of garden areas and a green roof it is considered that the proposed development will contribute to sustainable urban

drainage. In support of the planning application the applicant has submitted a 'Flood Risk Assessment' that concludes that with the use of a sustainable urban drainage system the development will not give rise to any increase in local flood risk. A planning condition is recommended to ensure that this is achieved.

- 7.29 Whilst it is considered to have limited townscape value due to its location, a tree is located in the rear garden of the adjoining property at 2 Amity Grove. A distance of three metres separates the tree from the proposed excavated external basement amenity space for flat 2. It is considered that the basement extension will not cause damage or pose a long term threat to this tree due to the separation distance, existing ground conditions and with suitable controls imposed through planning conditions. These conditions will include a requirement to accord with the recommendations of BS 5837:2012 'Trees in relation to design, demolition and construction'. A planning condition is recommended to seek details of the landscaping of the open areas of the site including seeking the front forecourt area and for the future maintenance of this landscaping.
- 7.30 Natural light to the commercial floorspace at basement level is provided by roof lights located to the side of the side access road. The two flats with residential accommodation at basement level also have accommodation at ground floor level with natural light and outlook to these flats provided by external amenity space at basement level. It is considered that the external outdoor space at basement level and the rooflights have been sensitively designed and sited to avoid any harmful visual impact on neighbour or visual amenity.
- 7.31 The applicant has stated that the commercial floorspace will meet the Breeam 'Very Good' standard and that the residential accommodation meets the equivalent of the Code for Sustainable Homes level 4. Planning conditions are recommended to ensure that these standards are met and that the development makes the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan.

**Building design, scale, massing and materials**

- 7.32 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.
- 7.33 The application site is not located in a conservation area and the character of Amity Grove is formed by the variety that is present in terms of the design, scale, form and appearance of nearby buildings. This variety includes a flat roofed three storey block of 9 flats at 14 Amity Grove, located immediately to

the north of Shakespeare Villas. On the opposite side of Amity Grove is the two storey pitched roof NHS clinic building. Other two storey residential properties in Amity Grove have variety in their design and form with different front bays in front elevations and different roof forms.

- 7.34 The application site is adjacent to the rear of buildings fronting Combe Lane that are two and three storeys in height. These buildings include a part two, part three storey building on the corner of Coombe Lane and Amity Grove and a three storey building at 42 Coombe Lane. The six storey building called Durham House that has a flat roof is directly opposite the application site in Amity Grove. Raynes Park Health Centre is located to the rear of the application site and this building is 4 storeys in height.
- 7.35 In terms of the application site this is currently occupied by a three storey building with a flat roof. The main roof of the existing building is 3.8 metres lower than the roof ridge of the adjacent property at 2 Amity Grove. The proposed building is also provided with a flat roof and this main roof level is also 0.3 metres lower than the roof ridge of 2 Amity Grove.
- 7.36 The existing and proposed buildings have roof level plant rooms, these structures house essential equipment such as lift plant. On the existing building the plant room is 3 metres above the main roof level. The existing structure is visible from the street as it is located 0.8 metres behind the front building elevation. The plant room on the proposed building is reduced to a height of 1.8 metres and relocated to the middle of the roof, at a distance of 8.4 metres behind the front elevation. Whilst shown on the submitted elevation drawings, in reality in this location in the middle of the roof and 2 metres behind the roof ridge of the building at 2 Amity Grove, the plant room will not be visible in the majority of the views of the new building including nearby views of the building from street level in Amity Grove.
- 7.37 The front elevation of the proposed building provides three vertical elements that reflect the vertical spacing and emphasises of the front elevation of the adjoining Shakespeare Villas building. The main building facing material will be red brick to match adjacent local listed buildings. The top floor of the proposed flat roof building is the same height as the pitched roof of 2 Amity Grove and this part of the building uses a different facing material of zinc cladding to highlight this. The proposed balconies will be glazed and the windows and doors will be powder coated aluminium.
- 7.38 The proposed development will remove the ground floor entrance lobby on the existing building that currently extends forward of the front elevation of 2 Amity Grove. The ground floor commercial floor space is provided with a display window. This window will help continue the active ground floor frontage provided by the adjacent estate agents window on the corner of Amity Grove and Coombe Lane and will reflect the commercial uses opposite.
- 7.39 In conclusion, with the main roof of the proposed building lower than the roof ridge of the adjacent building and in the context of other three storey buildings nearby and a six storey building opposite the height of the proposed building

is considered acceptable. With the variety in the design and form of nearby buildings including the flat roof rear extensions to 2 Amity Grove and 66 Coombe Lane and the flat roof buildings in Amity Grove the design and massing of the proposed building is considered acceptable.

- 7.40 It is considered that the design and appearance of the proposed building respects and enhances the character of the surrounding area and the development is in keeping with the surrounding area. The proposed materials are considered in keeping with the surrounding area whilst also reflecting the contemporary design of this development. The proposal is considered in accordance with policies 7.4 and 7.6 in the London Plan and policy DM R4 in the Sites and Policies Plan.

**Neighbour amenity - loss of privacy and overlooking**

- 7.41 Policy DM D2 states that proposals for development will be expected to ensure, quality of living conditions, and appropriate levels of privacy to adjoining gardens. In order to minimise the impact of new development on the privacy of existing dwellings Supplementary Planning Guidance sets out minimum separation distances. This guidance states that there should be a minimum separation distance of 20 metres provided between any directly opposing habitable residential windows located on upper floor levels.

**Building at 2 Amity Grove**

- 7.42 The proposed development does not include any windows that face towards the property at 2 Amity Grove. The proposed building is provided with balconies to the front elevation, and a roof terrace and balconies to the rear elevation.

- 7.43 The proposed building will screen the majority of possible views of neighbouring windows from these external amenity areas. A planning condition is recommended to seek the submission and approval of details of suitable screening to these external amenity areas to prevent any potential loss of privacy or overlooking. A further planning condition is recommended to ensure that the proposed flat roof areas that are not shown as external amenity areas are not used as such.

**Buildings in Coombe Lane**

- 7.44 The proposed building has been located further away (between 0.4 and 1.3 metres) than the existing building from the rear of the adjacent properties in Coombe Lane. At the closest point a distance of 15 metres separates the nearest existing habitable room window from the side elevation of the proposed building.

- 7.45 The nearby properties in Coombe Lane have commercial uses at ground floor level with residential accommodation on the upper floors. The access to this residential accommodation is achieved by rear external staircases and walkways close to the boundary with the application site. As a result of these existing access arrangements the first floor habitable rooms of these adjacent flats currently have limited privacy.

- 7.46 There are windows to the side elevation of the existing building at ground, first and second floor levels. Whilst the upper floor windows on the rear elevation of properties fronting Coombe Lane currently having limited privacy due to access arrangements the new building has been designed with angled windows which will prevent views towards these adjacent properties.
- 7.47 With the use of angled windows and obscured glazing the proposed building has been designed in accordance with the Council's Supplementary Planning Guidance in relation to the protection of privacy. The development provides at least 20 metres between any directly opposing habitable residential windows located on upper floor levels and it is considered that the proposed development will not give rise to any overlooking and loss of privacy to nearby residential occupiers in Coombe Lane.

**Neighbour amenity - loss of daylight, sunlight and visual intrusion.**

- 7.48 Sites and Policies Plan policy DM D2 states that proposals for development will be expected to ensure provision of appropriate levels of sunlight and daylight, to both proposed and adjoining buildings and gardens. The policy states that proposals for all development will be expected to protect new and existing development from visual intrusion so that the living conditions of existing and future occupiers are not unduly diminished.

**Buildings in Amity Grove**

- 7.49 There are ten existing windows on the side elevation of the adjacent building at 2 Amity Grove. These windows facing towards the application site are at ground, first and second floor levels and include a window at first floor level to a small bedroom.. The existing building on the application site is located 2.2 metres from these windows. As set out in section 3 of this report, the proposed building will maintain the existing separation distance from 2 Amity Grove.
- 7.50 On the site boundary the front and rear elevations of the proposed building will be in the same location as the existing building on the application site. On the site boundary the main roof of the proposed building will be 3.4 metres higher than the existing building. There are plant rooms provided at roof level on the existing and proposed buildings with both plant rooms set back from the side elevation by 1.2 metres. The flat roof of the proposed plant room will be 2.1 metres higher than the existing plant room. After assessing the nature of the windows on the side elevation of the neighbouring property and the context it is considered that the development is acceptable in relation to daylight and sunlight provision.
- 7.51 The proposed development includes a new building to the rear of the application site on land that currently provides a hardstanding car parking area for the existing education use. This new building has floorspace at basement and ground floor levels and measures 6.4 metres by 8.8 metres and will have a height of 3.2 metres above ground level.
- 7.52 A 1.8 metre wide shared pedestrian footpath in this location separates this new building from the rear garden of 2 Amity Grove. The new building will be

viewed from adjacent sites in the context of an adjacent single storey building built in masonry to the rear of 44 Coombe Lane and other single storey buildings in the rear gardens of 2, 4 and 10 Amity Grove. In this context, the height of the building and the separation distances it is considered that the development will not result in visual intrusion for the occupiers of adjacent occupiers in Amity Grove.

- 7.53 Windows to the rear elevation of 2 Amity Grove would originally have assisted in providing natural light to all of the floor space within the building, however extra rooms provided as a result of large rear building extensions have relied on windows provided to the side elevation. The natural light provided to these side elevation windows is currently restricted by the existing building on the application site and whilst the new building is higher than the existing building this impact is not considered sufficient to refuse planning permission. It is considered that the development is acceptable in relation to the daylight and sunlight provision in relation to 2 Amity Grove.

#### Buildings in Coombe Lane

- 7.54 The south elevation of the new building faces towards the rear of buildings that front Coombe Lane, with ground floor commercial uses and residential accommodation on the upper floors. The development involves an increase in the length of the side building elevation and an increase in height however as set out earlier in this report the new building will also be moved further away from buildings in Coombe Lane. With the increased separation distance between the side elevation of the new building and the rear elevation of buildings in Coombe Lane it is considered that the development is acceptable in terms of daylight, sunlight and protection from visual intrusion.

- 7.55 In conclusion and following assessment of the development including the site context, the building heights, the nature of the existing residential accommodation and the separation distances between buildings it is considered that the proposed development will not give rise to visual intrusion or a loss of daylight or sunlight to adjacent residential occupiers. The development is considered in accordance with Sites and Policies Plan policy DM D2.

#### Neighbour amenity – noise and disturbance

- 7.56 Sites and Policies Plan Policy DM D2 states that proposals for development will be expected to protect new and existing development from noise, or pollution so that the living conditions of existing and future occupiers are not unduly diminished.
- 7.57 Consultation responses have raised concerns about noise and disturbance from the use of the proposed external amenity spaces above ground floor. The current building on the application site has a first floor roof terrace adjacent to the boundary with 2 Amity Grove. With the nature of the access to accommodation above the shops in Coombe Lane there are also a large number of existing external access staircases and first floor amenity areas to the rear of these buildings. In this context and the residential nature of the proposed amenity areas it is considered that the proposed terraces and

balconies are acceptable in this location in relation to potential noise and disturbance.

- 7.58 Consultation responses have raised concerns about the potential impact of the construction works on residential amenity. In order to ensure that the potential nuisance from construction work is minimised, planning conditions are recommended in relation to the timing of works, the control of dust and noise, submission and approval of a construction logistics plan and a working method statement.
- 7.59 The current application includes commercial space with the applicant requesting flexibility in the nature of the use that occupies this floorspace. The potential uses including Class A1 (retail); Class A2 (financial and Professional Services); Class B1 (business) and Class D1 (non-residential institutions).
- 7.60 The approval of a use within use class D1 would include potential use as a place of worship, for religious instruction or as a nursery. It is considered that further assessment would be required of the potential impact of these uses on residential amenity and a planning condition is recommended removing these uses from the permitted uses of the proposed commercial floorspace. Planning conditions are also recommended to ensure that further information is submitted and approved in relation to any proposed plant or equipment on the building and restricting the hours of operation of the commercial floorspace.

**Standard of residential accommodation - internal layout and room sizes**

- 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.
- 7.62 Policy 3.5 of the London Plan (July 2015) 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.
- 7.63 The table provided in section 3 of this report sets 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.
- 7.64 Consultation responses have raised concerns about the standard of accommodation within the proposed flats 1 and 2. These two flats are split level with floorspace at basement and ground floor levels. In terms of internal space the minimum floorspace standard set out in the London Plan is 86 square metres for flat 2 and 95 square metres for flat 1. The proposed accommodation significantly exceeds this minimum standard providing 123 square metres and 170 square metres of floor space respectively.



- 7.65 The internal layout of the proposed accommodation is considered to make good and efficient use of the space that is available on the site. The development provides accommodation with an appropriate internal layout and good provision of natural light and outlook to all habitable rooms.
- 7.66 Consultation responses have raised concerns about the proximity of the new residential accommodation to the rear of 'food cooking operations' fronting Coombe Lane. These uses include a restaurant (46-48 Coombe Lane), hot food takeaway (no. 54) and bakery (no. 56). With the location of existing residential accommodation closer to these uses and the separation distances from the application site it is not considered that these uses will impact upon the standard of residential accommodation.

**Standard of residential accommodation - 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 with appropriate minimum standards and is compatible with the character of the surrounding area. The standard within the Sites and Policies Plan states that in accordance with the London Housing Design Guide, 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.
- 7.68 As set out in the table provided in section 3 of this report all of the accommodation is provided with external space in accordance with and in several cases significantly exceeding the minimum standards. In conclusion it is considered by officers that the proposed residential accommodation is of a good general standard and makes efficient use of the land available on the site.
- 7.69 Consultation responses have raised concerns about flats 1 and 2. These two flats are split level with floorspace at basement and ground floor levels. In terms of external space the minimum floorspace standard set out in the Sites and Policies Plan is 8 square metres for flat 2 and 9 square metres for flat 1. The proposed accommodation significantly exceeds this minimum standard providing 21 square metres and 25 square metres respectively.
- 7.70 The proposed amenity space is provided in the form of sunken gardens, terraces and balconies. After an assessment of the proposed amenity space, its location, proportions and dimensions it is considered to provide a good standard of usable external amenity space.

**Standard of residential accommodation - Lifetime Homes standards.**

- 7.71 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.
- 7.72 A planning condition is recommended to ensure prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to

confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria.

**Traffic and transport – Delivery and servicing access**

- 7.73 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.
- 7.74 A private access road currently separates the side elevation of the existing building on the application site from the rear boundaries of land fronting Coombe Lane. This road provides access to a private car parking area at the rear of the application site, the rear of commercial uses fronting Coombe Lane and residential accommodation on the upper floors of these buildings. The land over which this access is provided is owned by the applicant with others granted a right of access across it.
- 7.75 Following consultation with the Metropolitan Police and after recent local burglaries the current proposal includes the introduction of a security gate that will restrict public access to the rear of the application site and the rear of adjacent buildings. The applicant has confirmed that the gate will not restrict access for adjoining occupiers and businesses who will be given access fobs for the gate. The existing servicing and delivery access to the rear of these adjacent commercial units will be maintained. It is considered that the greater security gained from the introduction of the gate and the proposed widening of the access route will improve the viability and vitality of the adjacent shops in Coombe Lane.
- 7.76 A concern has been expressed in consultation responses about the potential impact of construction work on servicing and deliveries. A planning condition is recommended to seek a construction logistics plan that will seek to avoid any disruption to existing delivery servicing arrangements during the proposed construction works.
- 7.77 The applicant has provided access information to show that the development will have adequate emergency vehicle access with width and height for a fire appliance to access the front part of the site. These details have been considered by officers and have been found to be acceptable.

**Traffic and transport - Refuse storage and collection.**

- 7.78 Policy CS20 of the Core Strategy (July 2011) states that the Council will require developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.79 The proposed residential accommodation is provided with an integral refuse and recycling store with access provided from the front elevation. The

application site is at the end of a residential road and the refuse and recycling will be collected as part of the existing refuse collection service. The refuse storage for the proposed commercial floorspace will be provided within the proposed new building.

- 7.80 These refuse storage arrangements are considered acceptable and a planning condition is recommended to seek further details of the storage arrangements and to ensure that these facilities are provided and retained for the benefit of future occupiers.

**Traffic and transport - Car parking**

- 7.81 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 of street space for dwellings with one or two bedrooms a 'maximum' of 1.5 spaces for three bedroom dwellings having regard to transport accessibility.

- 7.82 The site has a Public Transport Accessibility Level rating of 4 (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility). Raynes Park Railway Station is located 150 metres to the east of the application site. The current application site is in a sustainable location with easy access to the facilities within Raynes Park Town centre and easy access to public transport where future residents can meet daily needs without the use of a car. In addition to this with an on-street car parking bay currently located opposite the application site that is reserved for car club use future residents would also have easy access to a car club operated by Citycar.

- 7.83 The proposal includes five off street car parking spaces which is considered acceptable and in line with the maximum car parking standards set out in the London Plan. A planning condition is recommended to seek the submission and approval of a parking management strategy to consider the allocation and management of the proposed off street car parking spaces.

- 7.84 The application site is located within a controlled parking zone (zone RPC) that operates between 1100hrs and 1200hrs Monday to Friday. A planning obligation is recommended as part of a s106 agreement that will prevent all residential and commercial occupiers of the proposed building from obtaining on street car parking permits.

**Traffic and transport - Cycling**

- 7.85 Policy CS 18 of the adopted Core Strategy (July 2011) states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and 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.

- 7.86 The proposed development shows cycle parking in secure cycle lockers at the front of the site and adjacent to the rear boundary. A planning condition is recommended to ensure that cycle parking is provided in accordance with recently updated standards (16 spaces) and retained for the benefit of future residents and users.

**Potential ground contamination,**

- 7.87 The London Plan (Policy 5.21) indicates that the Mayor supports bringing contaminated land into beneficial use. Sites and Policies Plan policy Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health. A desktop assessment submitted with the planning application concluded that the site level of risk of contaminated would not impact upon the site value and the site would not meet the designated contaminated land definition.
- 7.88 In light of the previous commercial uses on the application site there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

**Sustainable design and construction.**

- 7.89 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. With the commercial floor space less than 500 square metres in accordance with Core Strategy policy CS15 there is no sustainability standard applicable to the proposed commercial floor space.
- 7.90 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. The changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations are relevant to the current application. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 7.91 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

7.92 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure the dwelling is designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

8.1 The area of the application site is below the 1 hectare threshold and as a result the site falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. In this context there is no requirement for a screening opinion or for an Environmental Impact Assessment as part of this development.

## **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 £28,210 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 806 square metres. This figure is 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 £177,320. 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 806 square metres. This figure is 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.

### **Restriction for future occupants from obtaining on street car parking permit.**

- 9.8 In order to encourage public transport use a planning obligation is recommended to prevent future occupants from obtaining on street car parking permits.

### **Monitoring and legal fees**

- 9.9 Monitoring fees would be calculated in accordance with the Council's adopted Supplementary Planning Guidance the s106. Legal fees for the preparation of the S106 agreement would need to be agreed at a later date.

## **10. CONCLUSION**

- 10.1 One of the aims of the development plan is to promote sustainable communities by balancing the need for housing with the need for other land uses such as education floor space. The application has provided sufficient evidence to demonstrate that there is no reasonable prospect of an alternative education use being attracted to this site.
- 10.2 The proposed development represents an effective and sustainable use of this brownfield site providing additional residential units and a commercial use. The development incorporates a design and layout sympathetic to the character of the surrounding area, whilst at the same time minimising any adverse impacts on neighbouring amenity. In accordance with Sites and Policies Plan policy DM D2 the proposed basement will not harm any heritage assets. Accordingly, it is recommended that planning permission be granted subject to the planning conditions and planning obligations set out below.

## **RECOMMENDATION**

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

### **S106 Heads of terms:**

1. A restriction preventing future occupants from obtaining on street car parking permits.
2. The developer agreeing to meet the Council's financial costs of drafting the Section 106 Obligations (£ to be agreed).
3. The developer agreeing to meet the Council's financial costs of monitoring the Section 106 Obligations (£ to be agreed).

**And the following conditions:**

1. Standard condition (Time period) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: 602/010 B; 011 P3; 015 P3; 030 P2; 031 P2; 050 P3; 051 P2; information to justify loss of D1 use; Daylight and Sunlight Report; Basement Construction Methodology Statement; Land Contamination Report; Flood Risk and SUDS Assessment Design and Access Statement. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non-standard condition (Land contamination – site investigation) Prior to the commencement of development (including demolition) a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the Local Planning Authority with agreed measures in place prior to first occupation of any residential unit. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014. This information is required prior to commencement as construction works have the potential to spread any contamination that is present
4. Non-standard condition (Land contamination – site investigation) The submitted scheme to deal with the risks associated with contamination of the site shall include 1) a preliminary risk assessment identifying all previous uses and potential contaminants, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination. 2) A site investigation scheme, based on 1 providing information for a detailed assessment of the risk to all receptors that may be affected, including those off site. 3) The results of the site investigation and detailed risk assessment including an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014
5. Non-standard condition (Land contamination – construction phase) If during development further contamination is encountered which has not previously been identified and considered the Council's Environmental Health Section shall be notified immediately and (unless otherwise agreed in writing with the

Local Planning Authority) no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014

6. Non-standard condition (Land contamination – validation) Prior to first occupation of the proposed new dwellings a verification report shall be submitted to and approved, in writing, by the local planning authority demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved. Reason for condition: In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014
7. 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 or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with Sites and Policies policy DM D2.
8. 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. This information is required prior to commencement as construction works have the potential to cause the nuisance that is considered as part of this condition
9. 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 be 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 and with Sites and Policies policy DM D2. This information is required prior to commencement as construction works have the potential to cause the harm to safety that is considered as part of this condition.

10. 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. This information is required prior to commencement as construction works have the potential to cause the harm to safety that is considered as part of this condition
11. Amended standard condition (SUDS) Prior to the commencement of development (including demolition) details of a SUDS scheme shall be submitted to and approved in writing by the Local Planning Authority to accommodate within the site boundaries 1 in 100 year storm event plus a 30% allowance for climate change including source control, treatment attenuation and controlled storm water discharge and the following: i. information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by a public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Reason for condition: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.
12. Amended standard condition (Restriction of use) The premises shall be used for any use within planning use classes A1, A2 or D1 (excluding use as a children's day nursery, a place of worship or for religious instruction and for no other purpose, (including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Reason for condition:The Local Planning Authority would wish to retain control over any change of use

of these premises to these uses in the interests of safeguarding the amenities of the area and to ensure compliance with the following Development Plan policies for Merton: policy of the London Plan 2015, policy of Merton's Core Planning Strategy 2011 and policy of Merton's Sites and Policies Plan 2014.

13. Amended standard condition (Hours of use) The use hereby permitted shall operate only between the hours of 0800hrs to 2100hrs on any day. Reason for condition 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 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
14. Standard condition (Amplified sound) No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building. Reason for condition 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 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.
15. Amended standard condition (Redundant Crossover) Prior to first occupation of the proposed new dwellings the existing areas of crossover made redundant by this development shall have been removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS13 of the Adopted Merton Core Planning Strategy 2011.
16. Amended standard condition (External 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, (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 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
17. 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 walls and fences or other means of enclosure shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the walls and fences or other means of enclosure retained in accordance with the approved details 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.

18. Amended standard condition (Landscaping) Prior to first occupation of the proposed new dwellings 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 and means of enclosure. 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.
19. Non Standard Condition (Landscape Management Plan) Prior to the occupation of any part of the development a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for open space within the site and all communal and incidental landscaped areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The landscape shall be managed in accordance with the approved management plan unless otherwise agreed in writing by the Local Planning Authority. Reason for condition To enhance the appearance of the development and the amenities of the area in accordance with policy CS13 of the Adopted Core Strategy (July 2011).
20. Non Standard Condition (Green roof) Prior to the occupation of any part of the development a green roof 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. The green roof shall be maintained in accordance with the approved plan for the lifetime of the development. Reason for condition To enhance the appearance of the development, the amenities of the area and to improve the management of surface water runoff in accordance with policy CS13 of the Adopted Core Strategy (July 2011) and DM D1 and DM F2 of Merton's Sites and Polices Plan 2014.
21. Non Standard Condition (Commercial plant/machinery soundproofing) Noise from any new plant/machinery associated with the relevant commercial floor space shall not increase the background noise level by more than 2dB (A) L 90 (5 minute measurement period) with no increase in any one-third octave band between 50 Hertz and 160Hertz. Reason for condition To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Development Plan policies: policies 7.14 and 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
22. Non Standard Condition (Sustainability) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards

equivalent to Code for Sustainable Homes level 4. Informative: Evidence requirements in respect of condition 13 are detailed in the “Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. 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 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.

23. Amended standard condition (Lifetime homes) Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy (July 2011).
24. 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 Plan policy DM D2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
25. Non-standard condition (Off street car parking) Prior to first occupation of the proposed new dwellings or the commercial floor space car parking shall be in place that includes electric charging points in line with the London Plan that are 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 a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
26. Standard condition (Parking management strategy) Development shall not commence until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

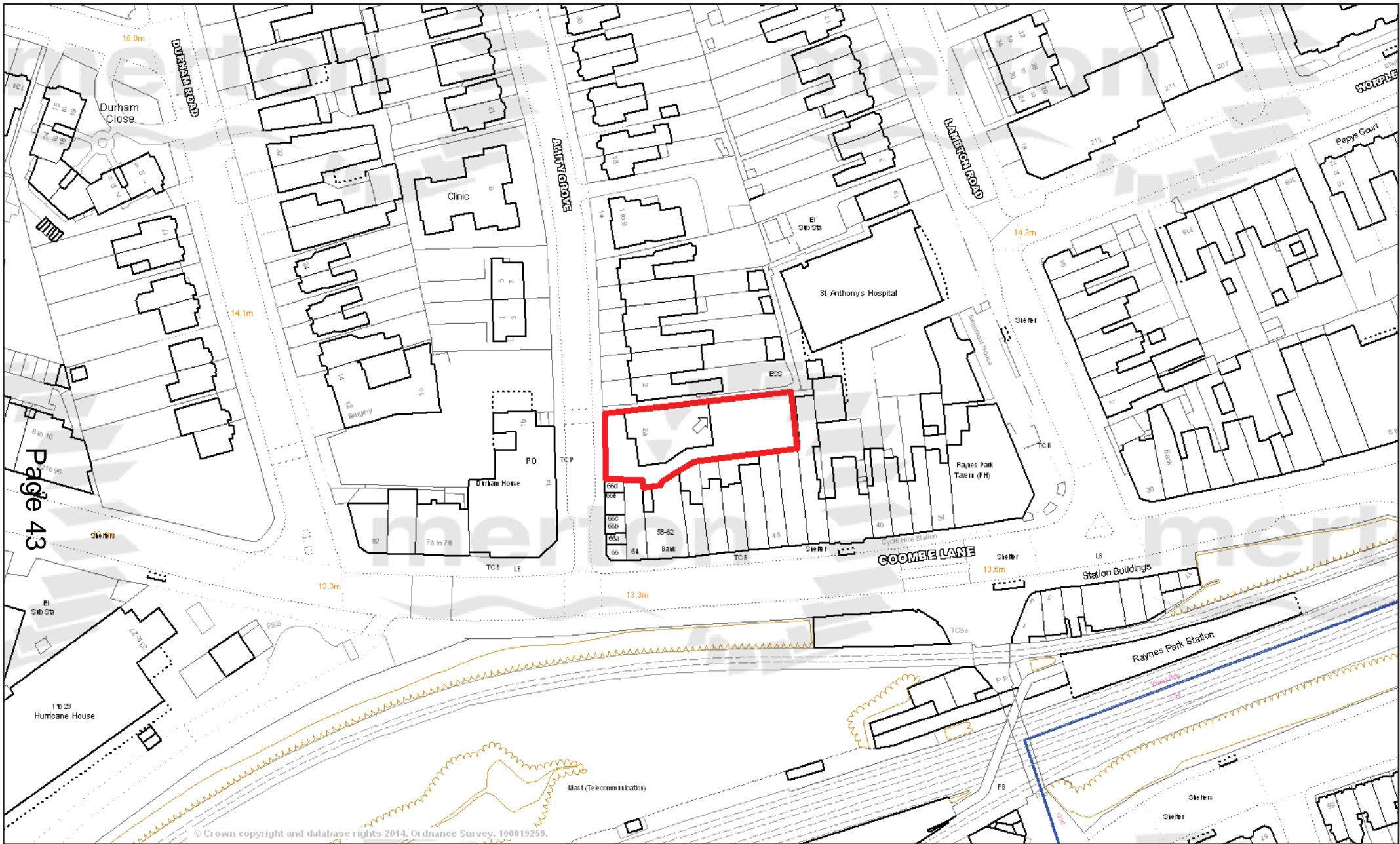
27. Non-standard condition (Cycle storage and parking) Prior to first occupation of the proposed new dwellings or the commercial floor space the cycle storage for occupiers or users and cycle parking for visitors for the relevant floor space shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking 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).
28. Non-standard condition (Refuse and recycling facilities) Prior to first occupation of the proposed new dwellings or the commercial floor space refuse and recycling facilities shall be in place for the relevant floor space 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).
29. 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, the occupiers of neighbouring properties and wildlife using the green corridor at the rear of the site and to ensure compliance with Sites and policy DM D2 and policies CS13 and CS14 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](http://www.lifetimehomes.org.uk)
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. 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 on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
- d) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts

are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

- e) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing buildings on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.
- f) The applicant is advised that evidence requirements in respect of condition 22 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.



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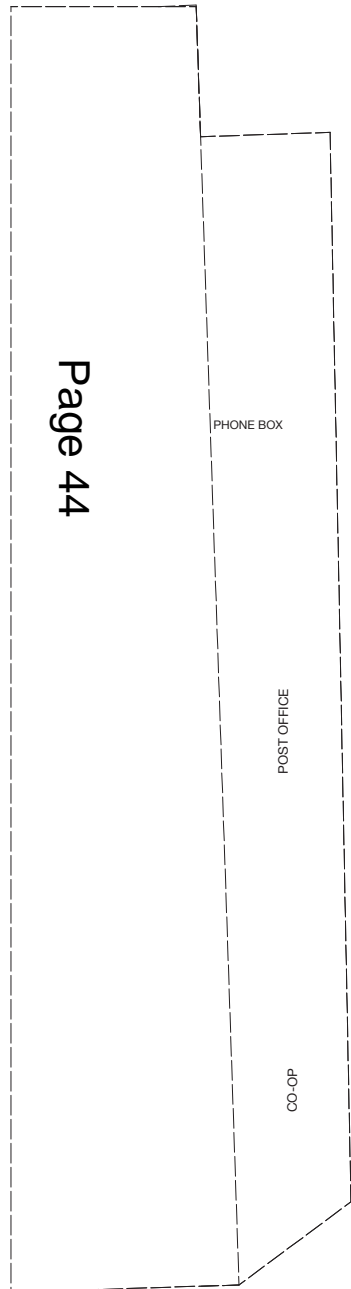
2A Amity Grove

Scale 1/1250

Date 2/6/2015

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

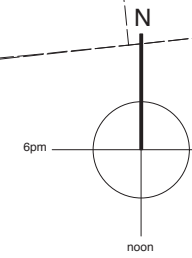
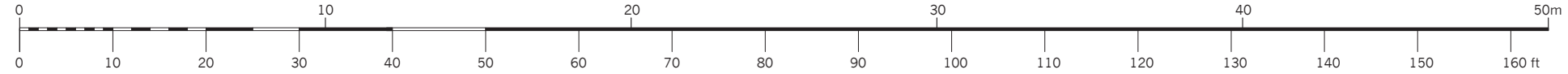




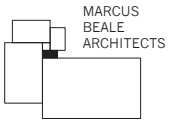
KEY

- - - SITE BOUNDARY
- RETAIL / COMMERCIAL
- LIVING SPACES
- BEDROOMS
- KITCHEN / DINERS
- BATHROOMS
- SUNKEN COURTYARD

UNIT	GROSS INTERNAL AREA
COMMERCIAL/RETAIL	278m <sup>2</sup> (180m <sup>2</sup> this level)
1 (3 BED)	170m <sup>2</sup> (87m <sup>2</sup> this level)
2 (3 BED)	123m <sup>2</sup> (73m <sup>2</sup> this level)



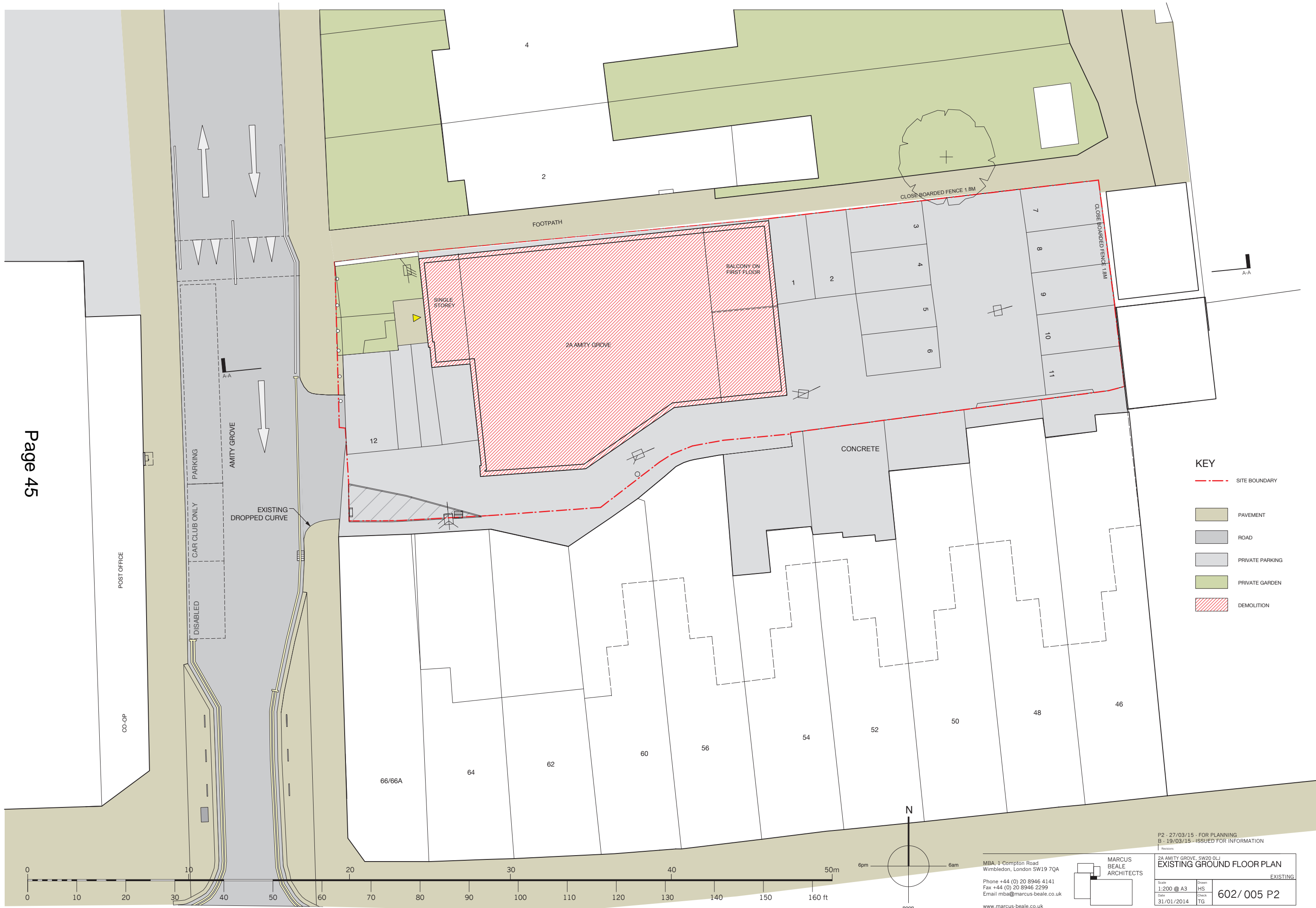
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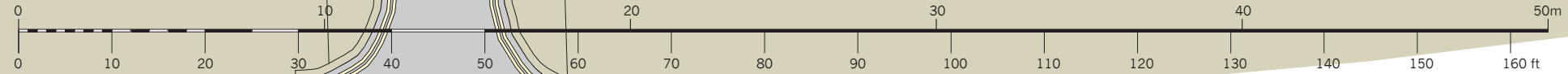
P1 - 27/3/15 - FOR PLANNING  
A - 19/02/15 - ISSUED FOR INFORMATION

2A AMITY GROVE, SW20 0LJ		PROPOSED	
<b>BASEMENT PLAN</b>		<b>602/010 B</b>	
Scale 1:200 @ A3	Drawn HS	Date 31/01/2014	Check TG

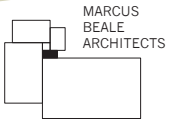




- KEY**
- - - SITE BOUNDARY
  - PAVEMENT
  - ROAD
  - PRIVATE PARKING
  - PRIVATE GARDEN
  - DEMOLITION



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P2 - 27/03/15 - FOR PLANNING	
B - 19/03/15 - ISSUED FOR INFORMATION	
<small>Revisions</small>	
<b>2A AMITY GROVE, SW20 0LJ</b>	
<b>EXISTING GROUND FLOOR PLAN</b>	
<small>EXISTING</small>	
Scale 1:200 @ A3	Drawn HS
Date 31/01/2014	Check TG
<b>602/005 P2</b>	



**KEY**

- - - SITE BOUNDARY
- RETAIL / COMMERCIAL
- CIRCULATION
- LIVING SPACES
- BEDROOMS
- KITCHEN / DINERS
- BATHROOMS
- T TERRACE
- PRIVATE SPACE
- PAVEMENT
- PERMEABLE BOUND GRAVEL
- ROAD

UNIT	GROSS INTERNAL AREA
COMMERCIAL/RETAIL	278m <sup>2</sup> (98m <sup>2</sup> this level)
1 (3 BED)	170m <sup>2</sup> (83m <sup>2</sup> this level)
2 (3 BED)	123m <sup>2</sup> (50m <sup>2</sup> this level)

P4 - 4/06/15 - Bin store and bike store swapped and three additional bike store lockers. Entrance widened and access gate amended. Bin store door added  
 P3 - 21/05/15 - FOR PLANNING  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

MBA, 1 Compton Road  
 Wimbledon, London SW19 7QA  
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MARCUS  
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 ARCHITECTS

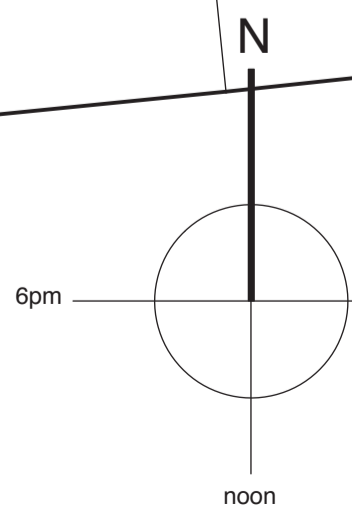
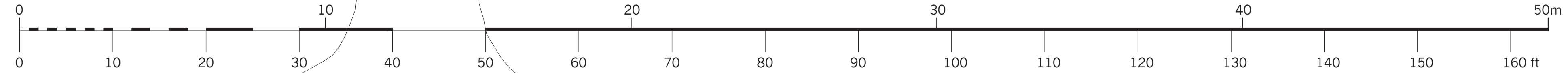
2A AMITY GROVE, SW20 0LJ	
<b>GROUND FLOOR PLAN</b>	
Scale: 1:200 @ A3	Drawn: Mx/B
Date: 31/01/2014	Check: HS
602/011 P4	
PROPOSED	



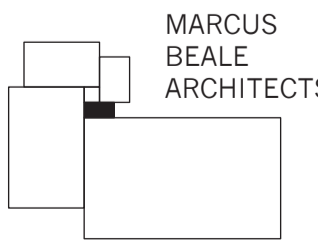


- KEY**
- SITE BOUNDARY
  - CIRCULATION
  - LIVING SPACES
  - BEDROOMS
  - KITCHEN / DINERS
  - BATHROOMS
  - T TERRACE
  - GREEN ROOF

FLAT	GROSS INTERNAL AREA
3 (2 BED)	110m <sup>2</sup>
4 (2 BED)	75m <sup>2</sup>



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P3 - 4/06/15 - Zinc cladding shown and binstore updated  
P2 - 27/03/15 - FOR PLANNING  
B - 19/02/15 - ISSUED FOR INFORMATION

Revisions

Scale	1:200 @ A3	Drawn	HS
Date	31/01/2014	Check	TG

2A AMITY GROVE, SW20 0LJ  
**FIRST FLOOR PLAN**  
PROPOSED  
**602/012 P3**

AMITY GROVE

POST OFFICE

CO-OP

66/66A

64

62

60

56

54

52

50

48

46

4

2

Window to habitable room at first floor

Rear of Existing Building

Secure Roof Light

Green Roof

FLAT 3

FLAT 4

T 5 sqm

18 sqm

18 sqm

T 6 sqm

15 sqm

12 sqm

13 sqm

12 sqm

27 sqm

T 12 sqm

13 sqm

Obscured Glazing

A-A

B-B

A-A



- KEY**
- SITE BOUNDARY
  - CIRCULATION
  - LIVING SPACES
  - BEDROOMS
  - KITCHEN / DINERS
  - BATHROOMS
  - T TERRACE

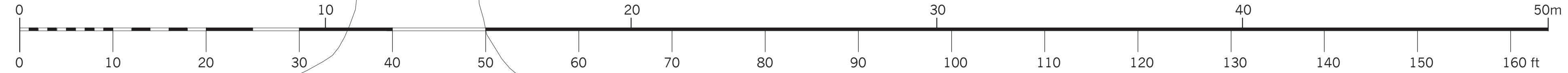
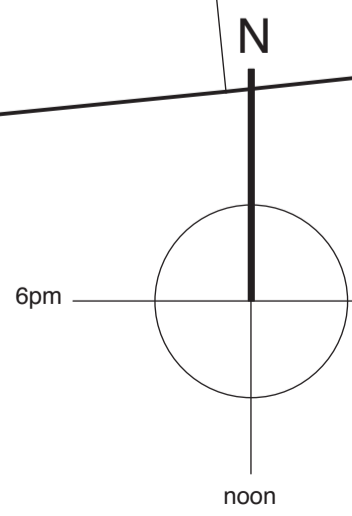
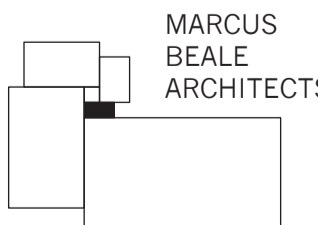
FLAT	GROSS INTERNAL AREA
5 (1 BED)	50m <sup>2</sup>
6 (1 BED)	55m <sup>2</sup>
7 (2 BED)	75m <sup>2</sup>

P3 - 4/07/15 - Zinc cladding shown and bin store updated  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

Revisions

2A AMITY GROVE, SW20 0LJ		<b>SECOND FLOOR PLAN</b>		PROPOSED
Scale	1:200 @ A3	Drawn	HS	<b>602/013 P3</b>
Date	31/01/2014	Check	TG	

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AMITY GROVE

POST OFFICE

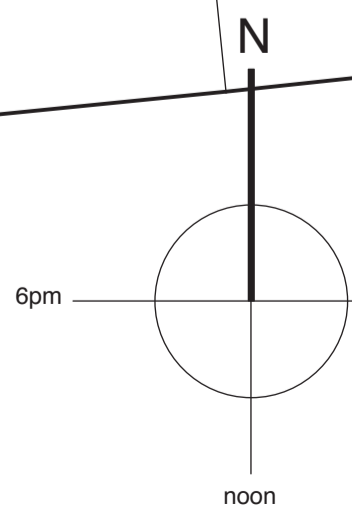
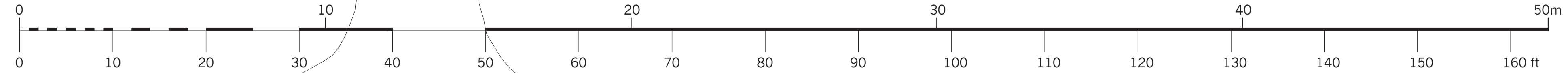
CO-OP



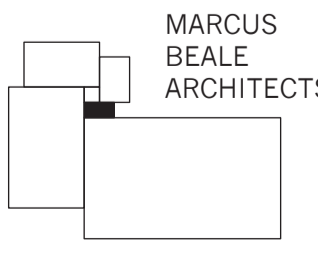


- KEY**
- SITE BOUNDARY
  - CIRCULATION
  - LIVING SPACES
  - BEDROOMS
  - KITCHEN / DINERS
  - BATHROOMS
  - T TERRACE

FLAT	GROSS INTERNAL AREA
8 (3 BED)	110m <sup>2</sup>
9 (2 BED)	75m <sup>2</sup>



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P3 - 4/06/15 - Bin store updated  
P2 - 27/03/15 - FOR PLANNING  
B - 19/02/15 - ISSUED FOR INFORMATION

2A AMITY GROVE, SW20 0LJ		PROPOSED	
<b>THIRD FLOOR PLAN</b>			
Scale 1:200 @ A3	Drawn HS	<b>602/014 P3</b>	
Date 31/01/2014	Check TG		



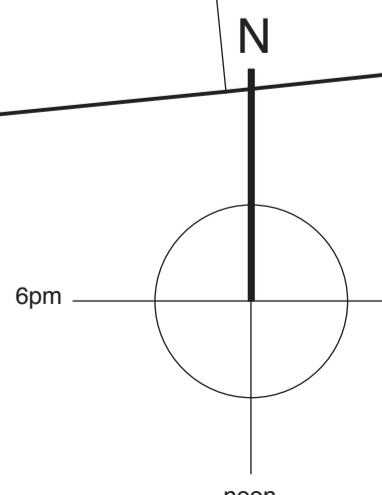
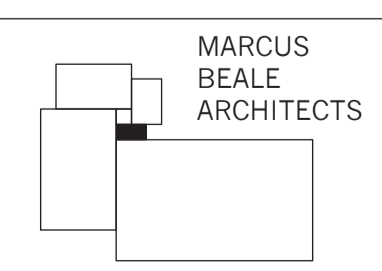
KEY

- SITE BOUNDARY
- CIRCULATION
- PLANT SPACE
- ROOFS
- GREEN ROOF
- PHOTOVOLTAIC PANELS

P4 - 4/06/15 - Bin store updated  
 P3 - 21/05/15 - FOR PLANNING  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

2A AMITY GROVE, SW20 0LJ		PROPOSED	
<b>PLANT LEVEL / ROOF PLAN</b>		<b>602/015 P4</b>	
Scale	1:200 @ A3	Drawn	HS
Date	31/01/2014	Check	TG

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A-A  
 AMITY GROVE

B-B  
 4

A-A

POST OFFICE

CO-OP

AMITY GROVE

66/66A

64

62

60

56

54

52

50

48

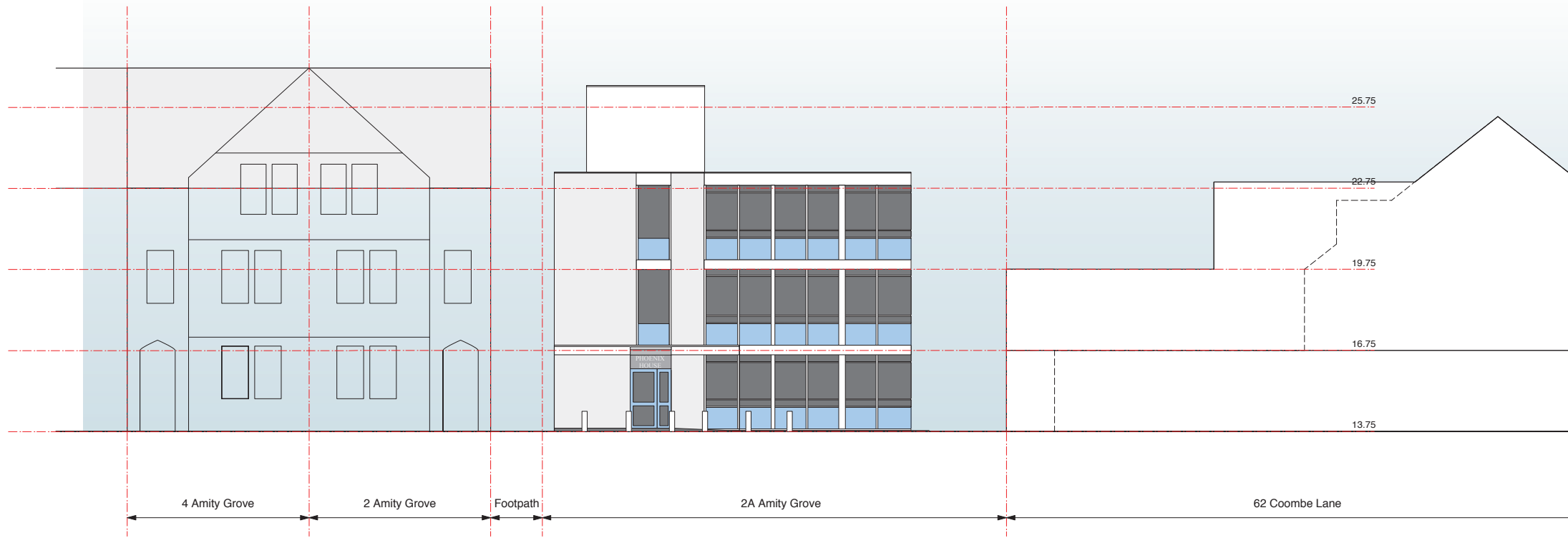
46

LIFT  
 RUN OFF

PLANT

rwp

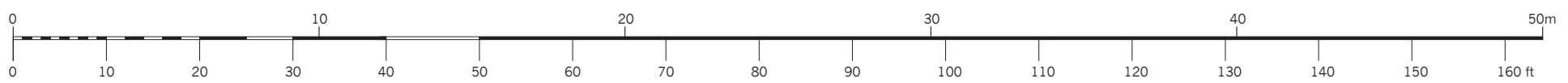
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01 FRONT (WEST) ELEVATION

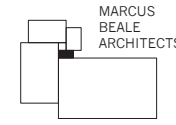


02 REAR (EAST) ELEVATION



P2 - 27/03/15 - FOR PLANNING  
 B - 20/03/15 - ISSUED FOR INFORMATION

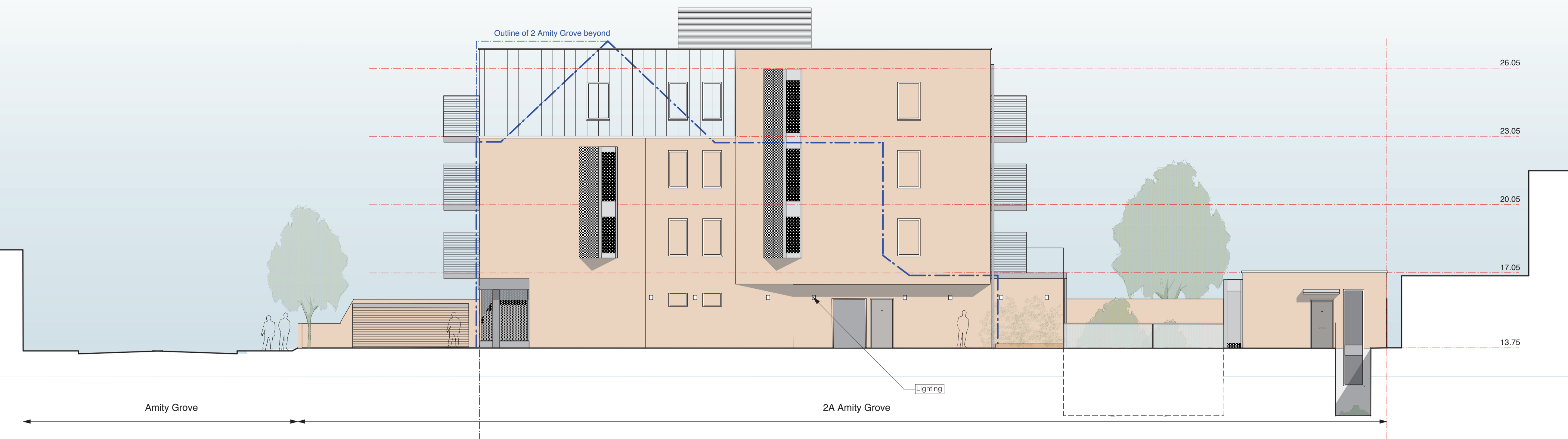
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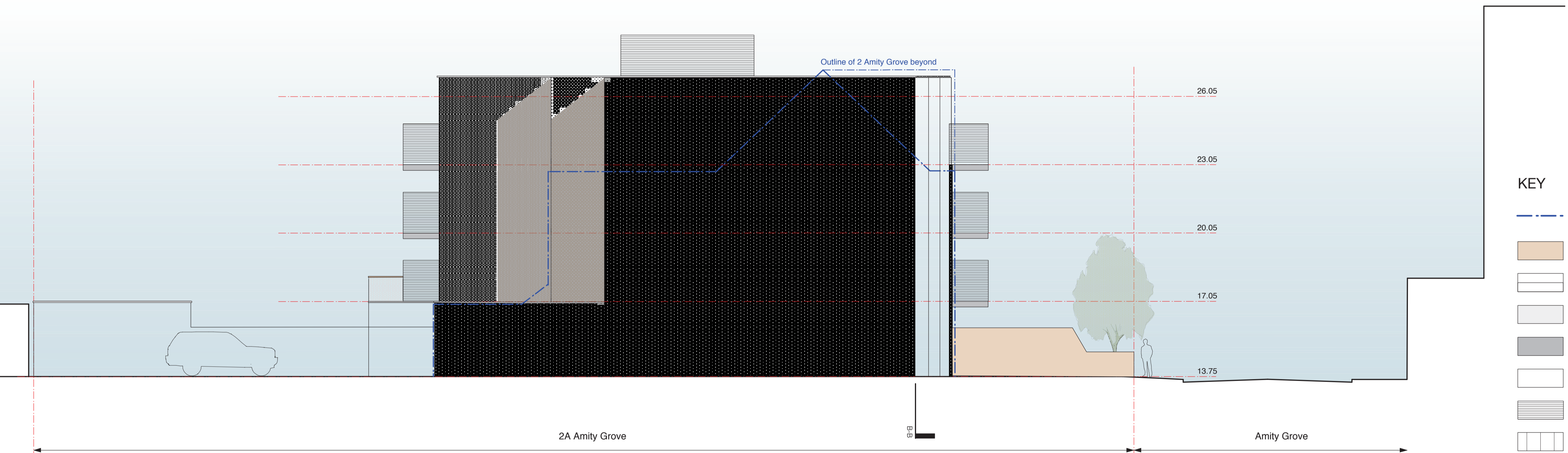
2A AMITY GROVE, SW20 0LJ		EXISTING	
EXISTING ELEVATIONS		EXISTING	
SHEET 2 OF 2		602/041 P2	
Scale	1:200 @ A3	Drawn	HS
Date	31/01/2014	Check	TG



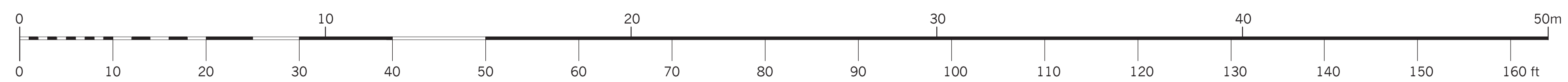
01 SOUTH ELEVATION



02 NORTH ELEVATION



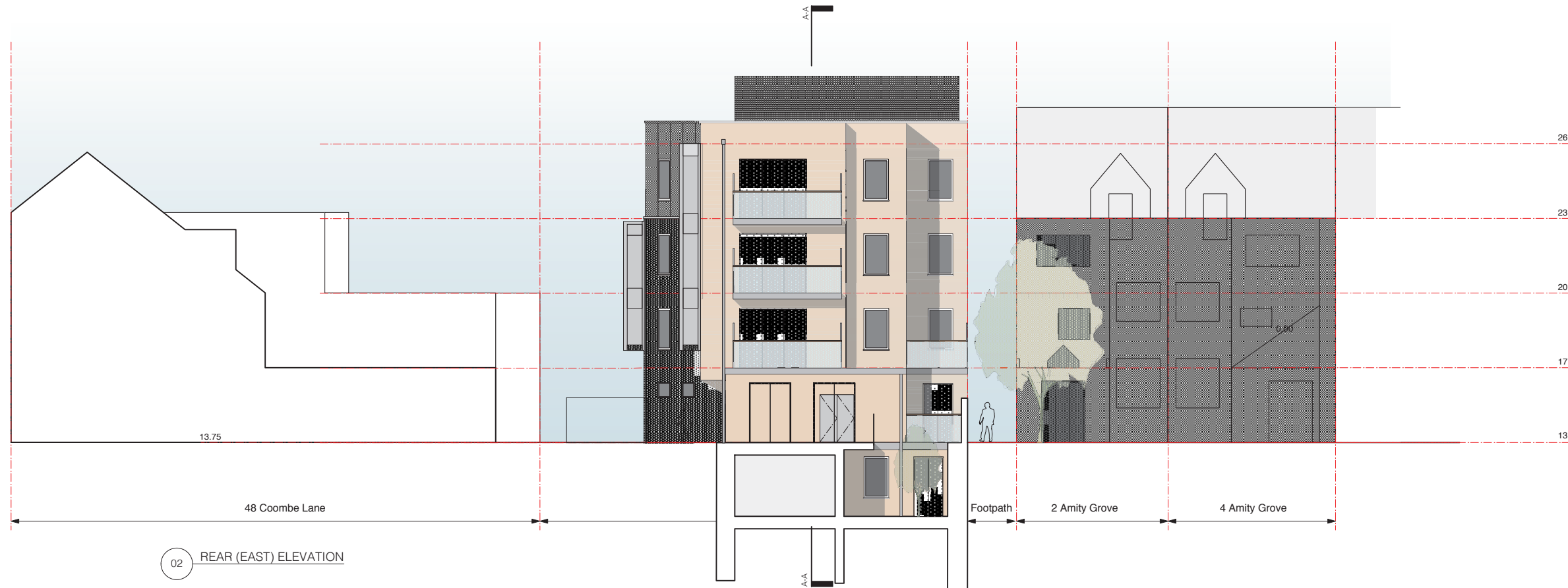
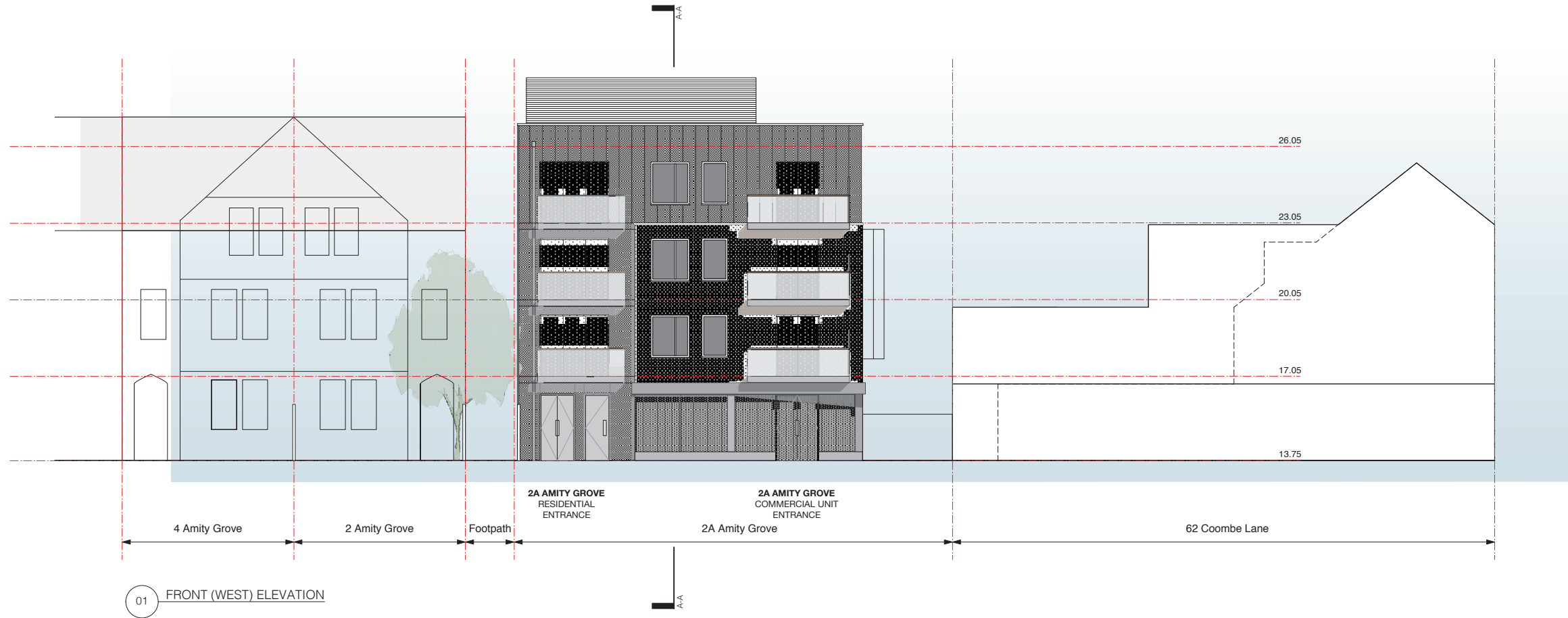
- KEY**
- - - OUTLINE OF NO. 2 AMITY GROVE BEYOND/BEHIND
  - BRICK
  - BRICK WALL
  - WHITE RENDER
  - GLAZING - WINDOWS AND DOORS
  - GLAZING - BALCONIES
  - METAL LOUVRES
  - ZINC CLADDING








P3 - 4/06/15 - Position of 2 Amity Grove amended on the South Elevation and its rear extension added to both elevations. Bin store doors shown on South Elevation  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

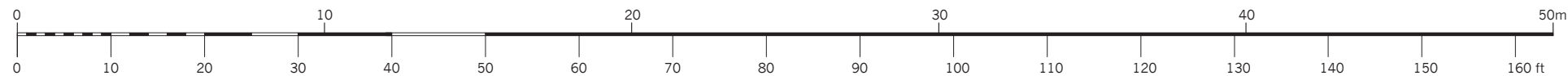
MBA, 1 Compton Road Wimbledon, London SW19 7QA			
Phone +44 (0) 20 8946 4141 Fax +44 (0) 20 8946 2299 Email mba@marcus-beale.co.uk www.marcus-beale.co.uk			
2A AMITY GROVE, SW20 0LJ		ELEVATIONS - SHEET 1 OF 3	
Scale	1:200 @ A3	Drawn	HS
Date	15/01/2013	Check	TG
		PROPOSED	
		602/050 P3	



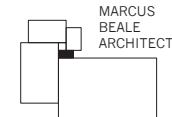


KEY

-  BRICK
-  GLAZING - WINDOWS AND DOORS
-  GLAZING - BALCONIES
-  METAL LOUVRES
-  ZINC CLADDING

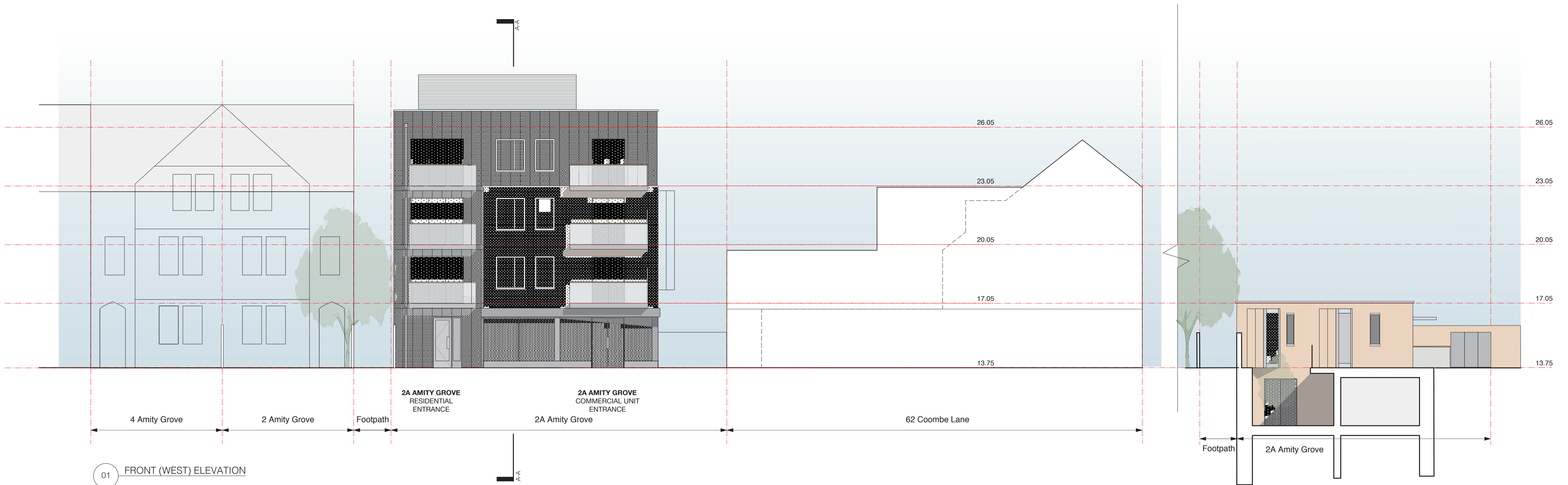


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Wimbledon, London SW19 7QA  
Phone +44 (0) 20 8946 4141  
Fax +44 (0) 20 8946 2299  
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P2 - 27/03/15 - FOR PLANNING  
B - 19/02/15 - ISSUED FOR INFORMATION

2A AMITY GROVE, SW20 0LJ		ELEVATIONS - SHEET 2 OF 3		PROPOSED
Scale	1:200 @ A3	Drawn	HS	602/051 P2
Date	15/01/2013	Check	TG	



01 FRONT (WEST) ELEVATION

03 FRONT (WEST) ELEVATION OF REAR FLAT

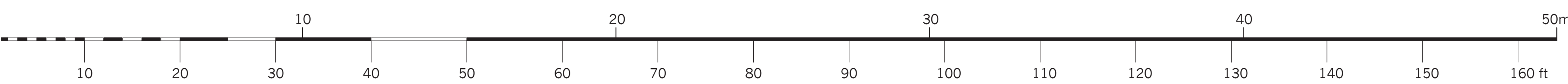


02 REAR (EAST) ELEVATION

**KEY**

	BRICK
	GLAZING - WINDOWS AND DOORS
	GLAZING - BALCONIES
	METAL LOUVRES
	ZINC CLADDING

P4 - 8/06/15 - Zinc anotation shown above residential entrance, rear balustrade removed, bin store and bike lockers swapped  
 P3 - 21/05/15 - FOR PLANNING  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

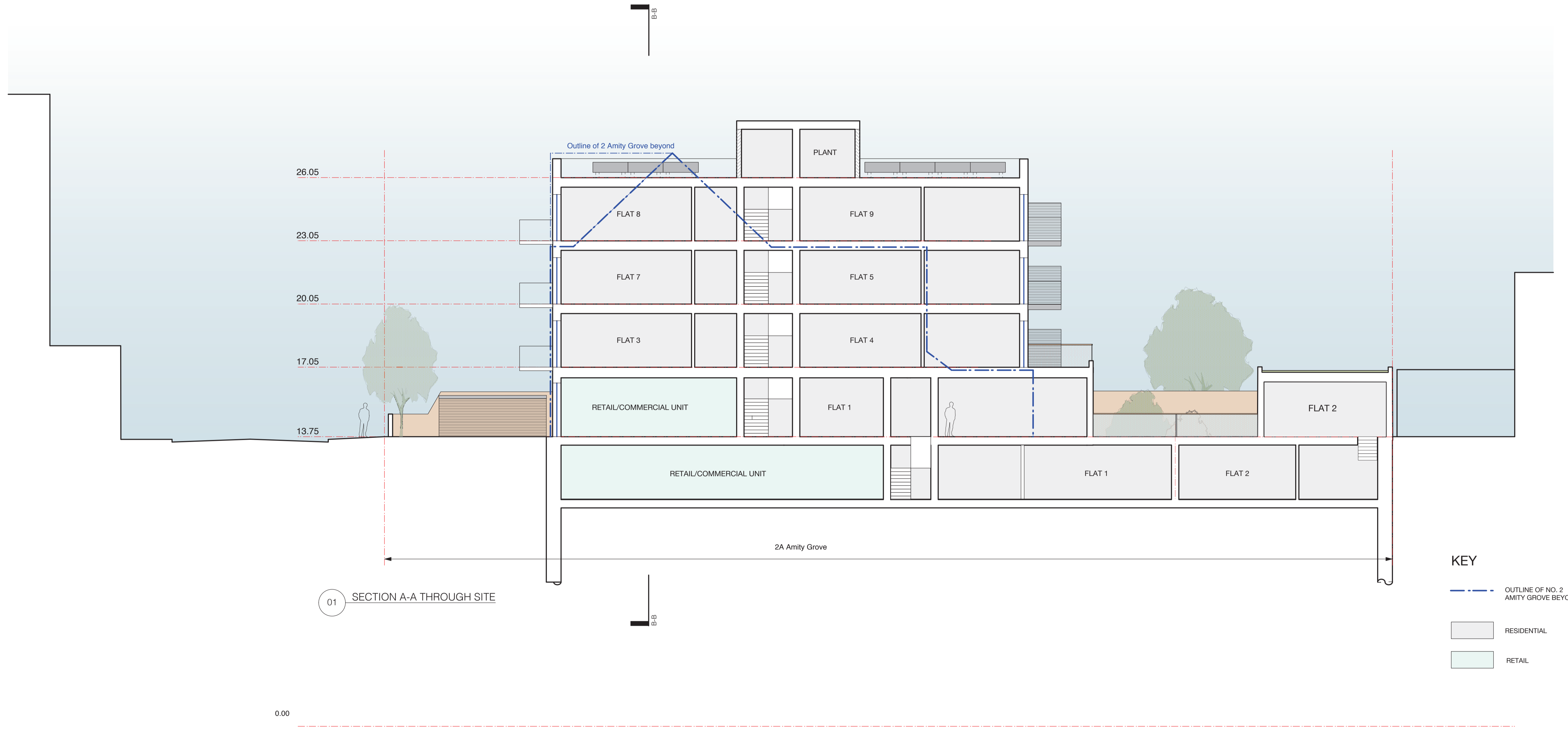


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 Wimbledon, London SW19 7QA  
 Phone +44 (0) 20 8946 4141  
 Fax +44 (0) 20 8946 2299  
 Email mba@marcus-beale.co.uk  
 www.marcus-beale.co.uk

**MARCUS BEALE ARCHITECTS**

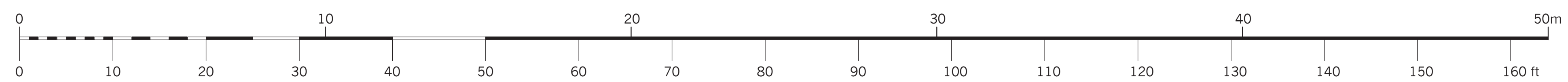
2A AMITY GROVE, SW20 0LJ  
**ELEVATIONS - SHEET 2 OF 3**  
 PROPOSED

Scale 1:200 @ A3	Drawn HS	602/051 P4
Date 15/01/2013	Check TG	



**KEY**

- - - OUTLINE OF NO. 2 AMITY GROVE BEYOND
- RESIDENTIAL
- RETAIL



MBA, 1 Compton Road Wimbledon, London SW19 7QA Phone +44 (0) 20 8946 4141 Fax +44 (0) 20 8946 2299 Email mba@marcus-beale.co.uk www.marcus-beale.co.uk		MARCUS BEALE ARCHITECTS	2A AMITY GROVE, SW20 0LJ <b>SECTIONS AA</b> Scale: 1:200 @ A3 Date: 31/01/2014 Drawn: HS Check: TG	PROPOSED 602/030 P3
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P3 - 4/06/15 - Extension to 2 Amity Grove shown and bin store updated  
 P2 - 27/03/15 - FOR PLANNING  
 B - 19/02/15 - ISSUED FOR INFORMATION

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**PLANNING APPLICATIONS COMMITTEE**  
**18 June 2015**

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P0499	10/03/2015
<b>Address:</b>	<b>14 Burley Close Streatham SW16 4QQ</b>	
<b>Ward</b>	Longthornton	
<b>Proposal</b>	Change of use from a 6 bedroom House in Multiple Occupation (Use Class C4) to a 7 bedroom House in Multiple Occupation (Sui Generis) involving internal alterations.	
<b>Drawing No's</b>	Attachments 3 & 4 received 19/05/2015 & site location plan	
<b>Contact Officer</b>	Joyce Ffrench (020 8545 3045)	

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions.**

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**CHECKLIST INFORMATION.**

- S106: N/A.
  - Is an Environmental Statement required: No
  - Conservation Area – No
  - Archaeological Priority Zone – No
  - Area at Risk from Flooding – No
  - Trees – No protected trees
  - Controlled Parking Zone – No
  - Design Review Panel consulted – No
  - Site notice – Yes
  - Press notice – No
  - Number of neighbours consulted – 29
  - External consultations – None
  - PTAL: 2 (TFL Planning Information Database)
  - Density – N/A
  - Number of jobs created: N/A
- 

**1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration as a result of the public interest that has been expressed in the proposal and the planning site history.

**2. SITE AND SURROUNDINGS**

- 2.1 The application site provides a semi-detached property which has a two storey side/rear extension and an infill single storey rear extension. The property is located on a bend with both the front and side building elevations facing Burley Close.

- 2.2 The property was in use as a single family dwelling house until December 2013 when it was extended and converted for use as a House in Multiple Occupation and the garage converted to provide an additional 2 bedrooms with en-suite bathrooms. The conversion of a single family dwelling house (Use Class C3) into a House in Multiple Occupation for up to 6 people (Use Class C4) does not require the benefit of planning permission.
- 2.3 The property is not in an area at risk from flooding and is not located in a conservation area. The site has a Public Transport Accessibility Level of 2 (low to medium).

### **3 CURRENT PROPOSAL**

- 3.1 The current lawful use of the application property is as a House in Multiple Occupation for up to 6 people (Use Class C4). The current proposal seeks planning permission for an additional bedroom within the building which will involve a change of use from planning Use Class C4 to a Sui Generis use (outside any use class).
- 3.2 The proposal does not involve any changes to the external appearance of the application building. The proposal does not include any changes to the internal layout at first floor level with three bedrooms each with individual bathroom facilities.
- 3.3 At ground floor level the proposal involves the provision of four bedrooms. The use of the habitable space within the previously converted garage as the additional bedroom (bedroom 7) with an en suite bathroom. Bedroom 4 has en suite shower facilities in the room, with bedrooms 5 and 6 sharing a bathroom. The current proposals include works to convert the office space to provide additional communal space with an arch providing open plan access to the adjacent existing communal space. At ground floor level bedroom 4 has shower facilities in the room, bedrooms 5 and 6 share a bathroom.
- 3.4 The application site is provided with a dropped kerb located to the rear of the existing property providing access to 3 off street car parking spaces which will be retained as part of the current proposal. The retained garden has an area of 93 square metres with existing cycle, refuse and recycling storage provision.
- 3.5 The applicant has provided the following information in support of the application: *“The purpose is to offer high quality, affordable shared accommodation to working professional people such as key workers, graduates, local workers and those on secondment with their employment (NB – Not students). The building has recently been refurbished to a very high standard by a reputable local building firm. Design features: Fully compliant with fire regulations including multiple smoke alarms, fire doors and fire protected stairs. Structural improvements with full planning permission including extended open-plan shared kitchen. Other alterations include en-suite bathrooms, ventilation, doubling of facilities and white goods: (ovens/cookers/fridges/freezers), fully compliant fire protection, smoke alarms, fire doors; Accommodation now comprises 7 adapted bedrooms (six in use) and communal areas”.*

3.6 As part of the current planning application the applicant has also requested the removal of a planning condition attached to the earlier planning permission that included the conversion of a garage into habitable space. The condition stated that *“the converted garage and office...shall not be occupied at any time other than for purposes incidental to the enjoyment of 14 Burley Close as a single dwelling”*. The current planning application involves the use of the garage as an additional bedroom linked to a larger house in multiple occupation. In the event that the current planning application is approved, this approval will supersede the earlier decision and the attached planning condition. In this context and in the absence of a separate planning application to remove this condition, this report does not make a separate assessment of the removal of condition 5 outside the context of the current proposal.

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

4.1 Planning permission was refused in June 2014 (LBM reference 14/P0787) for the change of use of the application property to an 8 bedroom house in multiple occupation (HMO). Planning permission was refused by the Planning Applications Committee for the reasons provided below. A subsequent appeal against the Council’s decision was dismissed with the appeal decision letter attached to this report:

**“The proposals, by reason of the inadequate size of the communal living/dining kitchen space and its provision in the form of a single space, coupled with the likely occupancy levels of the HMO, would result in a cramped and unsatisfactory environment for future occupiers contrary to policy CS.14 b(vi) and d of the Merton LDF Core Planning Strategy (2011), policy DM.H5 of the draft Merton Sites and Policies Plan (2014) and Annex 1 of the London Plan’s Housing - Supplementary Planning Guidance (2012)”**.

4.2 Planning permission was granted in November 2013 (LBM reference 13/P2721) for the erection of a single storey rear extension and the conversion of the garage to a habitable room including alterations to elevations.

4.3 A lawful development certificate was refused in (LBM reference 13/P1589) for a proposed single storey rear extension. The lawful development certificate was refused for the following reasons

**“The single storey extension, by reason of the proposed extension extending beyond the original flank wall, would exceed the permitted development tolerances set out in Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008. Planning permission would therefore be required”**.

4.4 Planning permission was granted in November 2013 (LBM reference 88/P0334) for the erection of extension at first floor level and garage to side of

dwelling house. A planning condition sought the provision of the car parking space prior to occupation and for the retention of the space.

- 4.5 Other relevant planning permissions include permission for a single storey side extension MER369/78 and refusal of permission for a double garage MER932/69.

## 5. **CONSULTATION**

- 5.1 The submitted planning application was publicised by means of a site notice, and individual consultation letters sent to 58 local properties. As a result of this public consultation fifteen letters have been received objecting to the proposal on the following grounds:

- The altered space may be converted back to a bedroom at a later date as the en-suite facility is being retained;
- There are already parking, drainage and litter problems with the current 6 person HMO;
- Increased noise and disturbance, drainage problems, rat infestation and litter;
- High turnover of tenants is un-neighbourly;
- The proposal will result in further parking stress;
- Compromises security;
- The proposed additional space does not allow sufficient room and will result in cramped living conditions

- 5.2 **LB Merton Transport Planning** There is no objection to the development. The site benefits from 3 off-street car parking spaces and, given the nature of the use, it is not considered that it would lead to overspill parking issues.

- 5.3 **LB Merton Environmental Health** There is no objection to the planning application. The applicant is reminded that if planning permission is approved the House in Multiple Occupation will also require a separate license that is issued by the Environmental Health team.

## 6 **POLICY CONTEXT**

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

- 6.1 The National Planning Policy Framework [NPPF] was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The NPPF supports the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, and not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions



positively. Local planning authorities looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.

#### **The London Plan [March 2015].**

- 6.4 The relevant policies in the London Plan [July 2015] are 3.3 [Increasing housing supply]; 3.4 [Optimising housing potential]; 3.5 [Quality and design of housing developments]; 3.8 [Housing choice]; 3.9 [Mixed and balanced communities]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.12 [Road network capacity]; and 6.13 [Parking].

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

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

#### **Policies within the Merton LDF Core Planning Strategy (July 2011)**

- 6.6 The relevant policies within the Council's Adopted Core Strategy (July 2011) are; CS4 (Raynes Park); CS7 (Centres); CS.8 (Housing choice); CS.9 (Housing provision); CS11 (Infrastructure); 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)**

- 6.7 The relevant policies within the Sites and Policies Plan are as follows: DM.H2 (Housing mix); DM.P1 (Securing planning obligations); DM.T1 (Support for sustainable travel and active travel); DM.T2 (Transport impacts from development); and DM.T3 (Car parking and servicing standards); DM D2 (Design considerations in all developments); DM H5 (Student housing, other housing with shared facilities and bedsits)

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

- 6.8 The key supplementary planning guidance relevant to the proposals is Planning Obligations [2006].

### **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the principle of the development, the standard of residential accommodation, housing mix, the potential impact on neighbour amenity; traffic generation and car parking

#### **Principle of development.**

- 7.2 Policy CS. 8 states that the Council will seek the provision of a mix of housing types, sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units, provision for those unable to compete financially in the housing market sector and for those with special needs. Properly managed and regulated Houses in Multiple Occupation can offer good quality affordable

accommodation to people who cannot afford to buy their own homes and are not eligible for social housing.

7.2 Policy DM H5 of the Sites and Policies Plan (July 2014) aims to create socially mixed communities, catering for all sectors of the community by providing a choice of housing with respect to dwelling size and type in the borough. The policy states that Houses in Multiple Occupation Housing will be supported provided that the following criteria are met:

i)The proposal will not involve the loss of permanent housing;

7.3 The current lawful use of the existing application property is as a house in multiple occupation. The current application involves the use of one of the rooms within the existing house as an additional seventh bedroom. The proposal will not involve the loss of permanent housing.

ii) The proposal will not compromise the capacity to meet the supply of land for additional self-contained homes;

7.4 The current application involves the use of one of the rooms within the existing house as an additional seventh bedroom linked to the existing house in multiple occupation. The proposal will therefore not compromise any capacity to meet the supply of land for additional self-contained homes.

iii)The proposal meets an identified local need;

7.5 The Merton Strategic Housing Market Assessment was commissioned by the Council to guide the Council's future housing policies including the adopted Sites and Policies Plan.

7.6 The report of the Housing Market Assessment findings advises that *"Much of the growth of extra households in both the low and high estimates is expected to be single persons. For the low estimates there is projected to be a rise of 6,900 in the number of non-pensioner single person households and 1,900 single pensioners in the period 2006-2026. The high estimates show there are projected to be rises of 7,900 non-pensioner single person households and 2,600 single pensioners"*.

7.7 The assessment further advises that *"The implication of this situation for younger person single households is that they create demand for the private rented sector and this in turn drives its growth. Given that the income of many single people is below the threshold for market housing there would be a considerable demand for intermediate affordable housing"*.

7.8 The Housing Market Assessment found that much of the growth of extra households is expected to be single persons. This is considered to represent an identified local need for the accommodation that is proposed as part of the current planning application which aims to provide *"affordable shared accommodation to working professional people..."*.

iv)The proposal will not result in an overconcentration of similar uses detrimental to residential character and amenity;

- 7.9 The application site is in an area of predominantly family housing and the submitted proposal for the larger house in multiple occupation will increase the range of residential accommodation that is available locally. The proposal will not result in an overconcentration of similar uses and will not be detrimental to residential character. The impact on amenity is considered later with this assessed further later in this report.

v)The proposal complies with all relevant standards;

- 7.10 The proposal complies with all relevant standards with environmental health licencing requirements referred to later in this report.

vi)The proposal is fully integrated into the residential surroundings.

- 7.11 The current application does not involve any external alterations and internally involves the use of an existing room within the house as an additional bedroom. It is considered that the proposal is fully integrated into the residential surroundings.

- 7.12 The Mayor of London Supplementary Planning Guidance (2012) on housing advises at paragraph 3.1.16 *"There are 19,000 registered dwellings in houses in multiple occupation in London and an estimated 150,000 in total. Collectively, these are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market"*.

- 7.13 The Mayor of London Supplementary Planning Guidance (2012) on housing advises that *"outside London houses in multiple occupation are sometimes associated with concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, by contrast, the occupier profile tends to be more broadly based and Houses in Multiple Occupation play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern"*.

**Standard of accommodation**

- 7.7 Policies DM D2 and DM D3 of the Sites and Policies Plan [2014] state that all proposals for residential development should safeguard the residential amenities of future occupiers in terms of providing adequate internal space, a safe layout and access for all users; and provision of adequate amenity space to serve the needs of occupants. Policies CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] state that the Council will require proposals for new homes to be well designed and fall within appropriate space standards

**Internal layout and room sizes**

- 7.8 The supporting text in the Council's Adopted Core Strategy [paragraph 22.15] states that *"New housing in the borough must be of a high quality, providing functional internal and external spaces that are fit for purpose, inclusive and flexible to meet the needs of various household types including small*

*households, families and the ageing population. We will apply housing quality standards including minimum space standards to all new dwellings in the borough, including dwelling conversions and houses in multiple occupation (HMO's)"*

- 7.9 The accommodation within the existing house in multiple occupation is considered to be a good standard in terms of internal layout, daylight provision and room sizes. The proposed additional bedroom has a floor area of 9.6 square metres which exceeds the London Plan Housing Supplementary Planning Guidance standard for a single room of 8 square metres. The proposed accommodation is also provided with a large open plan kitchen, living and dining area that is in accordance with London Plan Housing Supplementary Planning Guidance.

#### External amenity space

- 7.10 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which accords with appropriate minimum standards and is compatible with the character of the surrounding area. The standard within the Sites and Policies Plan states that in accordance with the London Housing Design Guide, 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.
- 7.11 The Mayor of London Supplementary Planning Guidance relating to housing states that all residential development should provide adequate private amenity space to meet the needs of future occupiers.
- 7.12 The rear garden of the property (80 square metres) provides adequate external amenity space in excess of minimum standards (10 square metres) with the external space considered to be a good standard including in terms of its proportions, and sunlight provision.

#### Environmental Health Licencing

- 7.14 In the event that planning permission is approved the applicant will also need to obtain a separate licence from the Council's Environmental Health section under the provisions of the Housing Act. This licence includes assessing the standard of accommodation such as ensuring that there are a sufficient number of toilets, kitchens and bathrooms for the number of residents, and the size of the proposed rooms.
- 7.15 The Council's Environmental Health section under the Housing Act may use other conditions for regulating the management, use, occupation, condition or contents of the property, including in relation to anti-social behaviour. The Housing Act also places obligations on the owner of a house in multiple occupation with regards to the safety of electrical equipment; emergency lighting; fire detection and alarm systems.

#### Neighbour amenity.

- 7.17 Policies DM D2 and DM D3 of the Sites and Policies Plan 2014 state that all proposals for residential development should safeguard the residential

amenities of occupiers of nearby properties including in terms of maintaining adequate daylight and sunlight to adjoining buildings and gardens, the protection of privacy; protection from visual intrusion and ensuring that development does not result in harm to living conditions through noise or disturbance. Sites and Policies Plan Policy DM D2 states that proposals for development will be expected to protect new and existing development from noise, or pollution so that the living conditions of existing and future occupiers are not unduly diminished.

- 7.18 The existing property has been lawfully used as a House in Multiple Occupation for six people (Use Class C4) since December 2013. The current proposal requires planning permission as the proposed provision of an additional seventh bedroom will exceed the threshold of 6 persons which determines whether a proposal would fall within Planning Use Class C4.
- 7.19 Whilst the assessment of the current application has to consider the cumulative impact of 7 occupants within the application property, the consideration of the application and assessment of potential impact also needs to have regard to the existing lawful use of the building providing accommodation for six occupants.
- 7.20 The current application does not involve any new extension to the application building and there is no additional floor space provided as part of the current planning application. The existing house could also be occupied by a large family or by extended family of more than 7 people without the need for planning permission.
- 7.21 It is considered that the use of the existing residential building for 7 occupants would be unlikely to harm the amenity of adjacent residential occupiers including in terms noise, traffic, or general disturbance. A planning condition is recommended stating that the accommodation should not be occupied by more than 7 occupants.

**Traffic generation and car parking**

- 7.22 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current maximum parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety. Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use.
- 7.23 The accommodation is provided with 3 existing off street vehicle parking spaces to the rear of the property. This provision is considered to be adequate and in accordance with the maximum standards in the Core Strategy and in the London Plan. With the nature of the use, it is considered that the parking provision will not lead to issues on the adjacent road and this view is supported by Merton Transport Planning officers. Any increase in parking pressure that may arise from the higher level of occupancy can be safely accommodated on the existing road network.

### **Traffic and transport - Cycling**

- 7.16 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.
- 7.17 The proposed development shows existing cycle parking to the side of the site. A planning condition is recommended to ensure that cycle parking is provided in accordance with recently updated standards and retained for the benefit of future residents and users.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The area of the application site is below the 1 hectare threshold and as a result the site falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. In this context there is no requirement for a screening opinion or for an Environmental Impact Assessment as part of this development.

## **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 current proposal would not be liable for the Mayoral Community Infrastructure Levy.

### **London Borough of Merton Community Infrastructure Levy**

- 9.2 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 current proposal would not be liable for the Mayoral Community Infrastructure Levy.

### **Planning Obligations**

- 9.3 It is considered that there are no planning obligations that would be applicable to this application.

## **10. CONCLUSION**

- 10.1 The proposed development will increase the mix of residential accommodation that is available in this area with accommodation of a good standard that is considered acceptable in terms of the impact on residential amenity includes on street car parking available locally.
- 10.2 The current proposal will provide an additional bedroom within a house in multiple occupation that will offer good quality affordable accommodation. Across London similar accommodation is recognised as a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. Accordingly, it is recommended

that planning permission be granted subject to the planning conditions set out below.

### **RECOMMENDATION**

#### **GRANT PLANNING PERMISSION subject to 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: Attachments 3 & 4 received 19/05/2015 & site location plan Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Non-standard condition (Internal alterations) The internal alterations, consisting of the removal of the existing wall between the kitchen area, and the proposed communal area shall be completed before the occupation of the additional room hereby approved. Reason for the Condition. To ensure that the proposal provides a suitable standard of residential accommodation and to safeguard neighbour amenity and to ensure compliance with Sites and Policies policy DM D2.
4. Non-standard condition (Number of occupants) The house in multiple occupation hereby approved shall only be occupied by up to 7 people. Reason for the Condition. To ensure that the proposal provides a suitable standard of residential accommodation and to safeguard neighbour amenity and to ensure compliance with Sites and Policies policy DM D2.
5. Non-standard condition (Off street car parking) Prior to first occupation of the proposed new bedroom the off street car parking shall be in place that, with the car parking retained for the benefit of occupiers of the whole building permanently thereafter. 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 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
6. Non-standard condition (Cycle storage and parking) Prior to first occupation of the proposed new bedroom cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking 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).
7. 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).

8. 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, the occupiers of neighbouring properties and wildlife using the green corridor at the rear of the site and to ensure compliance with Sites and policy DM D2 and policies CS13 and CS14 of the Adopted Merton Core Planning Strategy 2011.

**INFORMATIVE:**

- a) 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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14 Burley Close

Scale 1/1250

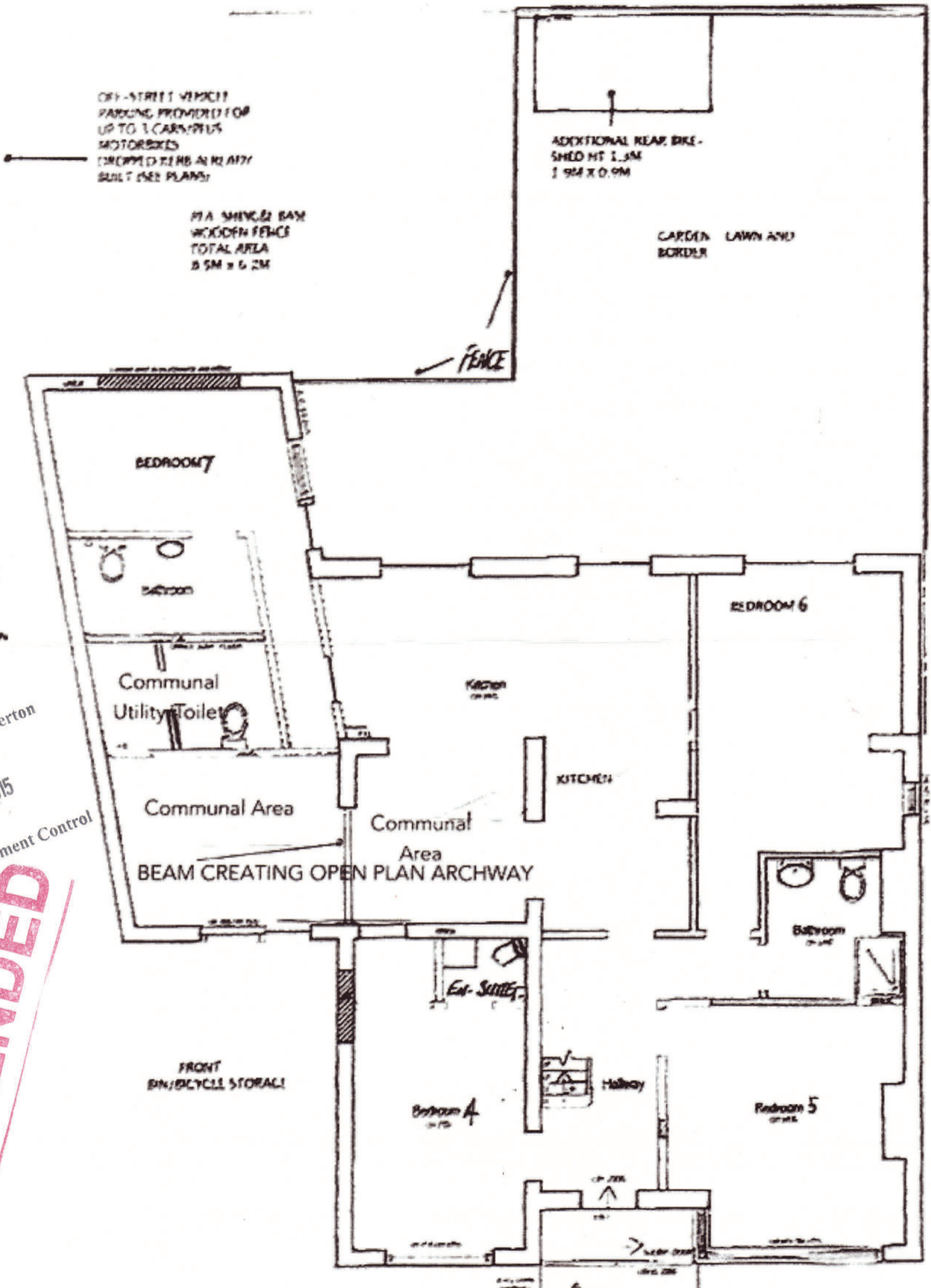
Date 2/6/2015

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

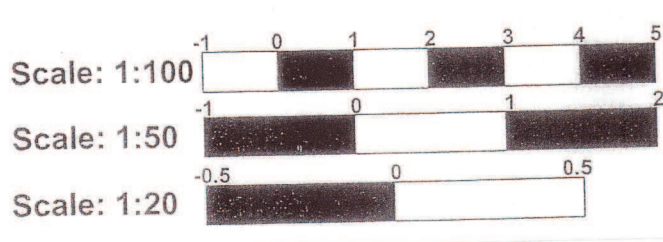


DEVELOPMENT CONTROL



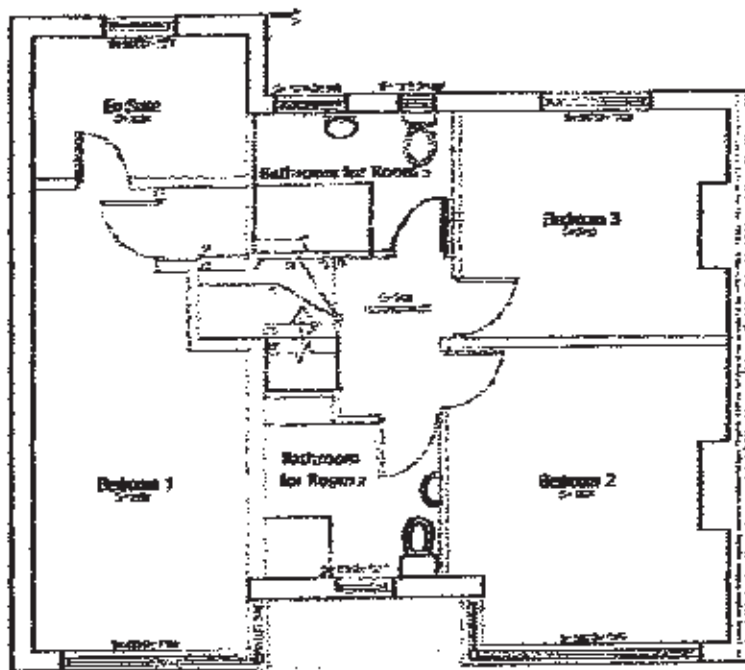


**AMENDED**



**AMENDED**

Metric Scale:



EXISTING FIRST FLOOR PLAN =  
PROPOSED FIRST FLOOR PLAN (NO CHANGE)



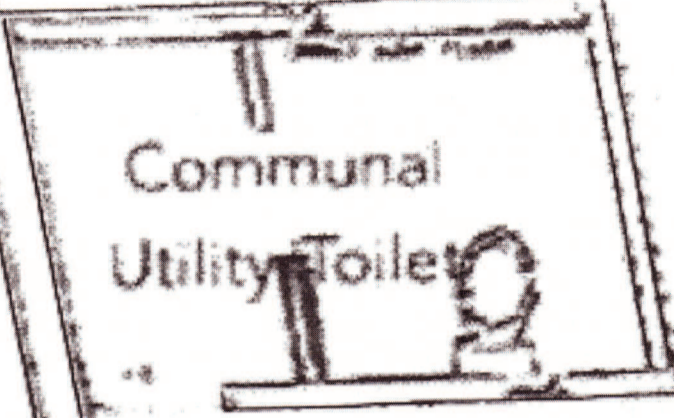
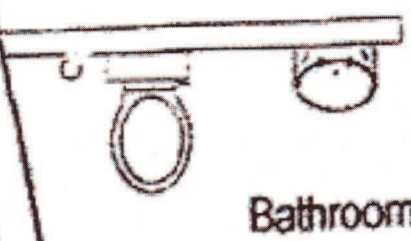
**RECEIVED**  
24 FEB 2015



REVISED

ATTACHMENT 4

19/MAY/2015 P104.99 SCALE 1:50

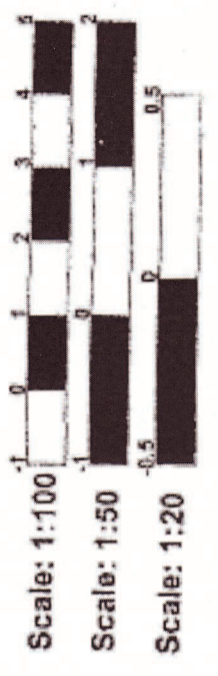


Kitchen CH 2415

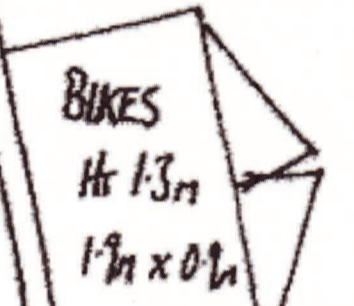
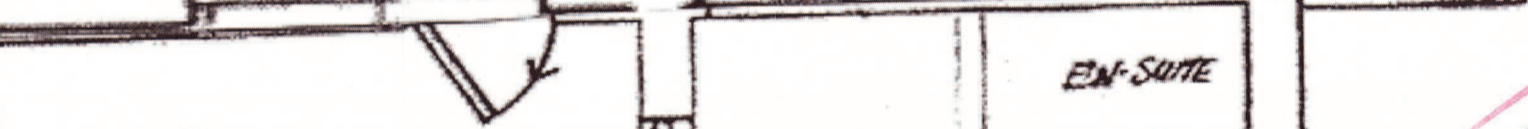
Communal Area

Communal Area

BEAM CREATING OPEN PLAN ARCHWAY



Existing pier to be exposed and size confirmed on site prior to work commencing



PATIO

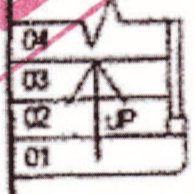
2x WIDE OPENING SHEDS - WOOD



**AMENDED**

EN-SUITE

Bedroom 4 CH 2337



London Borough of Merton

19 MAY 2015

Planning Development Control

London Borough of Merton

10 MAR 2015

Planning Development Control

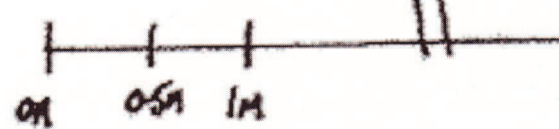
GATE

OH 2006

-150

80 SQ. DOWN FROM PATIO

80 TO PATIO



Scale: 1:100

Scale: 1:50

Scale: 1:20

FRONT - PROPOSED BIN/BICYCLE STORAGE



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## Appeal Decision

Site visit made on 17 October 2014

**by Jennifer Tempest BA(Hons) MA PGDip PGCert Cert HE MRTPI IHBC**

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

**Decision date: 17 November 2014**

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**Appeal Ref: APP/T5720/A/14/2222860**

**14 Burley Close, London SW16 4QQ**

- 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 Anton Wisely against the decision of the Council of the London Borough of Merton.
  - The application Ref 14/P0787, dated 17 March 2014, was refused by notice dated 20 June 2014.
  - The development proposed is described as "the applicant proposes to change the use of the property from a 6 bed HMO (C4) to 8 bedrooms (sui generis)".
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Anton Wisely against the Council of the London Borough of Merton. This application is the subject of a separate Decision.

### Procedural Matter

3. The submissions made to the Council as part of the application for the change of use also referred to seeking removal of Condition No 5 imposed upon a permission granted on 7 November 2013 for the erection of a single storey rear extension and the conversion of the garage to a habitable room including alterations to elevations<sup>1</sup>. This condition stated that "the converted garage and office described on approved drawing 3 Rev A shall not be occupied at any time other than for purposes incidental to the enjoyment of 14 Burley Close as a single dwelling". The reason given for imposing the condition was to safeguard the amenity of neighbouring residents. Although the condition is referred to in the grounds of appeal, the planning appeal form does not refer to this being an appeal to remove a condition, nor is there any confirmation that the Council formally dealt with an application to remove the condition. Accordingly, my decision does not include a decision in relation to Condition 5 on planning permission reference 13/P2721.

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<sup>1</sup> Merton Borough Council reference 13/P2721

## Main Issue

4. This is whether the proposal would provide satisfactory living conditions for occupiers of the appeal property with particular reference to the layout and size of the shared living area.

## Reasons

5. The appeal property is one half of a pair of semi detached properties. Burley Close is a cul de sac and the appeal site occupies a corner plot part way along the close.
6. The property was converted to a 6 bedroom HMO in September 2013 following the extension permitted in 2013 and referred to in the procedural paragraph above. The Council draws attention to the ability to change from a single dwelling (Class C3) to an HMO occupied by between three and six unrelated individuals (Class C4) as permitted development.
7. Core Planning Strategy<sup>2</sup> Policy CS14 addresses design and criterion 'b vi' of the policy promotes high quality sustainable design including buildings with adequate internal amenity. Policy DMH5 of the Merton Sites and Policies Plan 2014 was a draft at the time of the Council's decision. The Sites and Policies Plan was subsequently adopted on 9 July 2014 and I therefore accord this policy full weight. The policy addresses student housing and other housing with shared facilities. Amongst other criteria, the policy requires development to comply with all relevant standards for that use.
8. The standards set out in Annex 1 of the London Plan's Housing Supplementary Planning Guidance 2012<sup>3</sup> (SPG) indicate that in terms of best practice, a house for five people or more should be capable of having two living spaces, for example a living room and a kitchen/dining room. Both rooms should have external windows. If a kitchen is adjacent to the living room, the internal partition between the rooms should not be load bearing to allow for reconfiguration as an open plan arrangement. The floor area for a combined living/kitchen/dining space for a six person house should be a minimum of 31 m<sup>2</sup>.
9. The arrangements shown in the proposed plans and which I saw during my site visit comprise a combined kitchen, dining and living space. The 'as existing' plans show a separate lounge and separate office for the six person HMO and these two rooms are proposed as two additional bedrooms. The combined kitchen, dining and living room is shown in both the existing and proposed arrangements. At the time of my site visit, both of the rooms shown as proposed bedrooms were furnished as bedrooms.
10. The deficit in the floor area by which the combined kitchen/living and dining area fails to meet best practice standards is modest at around 1 m<sup>2</sup>. However, the standards are minimum standards applicable to a house designed for six people. Consequently, it would be reasonable to expect that an 8 person house should at least meet if not exceed these minimum standards in the SPG.
11. Notwithstanding any shortfall in the size of the shared space, the proposal would provide one, combined, living space. The appellant's statement

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<sup>2</sup> London Borough of Merton LDF Core Planning Strategy Adopted July 2011

<sup>3</sup> Housing, Supplementary Planning Guidance November 2012, London Plan 2011, Implementation Framework

comments that the property benefits from both a living room and a kitchen dining room. As the plans show, however, and as confirmed at my site visit these areas are within a single, combined space albeit with a breakfast bar and cookers providing a degree of functional separation. The proposed utilisation of the property as an eight bed HMO as shown on the submitted plans would not result in the property being capable of providing two living spaces as, apart from the combined kitchen/living/dining area, all other rooms would be used as bedrooms and bathrooms.

12. Annex A of the Housing SPG does not address HMOs specifically. However, the Council's Core Strategy Policy CS14d states that all residential development should comply with the most appropriate minimum space standards. As I have no evidence to suggest that the Council has its own housing space standards adopted for planning purposes, I consider that those in the Housing SPG associated with the London Plan are the most appropriate.
13. The appellant refers to the Council's amenity standards for kitchens within HMOs providing a floor space more than the required 3 m<sup>2</sup> per bedroom. The appellant also advises that room sizes and the overall floor space of the property, including external amenity space exceed the Council's HMO standards. However, I have not been provided with a copy of these space standards, nor is evidence provided that any such standards are adopted for planning purposes.
14. I have taken into account that, other than the shared living space, various aspects of the property may meet or exceed other standards and guidelines, either set out in the SPG or considered as part of the Council's work in licensing HMOs. I saw no evidence during my site visit to lead me to disagree with the appellant's statement that conversion, refurbishment and fitting out had been carried out to a high standard, including the provision of shower and wc facilities. The number of domestic appliances is clearly designed to facilitate a house occupied by the proposed number of people living independently.
15. However I consider that eight independent residents, together with their possible guests, would find the one communal living space proposed to be insufficient space for relaxation and leisure. Therefore, it is likely to result in residents and potentially their guests, having to rely on the use of bedrooms for relaxation and leisure time activities such as watching TV and listening to music.
16. Although individual bedroom sizes may exceed minimum space standards, I have not been presented with evidence to demonstrate that bedrooms are of sufficient size to function as combined bedrooms and living spaces. Compliance with best practice standards would thus be appropriate. Consequently, I consider that the single shared living space proposed would not be sufficient to provide eight permanent residents with adequate amenities within the dwelling. I am not persuaded by the evidence that the bedroom sizes, nor any minimum space standards which may be exceeded in terms of outdoor amenity space or a high level of provision of shower and wc facilities, would compensate for the inadequacy in the provision of shared living space.
17. Whilst a condition could be imposed regarding the number of residents within the property, this would not preclude residents having visitors, nor would it be reasonable to do so. I am advised that contractual arrangements are stated to limit the number of overnight guests, but this would not restrict visitors at

other times. Potentially the number of people within the property at any one time could significantly exceed eight.

18. I have noted that the appellant's aim is to provide high quality affordable shared accommodation to working professionals and that the additional bedrooms would increase the availability of this type of accommodation. In this respect I acknowledge that the proposal would comply with some elements of council policy. Widening housing choice, as indicated by Core Strategy Policy CS8, is also supported by the London Plan and the Housing SPG which in broad terms emphasises the important role which HMOs play in supporting labour market flexibility. However, the development plan policies still require all housing to be well designed. I do not consider that the benefits of providing two additional letting bedrooms within the existing HMO would be outweighed by the inadequacy in the overall living arrangements for residents resulting from the property having one shared living space.
19. I therefore find that the proposal would not provide adequate internal amenity and as such is contrary to criterion b vi of Core Planning Strategy Policy CS 14. The proposal fails to fully comply with the guidance set out in the Appendix A to the Housing SPG adopted in November 2012 and therefore conflicts with the requirement of Core Strategy Policy CS14 d that all residential development complies with the most appropriate minimum space standards.

*Other matters*

20. I have taken into account the concerns raised locally about various matters including those relating to traffic and parking. However, they have not led me to any different overall conclusion.

**Conclusion**

21. For the reasons stated above and having taken all matters raised into account, I conclude that the appeal should be dismissed.

*Jennifer Tempest*

INSPECTOR



# Agenda Item 7

**PLANNING APPLICATIONS COMMITTEE**  
**18<sup>th</sup> June 2015**

**Item No:**

**UPRN**

**APPLICATION NO**

**DATE VALID**

14/P0615

21<sup>st</sup> Feb 2014

**Address/Site** Upton Court, 2 The Downs, West Wimbledon, SW18 8JB

**(Ward)** Raynes Park

**Proposal:** Erection of additional storey on rooftop of Upton Court to create new 2 bed flat

**Drawing No.s** 054-02-001 P1 Location Plan, 03-001 existing floor plans, 03-002 existing roof plan, 03-100-P2 Proposed floor plans, 03-101 P2 Proposed roof plan, 04-100P2 Proposed section, 05-001 existing elevations, 05-002 existing elevations and sections, 05-100P2, 101P2 and 102 p2 proposed elevations, Design and Access Statement

**Contact Officer:** Sue Wright (020 8545 3981)

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## **RECOMMENDATION**

**GRANT Permission subject to completion of a S.106 Obligation and conditions**

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## **CHECKLIST INFORMATION**

- Is a screening opinion required - No
- Is an Environmental Statement required:- No
- Press Notice - Yes
- Site Notice - Yes
- Number of neighbours consulted – 119
- Controlled parking zone: Yes (W7)

## 1.0 **INTRODUCTION**

This report comes before Members because of the number of objections received.

## 2.0 **SITE AND SURROUNDINGS**

- 2.1 The application site is known as Upton Court and is a four storey flat roofed block of flats surmounted by a small lift motor room. It sits on the western side of the Downs between a 1930's four storey flat roofed block which is part of a development known as Wimbledon Close and a more recent part 3, part 4 storey pitched roof block of flats dating from the 1990's known as Marian Lodge. Opposite the application site is another 4-storey flat roofed flatted block forming a further element of the 1930's Wimbledon Close development. Within the general vicinity in this section of The Downs, development ranges between 3 and 4-storey in height, with a variety of roof forms.
- 2.2 To the rear of the existing Upton Court flats are six garages belonging to the block and a further sixteen garages which are outside their ownership.
- 2.3 The application site building is not Listed and is not in a Conservation Area.

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of an additional storey on the roof of Upton Court to create a new two bed 4 person flat.
- 3.2 The main block would have a new raised parapet, 0.95m higher than the existing but no higher than the parapet of the adjoining Wimbledon Close block. Inside the new parapet, the new floor would be recessed back by 2m on all sides from the main elevations, except for the front staircase, which projects 1m further forward. It would be flat roofed with a lightweight appearance, with elevations comprising windows and back faced glass cladding panels, with a flat roof. The new floor would be 3m greater in height than the existing main building and approximately 1m higher than the existing lift housing.
- 3.3 The proposal has been reduced in footprint to recess it further away from the parapet at officer's request and now has a floorspace of 79 square metres with an 8.7 square metres terrace (the originally submitted scheme had a floor area of 132 square metres and a south-west facing terrace of 12.6 square metres, and was only recessed by just over 1m from the parapet wall).

## 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 MER 893/67 (O) – Outline application for construction of a block of 12 flats – granted subject to conditions – 05/11/1968
- 4.2 MER 893/67 (D) – detailed plans for erection of 4 storey block of 12 flats and 6 garages

- 4.3 04/P0932 – Erection of an additional storey to the building to provide 2x 2-bedroom flats and alterations to the car parking area. The proposal was for an additional fifth floor with a curved roof, with recessed at front and rear with a balustrade, and new plant room on top – REFUSED 26/08/2004 on the grounds that (i) by virtue of its height, massing and appearance it would be visually obtrusive and harmful to the appearance of the street-scene and (ii) it would be prejudicial to the amenities of adjoining properties in terms of visual intrusion, loss of privacy and overshadowing and (iii) additional car parking spaces and loss of amenity space and consequent increase in vehicular activity close to the building would be harmful to the amenities of adjoining occupiers.
- 4.4 An appeal was lodged against the refusal (APP/T5270/A/04/1168778) and was subsequently dismissed. The Inspector noted that an additional storey might not  
*‘.. of itself, necessarily damage the street scene, given the varied roof heights and roof styles of nearby buildings. However, the chosen solution to utilise a radically different design combined with materials that would also contrast with the host building, is likely to make the building significantly more conspicuous than it is at present. This increased presence would be particularly noticeable in views from the north, where the new profile would be clearly visible behind Wimbledon Close. ‘*
- 4.5 The Inspector noted that during his site visit, he saw an example of a curved roof and of penthouse storeys on blocks in Lansdowne Road but that this did not alter his view that the proposal would have an unacceptable impact on the character and appearance of the existing block and of the street scene.
- 4.6 Although the Inspector did not consider that there were grounds for dismissal based on loss of privacy, overlooking, overshadowing or loss of outlook, he was concerned about disturbance to bedrooms below substantial outside terraces, particularly given their extreme proximity to the bedroom windows. He was also concerned about disturbance from one of the new car parking spaces in relation to a ground floor flat as well as reduction of an already small rear communal amenity space and concluded that the proposal would harm neighbours’ living conditions. In addition, he also considered that the new car spaces would be likely to impact on highway safety due to unsuitable manoeuvring arrangements.
- 4.7 A copy of the appeal decision and the refused plans for 04/P0932 are appended.

## 5.0 **CONSULTATION**

### Response to Originally submitted plans

- 5.1 Consultation letters were dispatched to neighbouring residents and 22 individual letters of objection were received as well as representations from Wimbledon Society, South Ridgway Residents Association and a joint letter from Upton Court owners and residents.
- 5.2 The main grounds of objection from individual residents are as follows:
- excessive height and massing out of keeping with surrounding buildings, visually intrusive, materials inappropriate
  - negative impact on setting of Conservation Area, would destroy existing harmonious roofscape
  - previous proposal to add a storey dismissed on appeal – current proposal fails to address Inspector’s grounds for refusal in relation to height and materials
  - there will inevitably be roof clutter affecting the clean lines shown
  - no additional refuse provision
  - undesirable precedent
  - will exacerbate existing parking pressure
  - overlooking, loss of privacy
  - noise from roof terrace, noise from electric pumps for bathrooms, use of staircase
  - overshadowing
  - not convinced that noise insulation will not be compromised by services etc
  - would not contribute to affordable housing provision
  - no provision made for maintenance access
- 5.3 South Ridgway Residents’ Association  
 Note that a previous application for an additional storey was refused and dismissed on appeal in 2005. Current proposal fails to address inspector’s reasons for dismissal in relation to height and use of glass and composite cladding, which they consider to be incongruous and bulky. Submitted images show least offensive angle- would tower over neighbouring blocks and impact on views of blocks that look towards it. New parapet would be nearly as high as lift overrun and there will be roof clutter on top. Will add to acute existing on-street parking problems. Use of turning space unacceptable and there is no cycle parking provision. Will add to refuse storage requirements, necessitating reduction of amenity space or parking. Stacking will lead to disturbance of flat below and does not address the appeal Inspector’s previous concerns. Terrace will disturb all top floor flats. Water pressure low and pumps will cause more disturbance. Unconvinced about how effective noise insulation would be. Use of stair to top flat will increase noise. Access needed to roof for maintenance but none proposed. Flat not ‘affordable’ and won’t contribute to affordable housing targets.
- 5.4 Wimbledon Society  
 Increase in height would create an unacceptable increase in size and mass, resulting in a structure that would dominate and be inconsistent with the scale and height of neighbouring developments and the use of

glass cladding panels would not relate to the existing materials. Would constitute overdevelopment and would be contrary to council policy.

- 5.5 Upton Court owners and residents – layout fails to meet previous Inspector’s previous grounds for dismissal relating to noise and disturbance to upper floor flats with living space located over bedrooms, pumps required because of low water pressure will cause noise disturbance and location of roof terrace in relation to top floor flats, no guarantee that insulation proposals will satisfactorily prevent noise if compromised by way in which installed, weight of roof will exacerbate existing problems with damp and cracking plaster, no disabled access to proposed flat- contrary to London plan and will cause disturbance from foot traffic, no maintenance access, unacceptable visual impact, inadequate parking, no cycle parking or refuse facility(existing refuse facility is at capacity, not affordable housing, no consultation with residents before making application.

5.5 **Amended Plans**

- 5.6 A further re-consultation has taken place following a reduction in the footprint of the proposed flat, recessing it further away from the parapet and reducing the footprint from 132 to 79 sq m and the size of the terrace from 12.6 to 8.7 sq m.

5.7 **Response to Revised Plans**

15 individual objections were received to the revised plans reiterating the previous objections set out at 5.2 above. A further joint letter on behalf of owners and occupiers of Upton Court also reiterates previous objections in relation to visual impact, lack of lift access, failure to overcome previous Inspector’s grounds for refusal in terms of appearance and impact on amenity of occupiers of the existing top floor, lack of adequate amenity space, car or cycle parking provision. South Ridgway residents association confirm that that their previous objections still stand and make specific reference to the impact of a new overrun if the lift were to be extended in the future to serve the new fifth storey.

5.8 **Transport Planning**

There are no transport objections to this application from a transport planning perspective. It is considered that this proposal will have a negligible impact on traffic levels in the area. The new flat should be permit free.

6.0 **POLICY CONTEXT**

6.1 **Planning Policy Statement**

The relevant national planning policy statement is the National Planning Policy Framework (March 2012). (NPPF)

The NPPF is a material consideration in planning decisions. It sets out a presumption in favour of sustainable development.

- 6.2 London Plan 2015  
Relevant policies comprise:  
Policy 3.3 - Increasing Housing Supply, 3.5 Quality and Design of New Housing Development, 3.8 Housing choice, 5.3 Sustainable design and construction, 6.9 Cycling, 6.13 Parking, 7.4 Local Character
- 6.3 London Borough of Merton Adopted Core Strategy (July 2011)  
The Core Strategy was adopted on July 12<sup>th</sup> 2011. The relevant planning policies are:  
CS8: Housing Choice, CS9: Housing Provision, CS14: Design, CS15: Climate Change, CS18: Active Transport and CS20: Parking, Service and Delivery.
- 6.4 London Borough of Merton Adopted Sites and Policies Plan (July 2014)  
DM D2 Design Considerations in all developments, DM D3 Alterations and extensions to existing buildings, DMT1 Support for sustainable transport and active travel, DM T3 car parking and servicing standards

## 7.0 **PLANNING CONSIDERATIONS**

- 7.1 The proposal is for an additional residential unit within an established residential area. There is considered to be no in principle objection subject to its acceptability in relation to all other material planning considerations. The key planning considerations in relation to this application are considered to be the impact of the proposal on the character and appearance of the existing block and the streetscene, the proposed standard of accommodation, the impact on the amenity of neighbours and transport issues.
- 7.2 Design and Appearance/Impact on the Street Scene
- 7.3 As noted in the planning history, an earlier proposed addition of a fifth storey to the existing four storey block containing 2x 2-bedroom flats was refused and dismissed on appeal (appeal decision appended). The unacceptable visual impact was a key ground for the dismissal. It is therefore important to consider the extent to which the current scheme has overcome the shortcomings of the previous proposal.
- 7.4 The previous development was much larger in scale and proposed two flats with a footprint extending across the whole width of the existing building, with walls surmounted by a metal barrel vaulted roof, with rendered walls and large windows. The proposed front and rear roof terraces extended to the edge of the main roof at front and rear. The Appeal Inspector concurred with the Council's ground for refusal based on unacceptable visual impact, stating that the utilisation of

*'a radically different design combined with materials that would also contrast with the host building, is likely to make the building significantly more conspicuous than it is at present.....'*

and also that

*'The design concept, materials and style of fenestration would bear little relationship to the block below or to its neighbours. This, combined with the additional height, would bring an obtrusive and discordant element to a building whose main aesthetic virtue in the past has been a tendency to blend in with the other more attractive buildings in The Downs.'*

- 7.5 Importantly, the Inspector also stated that *'an additional storey may not, of itself, necessarily damage the streetscene, given the varied heights and roofstyles of nearby buildings'*. The current proposal is much more modest in scope than the appeal proposal, comprising only a single 2-bed residential unit. Instead of forming an additional floor topped with a roof, it is flat roofed, recessed away from all the building edges and is aptly concealed from ground level by a parapet raised 1m higher than the existing main roof. The parapet would be no higher than that of the adjoining building to the left, 'Wimbledon Close'.
- 7.6 In terms of materials, it is shown as comprising windows interspersed with back painted glass panels, which would have the appearance of glass, but through which light would not penetrate. This is in order to give it a lightweight appearance. In response to concerns expressed by residents' about the glass panels, the agent has advised that that they could alternatively use light coloured composite panels , which would echo the lighter horizontal bands on the existing building. The front elevation of the existing building is extensively glazed, and officers' view is that either approach would be acceptable.
- 7.7 Although it is acknowledged that surrounding buildings are generally 3 or 4-storeys in height, the previous appeal decision does not discount an additional storey if appropriately designed. The proposal is only for a single unit, is recessed away from the edge of the building on all sides, employs a flat roofed form and the materials to the front parapet will match the existing building, and the use of glass panels (or alternatively, light coloured composite panels) will reflect the building's current appearance. The modest addition is considered to be acceptable in relation to the street scene and impact on the roofscape along the Downs and therefore to be acceptable in relation to policies CS14, DM D1 and DM D2.
- 7.8 Impact on Residential Amenity  
The previous Inspector was concerned about the impact of the proposed roof terraces on existing residents on the top floor of the building. Residents have also expressed concerns about the current proposal in respect of potential for noise and disturbance. Any potential

for internal noise disturbance between floors is governed by Building Regulations. There is only a small terrace at the rear, set back from the building edge by 2m, unlike the appeal proposal, where the terraces went out to the building edge at both back and front, and were very much larger in their extent and related to 2 separate units. Given its location and size, it is not considered that noise nuisance would provide grounds for refusal.

7.9 Standard of Accommodation

The proposed flat would have a GIA of 79 sq m, which exceeds the London Plan requirements of 70 sq m for a 2bed 4 person flat. The terrace is 8.7sqm, which meets the Council's requirements for a minimum of 7sq m. It would benefit from extremely good levels of daylight and sunlight. Although it is not served by the lift, the 4 floors below are, therefore I do not consider that the lack of a wheelchair accessible lift to 1 unit within the block would be grounds for refusal.

7.10 Parking/Highways

No additional parking is proposed. The application is within a Controlled Parking Zone and although it has a low PTAL rating of 2, the site is close to local bus routes and within walking distance of Raynes Park station. It would be required to be permit free, secured through a s.106 agreement. A location has been identified at the side of the block where a secure cycle store for the benefit of all residents could be located and its provision would be secured by condition.

7.11 Refuse and Recycling

Residents have objected on the basis that existing refuse facilities are at capacity for the block. The existing building contains 12 flats. Current Council requirements for refuse require 0.20 cubic metres per unit for dry recyclables and general refuse respectively, and 0.12 cubic metres for compostable waste which would equate to 2.6 cubic metres each for dry recyclables and general waste and 1.56 cubic metres for compostable waste for 13 flats (existing 12 plus one). This could be accommodated within 4x 1100 litre bins and 6 x 240 litre bins –with a slight over provision – within the existing bin store, if the entrance is re-located and this can be required by condition.

7.12 S106 Obligations and CIL

Following changes to national planning policy guidance in November 2014 in relation to criteria for affordable housing contributions, the Council no longer requires a financial contribution towards affordable housing on sites of 1-9 additional units in relation to policy CS8 Housing Choice which have a floorspace of less than 1000 sq m. The proposed development would be liable to pay the Mayoral Community Infrastructure Levy (CIL), the funds from which the mayor will apply to the Crossrail project, and also Merton's CIL.

7.13 Sustainability



The Code for Sustainable Homes has been discontinued and Code 4 requirements are not being applied to new housing units in Merton in line with the ministerial statement issued earlier in 2015. However, the council will continue to enforce the mandatory requirements for ENE1 and WAT1 equivalent Code Level 4 as a minimum across the borough for the delivery of new residential units. Evidence to demonstrate compliance with the CO2 reduction and internal water usage rates must be submitted to the council prior to the occupation of the development.

## 8.0 CONCLUSION

The proposed additional unit at roof top level is modest in scale, recessed from the main roof edge and partly concealed behind a parapet the same height as the adjoining building. The materials and flat roof form would reflect the extensive glazing of the existing building and its existing flat roof. It is not considered that there are grounds for refusal based on impact on the surrounding streetscape, where there is a variety of roof forms and heights. Any considerations in relation to noise transference between the existing top floor and the new unit would be covered by Building Regulations. The external terrace is considered to be sufficiently small and set back from the edge of the building, which will also have a new raised parapet, to minimise any potential for noise nuisance from its use. The proposal is therefore recommended for approval.

## **RECOMMENDATION:**

### **GRANT PLANNING PERMISSION**

Subject to completion of a legal agreement requiring that

- 1) the development is designated 'permit free'
- 2) that the developer pays the Council's legal costs for the agreement and monitoring costs

And the following conditions:

1. A.1 (Commencement of Development)
2. B.1 (External Materials to be Approved)
3. C.8 (No Use of Flat Roof other than terrace)
4. C.10 (Hours of Construction)
5. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence

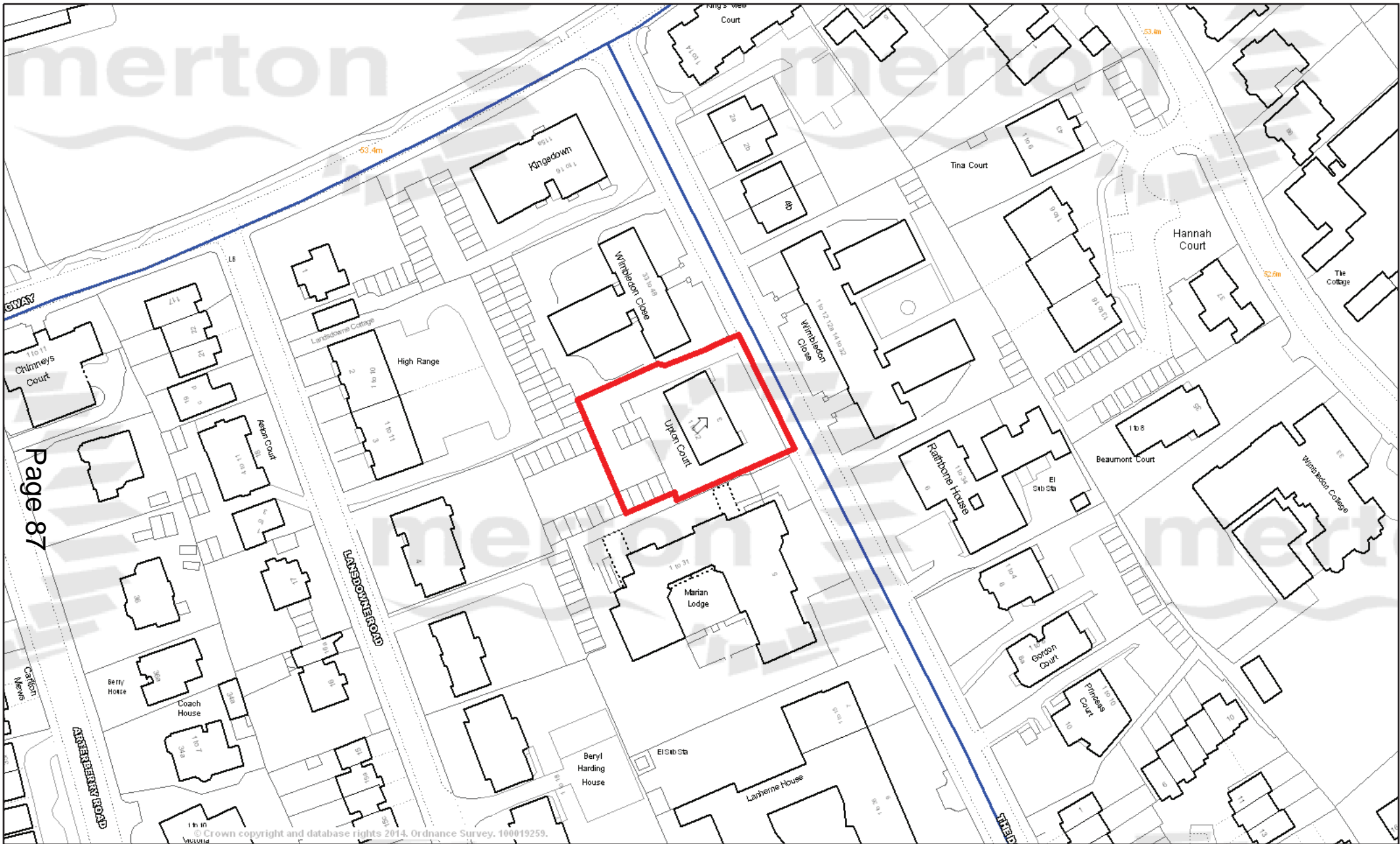
to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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

6. 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.

7. Details of cycle parking provision to be submitted and approved and provided prior to occupation
8. Details of amended refuse storage to be submitted and approved and provided prior to occupation



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Upton Court

3 The Downs

Scale 1/1250

Date 5/5/2015

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











P  
Permitted  
holders only  
Mon-Fri  
8.30 am - 6.30 pm

20



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MARIAN LODGE RIDGE

MARIAN LODGE EAVES

Glass cladding panel to appear like a window  
Window

Raised new parapet

WIMBLEDON CLOSE PARAPET

ROOF

03

02

01

00

Page 91

EAST (ENTRANCE) ELEVATION

1:50 scale 0m 1m 2m

Rev	Description	Date	Author
Revisions:			

Client:  
C A GRADY - BALBUS LTD

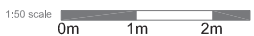
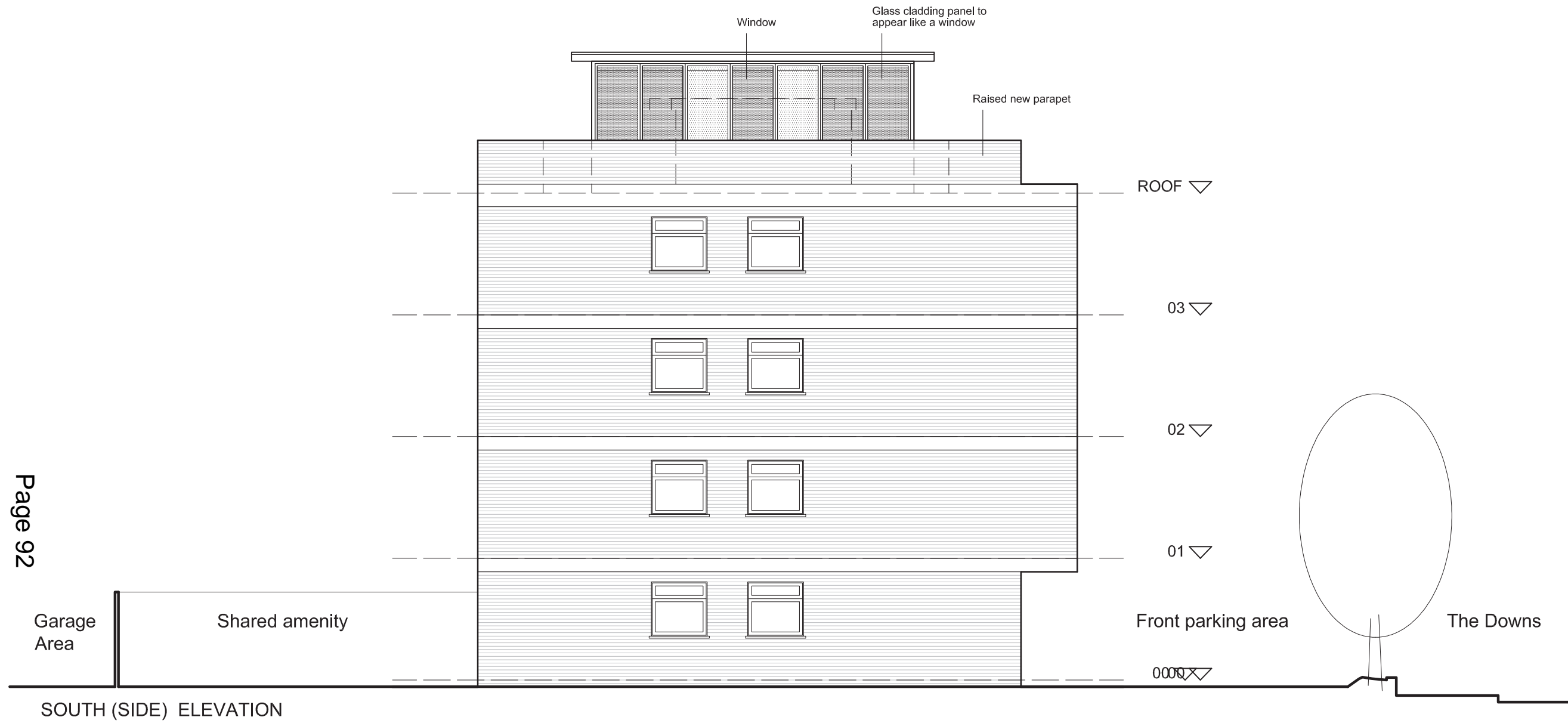
Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED ELEVATIONS

Status:  
FOR PLANNING

Scale:	Size:	Author:	Checked:
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Job No:	Dwg No:	Rev:	Date:
054	05-100	P2	MAY2013

**colony**  
architects



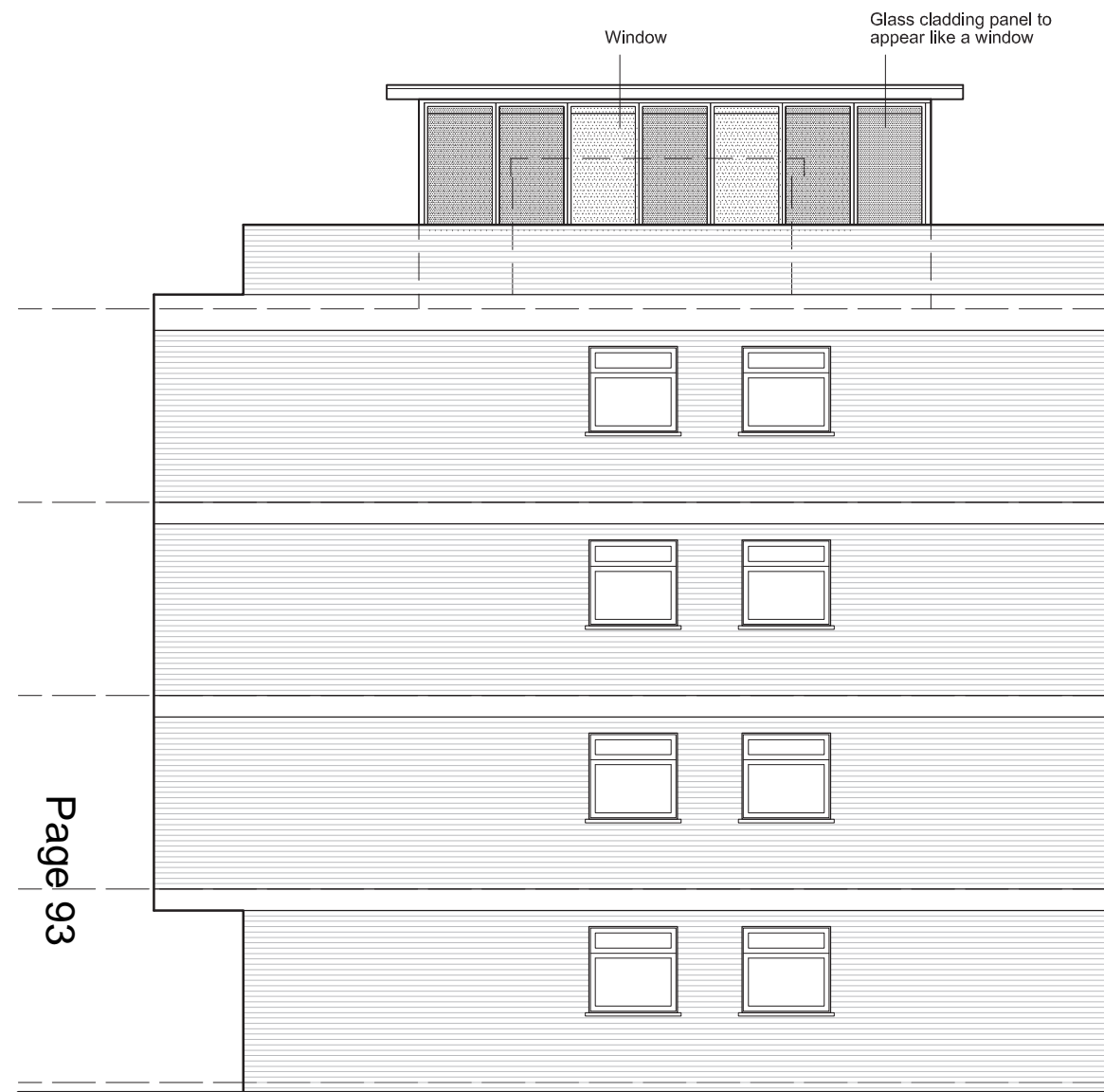
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Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED ELEVATIONS  
Status:  
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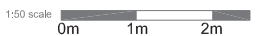




NORTH (SIDE) ELEVATION



WEST (REAR) ELEVATION



Rev	Description	Date	Author
Revisions:			

Client:  
C A GRADY - BALBUS LTD

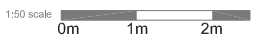
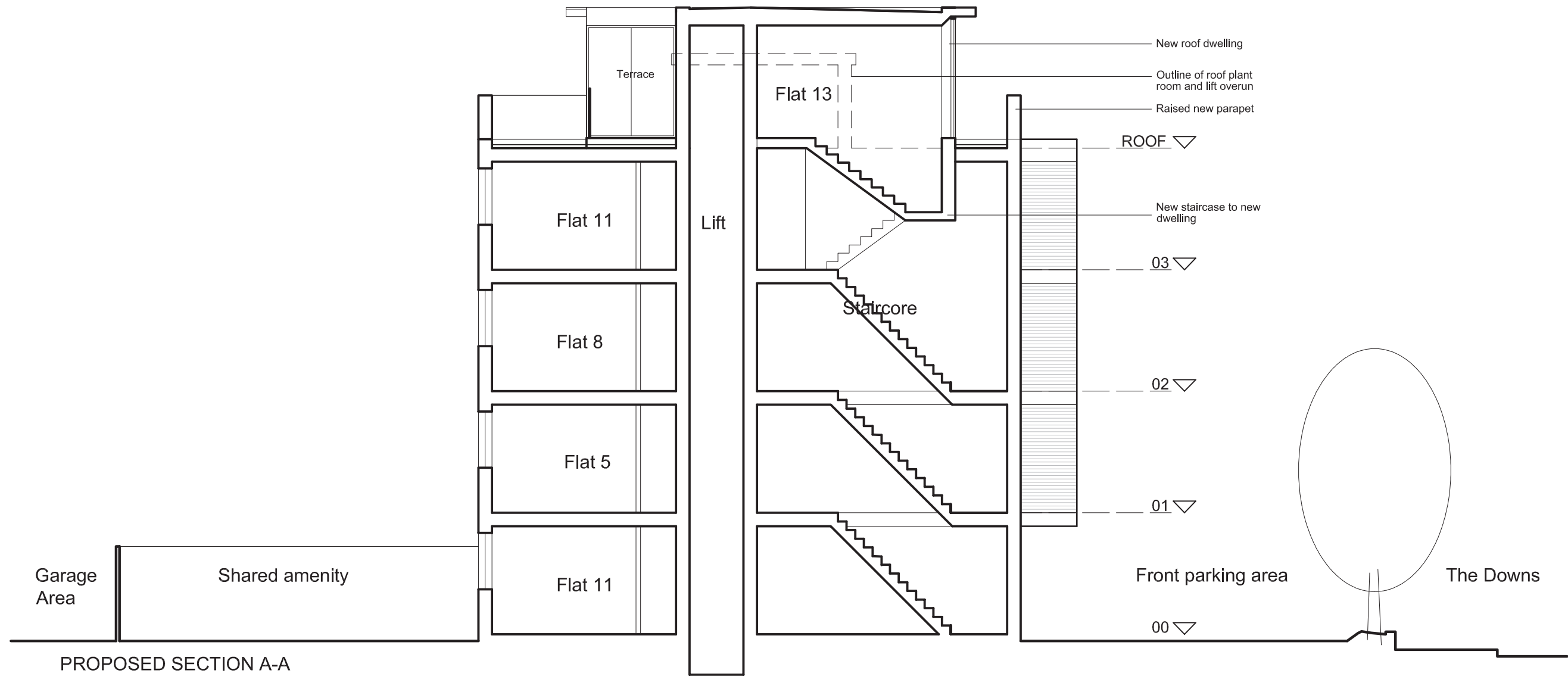
Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED ELEVATIONS

Status:  
FOR PLANNING

Scale:	Size:	Author:	Checked:
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Job No:	Dwg No:	Rev:	Date:
054	05-101	P2	MAY2013





Rev	Description	Date	Author
Revisions:			

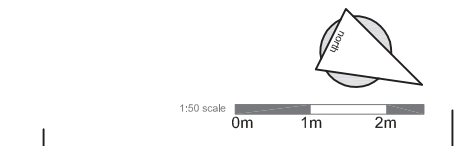
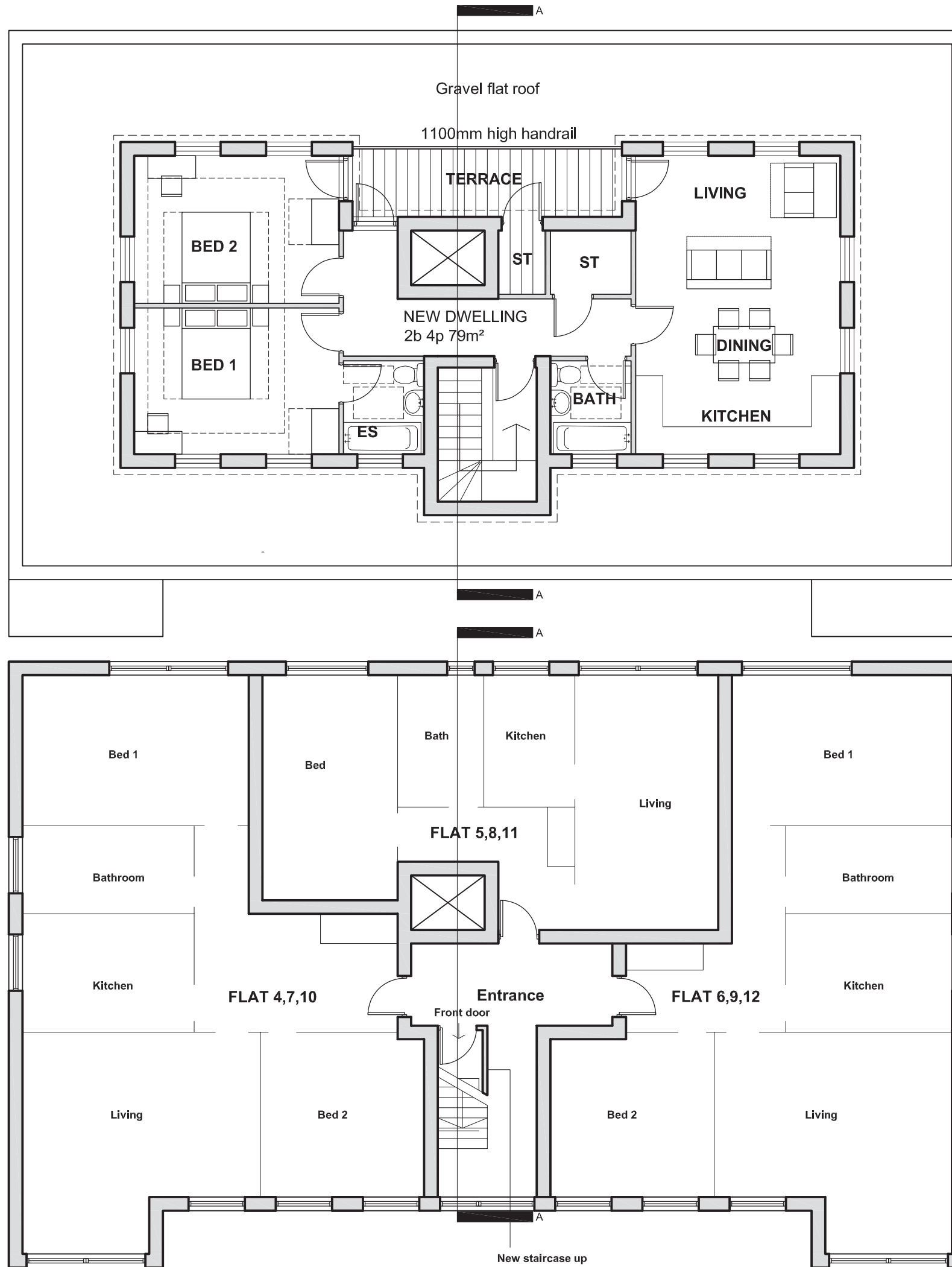
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C A GRADY - BALBUS LTD

Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED ELEVATIONS

Status:  
FOR PLANNING

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054	05-100	P2	MAY2013



Rev	Description	Date	Author
Revisions:			

Client:  
C A GRADY - BALBUS LTD  
Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED FLOOR PLAN (4th FLOOR)  
Status:  
FOR PLANNING

Scale:	Size:	Author:	Checked:
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Job No:	Dwg No:	Rev:	Date:
054	03-100	P2	MAY2013



Site boundary

Shared garden below

Raised new parapet

Gravel flat roof

1100mm high handrail

Terrace

Site boundary

Wimbledon Close

Shared Access Road

Parking

1:50 scale  
0m 1m 2m

Rev	Description	Date	Author
Revisions:			

Client:  
C A GRADY - BALBUS LTD

Project:  
UPTON COURT, WIMBLEDON

Drawing Description:  
PROPOSED FLOOR PLAN (4th FLOOR)

Status:  
FOR PLANNING

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054	03-101	P2	MAY2013

Parking



# Appeal Decision

Site visit made on 1 June 2005

by Michael Say BA DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

06 JUL 2005

**Appeal Ref: APP/T5720/A/04/1168778**

**Upton Court, The Downs, London SW20 8JB**

- 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 Balbus Ltd against the decision of the London Borough of Merton.
- The application (Ref 04/P0932), dated 4 May 2004, was refused by notice dated 26 August 2004.
- The development proposed is a new fourth floor comprising 2 two-bedroom flats on an existing four storey block of flats.

**Summary of Decision: The appeal is dismissed.**

## Main Issues

1. The main issues in this case are the impact the proposal would have on the character and appearance of the existing block and the street scene, and the implications for neighbours' living conditions with particular reference to outlook, sunlight, privacy, pollution, noise and disturbance.

## Planning Policy

2. The development plan includes the London Plan, adopted in February 2004, and the London Borough of Merton Unitary Development Plan (UDP), adopted in October 2003. Of the UDP policies to which I have been referred, I consider that policies BE.15 and BE.23 are most pertinent to my decision. These policies seek to control the appearance of new development, including extensions, and the likely impact on the occupiers of neighbouring properties. I understand that the Council has produced supplementary planning guidance (SPG) which requires a minimum of 10 square metres of amenity space per habitable room for new development. As I have not been supplied with the text of this SPG or any details as to its status, I give it limited weight in the consideration of this appeal.

## Reasons

### Character and Appearance

3. The appellants have described Upton Court as "*rather unprepossessing*" with a simplicity which is "*not one borne out of quiet elegance but out of paucity of thought and detail.*" They consider that "*the building's character would be improved by the alterations, albeit not to the point where it conspicuously draws attention to itself at the expense of its neighbours.*"
4. In my view, this design objective has not been successfully achieved by the proposal. I agree that an additional storey may not, of itself, necessarily damage the street scene, given the varied heights and roof styles of nearby buildings. However, the chosen solution to



utilise a radically different design combined with materials that would also contrast with the host building, is likely to make the building significantly more conspicuous than it is at present. This increased presence would be particularly noticeable in views from the north where the new profile would be clearly visible behind Wimbledon Close.

5. The design concept, materials and style of fenestration would bear little relationship to the block below or to its neighbours. This, combined with the additional height, would bring an obtrusive and discordant element to a building whose main aesthetic virtue in the past has been a tendency to blend in with other more attractive buildings in The Downs. The offers to reduce or remove the lift housing and to condition the choice of materials would provide only a partial solution to the problem.
6. Comparison has been drawn with Lanherne Court, currently under construction to the south of Marian Lodge, which appears to be making use of curved metal deck roofing with raised seams. However, at Lanherne Court this forms an integral part of a modern design and, on the basis of the evidence I have received and what I saw at my site visit, appeared of very limited comparability to the appeal proposal. During my site visit I saw an example of a curved roof on a non-residential building in Ridgway and examples of penthouse storeys on blocks in Lansdowne Road. However, these did not alter my view.
7. I conclude that the proposal would have an unacceptable impact on the character and appearance of the existing block and the street scene, contrary to UDP policy BE.23.

#### *Neighbours' Living Conditions*

8. The proposal would have a significant effect on the flats currently occupying the top floor of Upton Court. The proposed layout includes living rooms and outdoor terraces immediately above their bedrooms, which would be likely to cause an unacceptable level of noise and disturbance to their occupants. Remedial action through a planning condition or the Building Regulations would not adequately address the problem, particularly given the extreme proximity of the substantial rear terrace areas to bedroom windows just below.
9. The proposal includes 2 additional car park spaces to achieve an overall provision of 1 space per dwelling. At the time of my site visit, during mid to late morning, on-street parking was very heavy in the neighbouring section of The Downs and I consider that the proposed level of off-street provision is appropriate in the light of the Council's policy and the local circumstances. However, in order to achieve the additional spaces a section of the small grassed amenity space would be lost. The turning head next to the most southerly of the existing parking spaces would be extended and laid out as 2 spaces. One of these would be sited about 0.5 metres away from ground floor windows which appear to serve a kitchen and a bathroom. This would produce an unacceptable impact on the occupiers of the flat concerned in terms of noise and visual intrusion with possible associated air pollution problems. Given the small size of the site, the appellant's offer to remove 1 of the 2 spaces and submit details showing the disposition of parking spaces on the site for subsequent approval would not be acceptable.
10. I am also concerned at the proposed reduction in the amenity space from what is already a small site developed at a high density. Whilst the roof terraces would provide some compensatory private outdoor space for the new occupants, the erosion of the communal area juxtaposed with the increase in built development adds to the more detailed concerns I have expressed about harm to neighbours' living conditions.



11. I have examined the points made by the Council and local residents concerning impact on neighbours' living conditions including the potential for overlooking, overshadowing and loss of privacy. Subject to the new windows in the flank elevations facing directly towards Marian Lodge and Wimbledon Close being fitted with obscure glazing, which could be achieved by imposition of a planning condition, I consider there would be no harm caused by overlooking. Otherwise, in the context of the existing blocks and the relationships between existing flats, I do not consider that the proposals would harm neighbours' living conditions in these ways. Likewise, I am not persuaded that the change in outlook from neighbouring properties would in itself be sufficiently harmful to neighbours' living conditions to justify the refusal of planning permission.
12. Notwithstanding my positive findings in terms of outlook, overlooking, overshadowing and privacy, these are outweighed by the harm that I have identified. On the second main issue, I conclude that the proposal would harm neighbours' living conditions, contrary to UDP policy BE.15.

#### Other Matters

13. I am not convinced that the additional car park spaces (numbers 13 and 14) could be used safely and conveniently. The appellants have offered to move them further back to ease any manoeuvring difficulties, but this would eat further into the amenity space. In any event, in the absence of a swept path analysis it appears unlikely that a car using either of the new spaces, while the other space and space number 12 are occupied, could effect a 3 point turn in the area available. This could lead to an undesirable amount of reversing along the access way and into the access road by Wimbledon Close which is shared with a number of other drivers. Whilst I acknowledge that the existing turning head is already being pressed into service as an informal parking space, the means of providing new spaces should be demonstrably safe and convenient.
14. The appellant has stressed the value of providing additional units of accommodation, in accordance with strategic planning objectives. Given the high density already achieved on the appeal site, this does not outweigh the other considerations which have led to my decision. I have considered the range of conditions put forward by the main parties, including those suggested by the appellants as a means of achieving an acceptable development. However, these factors do not outweigh my findings on the main issues.

#### Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

#### Formal Decision

16. I dismiss the appeal.

  
INSPECTOR

LONDON BOROUGH OF MERTON

07 JUL 2005

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04/P0932 REFUSED AND DISMISSED ON APPEAL 6 JULY 2005

# 02 ASSESSMENT Planning history

**Planning History**  
A previous proposal for an additional storey to provide two additional residential units was refused planning permission subsequently dismissed at appeal in 2004.

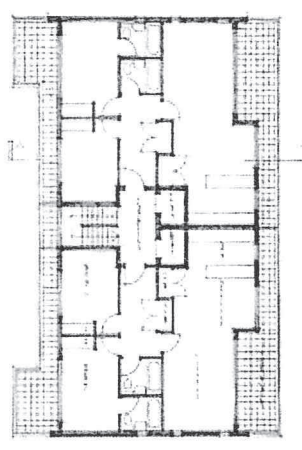
There were two main issues associated with the 2004 appeal, first the effect of the proposal on the character of the area and second, whether the proposal would harm the living conditions of neighbouring properties. On the first issue the inspector concluded that the proposed development would have an adverse impact on the character and appearance of the host building and the street scene area owing to its radical curved roof design and use of inappropriate materials which would result in an alien form of design in the area.

However, the Inspector concluded that the principal of an additional storey was acceptable and would not be at odds with the character of the area as a result of the varied heights and roof styles of nearby buildings.

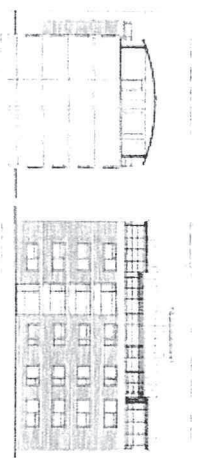
On the second issue, the inspector concluded that the proposal that the proposed development would hard the living conditions of the flats immediately below. The Inspector considered that the use of the outside terrace areas in close proximity to bedroom windows would lead to noise and disturbance. In addition the Inspector considered that the provision of additional parking adjacent to the ground floor window of the existing unit would lead to noise and disturbance.

The design of the current application has been fully informed by the planning history of the site and seeks to overcome the previous reasons for refusal by creating a sensitive development which will have no impact on the amenities of the neighbouring properties. In addition the design has been informed by a comprehensive Character Assessment of the surrounding area to ensure the proposal respects the site context and wider character and appearance of the area.

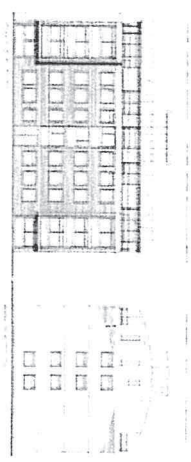
Notwithstanding the planning history of the site the proposed development presents an excellent opportunity to maximise and make efficient use of this sustainable site. The development of the site for housing is therefore consistent with the national and local planning policy and the principal of development is acceptable.



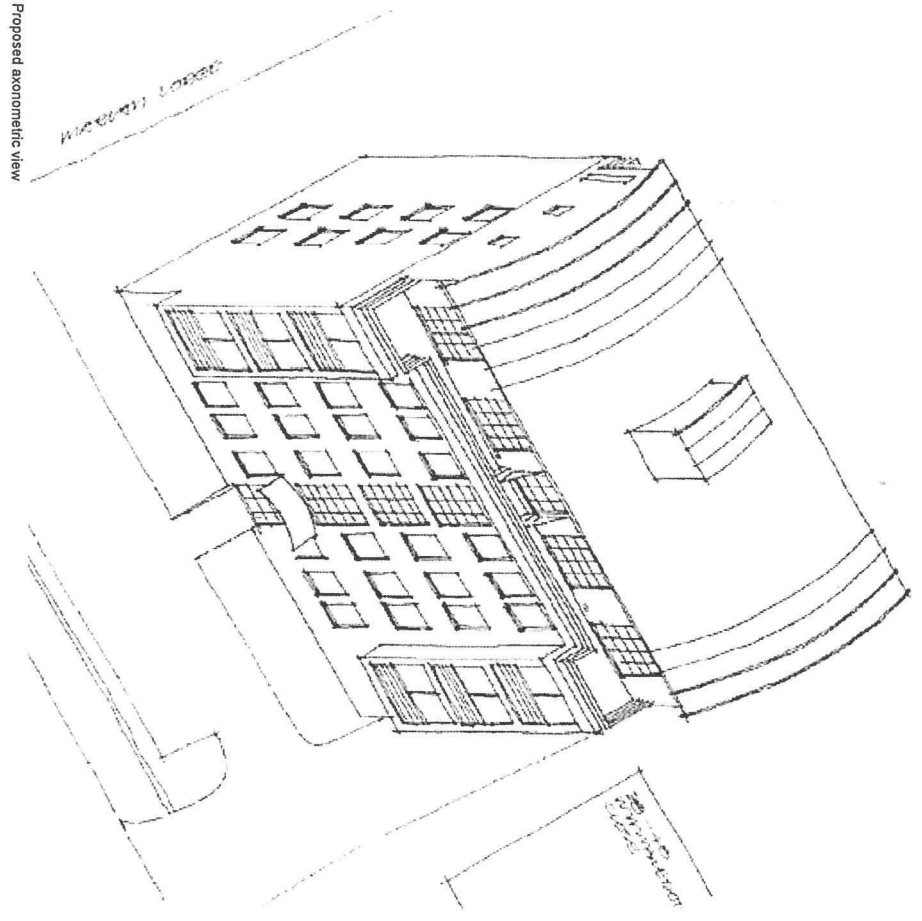
Proposed top floor plan



Proposed rear elevation and section



Proposed front and side elevation



Proposed axonometric view

# Agenda Item 8

## PLANNING APPLICATIONS COMMITTEE 18 June 2015

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

14/P3027&3029

04/08/2014

**Address/Site:** Eagle House, High Street, Wimbledon SW19 5EF

**(Ward)** Village

**Proposal:** (a) Erection of extensions and external and internal alterations including dormer windows and erection of front outbuilding in connection with conversion of Grade II\* Listed Building from B1 offices to form 9 Self-Contained Residential Flats  
(b) Listed Building Consent for erection of extensions and external and internal alterations including dormer windows and frontage building in connection with conversion of Grade II\* listed building from B1 offices to 9 residential apartments

**Drawing Nos:** L/01 Location Plan, Existing – P/01B lower ground, P/02B ground, P/03B First floor, P/04B Second floor, P/05B Roof plan, P/06A sections A-A and B-B, P/07A sections C-C and D-D, P/08A sections E-E and G-G, P/09A sections H-H and I-I, P/10A sections J-J and K-K  
Proposed – P/11N lower ground, P/12Q ground, P/13P first floor, P/14Q second floor, P/15O roof plan, P/16E site plan, P/21K sections A-A and B-B, P/22Q sections C-C and D-D, P/23M sections E-E to G-G, P/24N sections H-H and I-I, P/25L sections J-J and K-K, P/26P sections L-L and M-M, P/27P sections N-N and O-O, P/28P sections P-P and Q-Q, P/29D sections R-R and S-S, P/30B section T-T and boundary wall elevation, P/41A sections L-L and M-M, P/42A sections N-N and O-O, P/43A sections P-P and Q-Q, P/44 existing site plan  
Demolition– P/31C lower ground, P/32B ground, P/33C first floor, P/34C second floor, P/35B roof  
Arboricultural Impact Assessment, Planning Statement, Landscape Strategy, Daylight and Sunlight Assessment, Noise Impact assessment dated 18<sup>th</sup> May and Addendum dated 3rd June, Historic Building Report dated May 2015, Landscape Masterplan SLD/HG73-LM1, Planning Statement, Design and Access Statement, Arboricultural Impact Assessment, Structural Engineer's report

**Contact Officer:** Sue Wright (8545 3981)

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**RECOMMENDATION A**

## **GRANT planning permission subject to conditions**

### **RECOMMENDATION B**

## **GRANT listed building consent subject to conditions**

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### **CHECKLIST INFORMATION**

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted:-14
- External consultations: English Heritage
- Controlled Parking Zone: Yes

#### **1. INTRODUCTION**

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

#### **2. SITE AND SURROUNDINGS**

- 2.1 The application site, known as Eagle House, is a Grade II\* Listed Building within the Merton Wimbledon Village Conservation Area which is currently vacant and undergoing renovation work, but which was last occupied as B1 offices in 2009. It sits just beyond the boundary of the core shopping frontage, within the designated local centre.
- 2.2 The 3-storey house plus basement/lower ground floor was listed in 1949 and comprises the original house, dating from 1613, with some significant extensions and alterations, principally the addition of the northern wing c.1730, the late 19<sup>th</sup> century 3- storey north-west extension, the 2-storey north-west range which is principally post-1948 and the substantial east wing added in 1983. The railings, gate piers and gates to the forecourt are late 18<sup>th</sup> Century and were Listed Grade II in 1963.
- 2.3 The building is substantially set back from the High Street frontage behind an extensive front forecourt parking area with a number of mature trees adjacent to the boundaries. On the High Street frontage the building is bounded to the right by the end of the two storey shopping parade and offices, and to the left by the Rose and Crown hotel, whose car park adjoins the side boundary with Eagle House. The rear half of the western boundary and the northern boundary abuts residential properties in Rushmore Place – no's 1, The Malthouse (locally listed) and 2, 3, 4 (locally listed) and 11. Parts of the boundary walls are also locally listed. Rushmore Place was constructed on

part of the former curtilage of Eagle House and falls within Wimbledon North Conservation Area. Properties in Marryat Road, which is also in the Conservation Area, abut the eastern boundary.

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to change the use from office to residential, providing 9 self-contained flats comprising 1x1-bed, 6x2-bed and 2x3bed units. This involves external and internal alterations, repairs to the building fabric and extensions to each side at the rear of the building as well as the provision of new plant and cycle store within the front courtyard, separate from the Listed Building.
- 3.2 Various alterations and additions are proposed in relation to the proposed conversion. The principal c.1613 original building would be subject to repair and maintenance with some internal alterations. The roof of the c.1730 wing would be altered by the insertion of 4 dormers. The roofline of the north-west 3-storey extension would be raised.
- 3.3 The main proposed extensions to the building are sited to the rear of the existing east and west wings, the east wing being a 1980's addition and the west wing being a modern post 1940's addition containing some fragments of an earlier construction. A part single/part 2-storey extension is proposed to the rear of the 1980's wing. The lower ground floor extension has a hipped roof and would provide a living area for a flat extending across the lower ground floor of the existing wing. The shallower extension on the floor above would similarly provide living space for a unit extending across the whole of the wing. An 8.8m deep single storey extension with a hipped roof is proposed to the rear of the west wing as part of a duplex over 2 levels. It is also proposed to adjust the roof form of the post-1940's wing but also to reduce its width by 0.9m to move it further away from the boundary with no's 1, 2 and 3 Rushmore Place.
- 3.4 Since its original submission, the proposal has been significantly amended in response to requests from the planning officer and as a consequence of the results of the public consultation. The key changes have been:
- Removal of roof terraces and reduction in the size of extensions to the west wing adjacent to 1, 2 and 3 Rushmore Place.
  - Change of the roof form of the lower ground extension to the west wing from flat roof with parapet to hipped and reduction in slab level
  - Removal of the roof terrace adjacent to the side garden boundary of 11 Rushmore Place, change of the roof form from flat roof to hipped, and alterations to the fenestration at the upper floor to increase cill height and obscure glaze.
  - Re-location of 10 a/c condenser units onto the concealed flat roofed area of the 3-storey plus roof space east wing
  - Development of a landscape strategy which reflects the Jacobean historical nature of the house and its formal landscape

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

- 4.1 Eagle House became a statutorily Listed Grade II \* building in 1949. The front wall, gates and railings were Listed Grade II in 1963.
- 4.2 A number of applications for works to trees have been granted over the last few years. A variety of relatively minor works (front boundary wall alterations, plaque, internal staircase, handrails) have also been granted planning permission and listed building consent.
- 4.3 In addition to the above, more significant and/or recent applications are as follows:
- 4.4 WIM 6339 –Permanent continuation of office use granted 1962
- 4.5 MER658/82 – Alterations to existing building and erection of new wing for office use and car parking granted 1983
- 4.6 13/P3861 – Listed Building Consent granted Jan 2014 for works to main roof involving removal of tiles and roof battens, repair, timber treatment, new battens and replacement of original tiles with reclaimed replacements where required, repair of lead flashings and gutters and re-pointing of brickwork
- 4.7 14/P4052 and 4053 – Listed Building Consent and planning permission granted Dec 2014 for repair of 1980's east wing roof, renovation of windows, flashings and lead coverings, raising of ridge height by 700mm to form hidden roof well and formation of 2 access hatches.

#### **5. CONSULTATION**

- 5.1 The application has been advertised by press and site notices, and individual letters to occupiers of properties adjoining the site and in neighbouring roads. Re-consultation has taken place on 2 sets of revised plans. The consultation responses are set out below.

##### **5.2 Initial Consultation (Aug/Sept 2014)**

12 objections were raised by individual properties to the initial consultation, including all 11 properties in Rushmore Place as well as objections from, Rushmore Place Residents' Association, Parkside Residents' Association. and Wimbledon Society. Their concerns were as follows

Welcome conversion to residential and accept need to bring Eagle House back into economic use but concerned about scale and size of extensions - loss of outlook, increased sense of enclosure, loss of daylight, sunlight and privacy, overdevelopment, proximity to 1,2,3,4 and 11 Rushmore Place, visually overpowering and dominant from Rushmore Place.

Impact of large terraces adjacent to boundaries – noise, privacy, visual intrusion, light intrusion

Impact on setting of locally listed buildings at 1 and 4 Rushmore Place

Visual impact and noise from external plant and air conditioning units sited close to boundary

Adverse impact on setting of Grade II\* Eagle House and Conservation Area – unacceptable reduction of garden size due to expanded footprint and private terraces. In conflict with NPPF and plan policies. Sense of spaciousness within Rushmore Place and grounds of Eagle House undermined. Should be no further extensions – site already compromised by ungainly eastern wing and back garden already much reduced

Setting of front entrance of insufficient quality.

Insufficient amount of amenity space for the flats proposed

Lack of respect for siting, rhythm, scale, density, proportion, height and massing of surrounding buildings

Too close to no.11, no replacement planting, loss of tree

Massing of proposed extensions also affects outlook and privacy of houses in Rushmore Place and requires removal of a tree. Internally, second floor bathroom and corridor compromises room shape. Dormers on west wing are unacceptable. Element of cramming in too many units. Forecourt layout lacks imagination and does not improve the setting,

### 5.3 **Re-Consultation on First Set of Amended Plans (March 2015)**

The plans were amended to remove the large roof terraces adjacent to neighbouring gardens and reduce the size of the extension to the west wing at upper level.

Further letters of objection were received from 10 individual properties and also Wimbledon Society, Parkside Residents' Association and Rushmere Place Resident's Association and were as follows:.

Original objections continue to apply about overdevelopment of site, insufficient quality of setting, impact on outlook, daylight and sunlight, privacy and adverse impact on Listed Building and setting of adjacent locally listed buildings and spaciousness and outlook within Rushmere Place .

The flat roofs of the extensions could still be used as terraces, albeit unofficially. As the high parapet remains, still unacceptable impact on outlook, sunlight and daylight.

Extent of extensions remains excessive and still inadequate amenity space for the 9 residential units . Changes insufficient to address previous concerns.

Still no information about noise protection from the air conditioning units.

No daylight/sunlight report provided.

Use of limited amenity space close to boundary with 11 will have an adverse impact.

Extensions are of poor quality design, employing expansive areas of flat roof.

### 5.4 **Re-consultation on Second Set of Amended Plans ( May 2015)**

Following the consultation on the first set of amended plans, discussions took place between the case officer and the applicants and further revisions were made. Principally, the changes were:

- (i) Reduction of width of existing post-1940's west wing by 0.9m away from boundary with 1, 2 and 3 Rushmore Place.

- (ii) Flat roof with parapet on west wing extension changed to hipped roof and ground floor slab lowered by 150mm and fenestration changes made to unit 1
- (iii) Changes made to fenestration adjacent 11 Rushmere Place .
- (iii) Re-location of a/c condenser units onto the concealed flat roofed area of the 3-storey plus roof space east wing
- (iv) Development of a landscape strategy which reflects the historical nature of the house and its formal Jacobean landscaping
- (v) daylight/sunlight assessment and noise assessment provided

Letters were received in relation to 6 individual properties in Rushmere Place and Marryat Road as well as representations from Rushmere Place Residents' Association and Parkside Residents' Association. The response was as follows:

Pleased that some of previously raised objections have been taken seriously, accepted that previous objections relating to design, visual impact and potential loss of daylight and sunlight to 1,2 and 3 Rushmere Place are addressed, welcome revision of the garden plan to reflect the historic character and the amendments to the design and supply of additional information but outstanding concerns are:

- plans to address noise issues vague, a noise survey is required to allow a suitable condition limiting noise to a specified measurement, to be imposed, 25-28dB(A) may be appropriate, and should also be conditioned that the condensers don't exceed the raised height of the roof of the east wing
- east wing extension still too big and too close to 11 Rushmere Place and the flat roof of the extension close to the boundary should be hipped to prevent use as a terrace
- footprint of extensions still too large, not balanced with garden or proportions of Rushmere Place
- prefer to see more modest pitched roof to west wing extension but accept that any terrace use is now precluded
- want a planning condition, if permission is granted, which varies the usual restrictions to prevent working Saturday mornings as well as Sundays

#### 5.5 **Third set of revised Plans (June 2015)**

Following the consultation response to the 2<sup>nd</sup> set of revisions, the applicants have provided an addendum to the Noise Assessment Report containing a detailed noise measurement study and have also amended the plans to change the flat roof adjacent 11 Rushmere Place to a hipped roof form. Those who responded to the previous consultation have been advised although a formal re-consultation has not been carried out.

#### 5.6 The agent acting for the Rushmere Place Residents' Association and a Director for the Association have responded to this final set of revisions as follows:

Confirm that provision of a hipped roof over the single storey element on the east wing addresses the objection raised regarding potential overlooking and loss of privacy. In relation to the noise impact assessment, the Council is urged to impose appropriate conditions to secure:



- 1) noise levels from condensers at 10dB(A) below night background noise levels; and
- 2) submission and approval of methods of noise attenuation prior to first occupation

Provided appropriate controls can be imposed to avoid any noise impact on adjacent occupiers, previous objections in this regard are addressed. Rushmere Place Residents' Association no longer wish to raise any objections to the scheme, as amended, and trust appropriate conditions will be imposed to protect their amenities throughout demolition, construction and post-occupation. Council and developers are thanked for their efforts to protect their amenities and for willingness to make appropriate revisions.

5.7 **Historic England**

Confirm that the proposals are broadly acceptable. The historic character and appearance of both the early house and the TG Jackson works are to be conserved and retained as they are. The alterations to the Erith and Terry modern extension are acceptable (1980's wing). As regards the north wing, on site it was evident that this phase was later than would initially appear. The detailing and materials of this part of the new build will be critical and bricks and finishes should be of the highest quality. Confirmed that they are happy for Merton to determine the application in line with their own specialist advice.

- 5.8 Merton Tree Officer – no objection to removal of 3 C category trees, subject to suitable tree protection measures being put in place for retained trees and implementation of comprehensive revised landscaping scheme.
- 5.9 Merton Conservation Officer - no objections to proposal as revised subject to suitable conditions being imposed.

**POLICY CONTEXT**

6.1 **Adopted Merton Core Strategy (2011)**

The relevant policies are:

- CS 7 (Centres)
- CS 8 (Housing choice)
- CS 9 (Housing Provision)
- CS14 (Design)
- CS12 (Economic Development)
- CS13 (Open Space and Nature Conservation)
- CS 15 (Climate Change)
- CS 18 (Active Transport)
- CS 20 (Parking, Servicing, and Delivery)

6.3 **Adopted Merton Sites and Policies Plan (2014)**

- DM R1 Location and scale of development in Merton's town centres and neighbourhood parades
- DME2 (Offices in Town Centres)
- DMD4 (Managing Heritage Assets)
- DMD2 (Design Considerations in all Developments)

DMD3 (Alterations and Extensions to Existing Buildings)  
DMO2 (Trees, hedges and landscape features)

6.4 London Plan 2015:

5.3 (Sustainable Design and Construction)  
6.3 (Assessing Effects of Development on Transport Capacity)  
6.13 (Parking)  
7.2 (An Inclusive Environment)  
7.4 (Local Character)  
7.6 (Architecture)

6.7 National Planning Policy Framework (NPPF)2012

Section 12 'Conserving and Enhancing the Historic Environment', paras 128-135

**7. PLANNING CONSIDERATIONS**

7.1 The key planning considerations in relation to the applications for planning permission and listed building consent are considered to be: the acceptability of the change of use from office to residential, the impact of the alterations and extensions on the Grade II\* Listed Building and the Conservation Area, the impact of the extensions and alterations on occupiers of adjoining properties, and the quality of accommodation being provided.

7.2 **Principle of Loss of Employment Use and Conversion to Residential**  
Wimbledon Village is classified as a local centre within Policy CS7 of the Core Planning Strategy. The key aims for Wimbledon Village are to maintain business premises appropriate to Local Centre scale, encourage retail commensurate with its scale and function and to allow limited residential development which respects local character. Policy DM E2 advises that it will only support proposals for the change of use on upper floors from office floorspace to alternative uses if it can be demonstrated by full and proper marketing over a period of 2 and a half year that there is no demand for the office use. It should be noted that although recent changes to the General Permitted Development Order currently allow office uses to permanently change to residential use subject to prior approval, this does not apply to Listed Buildings, therefore planning permission continues to be required.

7.3 Knight Frank have provided information about the marketing of the property over a three year period from May 2010 up until its sale in June 2013. Out of 96 viewings, only one was for office use, which was not pursued. Other shows of interest were from 2 schools and 1 hotel but none found the building suitable. Knight Frank did not consider that a commercial tenant was likely to be found in the foreseeable future, due to the prohibitive cost of fitting out the Listed Building and the availability of purpose built office accommodation.

7.4 The original building was in residential use before being converted into offices some decades ago. It is important that an economically viable use is found for

the building in order to avoid further deterioration in its fabric. The current owners are already in the process of carrying out much needed repairs to the roofs. It does not form part of the continuous retail frontage of the local centre and given the unsuccessful marketing for commercial use that was carried out, the proposed conversion to residential is considered to be acceptable in relation to policy DM E2. A residential use is considered to be more appropriate as it was the original first use of the main building. The demands of a modern office use would be more difficult within the Grade II \* building. The grand main entrance hall is retained as the main entrance and circulation space for the apartments.

#### 7.5 **Impact on Neighbouring Amenity**

As a consequence of the developer's response to consultation with residents and the requirements of the planning officer, the original submission has undergone 3 sets of revisions, with the majority of changes aimed at reducing impact on neighbouring properties. Eagle House has a very intimate relationship with Rushmore Place, which has at its centre an area of open space designed to be contiguous with its rear garden. The gardens of no.s 1, 2, 3, 4 and 11 adjoin the site boundaries.

7.6 No.s 1, 2 and 3 Rushmore Place are adjacent to the west wing of Eagle House. The existing white timber boarded two storey wing of relatively recent date sits on the boundary with these properties, which have shallow garden areas and therefore view the existing building in very close proximity. Originally, a part single/ part two storey extension was proposed to this wing, with a change to the existing roof form to increase its mass and form a flat roofed section. There were large roof terraces and balconies at first floor level and air conditioning units sited close to the boundary. The 2<sup>nd</sup> storey extension to the existing building rearwards element has been deleted. The existing two storey building will be given a new pitched roof form with ridge retained, and is to be reduced in width so that it sits 0.9m away from the boundaries with neighbours, rather than immediately adjoining as at present, and the roof terraces have been removed. The a/c units have been re-located. The single storey extension has been sunk 150mm lower and will have a hipped pitched roof form not a flat one, to improve its appearance and to avoid any opportunity for its informal use as an external amenity space area. The fenestration has also been amended so that the nearest window set at right angles with the boundary with 3 Rushmore Place is further away than existing and serves a bathroom.

7.7 At present, the existing three storey 1980's eastern wing with accommodation within the roof space, sits approximately 10.6m away from the boundary wall that marks the side garden boundary of 11 Rushmore Place. A 7.6m deep single storey extension is proposed at the rear of the 1980's east wing, leaving a 3m gap between the end of the extension and the side garden wall of 11 Rushmore Place. At second storey, the proposed extension is 4.6m deep, stepped back by 3m above the single storey element to provide a 6m gap from the boundary. The windows at ground floor facing towards no.11 are below the height of the existing boundary wall, and at first floor, they will be fixed and obscure glazed up to 1.7m above floor level. The ground floor eaves

would sit well below the level of the existing boundary wall. In terms of the proximity of the floor above, the first floor windows are fixed and obscure glazed up to 1.7m, therefore there is no overlooking. The Council guidelines requires flank walls adjacent to the ends of existing gardens to be a minimum of 4m away at 2-storey and 6m at 3-storey. As the new wall is adjacent to the side boundary of no 11, this degree of separation is considered to comfortably meet the guidelines. The original submission has been amended to remove the roof terrace shown adjacent to the boundary with no11, to amend the French doors facing towards this boundary to obscure glazed windows up to 1.7m and to change the flat roof of the single storey element to a hipped roof to prevent informal use.

- 7.9 The adjacent ground floor unit would have a floor level almost a metre below the ground level of no 11, and, as currently, there would be a small embankment rising up between the extension and a narrow paved area on the north elevation, with a wider terrace adjacent to the western elevation. Given the levels and orientation of the main terrace, it is not considered that there would be any adverse impact on no.11 from use of the private amenity space.
- 7.10 A daylight/sunlight assessment has been submitted based on the revised proposals. It analyses impact on 1, 2, 3, 4 and 11 Rushmere Place and 7, 7a and 7b Lancaster Road. This demonstrates that there is no significant impact on daylight based on BRE daylight guidance using all three main methods of assessment and no impact on sunlight.
- 7.11 **Air Conditioning Units**  
A number of residents were concerned about the potential noise impact from a/c units placed close to the site boundaries. Planning permission and listed building consent has been granted to raise the height of the ridge of the existing 3-storey plus roof space 1980's wing of Eagle House, creating an area of flat roof behind it. Ten of the air conditioning units have been re-sited in response to residents' concerns on this elevated flat roofed area. The NPPF requires planning decisions to mitigate and reduce to a minimum any adverse impacts from noise on quality of life. The submitted noise assessment has calculated the cumulative noise levels from the 10 a/c units on the roof, which would be 27 dB(A) at the face of the nearest affected window, identified as being at 11 Rushmere Place, when the barrier effects of the sunken roof parapet and distance corrections are taken into account. Noise attenuation measures will be required by condition to achieve 10dB(A) below the measured background noise level. A noise survey has subsequently been submitted with measured background noise levels which confirms the night time background level to be 30 dB(A). A condition will be attached to ensure that this level of attenuation is achieved. Even unmitigated, the report advises that it would be unlikely that any noise would be audible inside the closest dwellings. There are 4 remaining a/c units for 1, 2, 5 and 8 at lower ground floor level, 3 of which are between 23 and 25m from the nearest residential window, and the fourth is closest to the rear of the adjoining pub. They will be sited within acoustic enclosures and will be controlled by the same condition requiring a rating level at least 10 dB(A) below background level. As revised, the proposed plant siting is considered

to be acceptable subject to a suitable condition in respect of noise attenuation levels, and also that the plant should not be higher than the increase ridge height of the 1980's wing.

7.12 Noise from construction

A construction management plan will be required dealing with deliveries, parking, control of dust etc during the demolition and construction process. The Council's normal hours of construction restrictions will be applied, which are 8-6pm Mon –Fri 8-1pm Sat and no time on Sundays or Bank Holidays

7.13 Considerable amendments have been made to the original submission geared at addressing neighbour concerns. Subject to suitable conditions, officers do not consider that there are any grounds for objection based on impact on daylight, sunlight, outlook, privacy or noise in relation to adjoining properties, in accordance with Policy DM D2 of the adopted Merton Sites and Policies Plan 2014.

7.14 **Impact on Grade II\* Listed Building, on the Wimbledon Village Conservation Area, the setting of the Wimbledon North Conservation Area, and adjacent locally listed buildings**

The Historic England advisor and the Council's Conservation Officer have been involved in discussions about this proposal at an early stage and both have advised, further to the revisions that have been made, that they are happy with the proposals as they relate to the fabric of the Grade II\* Listed Building and its setting. This is subject to the imposition of suitable conditions to ensure both the quality of the changes to the existing building and the new extensions, particularly materials.

7.15 The principal extensions and changes are concentrated to the rear of the 1980's eastern wing and the post-1940's western wing and do not therefore affect the older parts of the building of architectural and historical importance. This has been a guiding principle. The key internal elements for retention have been identified on the plans. The extensions to the east and west wing have been modified to both mitigate impact on neighbours and tie in better with the existing building.

7.16 The new low outbuilding within the front curtilage housing cycle storage, meters and plant has been discreetly located near the side boundary, behind a new hedge. It will have a slate roof and white timber boarded walls, to tie in with the west wing and adjoining buildings.

7.17 There are 12 trees on the site. Three are proposed to be removed which are all C category – T5 ornamental cherry and T6 laburnum on the western boundary and T12 lime, on the boundary next to 11 Rushmore Place. The latter has been very harshly pruned, resulting in a tree of poor form and quality. The Council's tree officer raises no objection to their removal on the basis of their poor quality and the comprehensive re-landscaping scheme which is proposed.

- 7.18 Concerns have been raised about the footprint and scale of new extensions and impact on the setting of the Listed Building and the Conservation Area. The part two storey/part single storey extension is attached to and is viewed against the backdrop of the 1980's wing and has a footprint at ground floor which is 7.6m deep by 9.2m and the single storey extension sits behind the west wing and is 8.8m by 9.2m deep. They are sited towards the side boundaries, leaving a central communal garden adjacent to the open space at the centre of Rushmore Place.
- 7.19 Officers requested that the original landscape plan be re-visited in order to reflect the historic character of the house and its previous formal landscaping, maximise usable amenity space for residents and generally improve the setting of the building both to the front and rear, The original landscaping submission has been substituted for a comprehensive landscape strategy for the whole of the site The rear garden area has been designed to reflect what is known about the formal Jacobean garden that previously existed on the land now occupied by Rushmore Place, as revealed by a 1991 archaeological survey. This comprises features such as the diagonal gravel pathways containing oval planting beds with a central focal feature, and the flanking broad linear paths. The ornamental plant species have been selected to reflect those favoured in the Jacobean period. A second parterre garden is provided at the front of the site with formal seating area. An avenue of trees and planting are being used to create a sense of arrival and improve the landscaped setting at the front of the building. The existing front wall and railings to the High Street will be restored and repaired.
- 7.20 Although it is recognised that there is a diminution in the amount of rear garden space as a consequence of the proposed extensions to the more modern wings, the extensions are used to frame a new formal garden which reflects the Jacobean period of the main house and it considered that the implementation of the overall proposed landscape masterplan across the whole site constitutes an enhancement to the setting of the Grade II\* Listed building and the Conservation Area, in line with planning policy.
- 7.21 **Quality of Accommodation**  
The proposal comprises 9 apartments – 1x 1bed, 6x 2-bed and 2x 3-bed, all of which have a floorspace well in excess of London Plan standards. Units 1 and 4 within the new extensions both have direct access to external terraces and the remaining 7 units have the choice of the communal formally laid out rear garden with seating areas some 235sq m in area or a similarly formal parterre garden to the right hand side of the main frontage which has the benefit of being south facing, but with mature trees offering dappled shade. In light of the Grade II\* nature of the main building, it is not possible to provide all apartments with individual amenity space but the quality and quantity of communal space is considered to be acceptable.

## 8.0 **CONCLUSION**

The proposed change of use, extensions and alterations to the existing Grade II\* building will bring about the restoration of the c. 1613 main house and later additions within an enhanced landscaped setting at both front and rear,

reflecting the historic formal garden design of the Jacobean period. Historic England and the Council's Conservation Officer are happy with the revised proposals. It is considered that the proposal is acceptable in terms of its impact on the Listed Building, the surrounding Conservation Areas and locally listed buildings. A series of revisions have been made in response to concerns from local residents and the proposal is considered to be acceptable in terms of impact on neighbouring properties.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION subject to conditions**

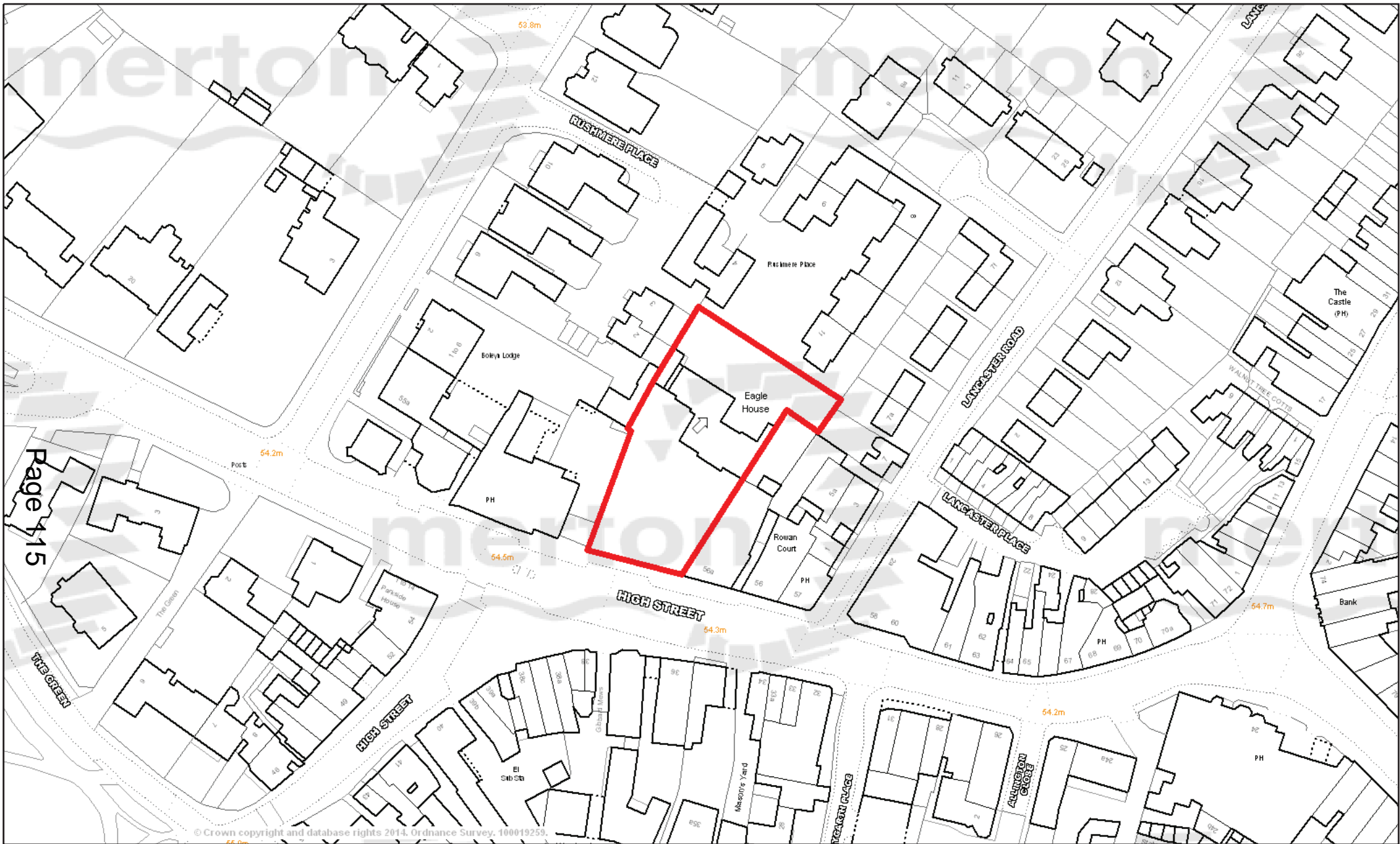
1. A.1 (Commencement of Development)
2. B.1 (External Materials to be Approved)
3. B.4 (Details of Site/Surface Treatment (including re-use of Yorkstone))
4. C.10 (Hours of Construction)
5. F.1 (Landscaping/Planting Scheme)
6. F.2 (Landscaping (Implementation))
7. Tree protection measures
8. Construction management scheme
9. Provision of cycle storage/refuse storage
10. Noise from plant – designed and mitigated so that the rating level is 10 dB(A) below measured background noise level (30 dB(A))
11. Plant to be no higher than raised ridge level of 1980's wing

### **Grant listed building consent subject to conditions**

1. A5 Listed Building consent (time limit)
2. N1 start onsite
3. N5 historic features to be retained
4. N6 form of demolition
5. N3. Works to match
6. Photographic record



7. N9 safety and security of structure during partial demolition
8. N14 and 13 protection of internal and external features



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Eagle House High St

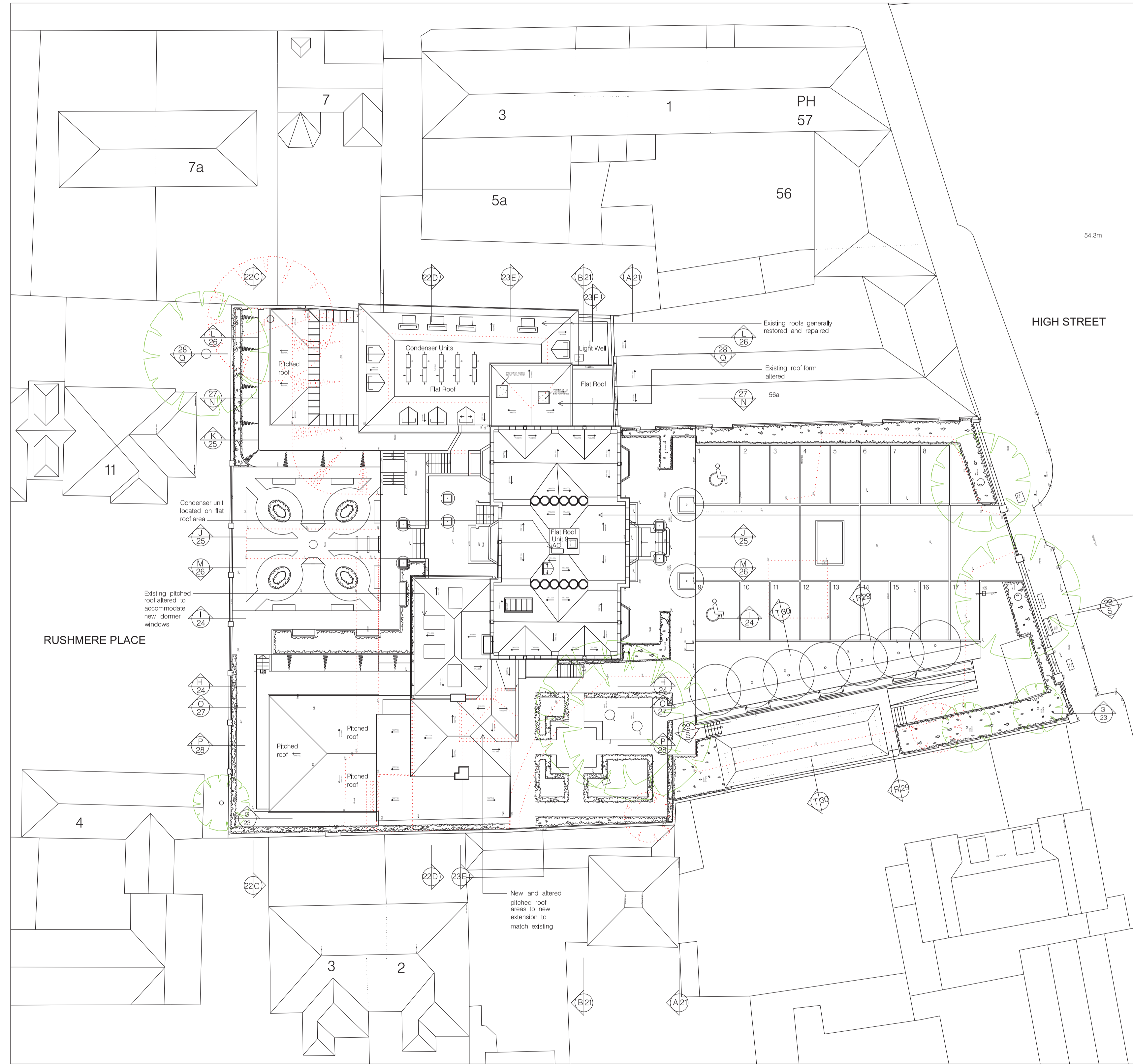
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Date 10/3/2015

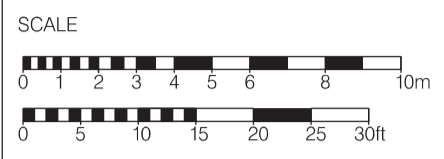
London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX



DEVELOPMENT CONTROL



NORTH



Existing roof to be restored in accordance with listed building consent granted on 17 January 2014 (Application No 13/P2861). Extent indicated by dotted outline

REV.	DESCRIPTION	DATE
F	Landscape layout updated	09/09/15
E	Pitched roof to ground floor east wing extension	03/09/15
D	Dormer windows to unit 5 reduced in size (West boundary) width: Unit 1 set in 100mm. Pitched roof over ground floor extension.	19/05/15
C	Rear extension to unit 1 reduced in size. Rear terraces to unit 4.5 and 6 omitted.	06/05/15
B	General update	30/01/15
A	General update	05/12/14

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
**PROPOSED SITE PLAN**

SCALE 1:200 @ A1  
 1:400 @ A3

DATE NOVEMBER 2014

DRAWING NO. 2684 / P / 16

REV. F

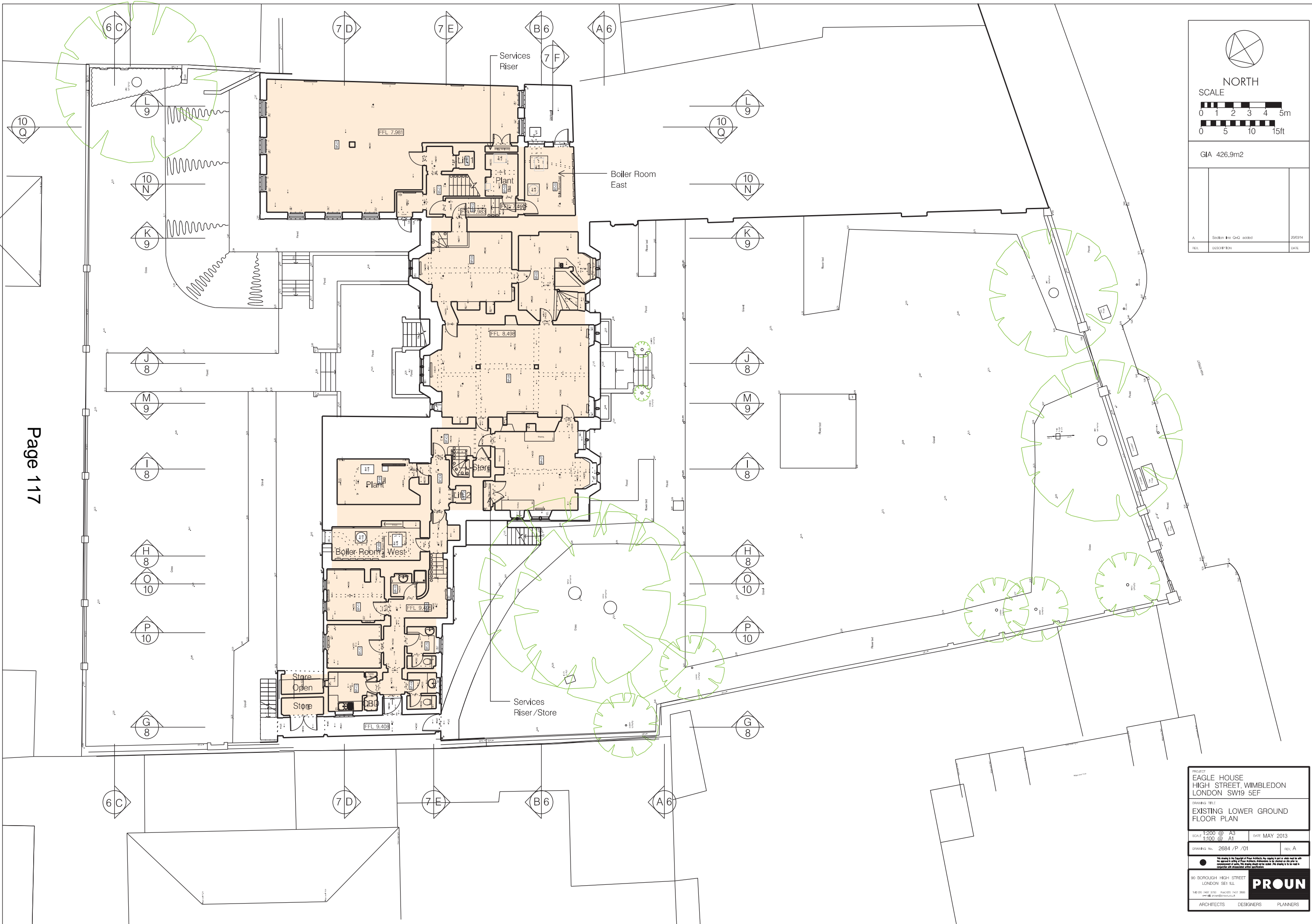
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 NORTH  
 SCALE  
  
 0 1 2 3 4 5m  
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A	Section line G-Q added	2003/14
REV.	DESCRIPTION	DATE

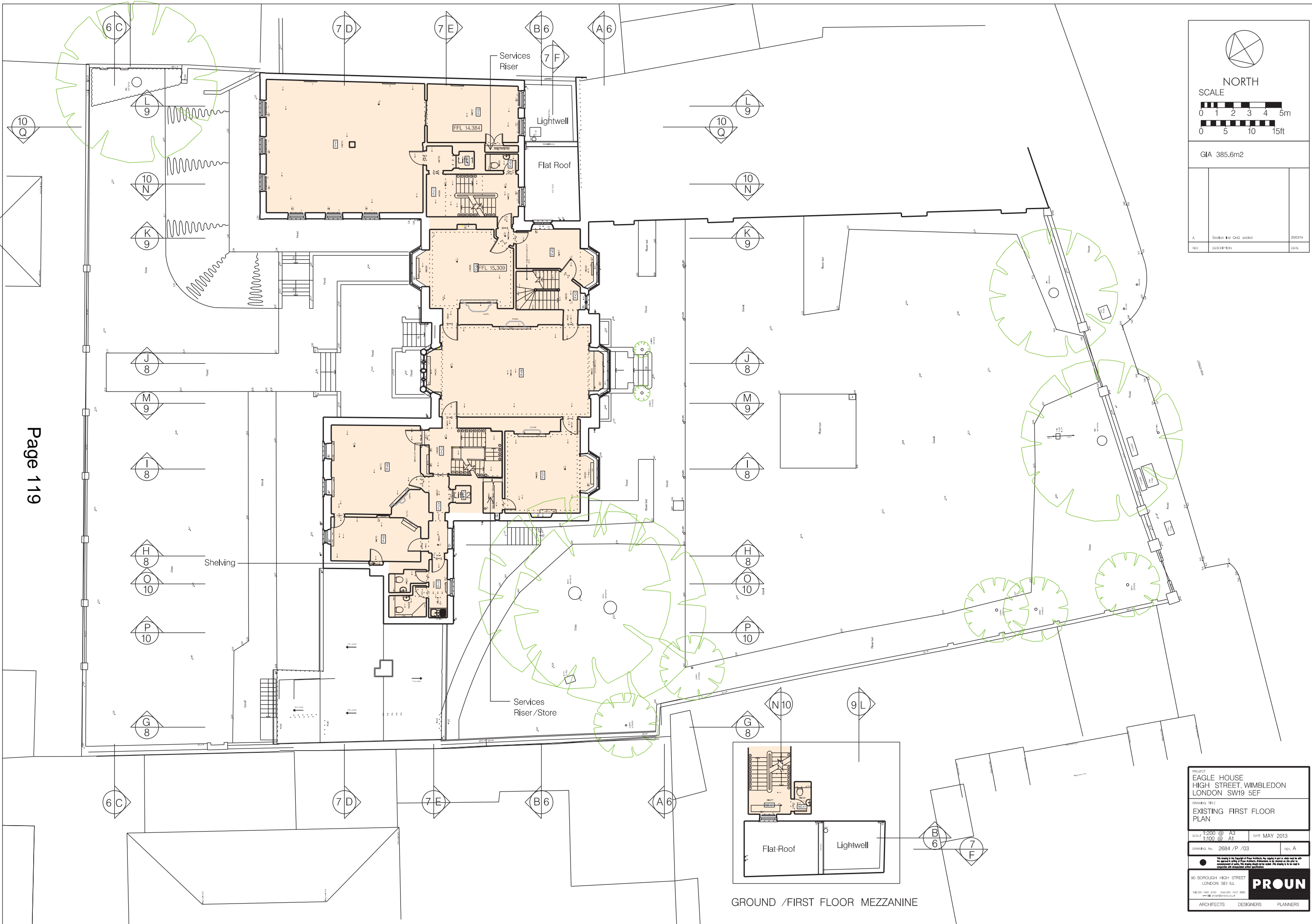
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 LONDON SW19 5EF  
 DRAWING TITLE  
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 FLOOR PLAN  
 SCALE 1:200 @ A3 DATE MAY 2013  
 1:100 @ A1  
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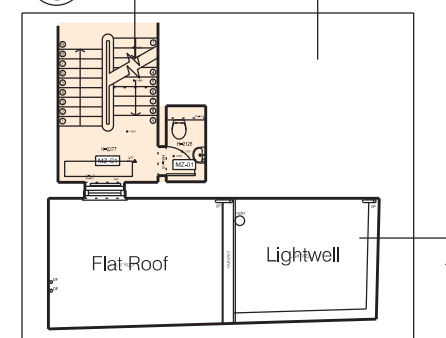
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 NORTH  
 SCALE  


GIA 385.6m2	
A Section line G-Q added	2003/14
REV. GUSCH/10/01	DATE



GROUND /FIRST FLOOR MEZZANINE

PROJECT		EAGLE HOUSE HIGH STREET, WIMBLEDON LONDON SW19 5EF	
DRAWING TITLE		EXISTING FIRST FLOOR PLAN	
SCALE	1:200 @ A3 1:100 @ A1	DATE	MAY 2013
DRAWING NO.	2684 / P / 03	REV.	A
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NORTH  
SCALE  
0 1 2 3 4 5m  
0 5 10 15ft

GIA 312.5m2

A	Section line G-Q added	2003/14
REV.	DESCRIPTION	DATE

PROJECT: EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE: EXISTING SECOND FLOOR PLAN

SCALE: 1:200 @ A3  
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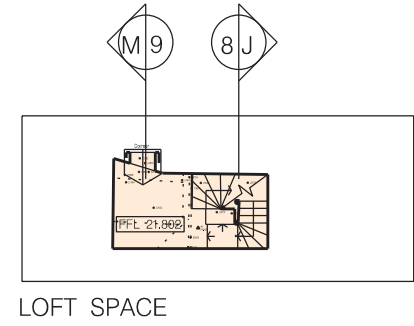
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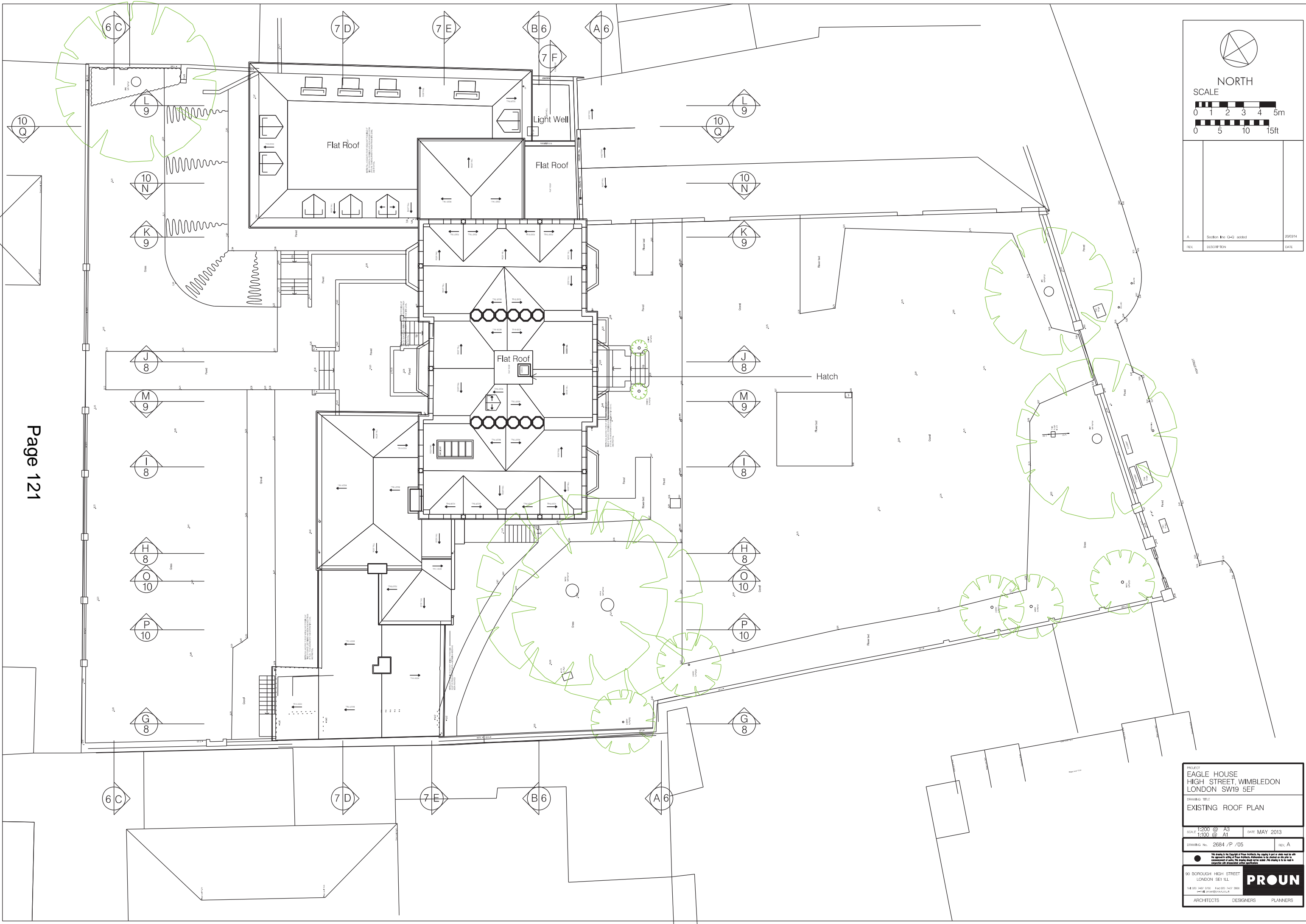
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REV: A

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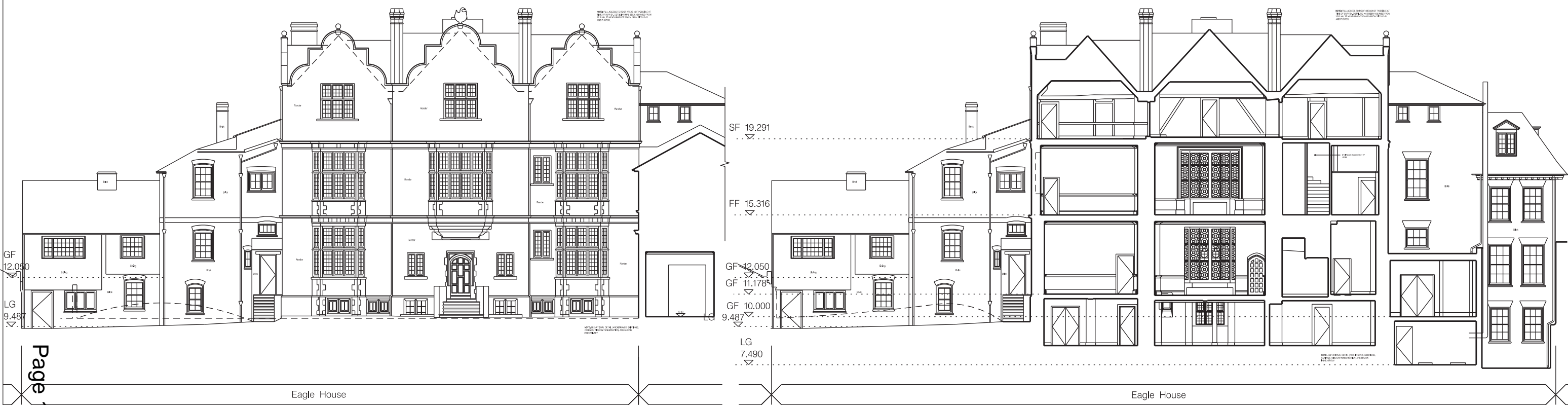




  
 NORTH  
 SCALE  
  


A	Section line G-Q added	2003/14
REV.	DESCRIPTION	DATE

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EAGLE HOUSE HIGH STREET, WIMBLEDON LONDON SW19 5EF	
DRAWING TITLE	
EXISTING ROOF PLAN	
SCALE	DATE
1:200 @ A3 1:100 @ A1	MAY 2013
DRAWING No.	REV.
2684 / P / 05	A
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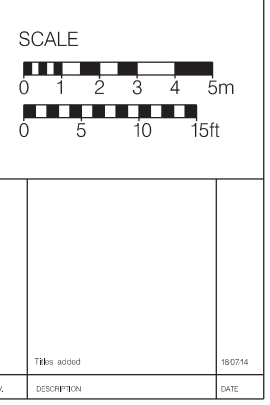


SECTION A-A, FRONT ELEVATION TO SOUTH

SECTION B-B



SECTION C-C REAR ELEVATION TO NORTH



PROJECT: EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE: EXISTING SECTIONS AND ELEVATIONS  
A-A - C-C

SCALE: 1:200 @ A3  
1:100 @ A1

DATE: MAY 2013

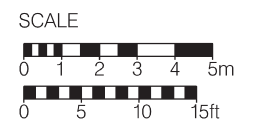
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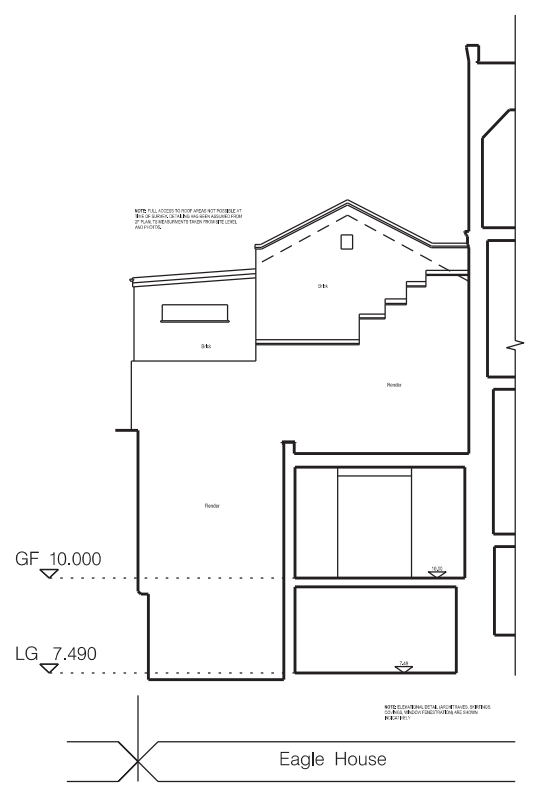


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SECTION D-D



SECTION E-E



SECTION F-F

REV.	DESCRIPTION	DATE

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

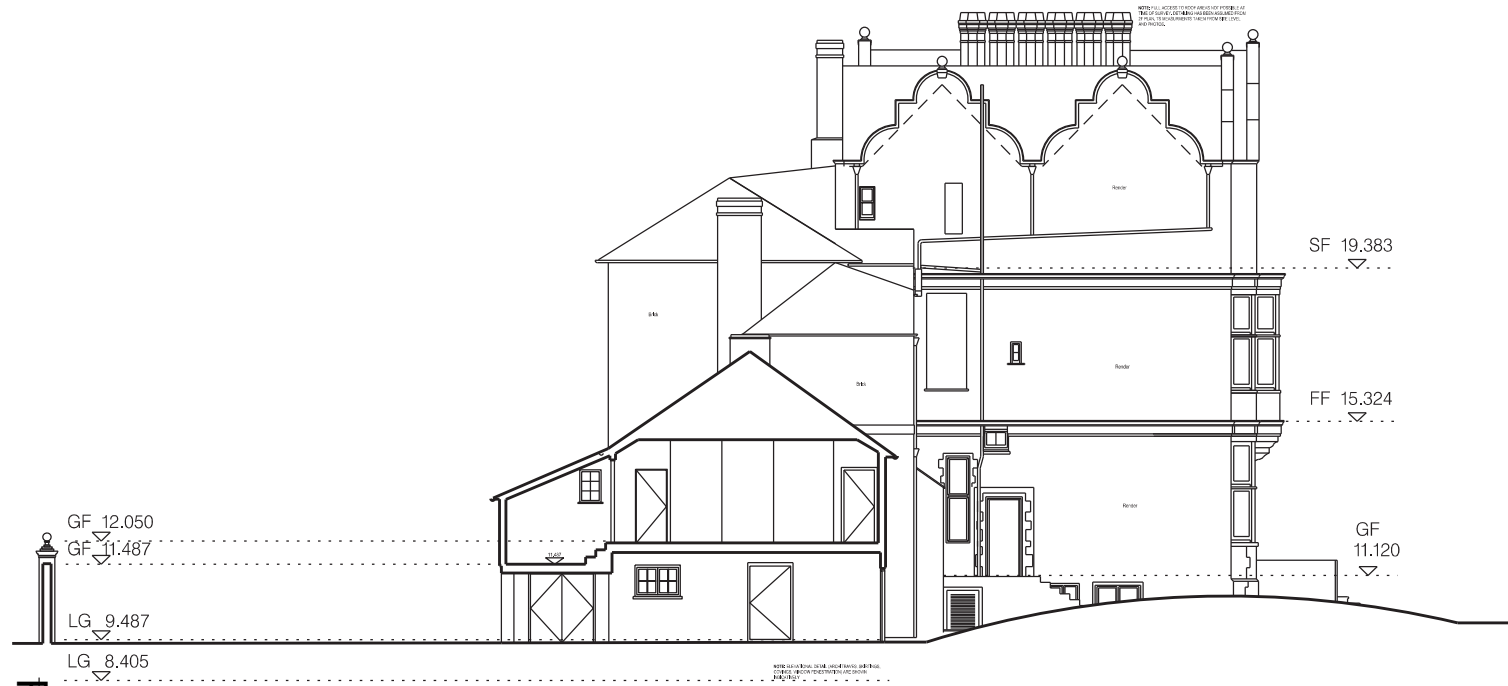
DRAWING TITLE  
EXISTING SECTIONS D-D - F-F

SCALE 1:200 @ A3 1:100 @ A1	DATE MAY 2013
DRAWING No.: 2684 / P / 07	REV.

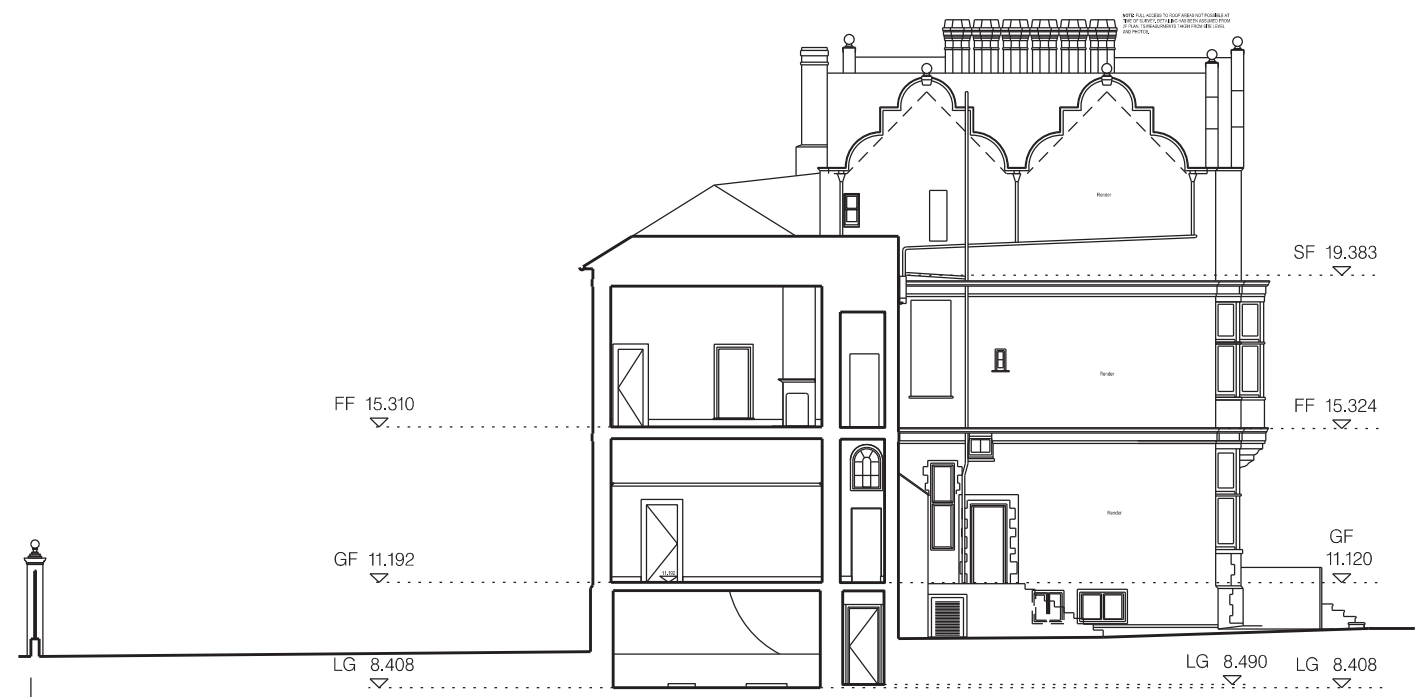
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Eagle House

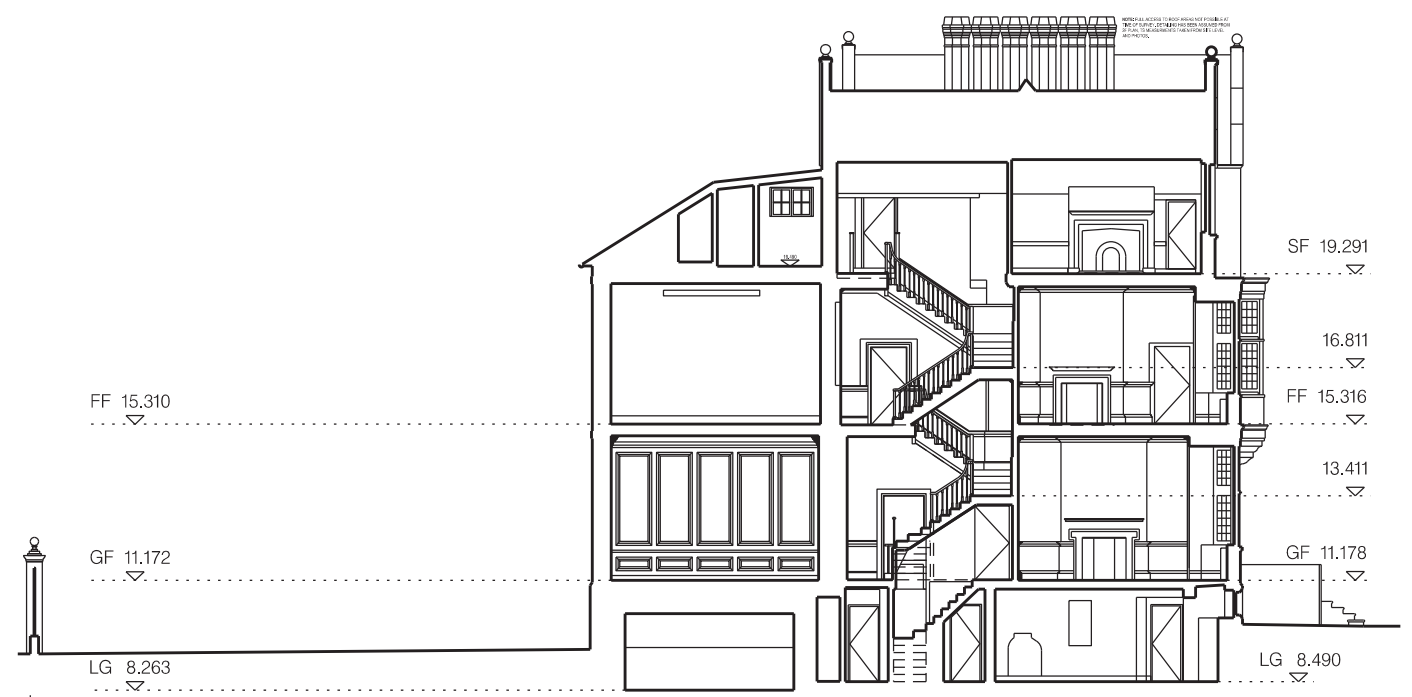


Eagle House

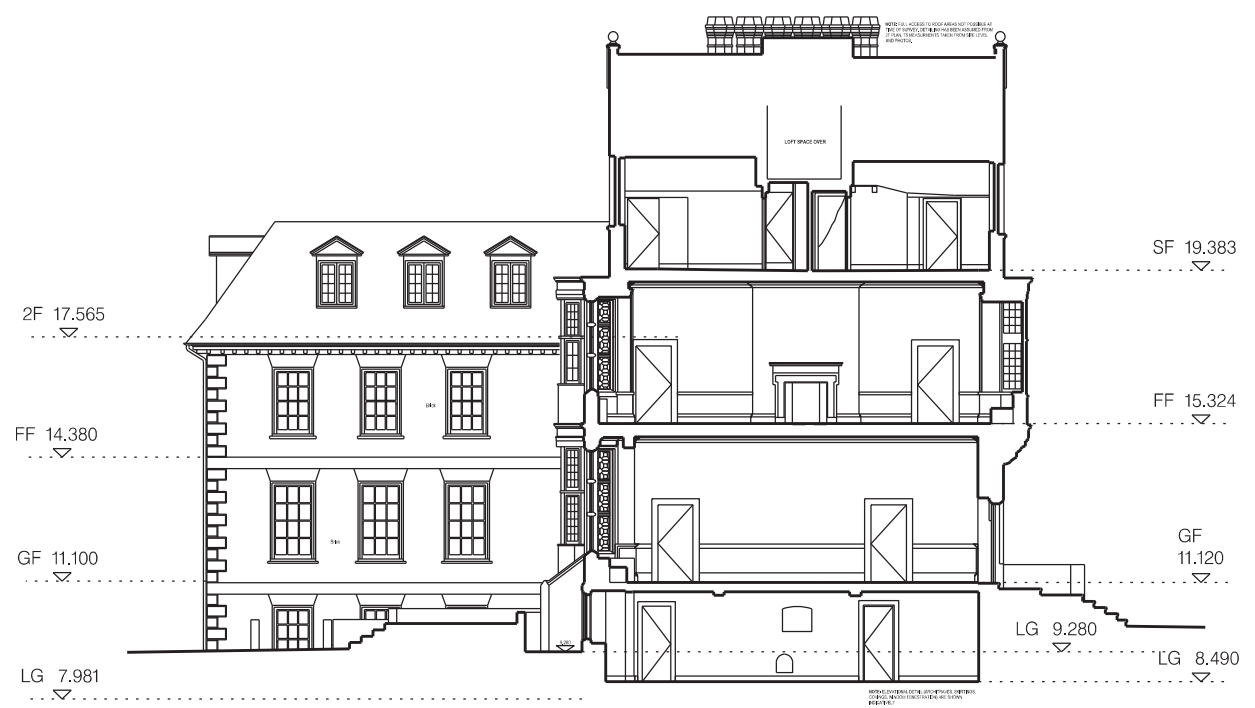
Page 124

SECTION G-G, WEST ELEVATION

SECTION H-H



Eagle House



Eagle House

**SCALE**

0 1 2 3 4 5m

0 5 10 15ft

REV.	DESCRIPTION	DATE

**PROJECT**  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

**DRAWING TITLE**  
EXISTING SECTIONS AND  
ELEVATIONS  
G-G - J-J

SCALE: 1:200 @ A3  
1:100 @ A1

DATE: MAY 2013

DRAWING No.: 2684 / P / 08

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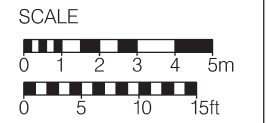
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SECTION I-I

SECTION J-J





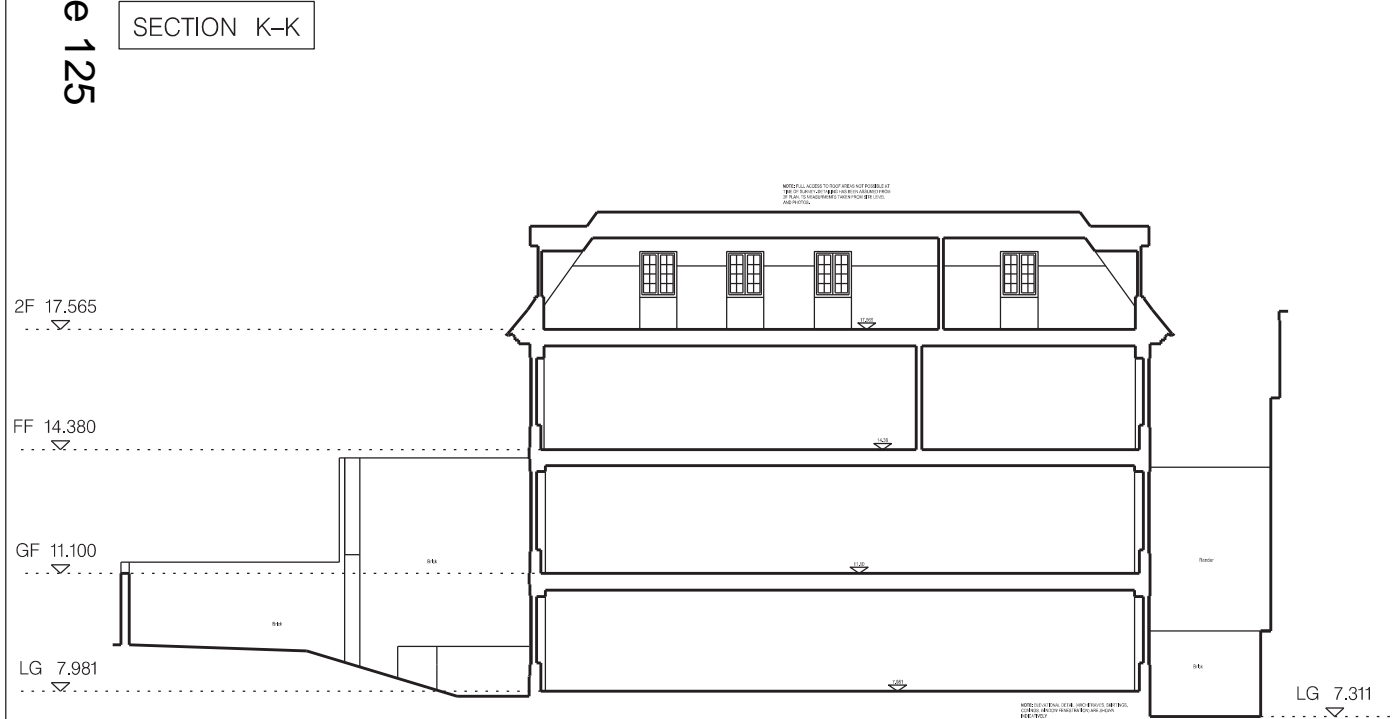
REV.	DESCRIPTION	DATE



Rushmere Place Eagle House High Street

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SECTION K-K



Rushmere Place Eagle House Property 56a

SECTION L-L



Eagle House Rushmere Place

SECTION M-M

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
EXISTING SECTIONS K-K - M-M

SCALE: 1:200 @ A3  
1:100 @ A1

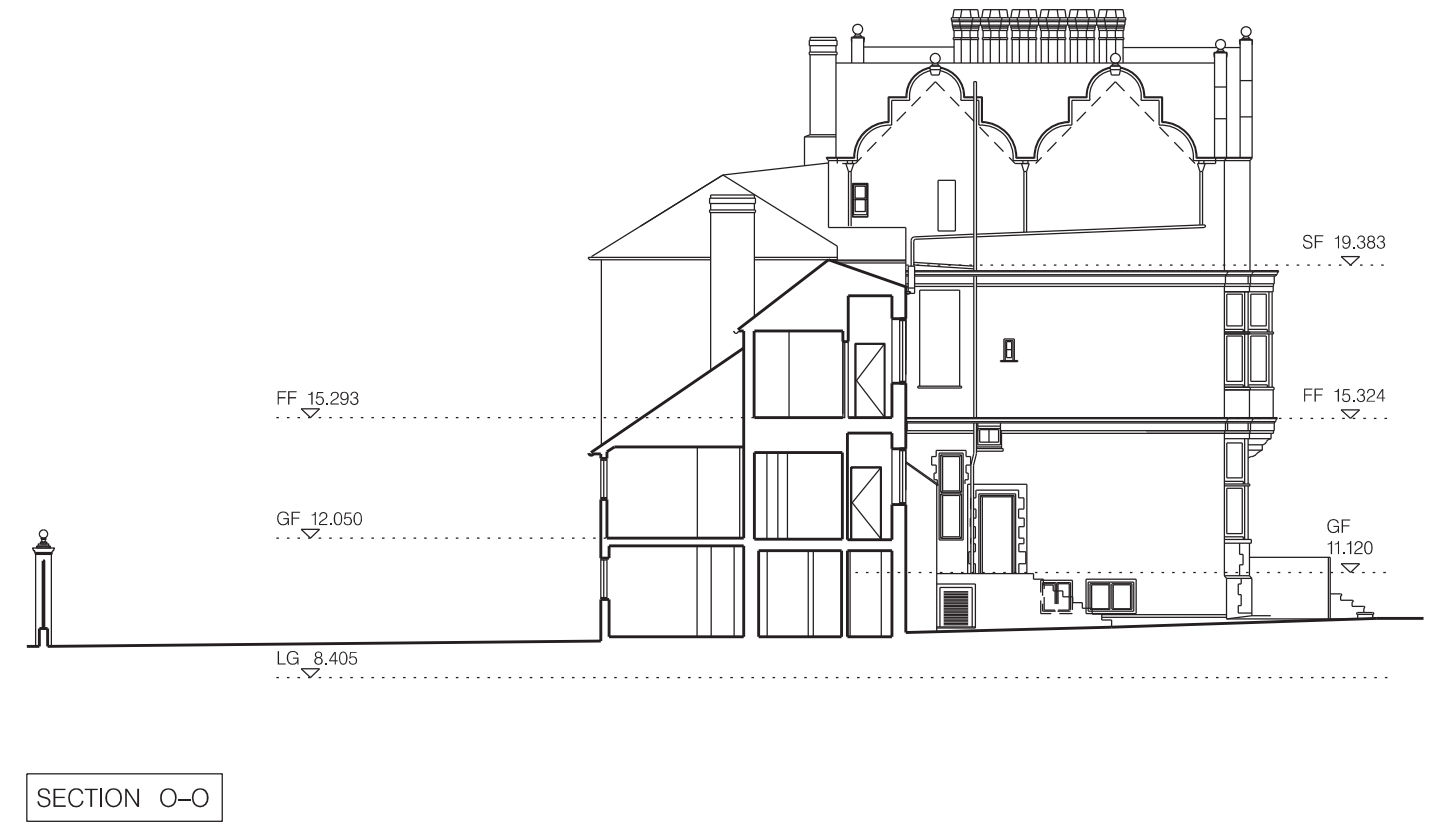
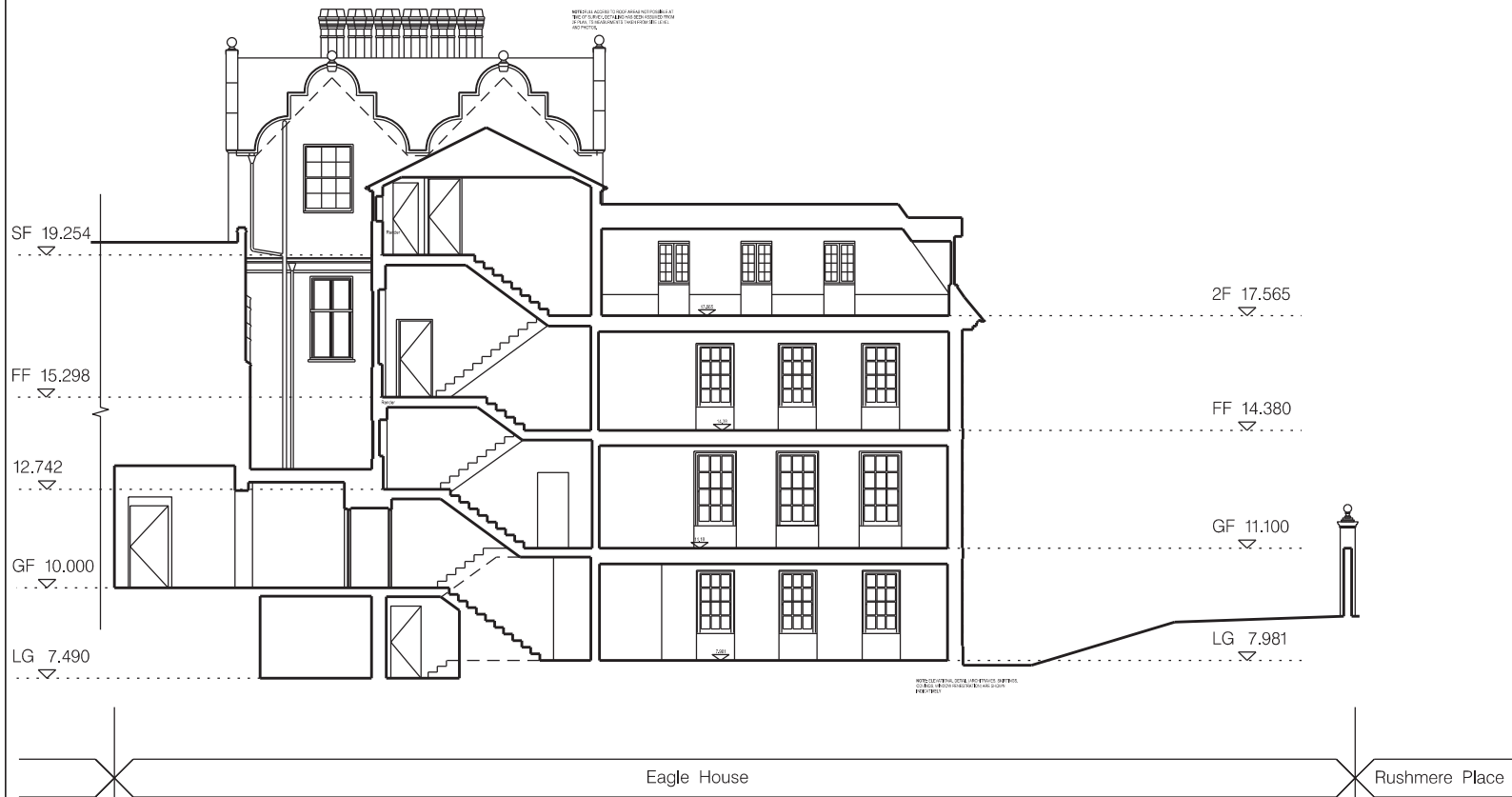
DATE: MAY 2013

DRAWING NO. 2684 / P / 09

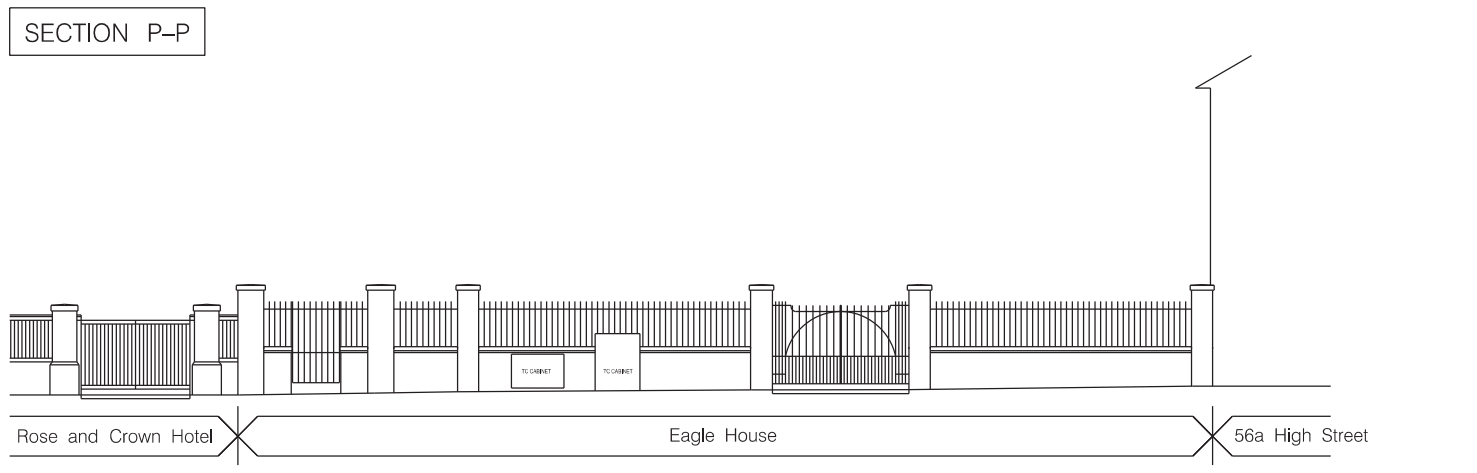
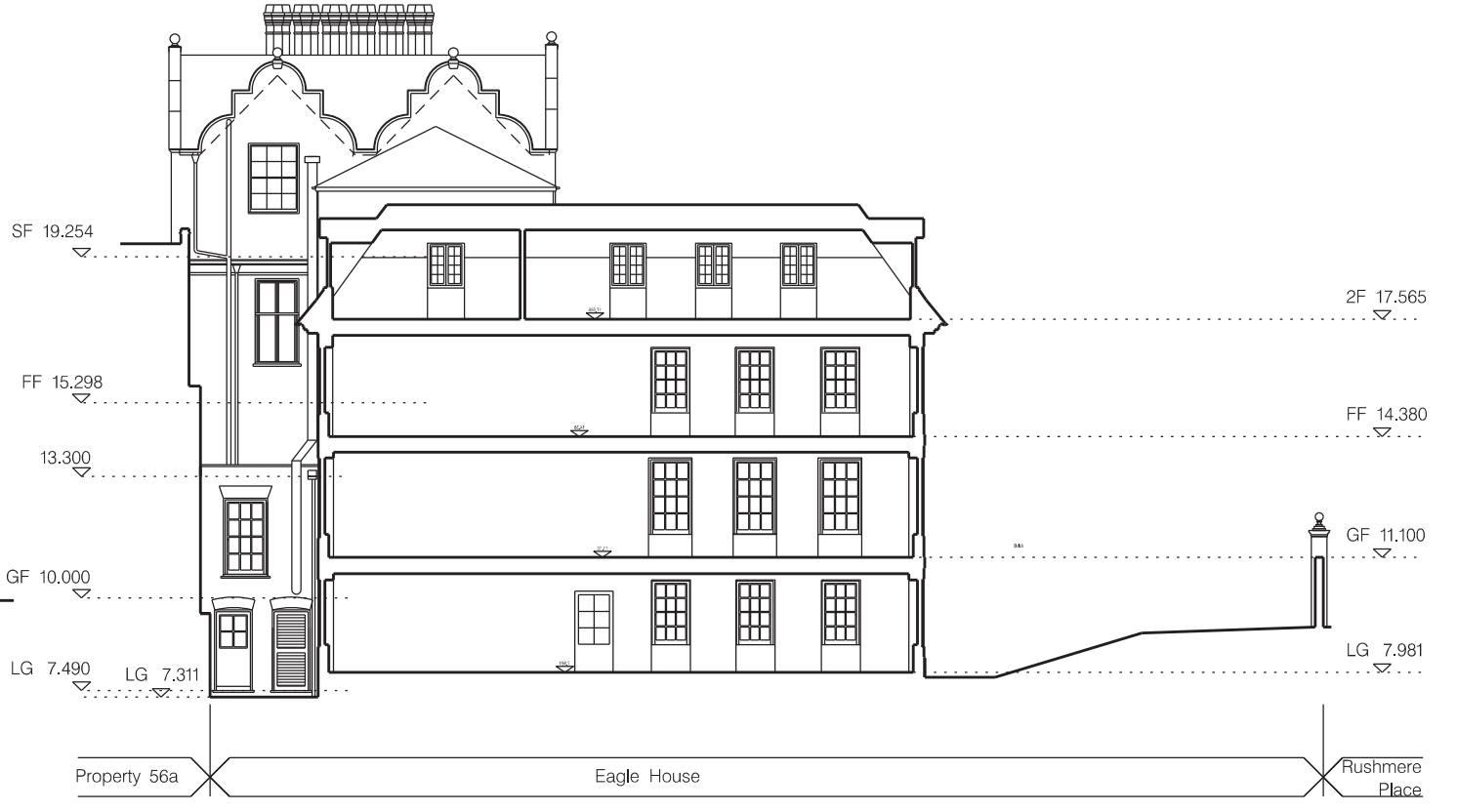
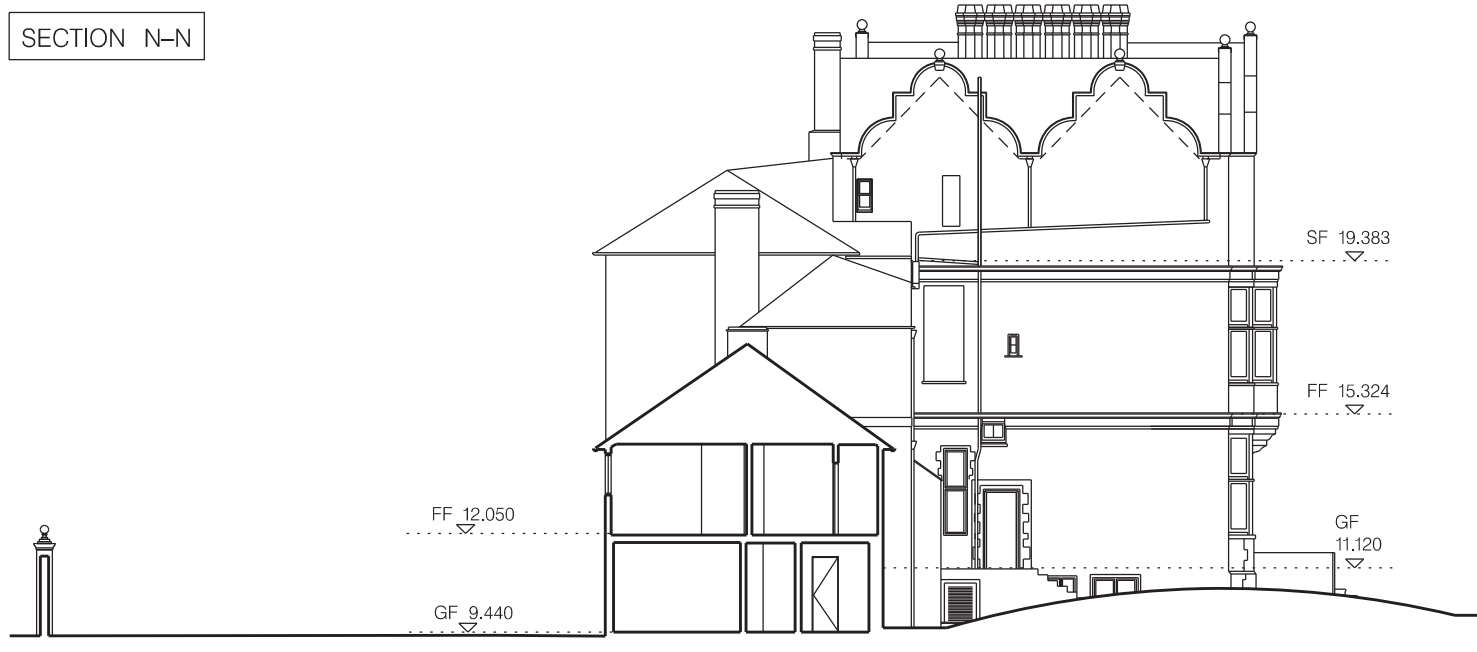
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ELEVATION OF FRONT BOUNDARY WALL FROM HIGH STREET

SCALE		
0 1 2 3 4 5m		
0 5 10 15ft		
B	Files added	16/07/14
A	Updated following planning consultation	20/03/14
REV	DESCRIPTION	DATE

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
EXISTING SECTION AND  
ELEVATION FROM HIGH  
STREET N-N - Q-Q

SCALE  
1:200 @ A3  
1:100 @ A1

DATE MAY 2013

DRAWING No.: 2684 / P / 10

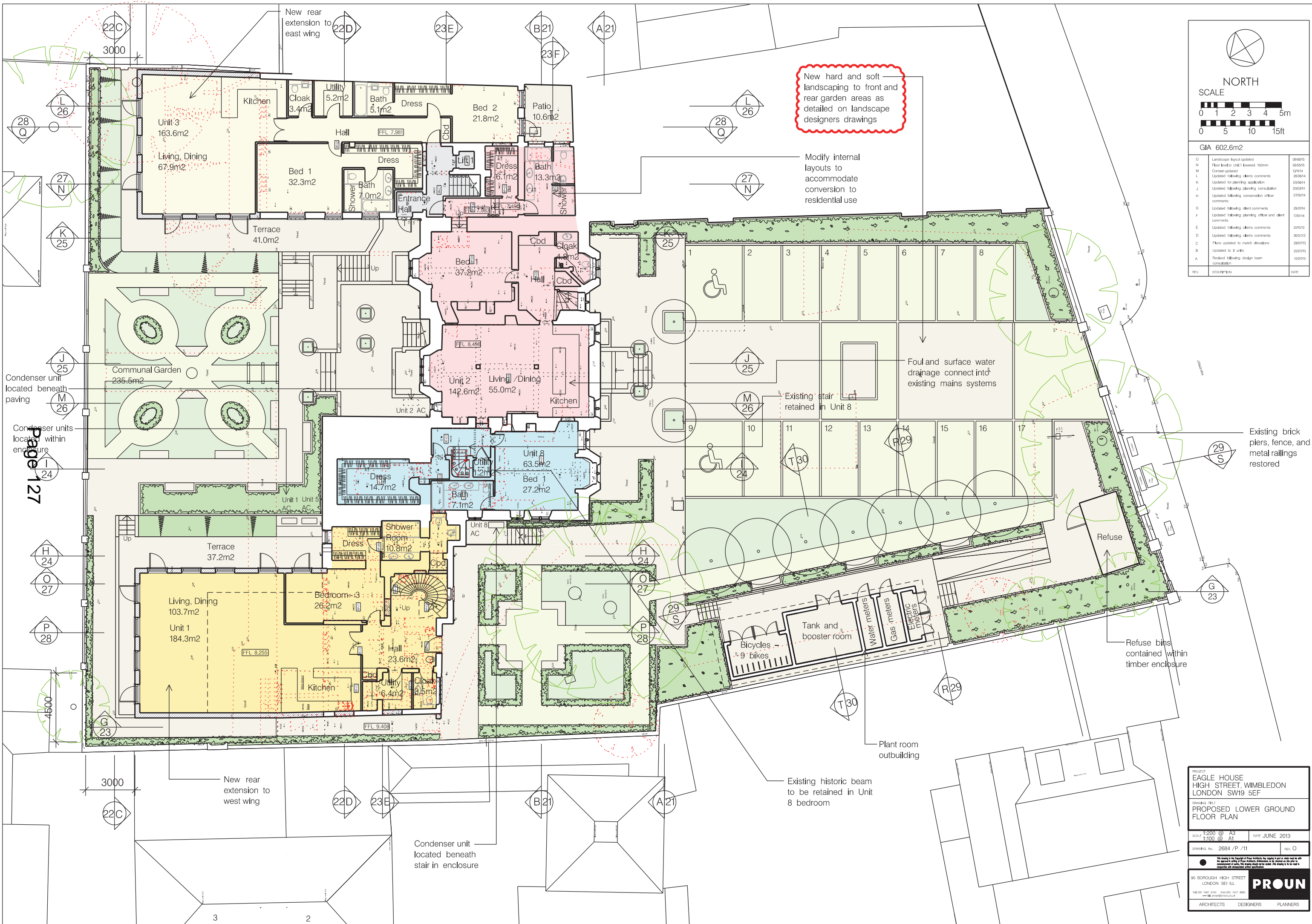
REV: B

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ARCHITECTS DESIGNERS PLANNERS



NORTH

SCALE

0 1 2 3 4 5m

0 5 10 15ft

GIA 602.6m<sup>2</sup>

REV.	DISCRIPTION	DATE
O	Landscape layout updated	09/05/15
N	Floor levels to Unit 1 lowered 50mm	06/05/15
M	Connect updated	13/11/14
L	Updated following clients comments	20/06/14
K	Updated for planning application	03/06/14
J	Updated following planning consultation	20/05/14
H	Updated following conservation officer comments	22/02/14
G	Updated following clients comments	29/05/14
F	Updated following planning officer and client comments	12/01/14
E	Updated following clients comments	31/01/13
D	Updated following clients comments	30/01/13
C	Plans updated to match drawings	26/01/13
B	Updated to 8 units	22/01/13
A	Revised following design team consultation	10/01/13

Condenser unit located beneath paving  
 Condenser units located within enclosure  
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PROJECT: EAGLE HOUSE  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF  
 DRAWING TITLE: PROPOSED LOWER GROUND FLOOR PLAN  
 SCALE: 1:200 @ A3  
 DATE: JUNE 2013  
 DRAWING NO.: 2684 / P / 11  
 REF: O

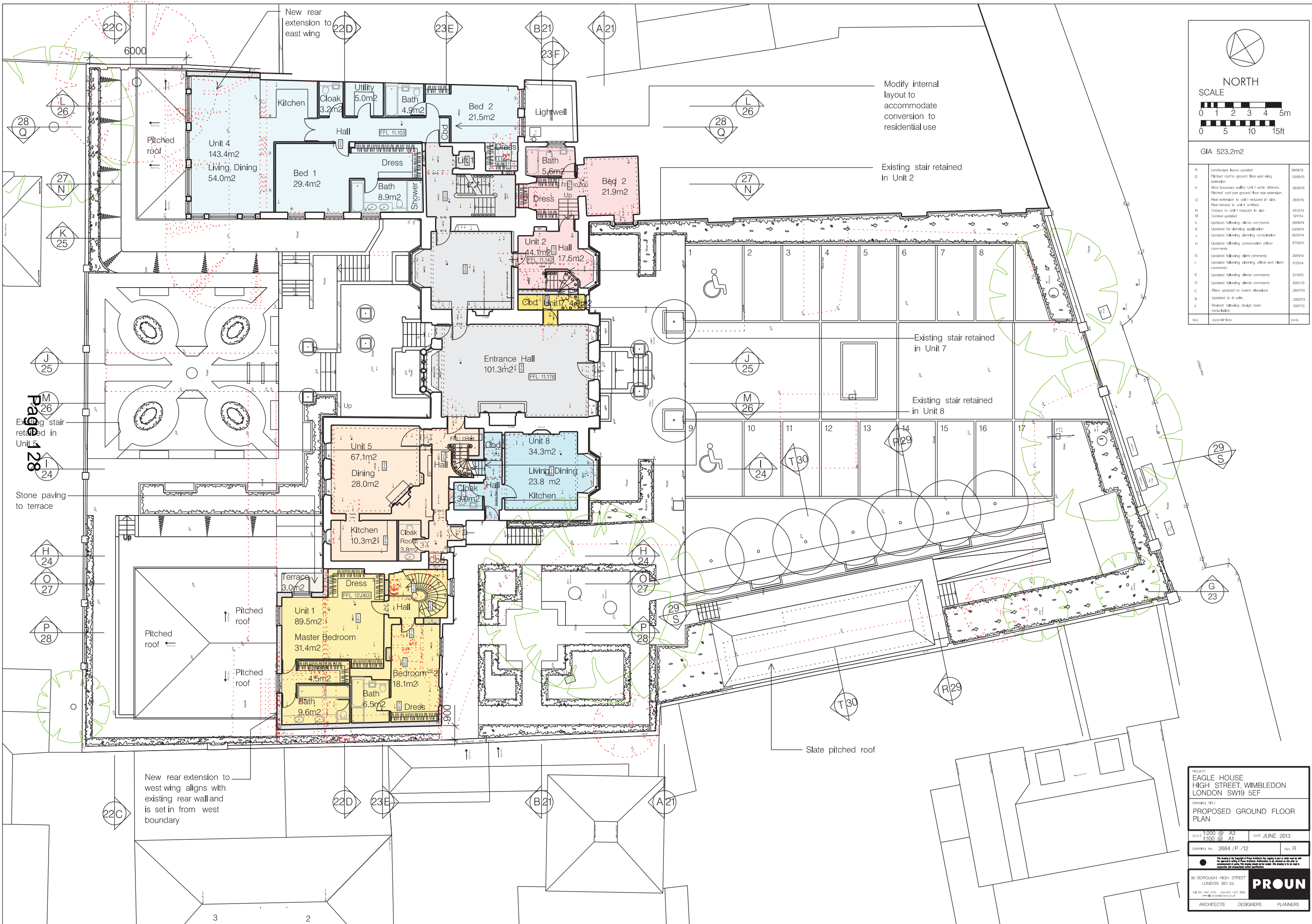
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ARCHITECTS DESIGNERS PLANNERS





NORTH

SCALE

0 1 2 3 4 5m  
0 5 10 15ft

GIA 523.2m<sup>2</sup>

R	Landscape layout updated	09/06/15
Q	Pitched roof to ground floor east wing extension	03/06/15
P	West boundary walls to Unit 1 set to 900mm, Pitched roof over ground floor rear extension, Rear extension to Unit 1 reduced in size, Terrace to Unit 1 reduced in size	06/05/15
O	Contex updated	29/01/15
N	Updated following clients comments	05/12/14
M	Updated following planning application	13/11/14
L	Updated following clients comments	26/06/14
K	Updated following planning consultation	03/06/14
J	Updated following conservation officer comments	20/03/14
H	Updated following client comments	27/02/14
G	Updated following client comments	29/01/14
F	Updated following planning officer and client comments	17/01/14
E	Updated following clients comments	31/10/13
D	Updated following clients comments	30/10/13
C	Plans updated to match elevations	26/07/13
B	Updated to 8 units	22/07/13
A	Revised following design team consultation	19/07/13
REV.	DESCRIPTION	DATE

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Existing stair retained in Unit 1  
Stone paving to terrace

Modify internal layout to accommodate conversion to residential use

Existing stair retained in Unit 2

Existing stair retained in Unit 7

Existing stair retained in Unit 8

New rear extension to west wing aligns with existing rear wall and is set in from west boundary

Slate pitched roof

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
PROPOSED GROUND FLOOR PLAN

SCALE 1:200 @ A3  
1:100 @ A1

DATE JUNE 2013

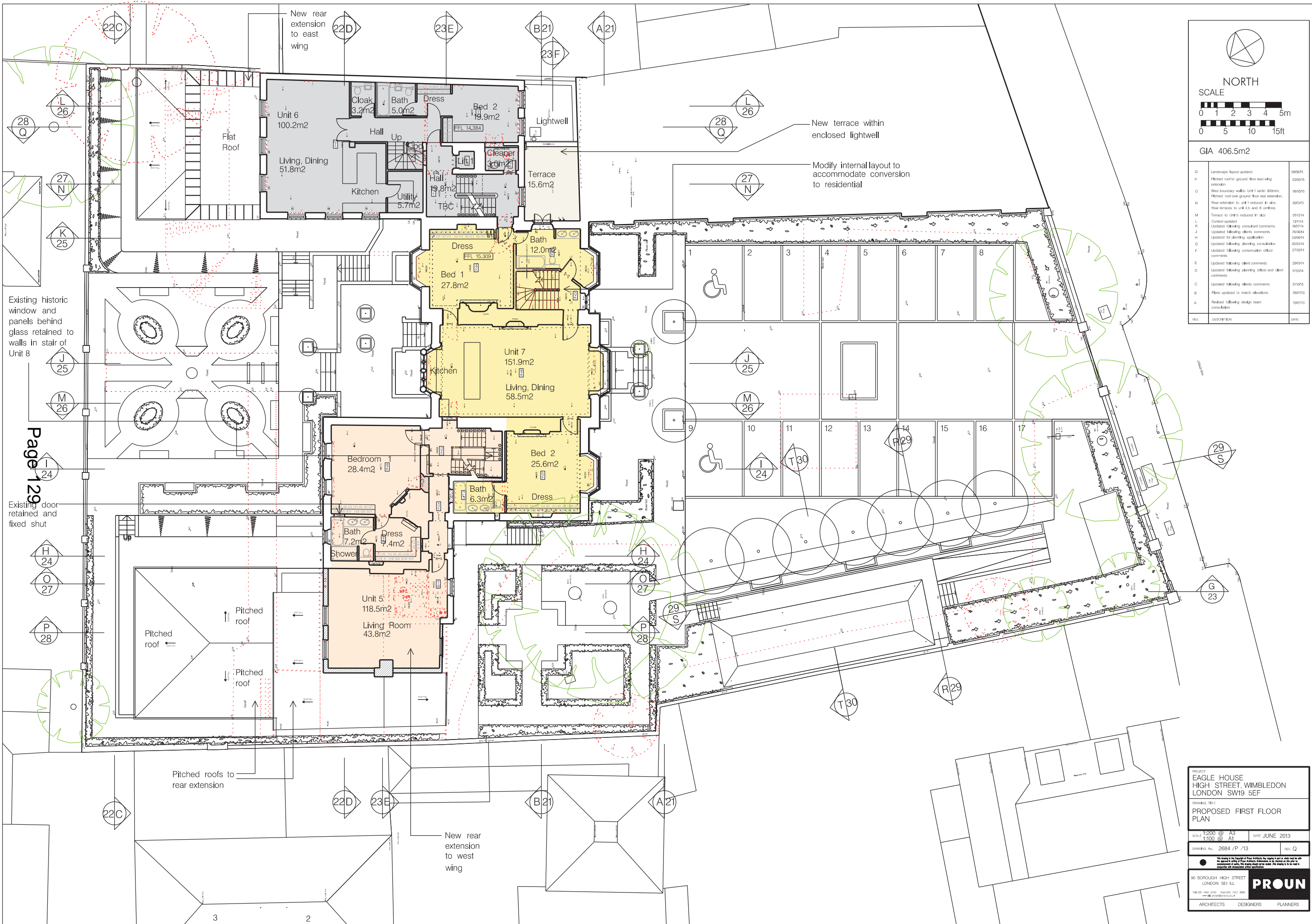
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REV. R

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Existing historic window and panels behind glass retained to walls in stair of Unit 8

Existing door retained and fixed shut

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NORTH

SCALE

GIA 406.5m<sup>2</sup>

Q	Landscape layout updated	09/09/15
P	Pitched roof to ground floor east wing extension	03/06/15
O	West boundary wall to Unit 1 set to 900mm. Pitched roof over ground floor rear extension.	06/05/15
N	Rear extension to Unit 1 reduced in size. Rear terraces to Unit 5.5 and 6 omitted.	30/05/15
M	Terrace to Unit 5 reduced in size	05/12/14
L	Content updated	13/11/14
K	Updated following consultant comments	18/07/14
J	Updated following clients comments	26/06/14
H	Updated for planning application	03/06/14
G	Updated following planning consultation	20/03/14
F	Updated following conservation officer comments	27/02/14
E	Updated following client comments	29/01/14
D	Updated following planning officer and client comments	11/01/14
C	Updated following clients comments	31/05/13
B	Plans updated to match elevations	26/05/13
A	Revised following design team consultation	19/01/13
REV.	DESCRIPTION	DATE

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
PROPOSED FIRST FLOOR PLAN

SCALE: 1:200 @ A3  
1:100 @ A1

DATE: JUNE 2013

DRAWING NO.: 2684 / P / 13

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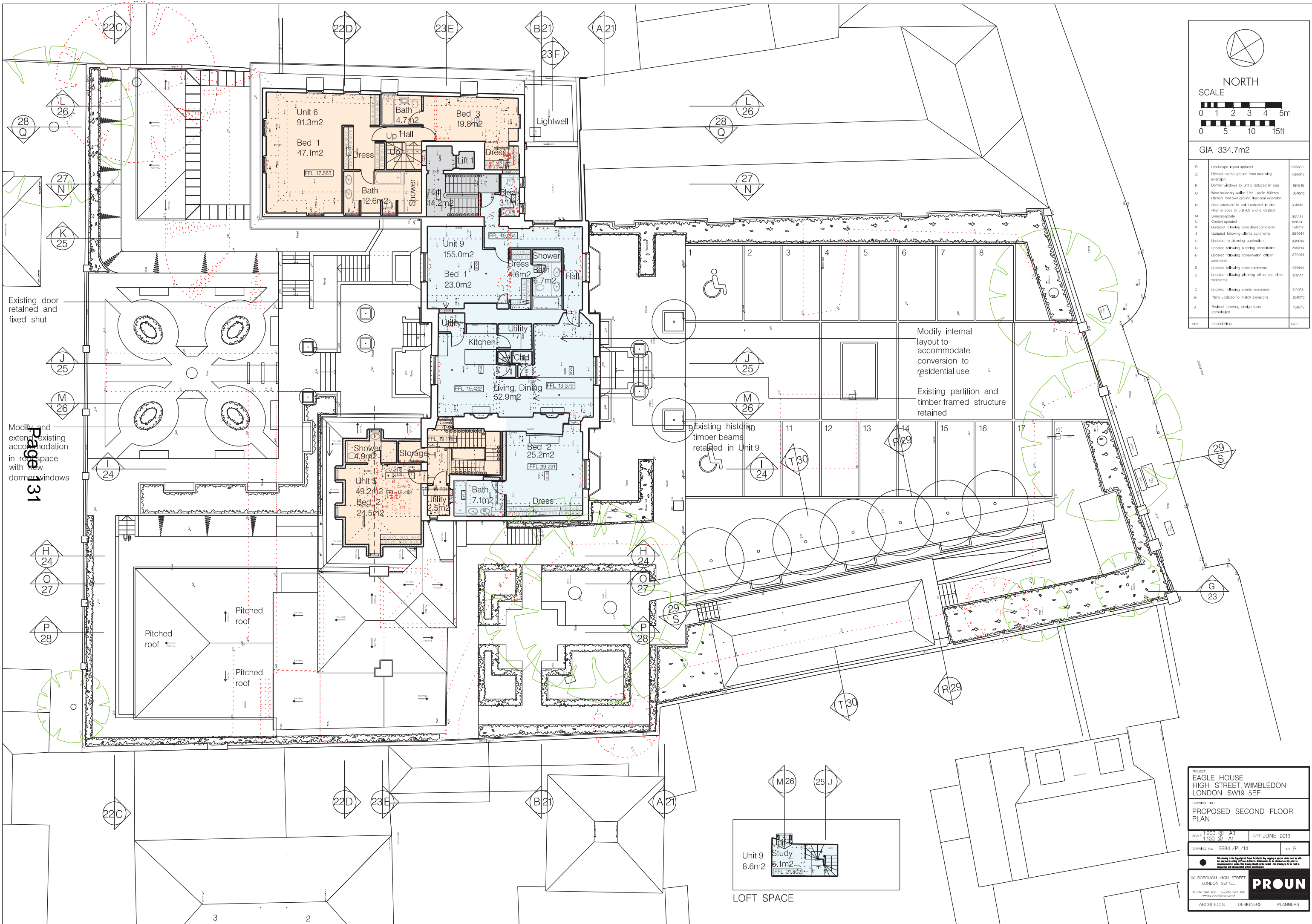
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Page 131

NORTH

SCALE

0 1 2 3 4 5m

0 5 10 15ft

GIA 334.7m<sup>2</sup>

REV.	DESCRIPTION	DATE
R	Landscape layout updated	09/05/15
Q	Pitched roof to ground floor existing extension	03/06/15
P	Dormer windows to unit 6 reduced in size	19/05/15
O	West boundary walls to Unit 1 set in 900mm, Pitched roof over ground floor rear extension.	06/05/15
N	Rear extension to unit 1 reduced in size, Rear terraces to unit 4, 5 and 6 widened.	30/05/15
M	General update	05/03/14
L	Contest updated	13/11/14
K	Updated following consultant comments	19/07/14
J	Updated following officers comments	26/06/14
H	Updated following planning application	03/06/14
G	Updated following planning consultation	25/03/14
F	Updated following conservation officer comments	27/02/14
E	Updated following client comments	29/05/14
D	Updated following planning officer and client comments	17/01/14
C	Updated following clients comments	31/05/13
B	Plans updated to match elevations	26/03/13
A	Revised following design team consultation	10/01/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

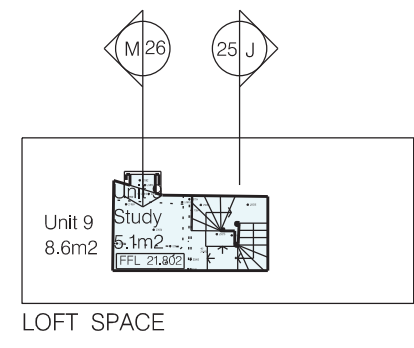
DRAWING TITLE  
**PROPOSED SECOND FLOOR PLAN**

SCALE: 1:200 @ A3      DATE: JUNE 2013  
 1:100 @ A1

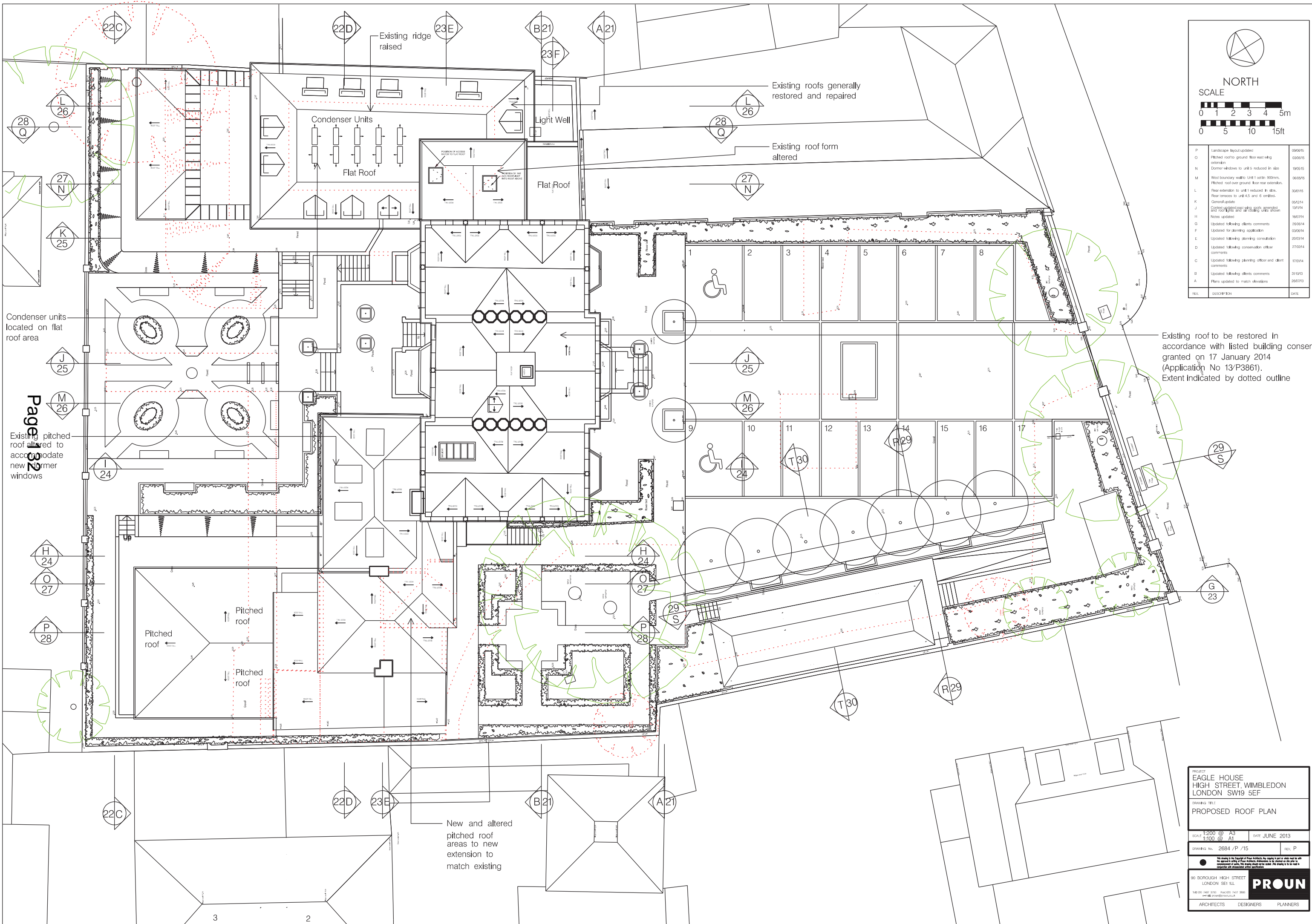
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NORTH  
SCALE

0 1 2 3 4 5m  
0 5 10 15ft

P	Landscape layout updated	09/09/15
O	Pitched roof to ground floor east wing extension	03/06/15
N	Dormer windows to unit 5 reduced in size	19/05/15
M	West boundary wall to unit 1 set in 900mm. Pitched roof over ground floor rear extension.	06/05/15
L	Rear extension to unit 1 reduced in size. Rear entrance to unit 4.5 and 6 widened.	30/01/15
K	General update	04/12/14
J	Context updated east wing, units appended and roof lights and air cooling units shown	13/11/14
H	Notes updated	16/07/14
G	Updated following clients comments	26/06/14
F	Updated following planning application	03/06/14
E	Updated following planning consultation	20/03/14
D	Updated following conservation officer comments	27/02/14
C	Updated following planning officer and client comments	17/01/14
B	Updated following clients comments	31/10/13
A	Plans updated to match elevations	26/07/13
REV.	DESCRIPTION	DATE

Existing roof to be restored in accordance with listed building consent granted on 17 January 2014 (Application No 13/P3861). Extent indicated by dotted outline

Page 1 of 32  
Existing pitched roof altered to accommodate new dormer windows

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
PROPOSED ROOF PLAN

SCALE 1:200 @ A3 DATE JUNE 2013  
1:100 @ A1

DRAWING NO. 2684 / P / 15 REV. P

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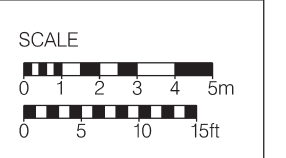


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SECTION A-A, FRONT ELEVATION TO SOUTH



SECTION B-B



REV.	DESCRIPTION	DATE
K	Hipped roof to lower ground rear extension of Unit 1. Lower ground floor level of Unit 1 lowered 150mm. Building set in 900mm from west boundary. Existing cornice added and east wing roof amended.	06/05/14
J	Updated following planning consultation.	13/01/14
H	Notes added.	18/02/14
G	Updated following planning consultation.	03/06/14
F	Updated following conservation officer comments.	29/03/14
E	Updated following planning officer and client comments.	29/03/14
D	Updated following planning officer and client comments.	17/01/14
C	Updated following clients comments.	31/03/13
B	Elevations updated to show new terrace.	26/07/13
A	Elevations updated.	22/07/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
**PROPOSED SECTION AND ELEVATION A-A - B-B**

SCALE: 1:200 @ A3 DATE: JUNE 2013  
 1:100 @ A1

DRAWING No.: 2684 / P / 21 REV: K

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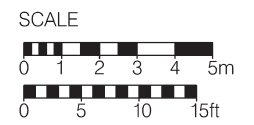
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SECTION C-C, REAR ELEVATION TO NORTH



SECTION D-D



REV.	DESCRIPTION	DATE
P	Site heights raised to rear extension of east wing and new dormer windows	19/05/15
O	Hipped roof to lower ground rear extension of Unit 1. Lower ground floor level of Unit 1 lowered 100mm. Building set in 900mm from west boundary.	05/05/14
N	Railings and parapet walls removed from proposed rear extension.	01/04/15
M	Opaque glazing added to rear of east wing at ground floor level section C-C.	05/02/15
L	Rear extension to Unit 1 reduced in size. Rear terraces to Units 4, 5 and 6 omitted.	29/01/15
K	Terraces to Units 1 and 5 reduced in size. Existing corner added and east wing roof amended.	05/12/14
J	Existing corner added and east wing roof amended.	13/11/14
H	Notes added.	18/07/14
G	Updated for planning application.	03/06/14
F	Updated following planning consultation.	29/03/14
E	Updated following conservation officer comments.	28/02/14
D	Updated following planning officer and client comments.	17/01/14
C	Updated following clients comments.	31/03/13
B	Elevations updated to show new terrace.	26/07/13
A	Elevations updated.	22/07/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
**PROPOSED SECTION AND ELEVATION C-C - D-D**

SCALE: 1:200 @ A3 | DATE: JUNE 2013  
 1:100 @ A1

DRAWING NO.: 2684 / P / 22 | REV: P

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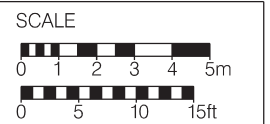


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SECTION N-N



SECTION O-O



REV.	DESCRIPTION	DATE
O	SF heights raised to rear extension of east wing and new dormer windows	19/05/15
N	Hipped roof to lower ground rear extension of Unit 1. Lower ground floor level of Unit 1 lowered 150mm. Building set in 900mm from west boundary.	06/05/14
M	Railings and parapet walls removed from proposed rear extensions	01/04/15
L	Rear extension to Unit 1 reduced in size. Rear terraces to Unit 4, 5 and 6 omitted.	30/03/15
K	Terraces to Units 1 and 5 reduced in size	05/12/14
J	Existing context added and east wing roof amended	13/11/14
I	Notes added	18/07/14
H	Notes added	16/07/14
G	Updated for planning application	03/06/14
F	Section O-O added	29/03/14
E	Updated following consultation officer comments	26/02/14
D	Updated following planning officer and client comments	17/01/14
C	Updated following clients comments	31/10/13
B	Elevations updated to show new terrace	26/10/13
A	Elevations updated	22/07/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
**PROPOSED SECTIONS AND ELEVATION FROM HIGH STREET N-N - O-O**

SCALE  
 1:200 @ A3  
 1:100 @ A1

DATE JUNE 2013

DRAWING NO. 2684 / P / 27

REV. O

90 BOROUGH HIGH STREET  
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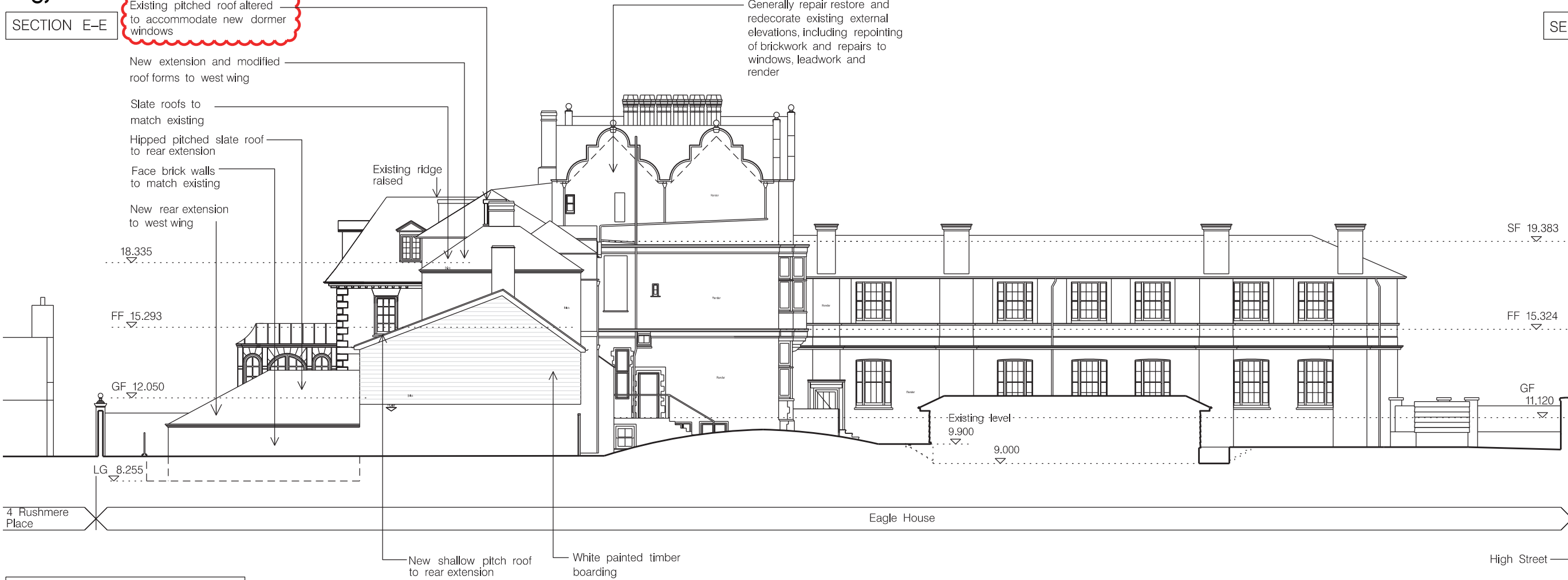




SECTION E-E

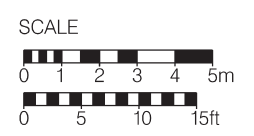
Existing pitched roof altered to accommodate new dormer windows

- New extension and modified roof forms to west wing
- Slate roofs to match existing
- Hipped pitched slate roof to rear extension
- Face brick walls to match existing
- New rear extension to west wing



SECTION G-G, WEST ELEVATION

SECTION F-F



REV.	DESCRIPTION	DATE
M	Dormer windows updated	19/05/15
L	Hipped roof to lower ground rear extension of Unit 1. Ground floor level of Unit 1 lowered. Existing building set in 900mm from west boundary.	06/05/14
K	Railings and parapet walls removed from proposed rear extensions	05/04/15
J	Rear extension to unit 1 reduced in size. Rear terrace to unit 2 omitted.	29/01/15
H	Terraces to Units 1 and 2 reduced in size	05/12/14
G	Existing context added and east wing roof amended	13/11/14
F	Notes added	19/01/14
E	Updated for planning application	03/06/14
D	Updated following planning consultation	20/03/14
C	Updated following conservation officer comments	26/02/14
B	Updated following clients comments	31/10/13
A	Elevations updated	26/07/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
**PROPOSED SECTION AND ELEVATION**  
 E-E - G-G

SCALE: 1:200 @ A3 DATE: JUNE 2013  
 1:100 @ A1

DRAWING NO.: 2684 / P / 23 REV. M

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**PROUN**  
 ARCHITECTS DESIGNERS PLANNERS

Existing pitched roof altered to accommodate new dormer windows

Existing ridge raised

New rear extension



11 Rushmere Place

Eagle House

High Street

SECTION H-H

Page 137

Existing pitched roof altered to accommodate new dormer windows

Existing ridge raised

New rear extension

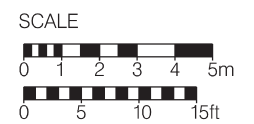


11 Rushmere Place

Eagle House

High Street

SECTION I-I



REV.	DESCRIPTION	DATE
M	Dormer windows updated	19/05/15
L	Raised roof to lower ground rear extension of Unit L	06/05/14
K	Lower ground floor level of Unit L lowered 150mm. Raising set in 900mm from west boundary.	
J	Parapets and parapet walls removed from proposed rear extension	05/04/15
H	Existing cornice added and east wing roofs amended	13/11/14
G	Notes added	18/02/14
F	Updated following planning application	03/06/14
E	Updated following planning consultation	29/03/14
D	Updated following conservation officer comments	26/02/14
C	Updated following planning officer and client comments	17/01/14
B	Updated following clients comments	31/01/13
A	Elevations updated to show new terrace	26/07/13
A	Elevations updated	22/07/13

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
PROPOSED SECTIONS  
H-H - I-I

SCALE  
1:200 @ A3  
1:100 @ A1

DATE  
JUNE 2013

DRAWING No. 2684 / P / 24

REV. M

90 BOROUGH HIGH STREET  
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Existing ridge raised  
 Lead pitched roof  
**New rear extension to east wing**  
 White painted timber framed windows with brick arches to match existing



SECTION J-J

Existing ridge raised  
 Lead pitched roof  
**New rear extension to east wing**  
 White painted timber framed windows with brick arches to match existing



SECTION K-K

New rear extension to east wing



REV.	DESCRIPTION	DATE
K	Roofing and parapet walls removed from proposed rear extension	05/04/15
J	Rear terraces omitted to units 4 and 6	30/09/15
I	Existing context added and east wing roofs amended	13/11/14
H	Notes added	18/02/14
G	Updated following planning application	03/06/14
F	Updated following planning consultation	29/03/14
E	Updated following conservation officer comments	26/02/14
D	Updated following planning officer and client comments	17/01/14
C	Updated following clients comments	31/03/13
B	Elevations updated to show new terrace	26/07/13
A	Elevations updated	22/07/13

PROJECT  
 EAGLE HOUSE  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

DRAWING TITLE  
 PROPOSED SECTIONS  
 J-J - K-K

SCALE  
 1:200 @ A3  
 1:100 @ A1

DATE JUNE 2013

DRAWING No. 2684 / P / 25

REV. K

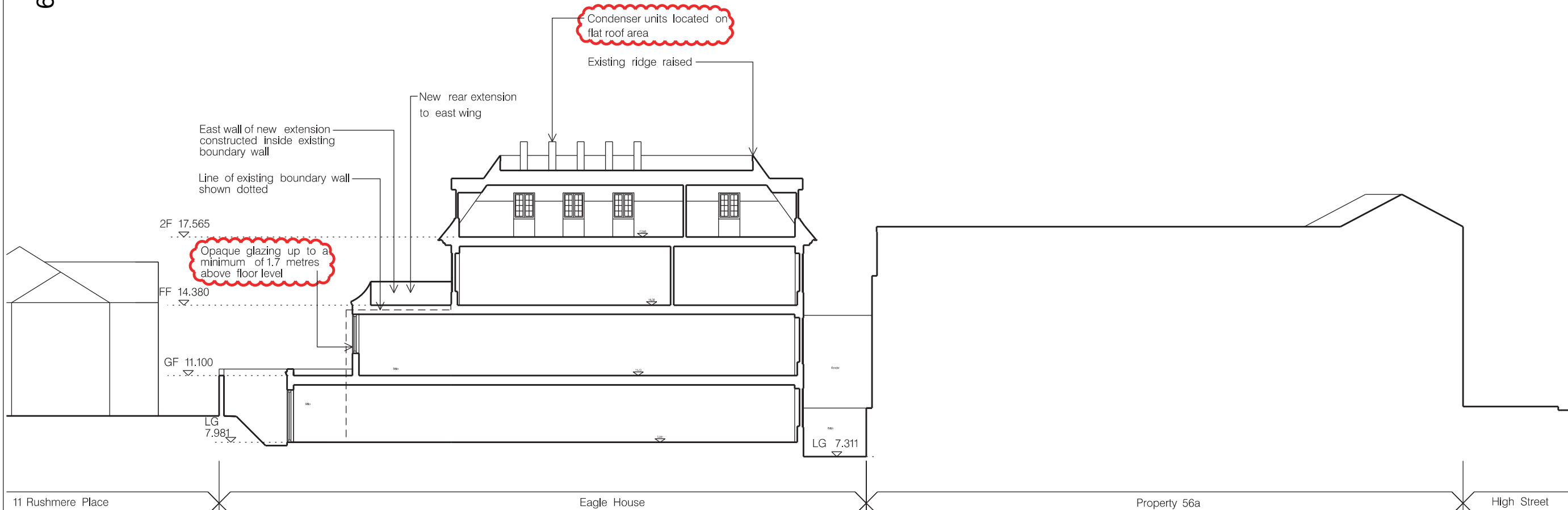
90 BOROUGH HIGH STREET  
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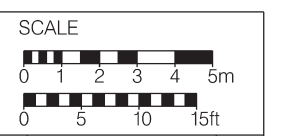
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Page 139  
SECTION M-M



SECTION L-L



REV.	DESCRIPTION	DATE
D	Site heights related to rear extension of east wing and new dormer windows	19/05/15
N	Hipped roof to lower ground floor extension of Unit 1. Lower ground floor level of Unit 1 lowered 150mm. Cladding set to 500mm from west boundary.	06/05/14
M	Ridge and parapets removed from proposed rear extension. Boundary wall shown dotted.	01/04/15
L	Rear extension to Unit 1 reduced in site. Rear terrace to Unit 1.5 and 1.6 omitted.	06/02/15
K	Rear extension to Unit 1 reduced in site. Rear terrace to Unit 1.5 and 1.6 omitted.	30/01/15
J	Terraces to Units 1 and 5 reduced in site.	05/01/14
I	Existing cornices added and existing roofs amended.	13/11/14
H	Notes added.	16/01/14
G	Updated following planning consultation.	03/06/14
F	Updated following planning consultation.	22/03/14
E	Updated following conservation officer comments.	26/02/14
D	Updated following planning officer and client comments.	17/01/14
C	Updated following clients comments.	31/10/13
B	Elevations updated to show new terrace.	26/07/13
A	Elevations updated.	22/07/13

PROJECT: EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE: PROPOSED SECTIONS  
L-L - M-M

SCALE: 1:200 @ A3  
1:100 @ A1

DATE: JUNE 2013

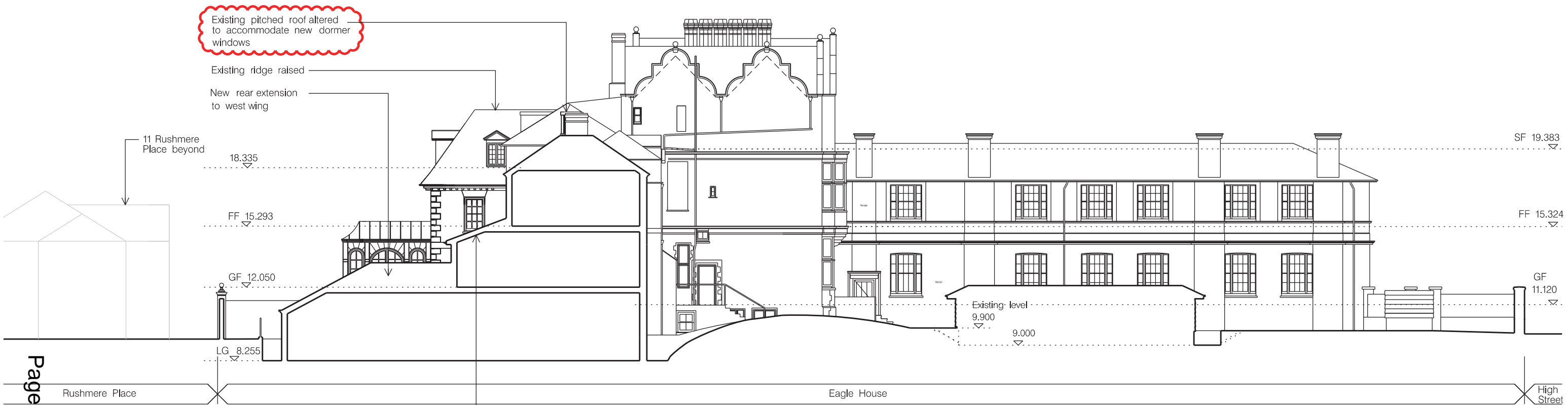
DRAWING NO.: 2684 / P / 25

REV. O

90 BOROUGH HIGH STREET  
LONDON SE1 1LL

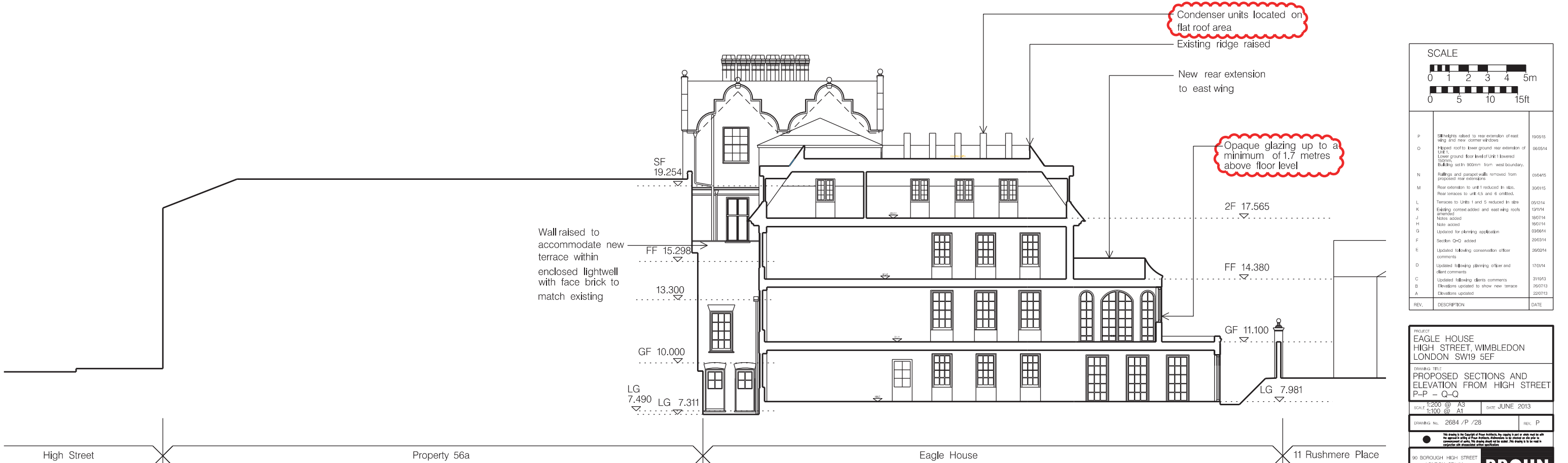
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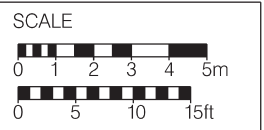


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SECTION P-P



SECTION Q-Q



REV.	DESCRIPTION	DATE
P	Sill heights raised to rear extension of east wing and new dormer windows	19/05/15
D	Pitched roof to lower ground rear extension of Unit 1. Lower ground floor level of Unit 1 lowered 50mm. Building set in 900mm from west boundary.	06/05/14
N	Roofings and parapet walls removed from proposed rear extension	01/04/15
M	Rear extension to Unit 1 reduced in size. Rear terraces to Unit 4.5 and 6 omitted.	30/01/15
L	Terraces to Units 1 and 5 reduced in size	05/12/14
K	Existing context added and east wing roofs amended	19/11/14
J	Notes added	18/07/14
H	Notes added	16/07/14
G	Updated for planning application	03/06/14
F	Section Q-Q added	29/03/14
E	Updated following conservation officer comments	26/02/14
D	Updated following planning officer and client comments	17/01/14
C	Updated following clients comments	31/10/13
B	Revisions updated to show new terrace	26/07/13
A	Drawings updated	22/07/13

PROJECT  
**EAGLE HOUSE**  
 HIGH STREET, WIMBLEDON  
 LONDON SW19 5EF

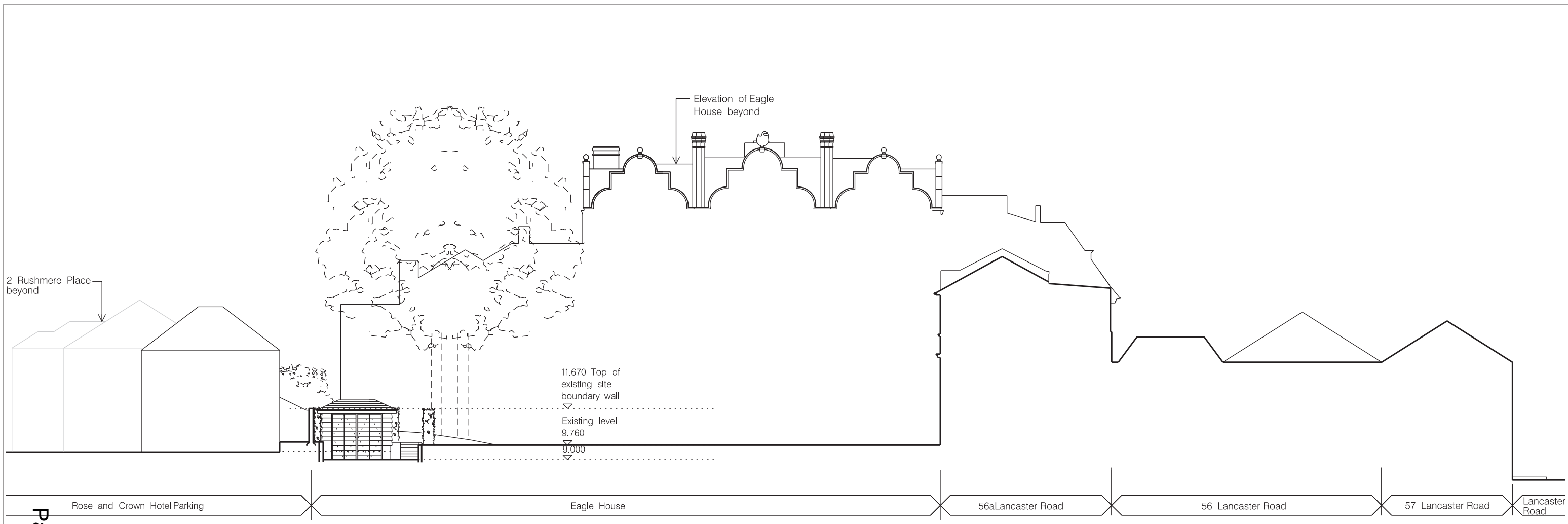
DRAWING TITLE  
**PROPOSED SECTIONS AND ELEVATION FROM HIGH STREET P-P - Q-Q**

SCALE: 1:200 @ A3 DATE: JUNE 2013  
 1:100 @ A1

DRAWING No.: 2684 / P / 28 REV: P

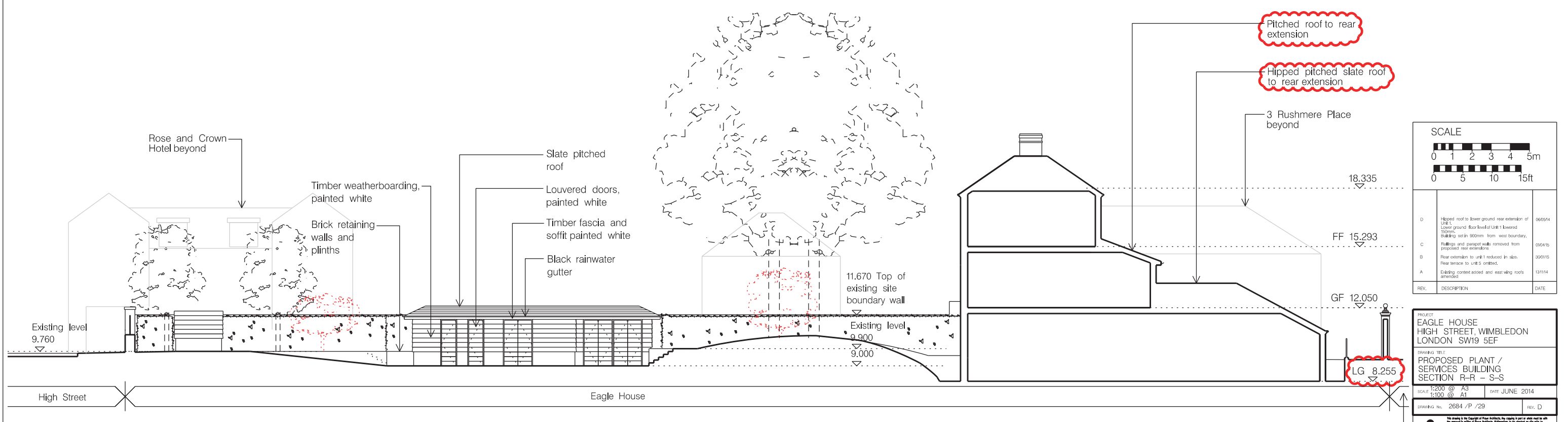
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SECTION R-R



SECTION S-S

**SCALE**

0 1 2 3 4 5m

0 5 10 15ft

REV.	DESCRIPTION	DATE
D	Hipped roof to lower ground rear extension of Unit 1. Lower ground floor level of Unit 1 lowered. Blanking set in 900mm from west boundary.	06/09/14
C	Roofs and parapet walls removed from proposed rear extension.	01/04/15
B	Rear extension to Unit 1 reduced in size. Rear terrace to Unit 5 omitted.	30/01/15
A	Existing context added and existing roofs amended.	13/11/14

**PROJECT**  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

**DRAWING TITLE**  
PROPOSED PLANT / SERVICES BUILDING  
SECTION R-R - S-S

SCALE: 1:200 @ A3  
SCALE: 1:100 @ A1  
DATE: JUNE 2014

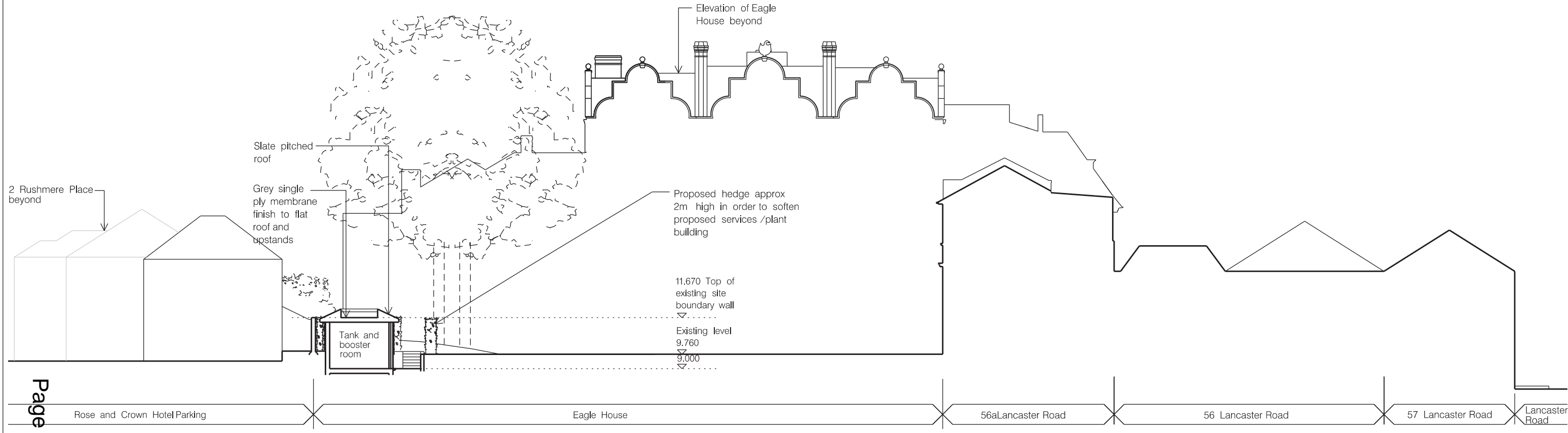
DRAWING No.: 2684 / P / 29  
REV: D

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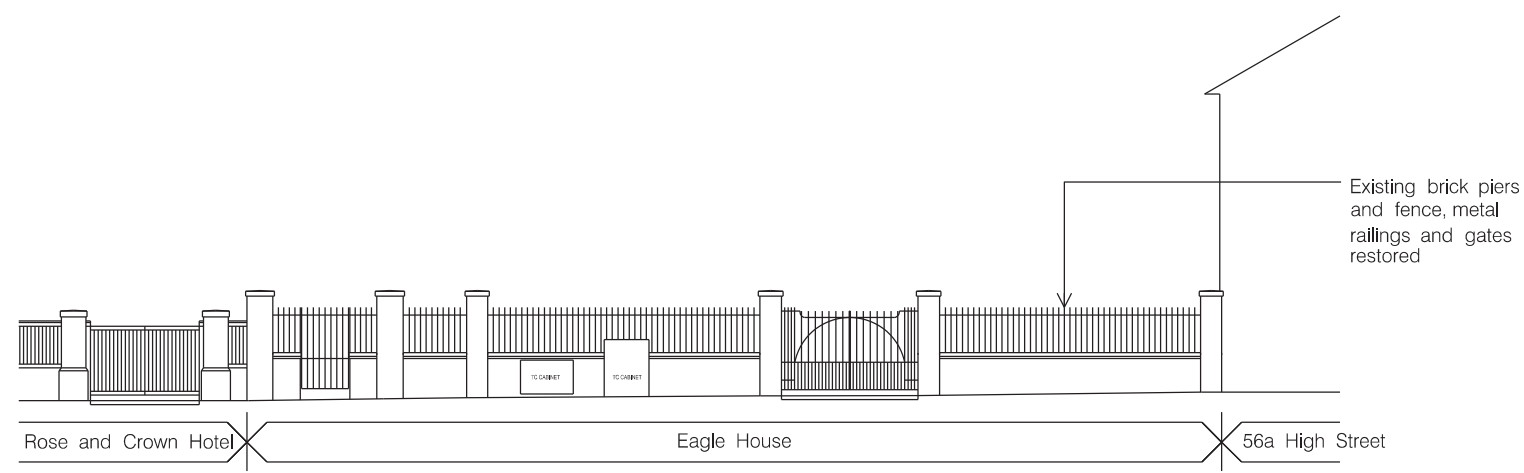
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SECTION T-T



ELEVATION OF FRONT BOUNDARY WALL FROM HIGH STREET

SCALE

REV.	DESCRIPTION	DATE
B	High roof to lower ground rear extension of Unit 1.	05/05/14
	Lower ground floor level of Unit 1 lowered 150mm.	
	Building set in 900mm from west boundary.	
A	Existing context added and existing roofs amended.	13/11/14

PROJECT  
EAGLE HOUSE  
HIGH STREET, WIMBLEDON  
LONDON SW19 5EF

DRAWING TITLE  
PROPOSED PLANT /SERVICES  
BUILDING SECTION T-T AND  
BOUNDARY WALL ELEVATION

SCALE 1:200 @ A3  
1:100 @ A1

DATE JUNE 2014

DRAWING No. 2684 /P /30

REV: B

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**PLANNING APPLICATIONS COMMITTEE**  
**18<sup>th</sup> June 2015**

**Item No:**

**UPRN**

**APPLICATION NO.**

**DATE VALID**

15/P0940

09/03/2015

**Address/Site:**

27 Lindisfarne Road, West Wimbledon, SW20 0NW

**(Ward)**

Village

**Proposal:**

Demolition of Existing House and Erection of 2 x 6 bedroom detached houses.

**Drawing Nos:**

1170/P02A, 03A, 04A, 05A, 06, 07A, 08A, 09A, 10A, Site Location Plan & Arboricultural Implications Assessment dated 4<sup>th</sup> March 2015 from Advanced Tree Services.

**Contact Officer:**

David Gardener (0208 545 3115)

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**RECOMMENDATION**

**GRANT Planning Permission Subject to Conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 12
- External consultations: None

**1. INTRODUCTION**

- 1.1 The applications have been brought before the Planning Applications Committee due to the number of representations received as a result of public consultation.

**2. SITE AND SURROUNDINGS**



- 2.1 The application site comprises a detached dwelling house located in the northeast corner of a large plot, on the south side Lindisfarne Road. Lindisfarne Road is a cul-de-sac comprising 25 detached houses, which was developed from the 1930s onwards.
- 2.2 The surrounding area is residential in character with Metropolitan Open Land located immediately to the south of the site. The site is not located within a conservation area but is within an archaeological priority zone.

### **3. CURRENT PROPOSAL**

- 3.1 The current application is for full planning permission to demolish the existing house and erect 2 x 6 bedroom detached houses.
- 3.2 The proposed houses would be arranged over three floors, including roof space accommodation. The houses would each feature hipped roofs with a parapet wall enclosing the front, rear and part of the side elevations and rear dormers. A single storey element will wrap around the side and rear elevations of each house.
- 3.3 The houses will measure between approx. 5.5m and 8.4m in height with the single storey elements, which feature flat roofs measuring approx. 3.3m in height. The houses will comprise clay face brickwork with tile crease course details and plain tile lintels and clay plain tile roofs. The rear glazed openings and dormer windows would comprise aluminium cladding, whilst the bays would feature brick and plain tile detail.
- 3.4 It should be noted that the plans have been amended since the application was first submitted with the front elevations moved further back.

### **4. PLANNING HISTORY**

The following planning history is relevant:

- 4.1 MER642/68 – Double garage. Granted - 01/08/1968
- 4.2 MER443/77 - Alterations to roof for increased headroom. Granted - 18/07/1977
- 4.3 13/P4088 - Outline application for demolition of existing detached dwelling house and erection of 2 x link-detached dwelling houses (access, layout and scale to be determined at this stage). Refused - 11/04/2014, for the following reason:

“ The proposal, by reason of its height, depth, and siting would be visually intrusive, overbearing and result in an unacceptable loss of outlook to the detriment of the amenities of occupiers of No.31 Lindisfarne Road, contrary to policy BE.15: New Buildings and Extensions: Daylight, Sunlight, Privacy, Visual Intrusion and Noise of the Council's adopted Unitary Development Plan (October 2003).”

- 4.4 13/P4090 - Outline application for demolition of existing detached dwelling house and erection of detached dwelling house with ancillary flat located at ground floor level (access, layout and scale to be determined at this stage). Granted - 11/04/2014;
- 4.5 14/P2577 - Application for outline planning permission for the erection of 2 x two storey detached houses (access, layout and scale to be determined at this stage). Granted - 18/12/2014.

## **5. POLICY CONTEXT**

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):  
DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D4 (Managing Heritage Assets), DM 01 (Open Space), DM O2 (Nature conservation, trees, hedges and landscape features), DM T1 (Support for sustainable transport and active travel).
- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are:  
CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (July 2011) are:  
3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction)
- 5.4 The following Supplementary Planning Guidance (SPG) is also relevant:  
New Residential Development (September 1999)

## **6. CONSULTATION**

- 6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, eight letters of objection have been received. The letters of objection are on the following grounds:
- The houses will be beyond the front building line of houses on this part of the road
    - Loss of daylight/sunlight
    - Loss of privacy
    - Out of keeping
    - Overlooking
    - Restricted view for vehicles caused by reduction in front garden depth
    - Loss of view
    - Excessive height
    - Traffic/parking impact
    - Detrimental impact on open and green character of road

- Overbearing and dominant
- The houses are too large for the plot and this would result in overdevelopment
- Ground floor element of No.27 is too deep
- The current proposal is much deeper and the eaves is higher than houses granted outline permission (LBM Ref: 14/P2577)
- Impact on Metropolitan Open Land (MOL) at the rear of the site

## 6.2 LUNG

- 6.21 The proposal is contrary to policy DM 01 and CS 13 as the proposals height, mass and close proximity to the MOL boundary would detract from the amenity of park users due to visual intrusion. In addition, the public footpath between No.25 and No.27 should be widened at the northern end as at present the boundary fence makes a considerable intrusion on the footpath.

## 6.3 The Wimbledon Society

- 6.31 The proposal is not consistent with the local pattern of development due to the excessive depth and height of each house. Also one house would be only 4m from the front boundary. The houses would create significant overshadowing of neighbouring properties. Given the reduction in rear garden space the MOL would be adversely affected by the overshadowing and dominance of the houses. In addition, the public footpath between No.25 and No.27 should be widened at the northern end in line with policy DMT1c, which aims to enhance walking routes.

## 6.4 The Residents' Association of West Wimbledon (RAWW)

- 6.41 Excessive height and depth of houses is detrimental to the amenity of No.31 and to the visual amenity of the MOL and as such would not comply with policies DM 01 and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014). The width of the public footpath, on the western boundary of the site should also not be less than the 1.8m shown on the submitted drawings.

## 7. PLANNING CONSIDERATIONS

The main planning considerations in this instance concern the impact that the proposed houses would have on visual and residential amenity, the standard of accommodation to be provided and any impact on parking/highways.

### 7.2 Design, Impact on Streetscene and Metropolitan Open Land (MOL)

- 7.21 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

- 7.22 In relation to the street and surrounding properties it is not considered that the proposed houses would be excessive in terms of their height, bulk or massing. It should be noted that there is an extant outline planning permission (LBM Ref: 14/P2577) for two detached houses where access, layout and scale was determined. The proposed houses in the current application are not that dissimilar in terms of their height with the ridge height 23cm lower and eaves height 30cm higher. The houses in the current proposal also include parapet walls of approx. 90cm on their front, rear and part of their side elevations enclosing the eaves of the roof however this is not considered to significantly increase their bulk. The space between the houses and neighbouring properties means that although they are higher than Nos. 25 & 31 it would not be too noticeable when viewed from the street. On the advice of council planning officers, the front elevations of each house have also been moved further back so that they do not jut out in front of No.25 when viewed from further along the street.
- 7.23 The proposed houses are also considered to be acceptable in terms of their design with each house comprising hipped roofs and clay facing brick walls. The existing road was developed from the 1930s and the design of the proposed houses has been influenced by this period with for example the windows featuring horizontal glazing bars.
- 7.24 Policy DM 01 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development in proximity to and likely to be conspicuous from MOL or designated open space will only be acceptable if the visual amenities of the MOL or designated open space will not be harmed by reason of siting, materials or design. It is considered that the proposal would comply with this policy as the houses would simply slot in between Nos. 25 & 31. The proposed houses would at first floor level, would also not be located any closer to the MOL than Nos. 25 and 31.
- 7.25 There is an existing public right of way, which runs between the application site and No. 25. Policy DM T1 states that to improve access both on the public highway and off road, development will be expected to enhance existing walking and cycling routes. It was noted when the site inspection was carried out that the footpath is overgrown with foliage from the application site. The council's Highways Department have confirmed that the footpath is an unadopted public right of way, which means it is not maintained by the council. To improve access on this footpath a condition will be attached requiring that a new fence is erected on the side boundary of the application site which maintains a footpath width of 1.75m. It should be noted that this would also be in accordance with the proposed site plan.

### **7.3 Standard of Accommodation**

- 7.31 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. It provides the most up to date and appropriate minimum space standards for Merton.

- 7.32 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) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.33 As the proposed houses would comfortably exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook, light and circulation, it is considered the proposal would provide a satisfactory standard of accommodation. In addition, the proposed houses would provide a minimum of 50 square metres of private amenity space. The proposed houses would therefore comply with policy 3.5 of the London Plan (July 2011), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

#### **7.4 Residential Amenity**

- 7.41 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.42 It is not considered that the proposed houses would have an unacceptable impact on the amenity of occupiers of No.25. The rear elevation of the nearest house would not project beyond the rear elevation of this house at first floor level, whilst the ground floor element would project only 3.3m beyond the rear wall of No.25, which is considered to be acceptable given it would have a maximum height of only 3.3m and there is a gap of 2.9m between the flank wall of this element and the side boundary with No.25.
- 7.43 There are currently no buildings occupying the east side of the plot, which means the occupiers of No.31 currently enjoy an open aspect when viewing this part of the application site from their curtilage. In common with the extant outline permission (LBM Ref: 14/P2577) the proposal has been designed so that the nearest of the proposed houses would be located 4.5m from the side boundary with No.31 at first floor level, which means a reasonable level of outlook from this property will be preserved.
- 7.44 It is noted that No.31 has a side facing window, which faces the site, however any impact on views from this window would not warrant a refusal of the application given this is a side window and as such is not afforded that same level of protection as a front or rear facing window. Nevertheless, it should be noted that this window is located approx. 12m from the side boundary, whilst

No.31 is positioned at an angle to the site, which means this window would not directly face the nearest of the proposed houses.

- 7.45 Overall, it is considered that the proposal would not be visually intrusive and overbearing when viewed from adjoining properties or result in an unacceptable level of daylight/sunlight loss. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

## **7.5 Parking and Traffic**

- 7.51 The application site is not located in a Controlled Parking Zone and there is enough space at the front of each house for off-street parking. Each house would also accommodate an integral garage. Nevertheless it is considered that a net increase of one house would not have a detrimental impact on car parking or traffic in this instance. The proposal therefore accords with policy CS.20 of the Core Planning Strategy.

## **7.6 Trees and Landscaping**

- 7.61 The proposal would result in three trees being removed (1 x Holly, 1 x pear & 1 x cherry). Two of the trees are category 'C' or 'U' and the pear, which is category 'B' has been constrained in its canopy growth by one of the category 'C' trees. The applicant also proposes a replacement tree at the front of the site and to further soften the its appearance when viewed from the MOL a condition requiring further tree planting close to the rear boundary of the site will also be attached.

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

- 8.1 The proposal involves the erection of a detached house. The house is therefore expected to meet Code level 4 and Lifetime Homes Standards.
- 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 houses would result in a net gain in gross floor space and as such will be liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards Crossrail.

## **10. CONCLUSION**

- 10.1 It is considered that the proposed houses would be acceptable in terms of their size and design and would not have an unacceptable impact on the Lindisfarne Road streetscene or when viewed from the Metropolitan Open Land (MOL) located immediately to the rear of the site. The houses are also



considered to have an acceptable impact on neighbouring properties and traffic/parking. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

### **RECOMMENDATION**

#### **(1) GRANT PLANNING PERMISSION subject to 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.6 (Levels)
5. C.1 (No Permitted Development (Extensions))
6. C.2 (No Permitted Development (Windows and Doors))
7. C.8 (No Use of Flat Roof)
8. C.10 (Hours of Construction)
9. F.1 (Landscaping/Planting Scheme)
10. F.2 (Landscaping (Implementation))
11. F.4 (Tree survey approved)
12. F.9 (Hardstandings)
13. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4. Evidence requirements are detailed in the "Schedule of evidence Required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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

14. 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.

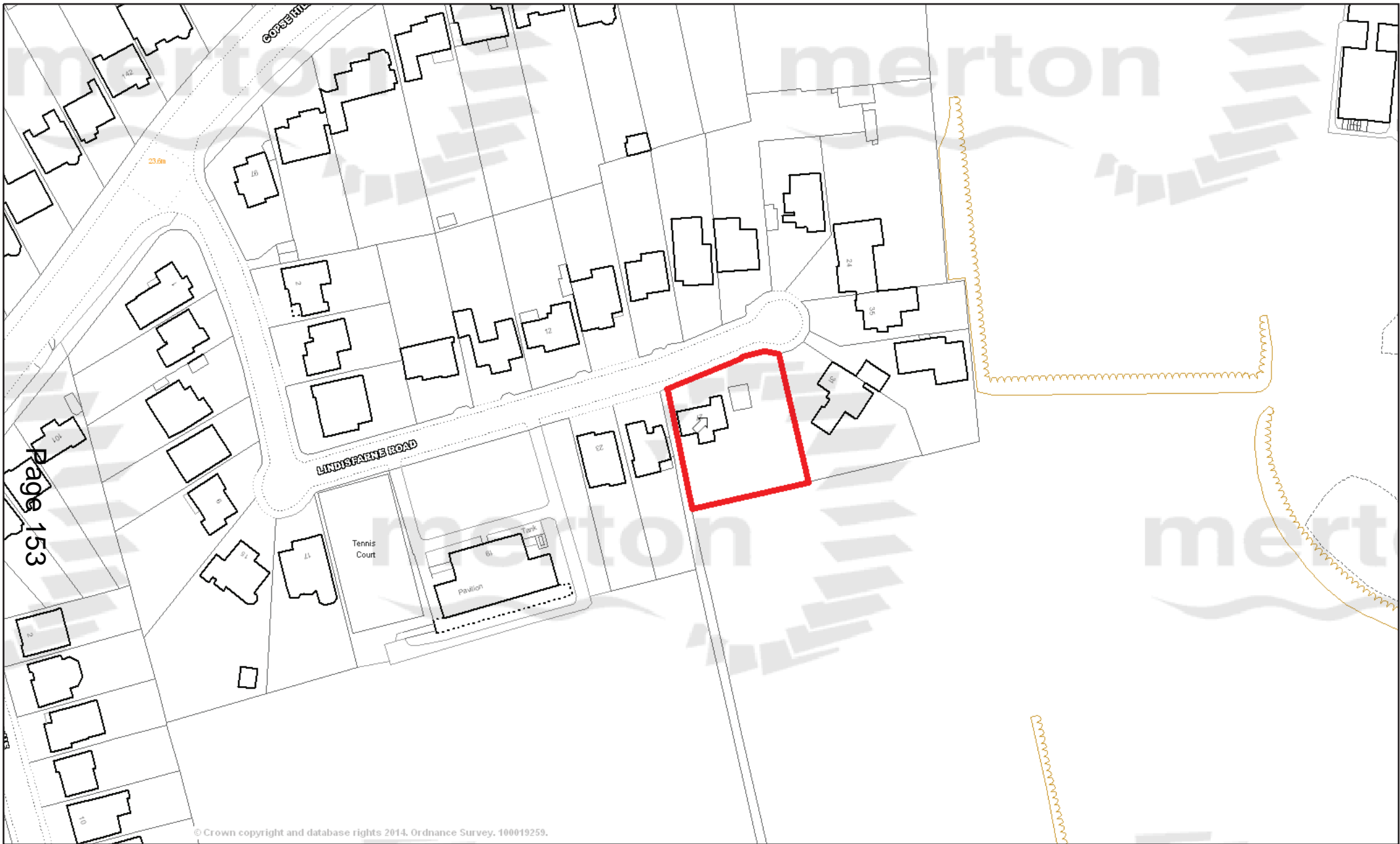
Reason: To safeguard the amenities of the occupiers of neighbouring properties.

15. J.1 (Lifetime Homes)

16. The development hereby approved shall not be occupied until a replacement fence on the west boundary of the application site has been erected. In accordance with approved drawing No. 1170/P02A the fence shall be located a minimum of 1.7m from the eastern boundary fence of No.25 Lindisfarne Road.

Reason: To improve access to the footpath and comply with policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

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27 Lindisfarne Rd

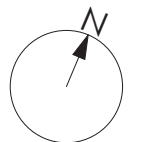
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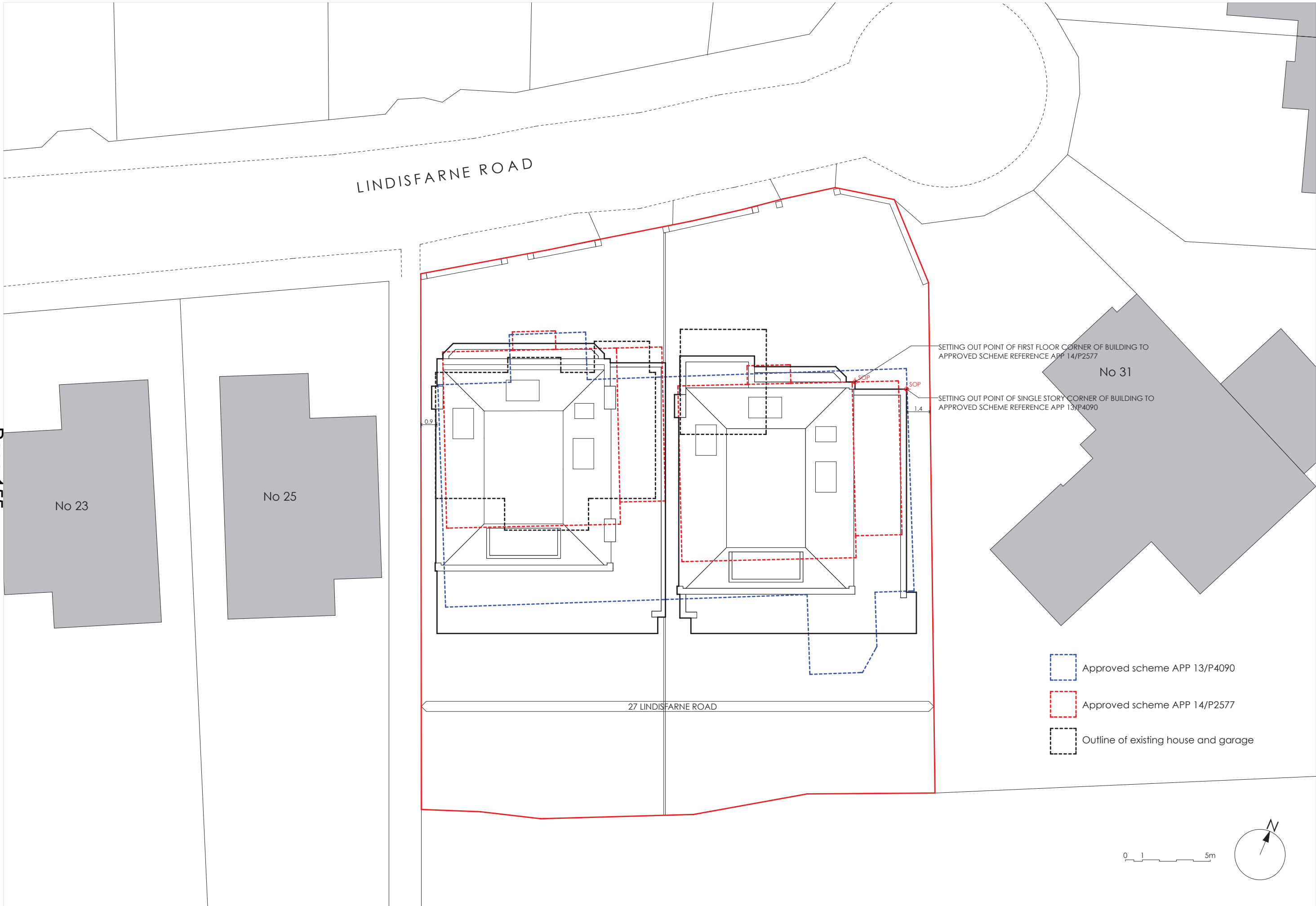
Date 2/6/2015

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



DEVELOPMENT CONTROL





No 23

No 25

No 31

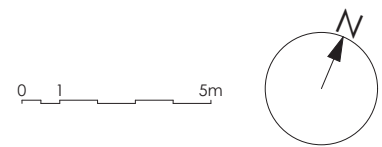
LINDISFARNE ROAD

27 LINDISFARNE ROAD

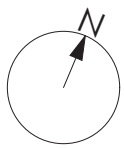
SETTING OUT POINT OF FIRST FLOOR CORNER OF BUILDING TO APPROVED SCHEME REFERENCE APP 14/P2577

SETTING OUT POINT OF SINGLE STORY CORNER OF BUILDING TO APPROVED SCHEME REFERENCE APP 13/P4090

- Approved scheme APP 13/P4090
- Approved scheme APP 14/P2577
- Outline of existing house and garage







LINDISFARNE ROAD

No 27

No 29

No 31

No 23

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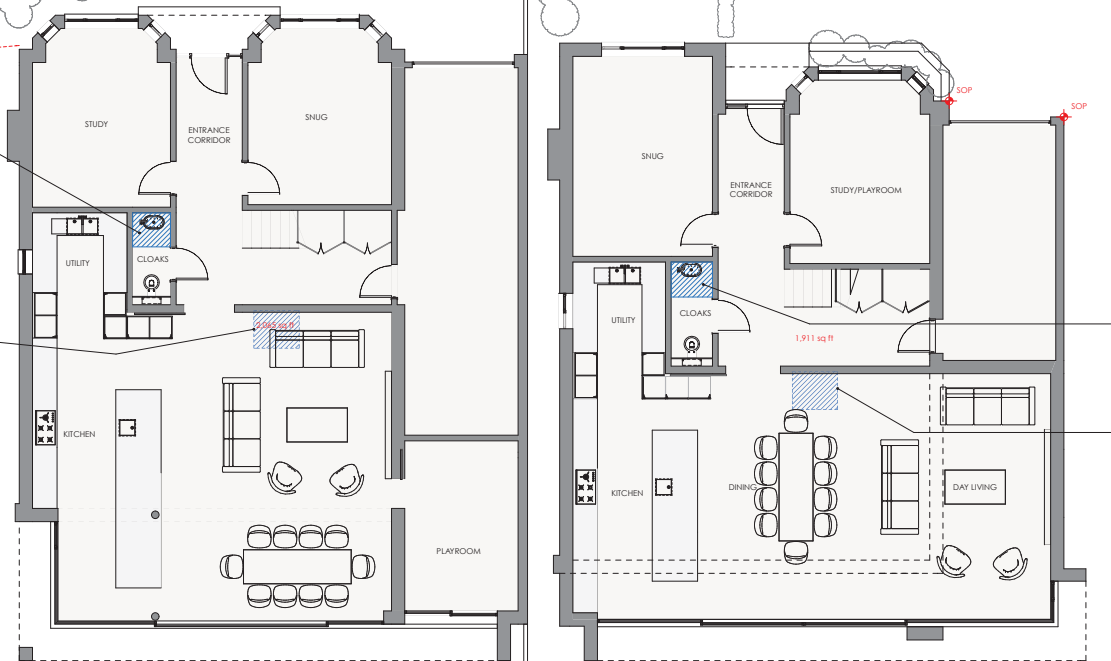
setting out line parallel with road and front site boundaries

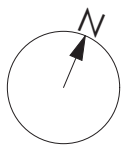
Lifetime Homes location for future installation of wet floor shower

Lifetime Homes location for future installation of platform lift

Lifetime Homes location for future installation of wet floor shower

Lifetime Homes location for future installation of platform lift





LINDISFARNE ROAD

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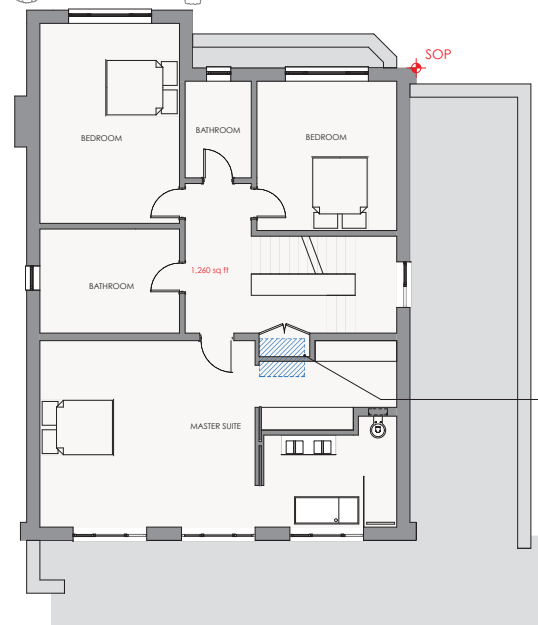
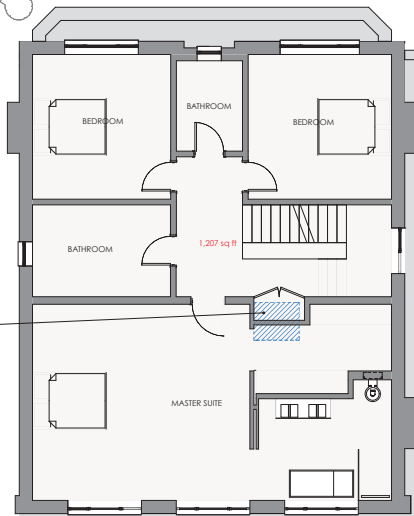
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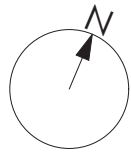
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Lifetime Homes location for future installation of platform lift

Lifetime Homes location for future installation of platform lift





LINDISFARNE ROAD

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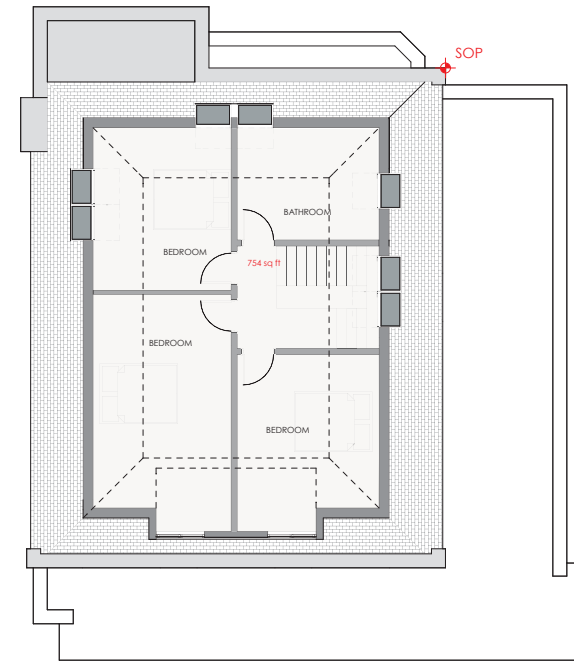
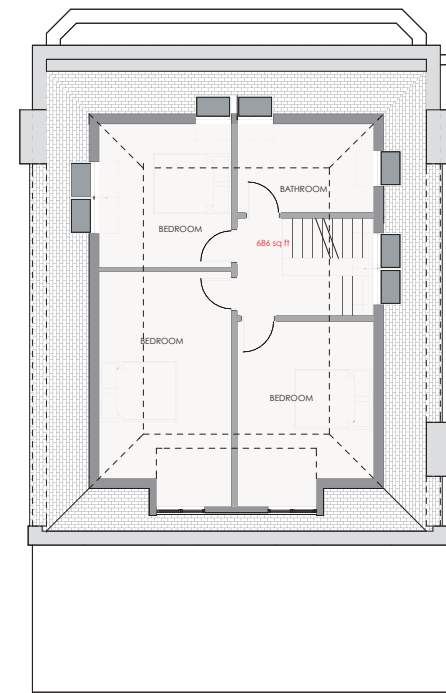
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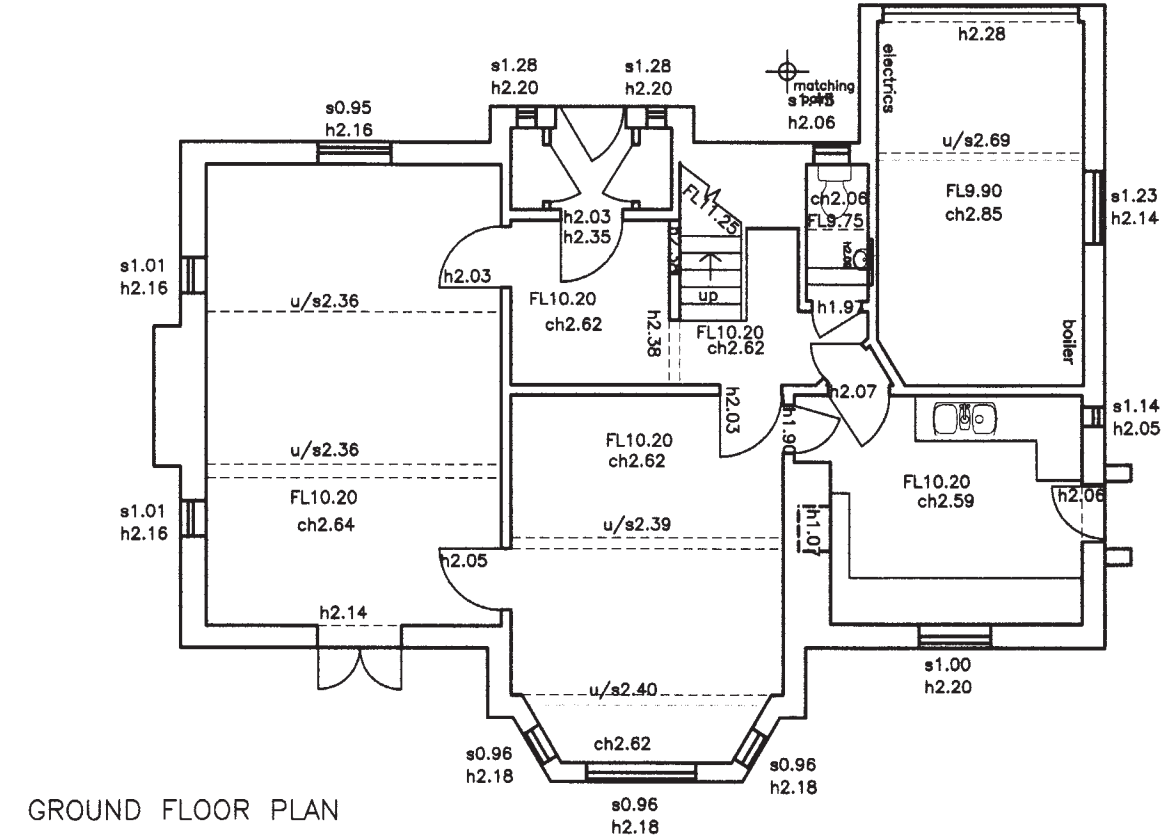
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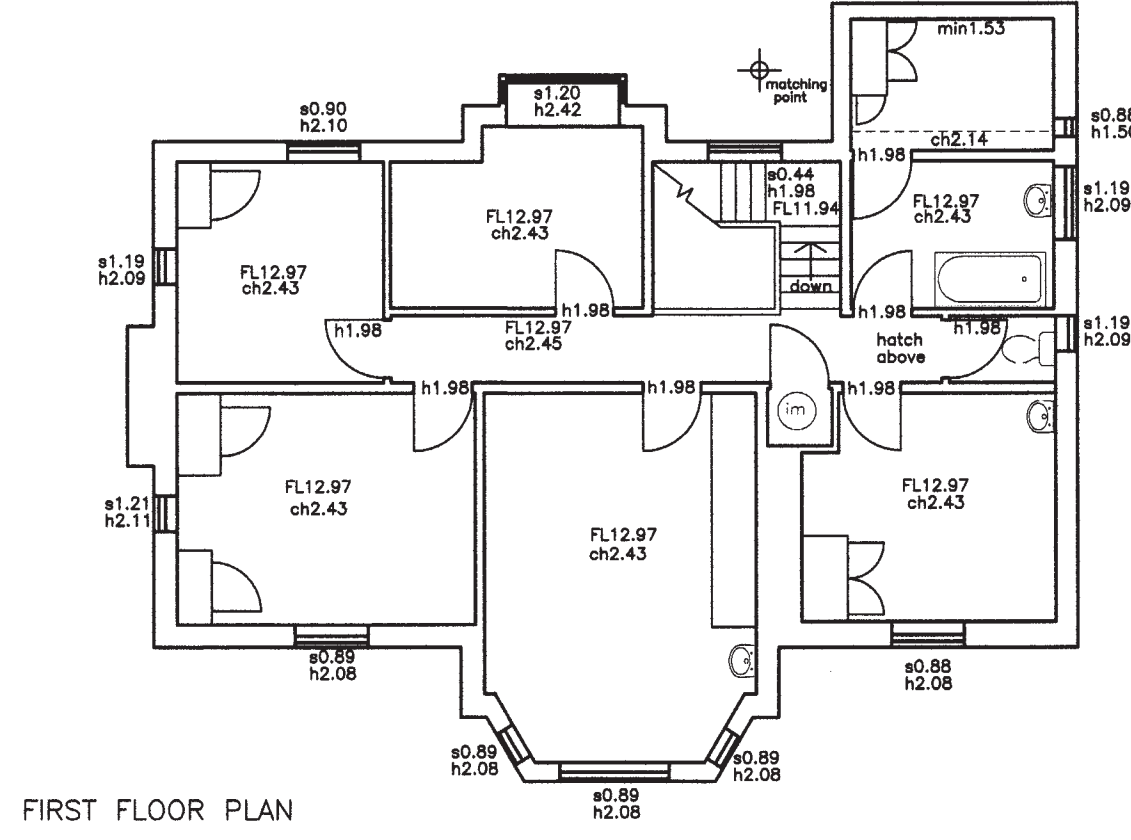
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Key:  
 ch ceiling height  
 FL floor level relative to external survey  
 h head height from floor  
 hmax maximum height  
 hmin minimum height from floor  
 h all heights from floor  
 u/s height to underside

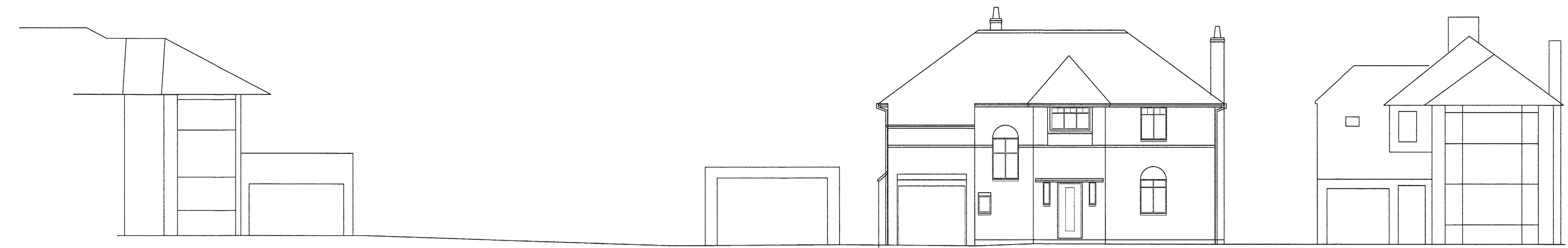


GROUND FLOOR PLAN

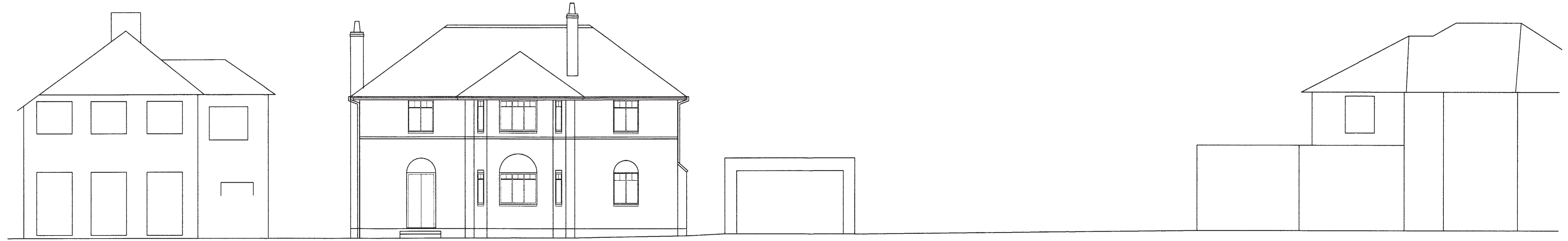


FIRST FLOOR PLAN

Land of the ...  
 -9 JUN 2015  
 Planning Development Control



8.00m DATUM  
 NORTH ELEVATION



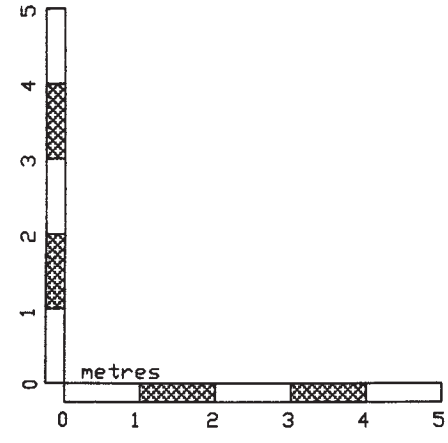
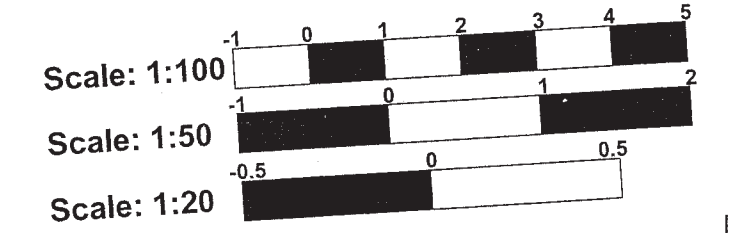
8.00m DATUM  
 SOUTH ELEVATION



8.00m DATUM  
 EAST ELEVATION



8.00m DATUM  
 WEST ELEVATION

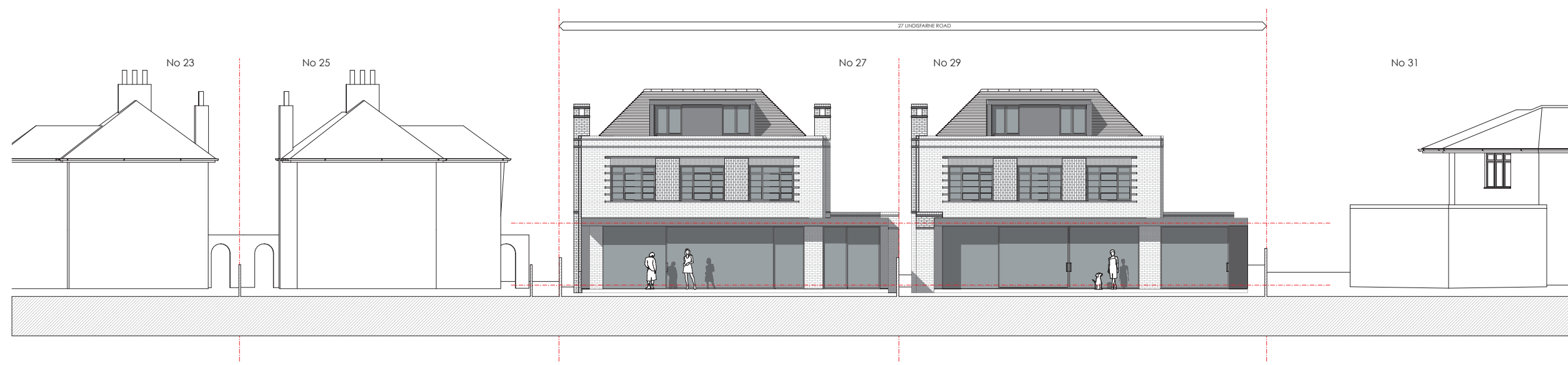
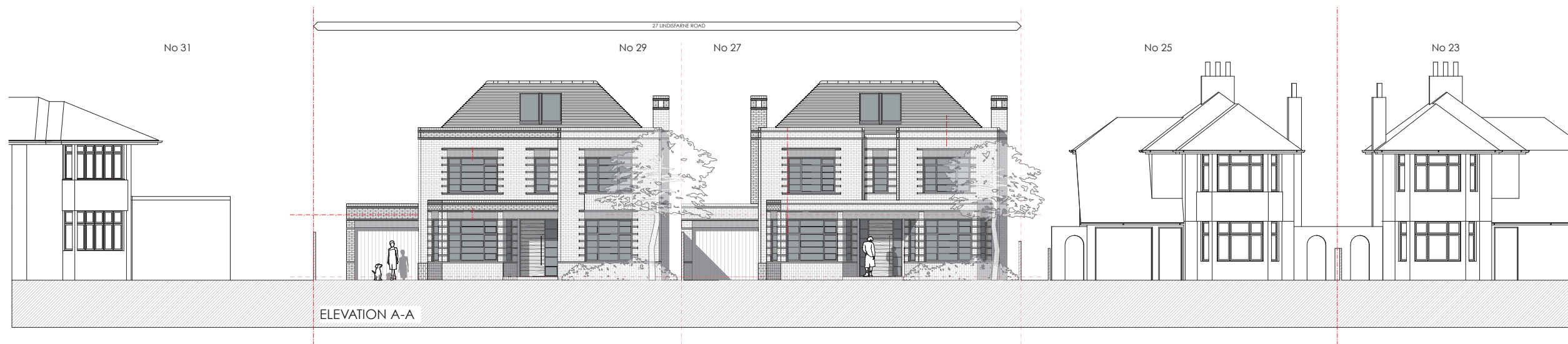
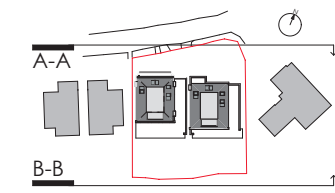


NOTES:  
 LEVELS RELATE TO ARBITRARY DATUM

**P STUBBINGTON  
 LAND SURVEYS LTD**

THE MEAD  
 DURLEY BROOK ROAD  
 DURLEY  
 SOUTHAMPTON  
 HAMPSHIRE  
 SO32 2AR  
 TEL : 023 8060 1876  
 MOBILE -  
 07973 348165  
 EMAIL -  
 PAUL@PSLANDSURVEYS.COM

CLIENT:	MERCATURA DEVELOPMENTS LTD
CONTRACT:	27 LINDISFARNE ROAD LONDON SW20 0NW
TITLE:	BUILDING SURVEY
SCALE:	1:100 @A1
DRAWING NO.	4808/02
DATE:	DECEMBER 2014
SURVEYOR:	PS





No 29

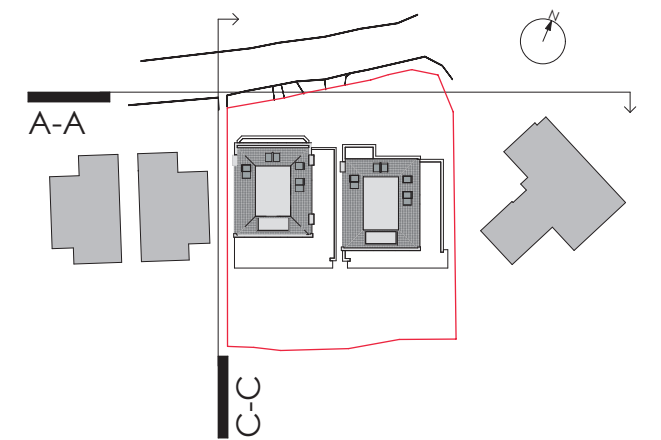
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ELEVATION A-A

MATERIALS KEY

Page 161

- CLAY PLAIN TILE ROOFS
- CLAY FACE BRICKWORK WITH TILE CREASE COURSE DETAILS AND PLAIN TILE LINTELS
- BRICK AND PLAIN TILE DETAIL TO BAY WINDOWS
- ALUMINIUM CLADDING TO REAR GLAZED OPENINGS AND BORMER WINDOWS



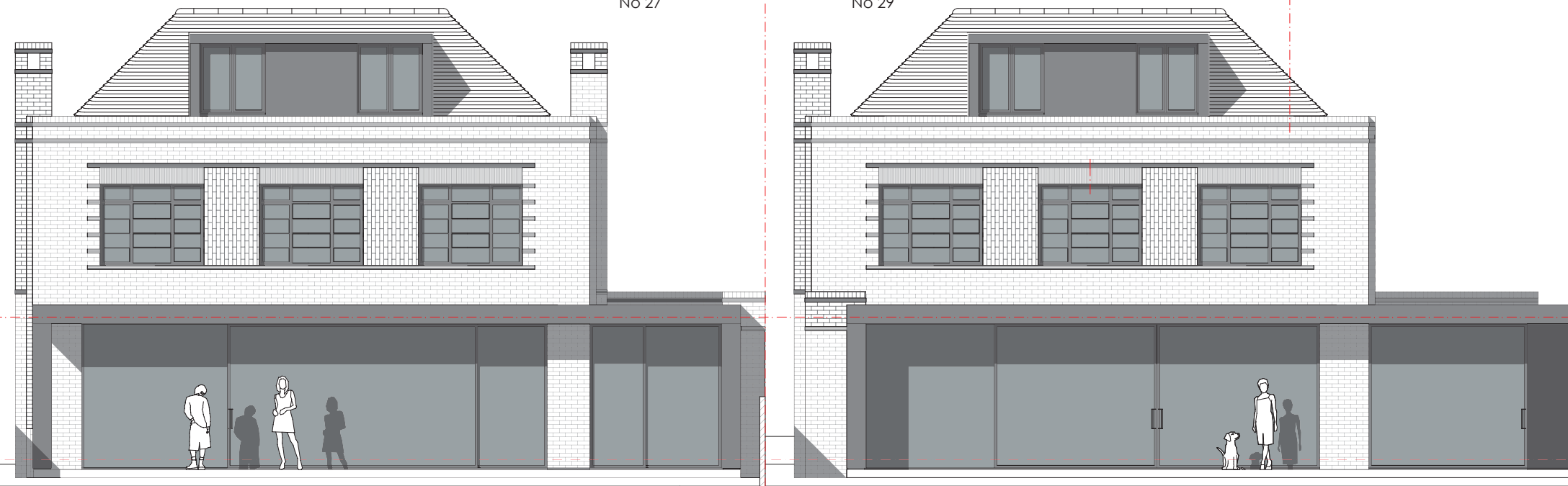
ELEVATION C-C



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No 27

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ELEVATION B-B

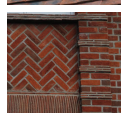
MATERIALS KEY

Page 163

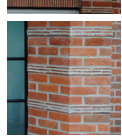
CLAY PLAIN TILE ROOFS



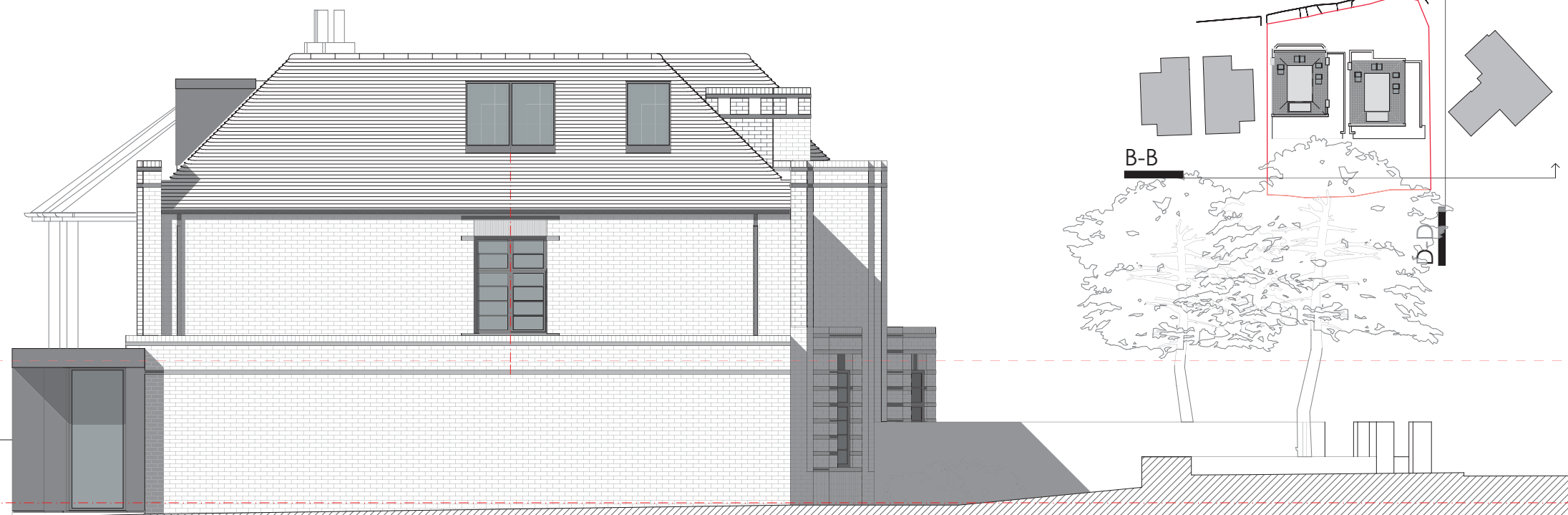
CLAY FACE BRICKWORK WITH TILE CREASE COURSE DETAILS AND PLAIN TILE LINTELS



BRICK AND PLAIN TILE DETAIL TO BAY WINDOWS

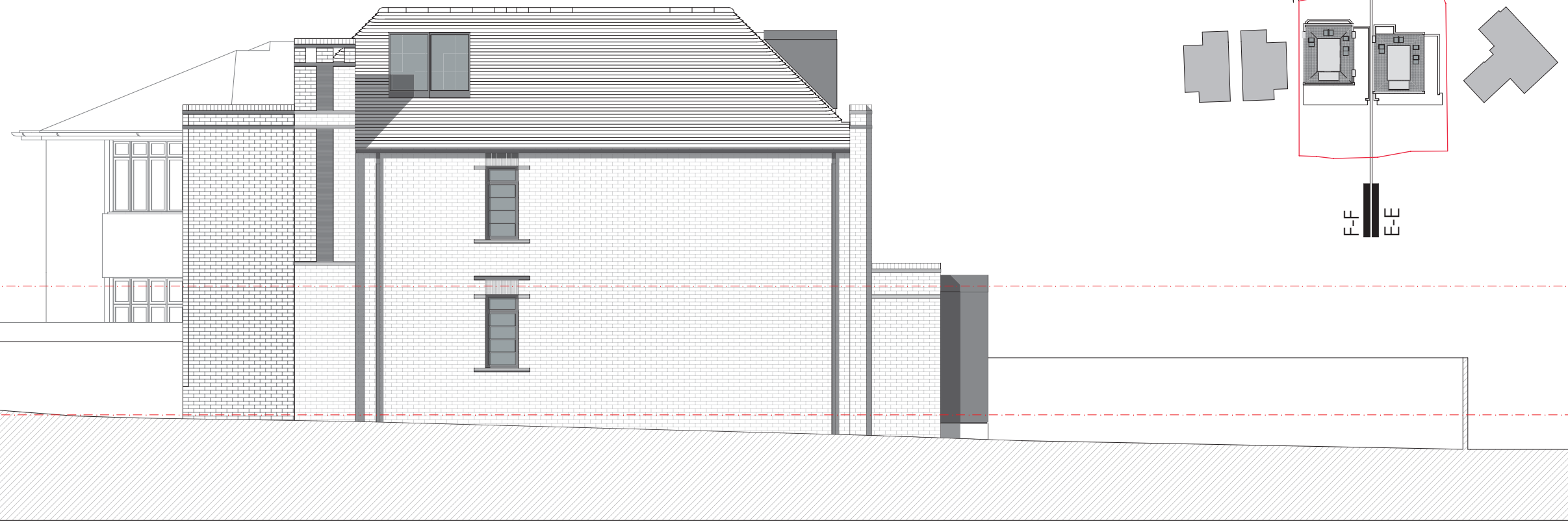
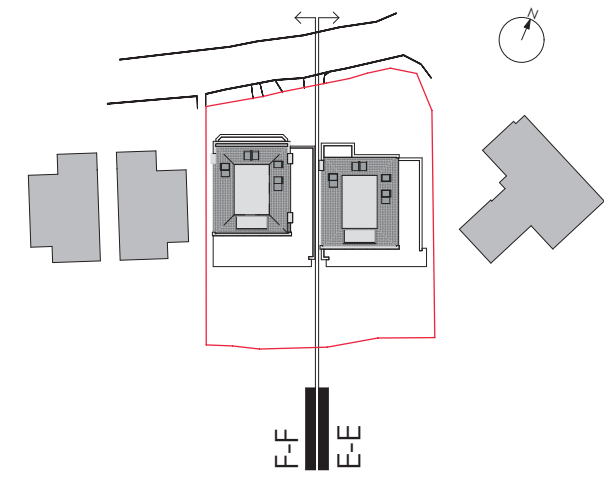
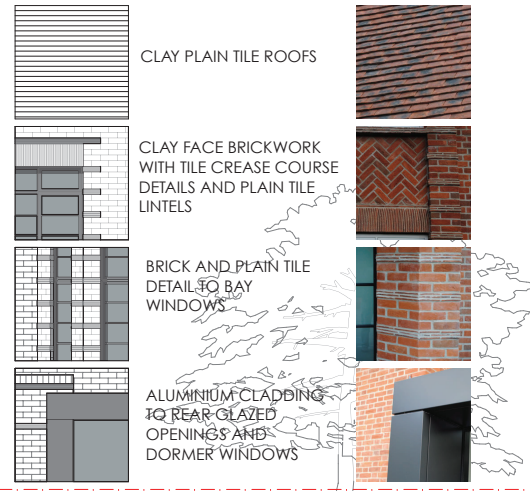


ALUMINIUM CLADDING TO REAR GLAZED OPENINGS AND DORMER WINDOWS



ELEVATION D-D

MATERIALS KEY



ELEVATION E-E

Page 164



ELEVATION F-F

**PLANNING APPLICATIONS COMMITTEE**  
**18<sup>th</sup> June 2015**

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P0377	29/01/15
<b>Address:</b>	<b>Car Park land on the junction of Milner Road and Morden Road, South Wimbledon SW19.</b>	
<b>Ward:</b>	Abbey	
<b>Proposal:</b>	Erection of a mixed use block comprising retail (A1) or café/restaurant use (A3) at ground floor (170 sq.m) with 15 self-contained flats above (5 x 1 bedroom and 10 x 2 bedroom) in a six storey block with a stairwell overrun at roof level and 3 x 3 bedroom town houses arranged on 3 floors with stairwell leading onto roof level providing access onto amenity deck.	

**Drawing No's:**

1782-FCB-A - 010 - Assumed Site Boundary - Rev P1  
1782-FCB-A - 010 - Site Location Plan - Rev P1  
1782-FCB-A - 0200 - Level 0 Plan - Rev P2  
1782-FCB-A - 0201 - Level 1 Plan - Rev P1  
1782-FCB-A - 0202 - Level 2 Plan - Rev P1  
1782-FCB-A - 0203 - Level 3 Plan - Rev P1  
1782-FCB-A - 0204 - Level 4 Plan - Rev P1  
1782-FCB-A - 0205 - Level 5 Plan - Rev P1  
1782-FCB-A - 0206 - Level 6 Plan - Rev P1  
1782-FCB-A - 0600 - North Elevation - Rev P1  
1782-FCB-A - 0601 - East Elevation - Rev P2  
1782-FCB-A - 0602 - South Elevation - Rev P2  
1782-FCB-A - 0603 - West Elevation - Rev P1  
1782-FCB-A - 0700 - Section 01 - Rev P2  
1782-FCB-A- 0701 - Section 02 - Rev P2  
1782-FCB-A- 0702 - Section 03 - Rev P1

Planning Statement by PDA January 2015.

Design and Access statement (amended) by FCB Studios April 2015

Statement of Community involvement by PDA January 2015

Flood risk assessment Rev A by Price Myers April 2014.

Sustainability and Energy Statement by Ferguson Brown Rev 2 January 2015.

Transport Statement by TTP Consulting January 2015.

Daylight and Sunlight report BVP January 2015.

Noise and Vibration Assessment by Hepworth Acoustics December 2014.

Air quality assessment by Air Quality Consultants January 2015.

Ground investigation – preliminary findings by GEA September 2013.

**Contact Officer:** Jonathan Lewis (020 8545 3287)

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**RECOMMENDATION: Grant planning permission subject to:  
Planning conditions and a S106 legal agreement.**

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**CHECKLIST INFORMATION.**

- S106: Affordable housing, permit free; cost to Council of all work in drafting S106 and monitoring the obligations; Legal costs.
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Is a Screening Opinion under the Environmental Impact Assessment Regulations required: Yes.
- Has a Screening Opinion been issued - Yes
- Press notice: Yes (Major development and setting of listed building)
- Site notice: Yes.
- Design Review Panel consulted: Yes (pre application stage).
- Number of neighbours consulted: 113.
- External consultations: Transport for London, Met Police, Environment Agency, London Underground Ltd.
- Conservation Area - No
- Public Transport Accessibility Level [PTAL]: Level 6a TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]
- Number of jobs created: Unknown at present.

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**1. INTRODUCTION**

- 1.1 This item is reported to Committee arising from the scale and nature of the proposals and objections that cannot be addressed by attaching conditions and which take the proposals out of the scope of the scheme of delegation.

**2. SITE AND SURROUNDINGS**

- 2.1 0.068 hectare site located on the north of Milner Road at the corner of the junction with Morden Road in South Wimbledon, approximately 20 m north-south by 35 m east-west. Currently used as a car park. To the northeast is a recently erected three storey block comprising currently vacant commercial floorspace on the ground floor with two floors of flats above with roof terraces to the rear. Beyond is a Tesco local store with residential accommodation above. To the north is the rear of a Kwik-Fit car, repair/tyre and exhaust fitting garage with a driveway to the rear of the Kwik-Fit garage along the western boundary. Set slightly off the rear wall to the garage is a 96 sheet non illuminated advertising hoarding. Beyond the Kwik Fit rear driveway is a second driveway providing servicing and parking to Grenfell Housing's offices located in a three storey building which along with the Kwik Fit garage front Kingston Road. Beyond to the west is two-storey terraced housing in Milner Road beyond.

- 2.2 An emergency access gate is situated on Milner Road approximately 50m from the junction of Milner Road with Morden Road. This restricts access for all vehicles except emergency vehicles towards Queensland Road and Brisbane Avenue. Either side of the gate, Milner Road offers two-way movement in an east to west direction. There is one permit holder bay to the east of the gate near the site. To the west of the gate, Milner Road provides on-street parking subject to CPZ restrictions offering both permit holder and pay & display parking.
- 2.3 To the south is Spur House currently undergoing refurbishment and extension to provide a 9 storey block of flats with retail on the ground floor while the rear part of the Spur House site fronting Milner Road has permission for 3/4 storey residential accommodation. Adjoining Spur House to the south is a three storey block of offices with a branch of Barclays Bank on the ground floor.
- 2.4 On the opposite side of Morden Road is the Grade II listed South Wimbledon underground station along with associated kiosks and shops and adjoining to the south is a small vehicle sales and hire yard.
- 2.5 On the opposite side of Morden Road to the south is a four storey block of flats, Gilbert Close.
- 2.6 The application site is within a Controlled Parking Zone and has a Public Transport Accessibility Level [PTAL]: Level 6A (TFL Information Database [On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility]. The site is located within the Colliers Wood/South Wimbledon Area of Intensification as identified in the London Plan. The High Path estate on the opposite side of the road is the subject of both on-going evaluation by Circle/Merton Priory Homes and analysis by Council planning officers towards preparing a Local Plan to guide proposals for major regeneration. The Northern Line tunnels run in an arc under the eastern edge of the site. A covered Thames Water culvert runs under the eastern part of the site. The site is in Flood Zone 1 (Low risk).

### **3. CURRENT PROPOSAL**

- 3.1 The proposal is to construct a building comprising 15 apartments, 3 town houses and a commercial unit on the ground floor for either an A1 or A3 use. The residential accommodation comprises a mix of 10 x 2-bed; 5 x 1-bed and 3 x 3-bed units. The development is car-free. Cycle parking is provided at a ratio of 21 spaces for the 18 residential units. The proposed apartments have balcony amenity spaces of between 6 and 20m<sup>2</sup>. The houses in a combination of front and rear gardens, balconies and roof terraces have between 66 and 70m<sup>2</sup> of amenity space.



- 3.2 Unit sizes for the apartments range from 51m<sup>2</sup> to 76m<sup>2</sup> and the town houses are between 158m<sup>2</sup> to 161m<sup>2</sup>. The unit sizes are based on net internal areas. A full schedule of accommodation is included in the appendix to this report.
- 3.3 The building will be of ground and five storeys with the main elevation facing Milner Road (22.3m high rising to 24.3m for plant/access on roof of main block. Spur House to the south is around 26.5m high rising to 29.7m for the top floor). The town houses located to the rear of the site and facing Milner Road will be three storeys in height (10.6m to top of third floor rising to 12.7m to top of stairwell link to roof terrace. Parapet walls, rising above roofs of neighbouring houses, are 9.6m while the roof of the new mixed use block to the north fronting Morden Road is 10.6m high).
- 3.4 Facing materials are shown at an indicative level at this stage and comprise the following:  
Main elevations - Glazed Terracotta panels, Dark Grey Aluminium Louvered Panel;  
Winter Gardens - Glazed Panel with Glass Balustrade Glazing  
Details to elevations - Aluminium Infil Panels  
Dark Grey House Front Garden Railings  
Glazed Doors with Dark Grey Frames  
Residential Lobby Entrance Glazed Door  
Townhouse Timber Front Door  
Powder Coated Steel Bin Doors  
Powder Coated Steel Plant Room Door
- 3.5 No provision for affordable housing has been made within the development and this is subject to a Viability Assessment which is submitted in support of the planning application.
- 3.6 The application is accompanied by a Planning and Heritage Statement, Design & Access Statement, Transport Statement, Sustainability & Energy Statement, Noise & Vibration Assessment, Flood Risk Statement, Statement of Community Engagement, and a Daylight & Sunlight Assessment.
- 3.7 The applicant has also submitted a commercially sensitive and confidential viability appraisal which has been the subject of independent review.
- 4. PLANNING HISTORY.**
- 4.1 2010 - 10/P0825 granted a temporary planning permission for a car wash. Use commenced without complying with conditions including drainage and surface water runoff arrangements.

2012 - 12/P0566 refused consent to renew the permission for a car wash. **Grounds: The proposals have the potential to harm the local environment in respect of noise and pollution including the water environment and by reason of the failure to submit adequate environmental information in order to determine whether any adverse impacts may be adequately mitigated would be contrary to Merton UDP policy PE.2.**

- 4.2 The current application has evolved following pre-application discussions with the applicant during 2014 firstly of a scheme to provide student housing, subsequently a scheme to provide flats and finally the mixed scheme use scheme of flats and houses that forms the basis of this application. The pre-submission proposals were considered by the Council's Design Review Panel comments from which are set out in Section 5 of this report.

## **5. CONSULTATION**

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 113 nearby addresses. In response to this public consultation, 2 replies have been received making the following observations:

### **Traffic and parking.**

Additional vehicles once development(s) have been completed. Queries raised regarding where additional vehicles would park and what traffic arrangements will be made to ameliorate congested traffic conditions in the area.

### **Visual amenity and privacy.**

Site is currently an eyesore.  
Scale of building – seems incredibly large given context.  
Overlooking of back gardens from flats on upper floors.

### **Others.**

Queries regarding the likely future A1 or A3 uses.  
Impact on utilities and infrastructure.

- 5.2 Transport for London Site is on part of Strategic Road Network (SRN). Conditions recommended so as to avoid any harmful impact on the SRN. Car free nature of development welcomed. Residents to be excluded from eligibility for parking permits. Short term cycle parking (3 parking spaces) to be provided for non-residential part of development. An additional 13 secure cycle spaces should be provided for residents. Conditions recommended relating to infrastructure protection, construction logistics plan, and a delivery and servicing plan.
- 5.3 London Underground.  
The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security, to ensure that the

development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2011 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 5.4 Environment Agency. No objections. Applicant advised to contact EA with regards to other consents administered by them.
- 5.5 Metropolitan Police. Recessed communal door and front doors to town houses should be no more than 0.6m deep. Recommends driveway to side on Milner Road is gated. Entrances from street level into the blocks and to cycle and bins stores should incorporate appropriate access controls and locking systems. Balcony and terrace design should eliminate climbing aids to reach higher floors. Secured by Design recommended as a minimum.
- 5.6 Thames Water. No objections subject to adequate safeguards to subsurface sewerage infrastructure. There are public sewers crossing or close to the development. Approval from Thames water is required where extensions to existing buildings or underpinning work is proposed over a line of or come within 3m of a public sewer. Thames Water will normally refuse approval in respect of the erection of a new building. Piling method statement to be agreed with Thames Water.
- 5.7 Recommended that surface water storm flows are attenuated into the receiving network through on or off site storage. Permits from Thames Water required in the event groundwater being discharged into public sewer. No objection in respect of water and sewerage infrastructure capacity.
- 5.8 Fat traps recommended for all catering establishments.
- 5.9 English Heritage. No comments.
- 5.10 Future Merton (Design)  
Generally a good scheme but some shortfalls in terms of internal layouts of flats identified including bedroom and living room layouts and absence of separate kitchens
- 5.11 Future Merton (Transport)  
Supports "permit free" S106 agreement. TFL have requested some additional cycle parking – the London Plan Standard of 34 should, in a location such as this, be met wherever possible. Standard condition to deliver secure cycle parking (H6) to be included if permission granted.
- 5.12 LBM Environmental Health.  
No objection subject to planning conditions being attached to address: noise from plant and equipment, soundproofing of the commercial building and residential to prevent the transmission of noise and vibration, odour from any extraction unit associated with A3 use, measures to safeguard against noise intrusion into the dwellings,

measures to safeguard against vibration within the dwellings, details of the mechanical ventilation and filtration system for the apartment block to mitigate against air pollutants, restrictions on noise levels from the mechanical ventilation and filtration system, external lighting, contamination and a Construction Method Statement.

5.13 Design Review Panel November 2014  
Pre-Application, 13/P3600/NEW, Car Park Site at Milner Road.

Generally the Panel welcomed the form, massing and layout of the site and that they seemed to work well. The Panel welcomed the analysis of appropriate cladding materials and the use of winter gardens to address the hostile environment. The Panel felt clearly that this was a good proposal, exhibiting a lot of architectural competence and skill. It was noted that a blank wall would be visible in some views from a distance and this should be made more interesting even if it did not have any windows in it. \*

The Panel also commended the architect on the skilfully designed interior layout, which they considered efficient and well planned. One suggested improvement was to reorganise the position of the stair and lift, to enable the internal core to have some natural light. \*\*

It was noted that there was one single aspect flat per floor; south facing, with balcony, against the lack of a second aspect. Although a glazed canopy was suggested for the main street frontage, there were mixed views on whether this would be appropriate or whether it could be successfully integrated into the new building.

The Panel questioned whether a retail space could be let, and were assured there was sufficient demand. They also questioned how confident the architect was of the feasibility of constructing the building with the sewer and railway constraints and were assured significant work had been undertaken on this to assess previous development proposals. The Panel recommended that the applicant seek to achieve Code Level 5, and that further exploration of appropriate materials should continue. \*\*\*

**VERDICT: GREEN**

\* Officers note that the design of the west facing flank wall onto Milner Road has been amended since consideration by the DRP and now incorporates blind window openings at ground first and second floor levels.

\*\* Officers note that a window opening has been provided to the stairwell in the north facing elevation to the block of flats.

\*\*\* Since consideration by the DRP the Code for Sustainable Homes has been withdrawn and sustainable design and construction standards for energy and water are currently restricted to an equivalent of Code Level 4.

## **6. POLICY CONTEXT**

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

- 6.1 The National Planning Policy Framework was published on the 27 March 2012 and replaces previous guidance contained in Planning Policy Guidance Notes and Planning Policy Statements. This document is put forward as a key part of central government reforms ‘...to make the planning system less complex and more accessible, and to promote sustainable growth’.
- 6.2 The document reiterates the plan led system stating that development that accords with an up to date plan should be approved and proposed development that conflicts should be refused. The framework also states that the primary objective of development management should be to foster the delivery of sustainable development, not to hinder or prevent development.
- 6.3 To enable each local authority to proactively fulfil their planning role, and to actively promote sustainable development, the framework advises that local planning authorities need to approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. The framework attaches significant weight to the benefits of economic and housing growth, the need to influence development proposals to achieve quality outcomes; and enable the delivery of sustainable development proposals.
- 6.4 Paragraph 17 of the NPPF sets out a number of ‘Core Planning Principles’. These include:
- Not being simply about scrutiny, but be a creative exercise in finding ways to enhance and improve the place in which people live their lives;
  - To proactively drive and support sustainable economic development to deliver homes and businesses;
  - Always seek to secure high quality design;
  - Encourage effective use of land by reusing land that has been previously development (brownfield land) where it is not of high environmental value;
  - Promote mixed use developments, and encourage multiple benefits from the use of land in urban areas; and
- 6.5 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.
- 6.6 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.

London Plan (2015)

- 6.7 The relevant policies in the London Plan (2015) are: Policy 3.1 (Ensuring equal life chances for all), Policy 3.3 (Increasing housing supply), Policy 3.4 (Optimising housing potential) Policy 3.5 (Quality and design of housing developments), Policy 3.7 (Large residential developments), Policy 3.8 (Housing choice), Policies 3.10 and 3.11 (Affordable housing and affordable housing targets), Policy 3.12 (Negotiating affordable housing), Policy 3.13 (Affordable housing thresholds), Policy 3.16 (Protection and enhancement of social infrastructure), Policy 5.2 [Minimising carbon dioxide emissions]; 5.3 [Sustainable design and construction]; 5.7 [Renewable energy]; 5.11 [Urban greening]; 5.12 [Flood risk management]; 5.13 [Sustainable drainage]; 6.3 [Assessing effects of development on transport capacity]; 6.9 [Cycling]; 6.10 [Walking]; 6.11 [Smoothing traffic flow and tackling congestion]; 6.12 [Road network capacity]; 6.13 [Parking]; 7.2 [An inclusive environment]; 7.3 [Designing out crime]; 7.4 [Local character]; 7.5 [Public realm]; 7.6 [Architecture]; 7.14 [Improving air quality]; 7.15 [Reducing noise and enhancing soundscapes] and 8.2 [Planning obligations].
- 6.8 Mayor of London Supplementary Planning Guidance.  
The following supplementary planning guidance is considered relevant to the proposals: Supplementary Planning Guidance on Housing (2012).
- Merton LDF Core Planning Strategy [2011]
- 6.9 The relevant policies within the Council's Adopted Core Strategy [July 2011] are CS.1 (Colliers Wood South Wimbledon), CS 7 [Centres], CS.8 (Housing), CS.12 [Economic development]; 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 (2014).
- 6.10 The relevant policies are follows: DM H2 – Housing mix; DM H3 – Support for affordable housing; DM D1 – Design and public realm; DM D2 –Design consideration; DM EP2 – Noise; DM F1 – Flooding; DM F2 – Drainage; DM T1 – Sustainable transport; and DM T3 – Car parking and servicing.



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

## **7. PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the following:
- Principle of mixed use development including housing and delivery of affordable housing;
  - Design and appearance;
  - Standard of accommodation;
  - Residential amenity;
  - Transport, car parking, servicing, access, walking and cycling;
  - Sustainable design and construction; and
  - Technical issues including underground rail tunnels and utilities issues.

### Principle of a mixed use development.

- 7.2 Adopted LDF policy CS.1 states the Council will support development which helps to improve the quality of local housing, traffic flow and the public realm especially in South Wimbledon. The LDF acknowledges that South Wimbledon has a limited range of services including shops and homes and that the majority of the housing stock is gridiron terraced properties. With good access public transport South Wimbledon presents redevelopment opportunities although the plan acknowledges that the retail offer will be restricted to serve the immediate local population.
- 7.3 The National Planning Policy Framework [March 2012] requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.4 Policy 3.3 of the London Plan sets new minimum targets for housing delivery which in the case of Merton rises from 320 additional homes annually to 411 for the period 2015 to 2025, between 2011 and 2026. The adopted Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'.
- 7.5 The use of the site for car parking does not comprise a use that is protected by adopted policies while the more intensive use of the site to provide flats, town houses along with a modest retail/service offer at ground floor fronting Morden Road fits in with the Council's policy objectives for the area. The proposals would make a meaningful contribution towards meeting the Mayor's new increased housing targets for the Borough.
- ### Density.
- 7.6 While density on its own is not an entirely reliable guide to determining whether a development is appropriate for a particular site the London Plan's Sustainable residential quality density matrix sets out indicative

density ranges for the effective development of sites dependent upon setting (suburban, urban and central) and public transport accessibility.

- 7.7 The London Plan policy 3.4 identifies areas within district centres as urban locations for the purposes of identifying appropriate densities. The London Plan suggests for schemes delivering primarily smaller units a density of up to 700 hrph may be appropriate. Given the mix and number of units the scheme generates a density of 815 hrph (16% above the recommended maximum).
- 7.8 While exceeding London Plan guidelines a judgement is required as to whether this is appropriate given that the site also lies within the wider South Wimbledon/Colliers Wood area for intensification identified in the London Plan or is an indication of overdevelopment. London Plan Policy 2.13 states that development proposals within intensification areas should (b) seek to optimise residential and non-residential output and densities and (c) contribute towards meeting or where appropriate exceeding the minimum guidelines for housing. The site may therefore be an appropriate location to accommodate higher density development. However, analysis of the quality of accommodation and the impact of the development on its surroundings can help inform this assessment and these matters are dealt with below. It would be unreasonable to withhold permission simply on the basis of density breaching guidelines.
- Design, including scale and massing and impact on locality
- 7.9 London Plan policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm.
- 7.10 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 promoting high quality design and providing functional spaces and buildings.
- 7.11 The NPPF, London Plan and LDF policies focus on delivering high quality design while a higher test of exceptional design is set for higher density development.
- 7.12 The London Plan defines tall buildings as those substantially taller than their surroundings, causes a significant change on the skyline, or are larger than the threshold size for referral of planning applications to the Mayor. While the proposals would not exceed the height threshold for referral to the Mayor, members may consider that the proposals, at up to 6 storeys, and adjoining a building on 3 floors the proposals

comprise a “tall building” for the purposes of assessment against adopted policy.

- 7.13 Merton’s Tall Building Background paper (2010) advises that tall buildings are generally not appropriate within the borough due to its predominantly suburban low rise character. Tall buildings may be suitable where all of the following factors are present:

Good public transport accessibility (the site benefits from good public transport accessibility);

Existing higher building precedent (both the Council and Planning Inspectorate have in recent years endorsed proposals for the refurbishment and extension of Spur House the height of which significantly exceeds suburban housing, medium sized blocks of flats and mixed commercial and residential buildings in the area);

Regeneration or change is envisaged (Merton Priory Homes are carrying out consultation in relation to the regeneration and potential intensification of development on the nearby High Path estate).

- 7.14 In principle it is considered that the necessary conditions prevail that justify departing from the scale and height of immediately adjoining buildings on this site, and this may warrant endorsement of considerably higher residential density subject to assessment of other design “qualities”.

- 7.15 One of the key principles of urban design is to promote the continuity of street frontages and the enclosure of space by development which clearly defines private and public areas. The proposals combine a commercial frontage onto Morden Road with a return into Milner Road enlivening the streetscene at ground level and small gardens to the town houses on Milner Road. The proposals achieve connectivity with the street in a manner that promotes sound urban design principles.

- 7.16 In other respects the applicant has successfully broken down the bulk of the development by introducing town houses on the Milner Road frontage and, before the building makes a pronounced step upwards, a screen designed to look like a three storey element linking to the extension to the south of the former Grove Tavern. The design’s strong vertical rhythm combined with an effective use of roof terraces and a modern interpretation of bays to the town houses further breaks down the bulk. An imaginative and thoughtful use of facing materials would add further interest to the appearance of the development which the Council’s Design Review Panel has responded positively to in terms of its form, massing and layout, judging that it exhibited a lot of architectural competence and skill.

- 7.17 Overall, it may be considered that the design is of a sufficiently high standard to warrant a density higher than the London Plan recommended maximum in this instance.

- 7.18 Along with details of facing materials, shopfront details are somewhat schematic and it may be prudent to attach a condition requiring full details, including material samples before construction and installation in order to ensure a high standard of design and finish and to safeguard the appearance of the streetscene.

Design context and heritage assets.

- 7.19 The core of South Wimbledon is focused around the intersection of 3 roads at a busy junction, which is also the location of the Grade II listed tube station. There is a gradual decrease in both the scale of building and road width from Merton High Street onto Kingston Road. At the junction, the Grade II listed tube station, which has a grey cubic form, holds a prominent corner position that is mirrored by the red brick building with classical embellishments. Buildings around the junction have corner entrances and features such as the oriel window on the former Grove Tavern building.
- 7.20 The Grade II listed South Wimbledon tube station lies on the opposite side of the road to the application site and forms an integral part of the foreground to the site looking south west, the backdrop to the site when viewed from Milner Road and part of the wider streetscene when looking north along Morden Road. The listed building is not integrated into a more general and wider conservation area.
- 7.21 The site's location in the context of the Colliers Wood/South Wimbledon area for intensification juxtaposed with lower rise buildings including the listed underground station and the characterful former Grove Tavern building that cluster around the busy road junction may set up an uneasy tension between delivering more intensive development while safeguarding views towards and forming the backdrop to heritage assets.
- 7.22 Redevelopment of Spur House however may be judged as setting a benchmark when viewing the site from the north, and the strong linear break provided by Morden Road which separates the application site from the listed building may be considered sufficient so to ensure the proposed development does not intrude into views of the listed building to a greater extent than Spur House.

Design - safety and security.

- 7.23 London Plan policy 7.3 aims to ensure that measures to design out crime are integral to development proposals and are considered early in the design process, taking into account the principles contained in Government guidance on 'Safer Places' and other guidance such as Secured by Design' published by the Police. Development should reduce the opportunities for criminal and anti-social behaviour and contribute to a sense of security without being overbearing or intimidating. Places and buildings should incorporate well-designed security features as appropriate to their location.

- 7.24 A narrow strip of land (not part of the site) would be retained between the rear of the Kwik Fit garage and the town house gardens. So as to ensure adequate safety and security for future residents rear boundary treatment would need to be particularly robust although gating this route or restricting access along the Kwik Fit rear driveway as encouraged by the Met Police advisor would not be feasible the land being outside the applicant's ownership.
- 7.25 So as to further enhance security of future occupiers, it is recommended to condition the detailed design of the external space in front of the entrance area to the flats which currently creates a deep and potentially unsafe recessed space.

Neighbour amenity – loss of privacy and overlooking.

- 7.26 Policy DM.D2 states that proposals for development will be expected to ensure appropriate levels of sunlight and daylight, quality of living conditions, and privacy to adjoining gardens.
- 7.27 Front to front separation between habitable rooms across Milner Road of 17-18m differ little from prevailing front separation distances in the street. While Merton's adopted guidance, to achieve reasonable levels of privacy, recommends 20m this is based on rear to rear separation, front to front separation being routinely below this.
- 7.28 Separation distances between proposed town houses and neighbouring flats to the north meet or exceed adopted standards while the flank of the block of flats has windows that may reasonably be conditioned so as to overcome the potential for overlooking.

Neighbour amenity – loss daylight sunlight and visual intrusion.

- 7.29 The applicant's daylight analysis examines the impact of the proposals on the following neighbouring properties:-
- 16-20 Kingston Road (first and second floor windows). All windows retain daylight levels in excess of Building Research Establishment guidelines.
  - 6A and 6B Kingston Road (first and second floor windows). Good daylight would also be maintained.
  - Development at former Grove Tavern site. The applicant has carried out various analyses to determine impact including factoring the reduced levels of natural light to rear facing windows arising from the provision of balconies. The Average Daylight Factor (a more comprehensive daylight assessment arising from the availability of up to date planning drawings) indicates that BRE standards are met and concludes that there would be no adverse effect.
  - To the east there is the underground station and commercial building and no analysis is required.
  - 1-20 Gilbert Close. No adverse effect.

- 2 Milner Road. To the west of the site and with an imperforate flank wall. Almost no view of development and daylight distribution would not be affected.
- 7.30 Spur House is described as commercial; however this is now undergoing refurbishment, extension and conversion to provide flats on the upper floors. Other than a window to a bedroom for two flats located at first and second floor levels, the windows in the flank facing Milner Road would serve bathrooms and a stairwell, with the windows closest to the corner with Morden Road serving bedrooms. The bedroom windows would be orientated towards the town house section of the proposed development and the separation between the application scheme and Spur House across Milner Road is such that a harmful loss of light would not arise and BRE guidelines would be met.
- 7.31 The principle of a more intensive development of the site given its location is accepted by officers. However, the location and massing of the proposed block of flats would introduce a flank wall into the outlook from the first and second floor terrace rising to 6 storey and would intrude into views and appear visually dominant. It is a matter of judgement as to whether greater weight may be attached to the delivery of a more intensive development in this instance or whether this is an indication of overdevelopment.
- 7.32 For the time being the massing of the buildings and location of rear facing habitable rooms windows of the town houses and windows in the flat block raises no issues in terms of overlooking of neighbouring occupiers, particularly given the spacing between the new buildings and the nearest flats to the north and extensive roof areas to the adjoining Kwik Fit workshop. Nevertheless the relatively shallow back gardens and the scale and height of the proposed buildings would result in a tight fit on the site.

Standard of accommodation.

- 7.33 Policy DM.D2 of the Merton Sites and Policies Plan (2014) 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 CS 8, CS9 and CS14 within the Council's Adopted Core Strategy [2011] states that the Council will require proposals for new homes to be well designed.
- 7.34 Policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally and externally. The London Plan states that boroughs should ensure that new development reflects the minimum internal space standards as set out in table 3.3 of the London Plan. The standards are expressed in terms of gross internal area.



Standard of accommodation – internal space.

- 7.35 The table at the end of the report (Appendix A) demonstrates that the proposed accommodation provides internal residential floorspace in accordance with London Plan standards.
- 7.36 The proposal provides 83% dual aspect units and 17% single aspect units. The townhouses and 2 bedroom units are all dual aspect while for the 1-bed units; 3 are south facing / single aspect units and 2 are dual aspect units.
- 7.37 The proposals factor in the need for wheelchair accessibility and the proposals meet the requirement that 10% of all new housing are wheelchair accessible or easily adaptable for residents who are wheelchair users. Two dwellings located on the first and second floor of the building have been identified as being adaptable to accessible units. All such units have been carefully considered to ensure they can be adaptable for wheelchair housing to meet the GLA's Wheelchair Housing Design Guide.

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 with appropriate minimum standards and is compatible with the character of the surrounding area. For all new houses, the council will seek a minimum garden area of 50 sqm as a single usable regular shaped amenity space. For flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings (as specified in the Mayor's Housing Supplementary Planning Guidance 2012) and an extra 1sq.m should be provided for each additional occupant.
- 7.39 The proposed development provides private amenity space for the flats that is in accordance with adopted standards. The flats all have with private external space to meet the Housing SPG requirements. They benefit from at least one recessed winter garden which provides privacy, shelter and noise mitigation on the Morden and Milner Road elevations. The town houses have a rear garden and a roof top amenity space which together provides between 66 and 70 sq.m per unit exceeding adopted standards. While ground level rear terraces/patio gardens would suffer from considerable overshadowing, lying to the north of the proposed buildings, the roof terraces have the potential to benefit from good levels of sunlight and on balance the quality of amenity space may be considered satisfactory. Similarly, while flats towards the boundary with the new development that has been erected to the north have small balconies to the rear which are likely to experience shade from the massing of the L shaped flat block they all benefit from a larger and brighter "winter garden" spaces on the front (Morden Road) elevation.

- 7.40 Officers note that the site is in close proximity to Abbey Recreation Ground and that occupiers would benefit from this as supplementing amenity space on site.

Standard of accommodation – noise and vibration.

- 7.41 London Plan policy 7.15 seeks to ensure that development proposals manage noise by avoiding significant adverse noise impacts on health and quality of life and mitigate and minimise the existing and potential adverse impacts of noise on, from, within , as a result of or in the vicinity of new development without placing undue restrictions on developments or adding unduly to costs; and where separation from noise sources is not possible then any potential adverse effects should be mitigated through the application of good design principles.
- 7.42 Ground floor uses would be compatible with the prevailing non-residential mix of uses in the surrounding area and suitably conditioned to control hours of opening and regulate noise from plant and machinery would be unlikely to give rise to harmful levels of noise.
- 7.43 The applicant has commissioned a noise and vibration assessment which sets out a number of recommendations which would enable the scheme to meet the relevant British Standards to mitigate against the transmission of noise and vibration. Measures include high specification acoustic glazing, an acoustically treated ventilation system double glazing on less sensitive elevations and acoustic screening to roof terraces. The report acknowledges that the specification for plant details has yet to be finalised but recommends that this should be chosen so as to achieve relevant British Standards and may require incorporation of localised screening or purpose built noise control apparatus. The report does not identify any specific vibration control measures.
- 7.44 Environmental Health officers raise no objection to the methodology or broad based recommendations but recommend various conditions to ensure both the final details are the subject of scrutiny by the Council and that the subsequent operation of plant and equipment meets relevant quantifiable thresholds.

Standard of accommodation - site contamination

- 7.45 Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to levels that have minimal adverse effects on human or environment health.
- 7.46 There is a potential for the site to suffer from ground contamination. A planning condition is recommended requiring further site investigation and remediation if unforeseen contamination arises.

Standard of accommodation - Air quality.

- 7.47 The NPFF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.
- 7.48 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.
- 7.49 London Plan policy 7.14 requires major developments to be at least air quality neutral and not lead to further deterioration of existing poor air quality, such as in Air Quality Management areas.
- 7.50 The applicant's air quality assessment identifies the site as experiencing poor air quality and pollutants.
- 7.51 The applicant acknowledges the need to provide for mitigation measures to address dust from construction work. Mechanical filtration systems are also considered necessary in the design of the apartment building. The proposed development will include a gas fire CHP and the applicant acknowledges that the air quality assessment should be revisited once detailed specifications are available. The development is considered better than air quality neutral in terms of transport emissions however heat and power plant emissions will need to be assessed prior to their becoming operational.
- 7.52 Environmental health officers have recommended that in the event of permission being granted that mitigation measures against dust from construction are made the subject of condition. Details of the mechanical ventilation and filtration system for the apartment block to mitigate against air pollutants should also be submitted providing adequate safeguard for the future amenities of occupiers.

Housing mix and affordable housing.

- 7.53 Policy CS. 8 within the Council's Adopted Core Strategy [July 2011] states that the Council will seek the provision of a mix of housing types sizes and tenures at a local level to meet the needs of all sectors of the community. This includes the provision of family sized and smaller housing units.
- 7.54 The mix of units would be 17% three bedroom family sized units, 55% two bedroom units and 28% one bedroom units. Notwithstanding the Council's wider objectives of providing a more balanced mix of family and non-family sized units (para 2.34 of the Sites and Policies Plan - 33% one bedroom, 32% two bedroom, 35% three or more bedrooms) this needs to be weighed against the location of the site, on a busy

main road where family accommodation may not be appropriate on both frontages, and in an area where side roads are more typically suited to family sized units, where the applicant has placed these units.

- 7.55 In conclusion it is considered that the proposed accommodation will increase the variety of residential accommodation available locally. It is considered that the current proposal will contribute towards the creation of a socially mixed and sustainable neighbourhood in accordance with Core Strategy policy CS8.
- 7.56 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels; and affordable housing targets adopted in line with policy.
- 7.57 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.58 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site.
- 7.59 The Borough wide affordable housing target is equivalent to 1,920 affordable homes for the period 2011-2026 (40% of the London Plan (2011) target for Merton rolled forward to cover the 15 year plan period). The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.
- 7.60 The proposals would deliver no affordable housing. The scheme therefore deviates from the affordable housing requirements. The applicant and Council agreed to have the applicant's viability assessment independently assessed. This has concluded that the scheme is unable to support an affordable housing contribution to remain viable. It would therefore be unreasonable to withhold permission on the basis of a failure to deliver affordable housing.

**Transport, car parking, servicing, access cycling and walking.**

- 7.61 The application site is located on Morden Road that forms part of the strategic road network.

- 7.62 The application site has a Public Transport Accessibility Level of 6a which indicates that it has good access to public transport services. The site is also located within a Controlled Car Parking Zone.

Car parking.

- 7.63 Policy CS20 of the Core Strategy [July 2011] states car parking should be provided in accordance with current parking standards, whilst assessing the impact of any additional on street parking on vehicle movements and road safety.
- 7.64 Policy 6.13 of the London Plan states that the Mayor wishes to see an appropriate balance between promoting new development and preventing excessive car parking that can undermine cycling, walking and public transport use. The current maximum car parking standards are set out within the London Plan at table 6.2. The Plan states that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per residential unit. Having regard to Table 6.2, the plan promotes maximum parking standards on the basis of 1-2 bed residential units to aim for less than 1 space per unit, and 3bed units to aim for 1-1.5 spaces per unit.
- 7.65 The current maximum car parking standards are set out within the London Plan at table 6.2. These standards state that developments in areas of good public transport accessibility should aim for significantly less than 1 space per residential unit for units of 1-2 bedrooms and a maximum of 1-1.5 spaces per dwelling for 3 bedroom units.
- 7.66 For food retailing minimum cycle parking is one space per 125 sq.m for staff and visitors. In areas of high public transport accessibility car free developments should be promoted.
- 7.67 The development is designed to be car free and Transport for London and the Council's Transport Planning officers have raised no objection to this approach given the location of the site and the high PTAL score.

Impact on traffic, servicing and access.

- 7.68 Policy CS20 of the Core Strategy [July 2011] states that the Council will seek to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway. The policy also requires developers to incorporate safe access to and from the public highway.
- 7.69 Refuse arrangements shown on the applicant's plans show bin stores within 10m of the carriageway edge meeting the Manual for Streets (2007) standards.
- 7.70 The Council's Transport Planners have not raised concerns regarding servicing or access.

### Cycling and walking.

- 7.71 Policy CS 18 of the adopted Core Strategy [July 2011] states that the Council will promote active transport by prioritising the safety of pedestrian, cycle and other active transport modes; by supporting schemes and encouraging design that provides, attractive, safe, covered cycle storage.
- 7.72 London Plan standards for cycle parking are one per 1-2 bedroom dwelling and 2 per three bedroom dwelling. Notwithstanding the submitted plans conditions are recommended in order to ensure that the scheme delivers additional cycle parking for both the residential and non-residential part of the development as recommended by TfL.
- 7.73 The level of provision and location are considered satisfactory. In order to ensure that cycle parking is covered and of a suitable design a planning condition is recommended to ensure that it is suitably designed and provided before first occupation of the building.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT AND SUSTAINABILITY** **Environmental Impact Assessment**

- 8.1 The application site is less than 1.0 hectare in area and therefore falls outside the scope of Schedule 2 development under 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.

### Sustainable design and construction.

- 8.2 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 8.3 Until amendments to the Building Regulations come into effect the Government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 8.4 While the applicant has indicated a commitment to achieving CfSh level 4, in light of the government's statement and changes to the national planning framework it is recommended that conditions are attached so as to ensure the dwellings are designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.



## **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.
- 9.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.

### **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, and 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 applies to the housing elements. This levy is calculated on the basis of £220 per square metre of new floor space for residential floorspace. In the absence of affordable housing the proposals would not qualify for social housing relief available under Part 6 of the Regulations.

### **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.
- 9.8 In this instance the delivery of "permit free" housing would be secured via a S106 unilateral undertaking.

9.9 The developer would be expected to agree to meet the Council's costs of scrutinising the undertaking and monitoring the obligations.

## **10. CONCLUSION**

10.1 It is considered that the proposals would meet the core planning principles as set out in the NPPF, being a development that has the potential to enhance and improve this part of South Wimbledon, that would deliver new homes, provide new and appropriate services and reuses brownfield land more intensively. Both London Underground and Thames Water have identified issues concerning infrastructure and identified constructional matters the developer would need to address before the development could proceed.

10.2 The development would provide an adequate environment for future occupiers, allowing for the somewhat compact nature of the layout, would meet policy requirements around unit size and amenity space, and may be suitably conditioned so as to mitigate against the impact of noise and air quality. The development would achieve a suitable level of sustainable design and construction meeting London Plan objectives.

10.3 The proposals would nevertheless impact on outlook from dwellings to the north and the layout results in a tight fit on the site. The proposals may however be judged as delivering a sufficiently high quality design to warrant exceeding density guidelines, that the merits of the scheme in other respects can be accorded greater weight, and that on balance the scheme is acceptable.

**RECOMMENDATION: Grant planning permission subject to the S106 unilateral undertaking and conditions.**

### **S106 unilateral undertaking :**

1. To ensure that the flats would be "permit free".
2. The developer agreeing to meet the Council's costs of the Council's legal fees including scrutinising the Unilateral Undertaking; and
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligation.

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

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: [See Schedule above] Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until details of the surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas, and footpaths, have been submitted in writing for approval by the Local Planning Authority. No works that are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details have been approved and works to which this condition relates have been carried out in accordance with the approved details. Reason: To ensure a satisfactory standard of development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Policies Plan 2014.
4. Details of surface water drainage, including measures to ensure storm flow attenuation into the receiving public network or through on site storage shall be submitted to and approved by the local planning authority and installed before the development is occupied. Reason To ensure that surface water discharge from the site is not detrimental to the existing sewerage system and to comply with policy DM.F2 of the Merton Sites and Policies Plan (2014).
5. Before development commences the applicant shall submit and have secured written approval from the Local Planning Authority of design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security. Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy 6.3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.
6. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub surface sewerage infrastructure and the programme for works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason. The proposed works will be in close proximity to underground sewerage utility infrastructure and to comply with policy DM.F2 of the Merton Sites and Policies Plan (2014).
7. 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 generic materials specified in the application form and/or the approved drawings), and 1:50 details showing window and door reveals have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be

carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

8. Prior to the commencement of development 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 Merton Sites and Policies Plan policy DM D2.
9. 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.
10. 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.
11. No development shall commence until a scheme for the soundproofing of the commercial building and residential to prevent the transmission of noise and vibration between the uses has been submitted to and approved in writing by the Local Planning Authority. The measures as approved shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
12. Details of screening to roof terraces and balconies, shall be submitted to and approved by the local planning authority and such details as are

approved shall be installed before the flats are occupied and thereafter retained. Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.
14. Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy 2011.
15. Prior to occupation of the flats windows to the north facing elevation of the block of flats shall be glazed with obscured glass up to 1.7m above internal finished floor level and shall thereafter be permanently retained as such. Reason to safeguard the privacy of neighbouring occupiers.
16. No dwelling hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4.
17. (Green roof) Prior to the occupation of any part of the development a green roof 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. The green roof shall be maintained in accordance with the approved plan for the lifetime of the development. Reason for condition To enhance the appearance of the development, the amenities of the area and to improve the management of surface water runoff in accordance with policy CS13 of the Adopted Core Strategy (July 2011) and DM D1 and DM F2 of Merton's Sites and Polices Plan 2014.
18. Notwithstanding the details on the submitted plans, prior to first occupation of the relevant use within the development cycle storage for

occupiers and cycle parking for visitors 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 and parking 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. Notwithstanding the approved plans full details of shopfront design shall be submitted to and approved by the local planning authority before occupation of the non-residential unit on the ground floor. Reason. To ensure the satisfactory appearance of the building at street level and to comply with policy DM D2 of the Merton Sites and Policies Plan (2014).
18. Prior to first occupation of the proposed new dwellings or the non-residential floorspace refuse and recycling facilities for the relevant part of the building 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].
19. Notwithstanding any details shown on the approved plans, prior to first occupation of the dwellings details of boundary treatment shall have been submitted to and approved in writing by the local planning authority. Boundary treatment shall be installed before the dwellings are occupied and thereafter retained. Reason to ensure the satisfactory appearance of the development, to ensure the safety and security of future occupiers and to comply with policy DM.D2 of the Merton Sites and Policies Plan (2014) and policy CS.14 of the Merton LDF (2011).
20. Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Hepworth Acoustics, Planning Noise Assessment Report for Stow Wimbledon Ltd Report No. 31628 .3v2 dated 2014 shall be implemented as a minimum standard. Details of the final scheme shall be submitted for approval to the Planning Authority prior to the commencement of the development. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.
20. Details of the mechanical ventilation and filtration system for the apartment block shall be submitted and approved prior to the use of the building and installed before occupation of the building. The scheme shall detail how the system will adequately mitigate against air



pollutants from the Air Quality Management Area. Reason for condition. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policy 7.14 of the London Plan 2015, and policy DM EP4 of Merton's Sites and Policies Plan 2014.

21. If during the construction phase contamination is found 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 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. In order to protect the health of future occupiers of the site and adjoining areas in accordance with Sites and Policies plan policy DM.EP4 and to protect controlled waters.
22. The development shall not be occupied until the existing redundant crossover/s have been be removed by raising the kerb and reinstating the footway in accordance with the requirements of the Highway Authority. 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.
23. No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
24. 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 DMD2 and policy CS14 of the Adopted Merton Core Planning Strategy 2011.
25. Odour from any extraction and odour control unit associated with A3 (Food and drink) use shall be designed and installed so that cooking odour is not detectable to affect other premises.
26. Vibration within the dwellings shall not exceed the range of 'low probability of adverse comment' as detailed in BS6472:2000 Human Exposure Vibration in Buildings. Reason. To safeguard the amenities of future occupiers and to ensure compliance with Development Plan policies: policies 7.14 and 7.15 of the London Plan 2015, policy CS7 of

Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.

27. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from the mechanical ventilation and filtration system shall not exceed LA90-10dB at the boundary with the closest residential property. Reason for condition. To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
28. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property. Reason for condition. To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with Development Plan policies: policy 7.15 of the London Plan 2015, and policies DM EP2 and DM EP4 of Merton's Sites and Polices Plan 2014.
29. No music or other amplified sound generated in the non-residential floorspace shall be audible at the boundary of any adjacent residential building. Reason for condition: 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 Polices Plan 2014.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses hereby approved shall be carried out without planning permission first being obtained from the Local Planning Authority. Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window, or other opening shall be constructed in the west facing flank wall of the end of terrace dwelling hereby approved without planning permission first being obtained from the Local Planning Authority. Reason: To safeguard the amenities and privacy of the occupiers of nearby properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of

Merton's Core Planning Strategy 201 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

32. No cables, wires, aerials, pipe work (except any rainwater down pipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway. Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.
33. The non-residential floorspace shall not be open to the public other than between the 07.00 and 23.00 hours on any day. Reason. To safeguard the amenities of neighbouring occupiers.

INFORMATIVE: The applicant is advised that details of the Lifetime Homes standards can be found at [www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk).

INFORMATIVE: The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; construction methods and security.

INFORMATIVE: The applicant is advised to contact Thames Water Developer Services (0800 009 3921) to discuss the details of the piling method statement and options available with regards to construction of a building over or within 3 metres of a public sewer.

INFORMATIVE:

Evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.

INFORMATIVE: The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. . 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.

20. No infiltration of surface water drainage into the ground is permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. Reason. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could cause pollution of groundwater.
21. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Reason. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground water.

**Appendix A.**  
**Floorspace and amenity space provision.**



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**DEVELOPMENT CONTROL**

Car Park

Milner Road

Scale 1/1250

Date 5/5/2015

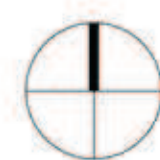
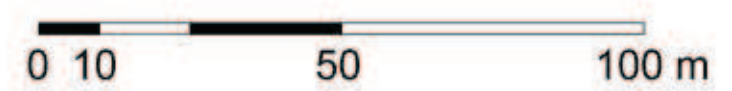
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**FeldenCleggBradleyStudios**  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f london@fcbstudios.com

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Date  
 23.01.2015  
 23.01.2015

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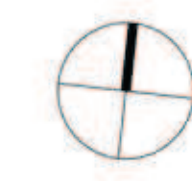
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MILNER ROAD

MORDEN ROAD



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 LLP  
 London Office  
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 London  
 W1T 4RF  
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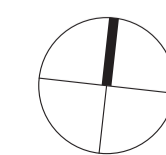
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FeildenCleggBradleyStudios  
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 London Office  
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 t +44 20 7323 5737  
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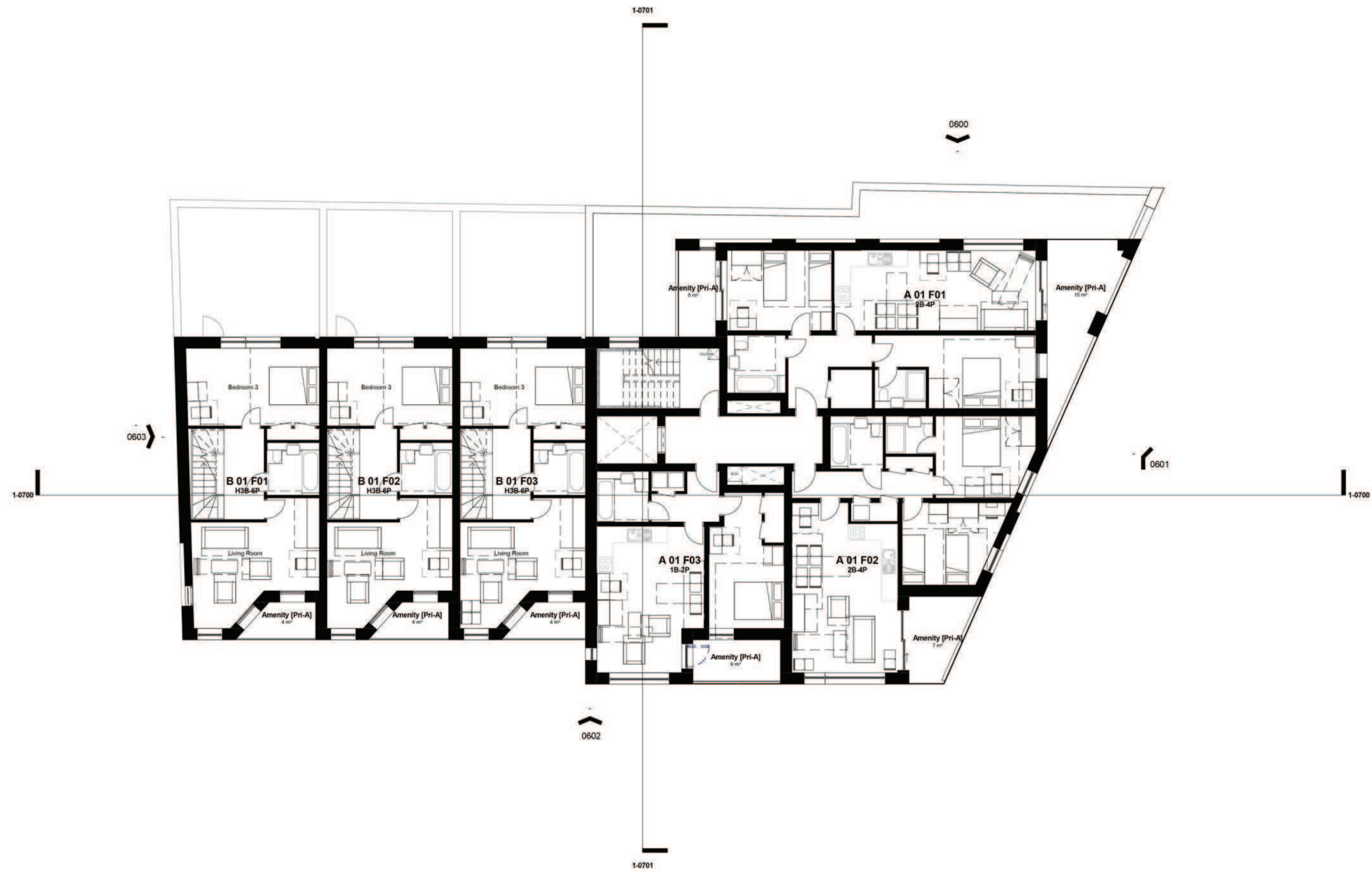
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FeltonCleggBradleyStudios  
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 London  
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 t +44 20 7323 5737  
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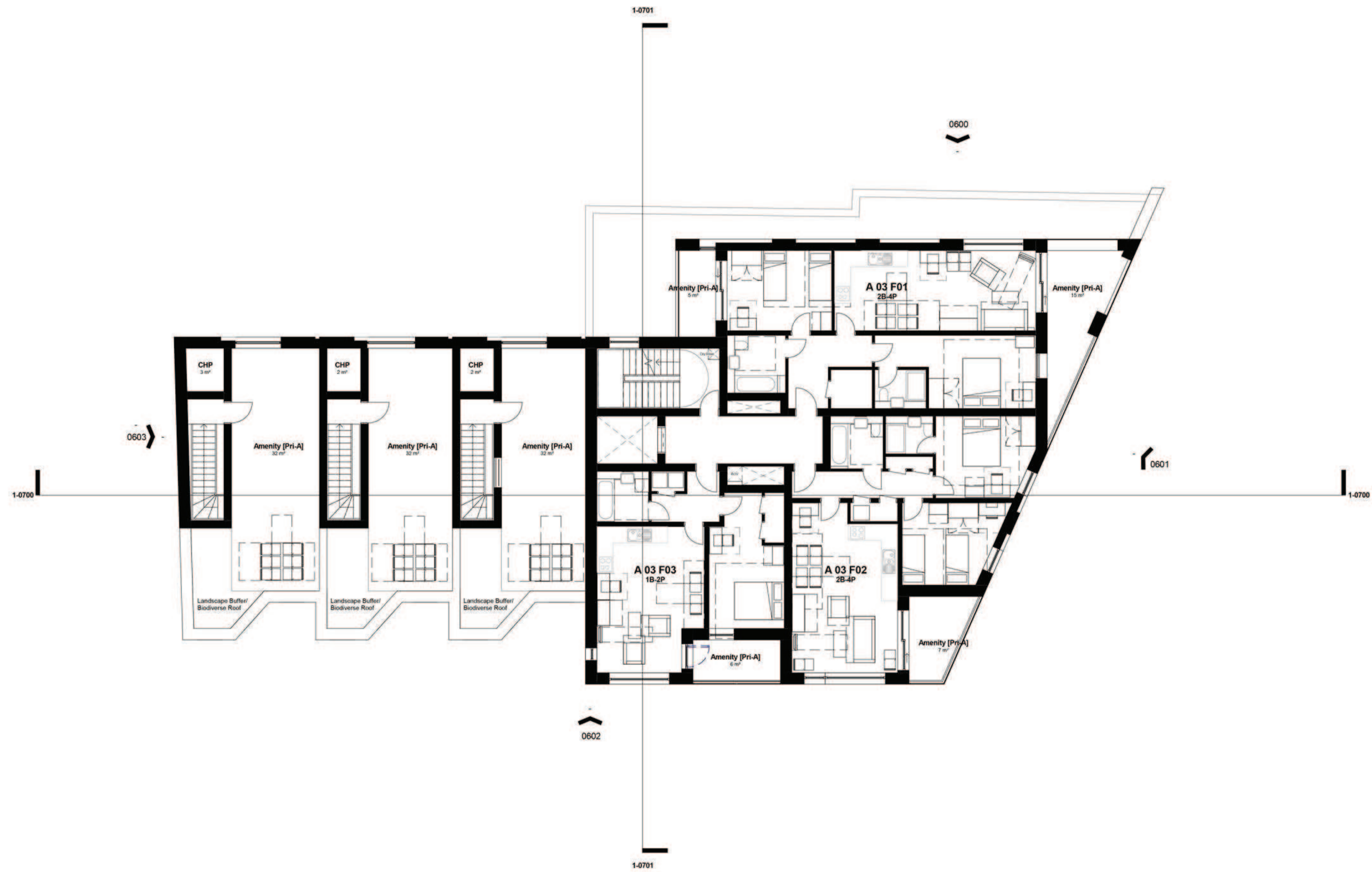
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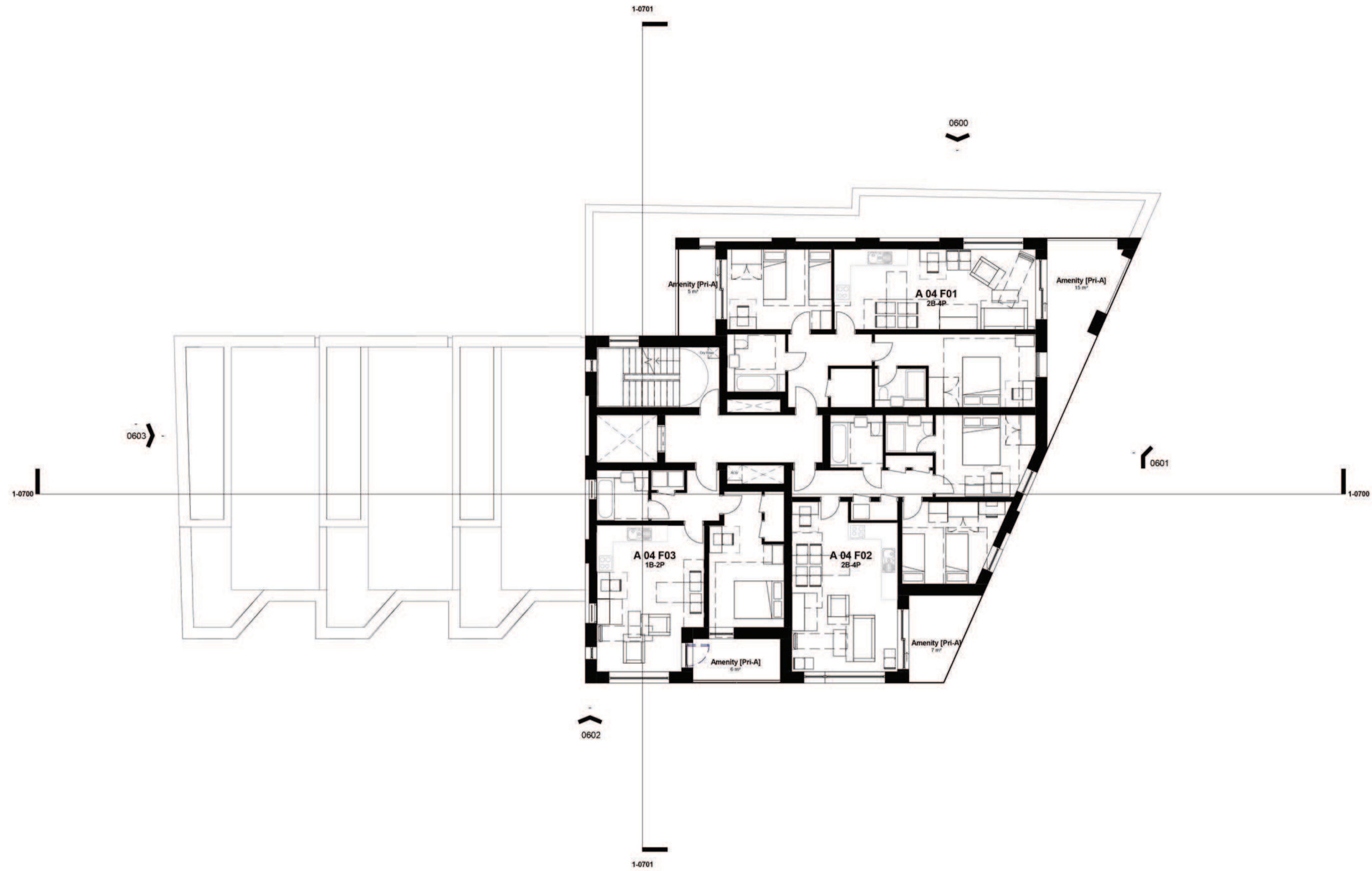
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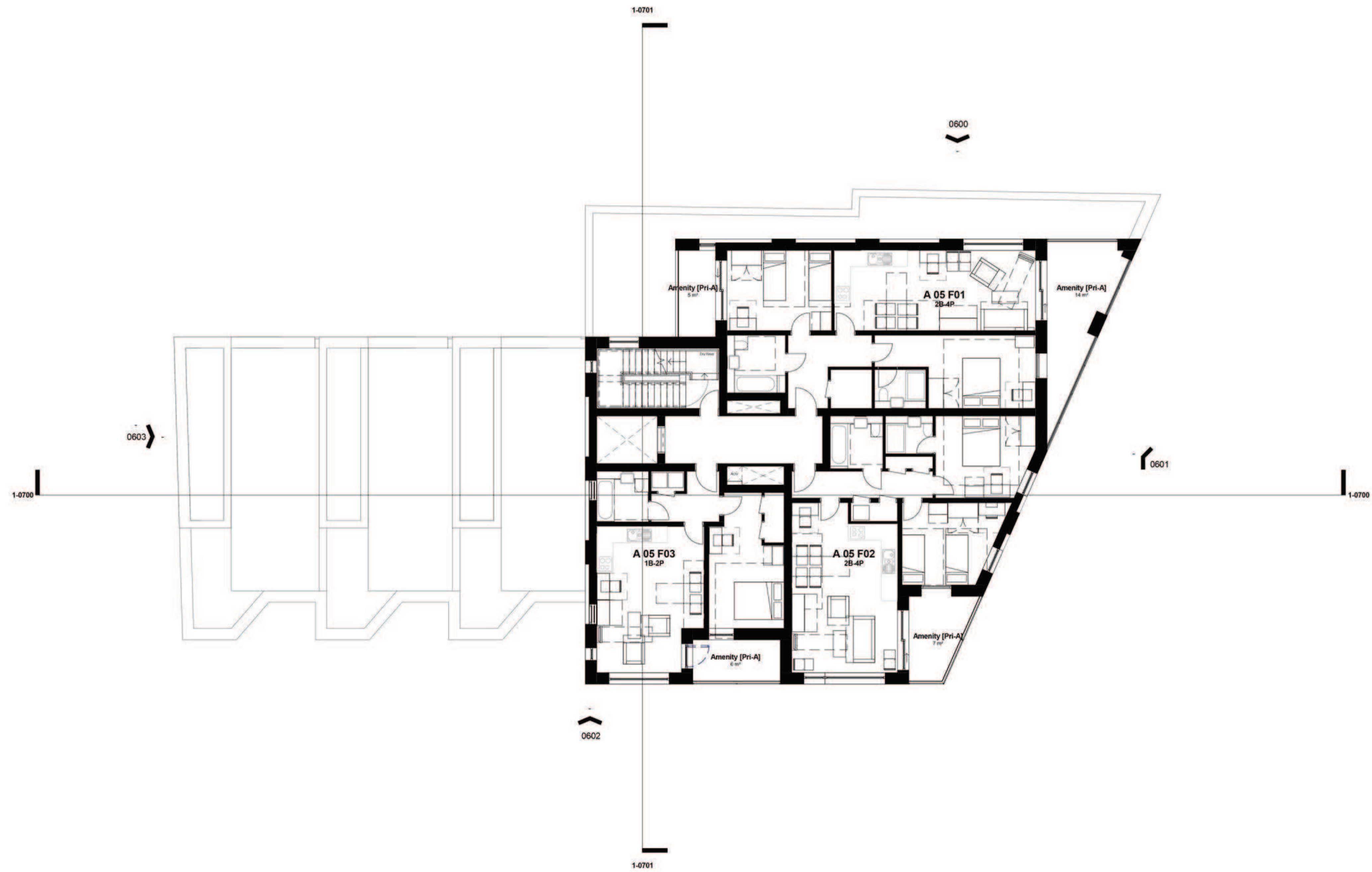
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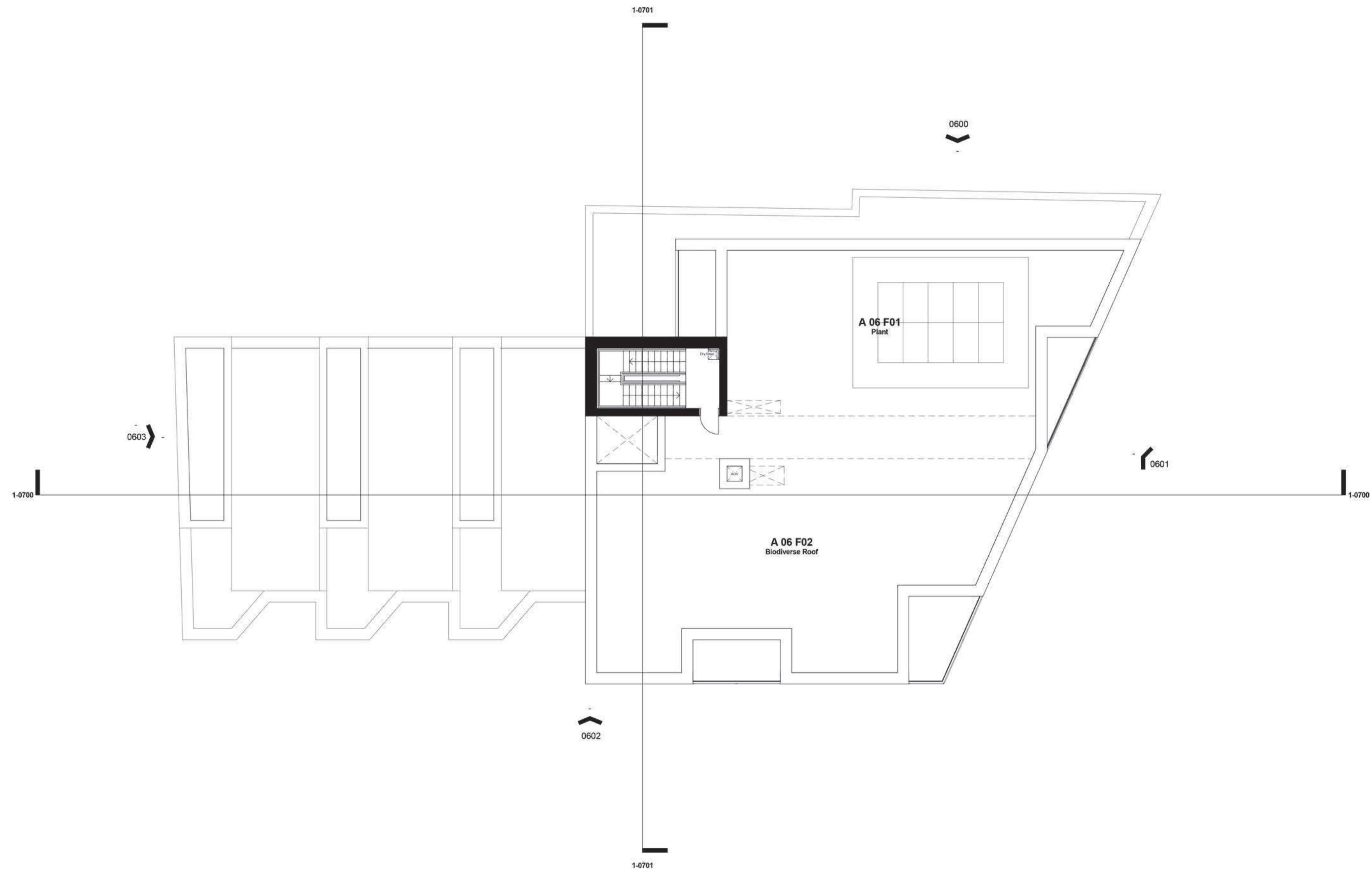
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KEY:

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|--|--|---------------------------------------|
| ① Glazed Terracotta (Module 1)                     | ⑨ Dark Grey House Front Garden Railings  | ⑰ Powder Coated Steel Cycle Room Door |
| ② Glazed Terracotta (Module 2)                     | ⑩ Glazed Door with Dark Grey Frame       | ⑱ Recessed RWP                        |
| ③ Dark Grey Aluminium Window Frames/Doors          | ⑪ Residential Lobby Entrance Glazed Door |                                       |
| ④ Glass Balustrade                                 | ⑫ Commercial Entrance Glazed Door        |                                       |
| ⑤ Dark Grey Aluminium Loured Panel                 | ⑬ Townhouse Timber Front Door            |                                       |
| ⑥ Winter Garden Glazed Panel with Glass Balustrade | ⑭ Powder Coated Steel Bin Store Door     |                                       |
| ⑦ Glazing  | ⑮ Powder Coated Steel Plant Room Door    |                                       |
| ⑧ Aluminium Infill Panel                           | ⑯ Powder Coated Steel Plant Room Door    |                                       |



**FeildenCleggBradleyStudios**  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f e london@fcbstudios.com

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MILNER ROAD ELEVATION

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| ② Glazed Terracotta (Module 2)                     | ⑩ Glazed Door with Dark Grey Frame       | ⑱ Recessed RWP                        |
| ③ Dark Grey Aluminium Window Frames/Doors          | ⑪ Residential Lobby Entrance Glazed Door |                                       |
| ④ Glass Balustrade                                 | ⑫ Commercial Entrance Glazed Door        |                                       |
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| ⑥ Winter Garden Glazed Panel with Glass Balustrade | ⑭ Powder Coated Steel Bin Store Door     |                                       |
| ⑦ Glazing  | ⑮ Powder Coated Steel Plant Room Door    |                                       |
| ⑧ Aluminium Infill Panel                           | ⑯ Powder Coated Steel Plant Room Door    |                                       |



**FelidenCleggBradleyStudios**  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f london@fcbstudios.com

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 28.04.2015  
 28.04.2015

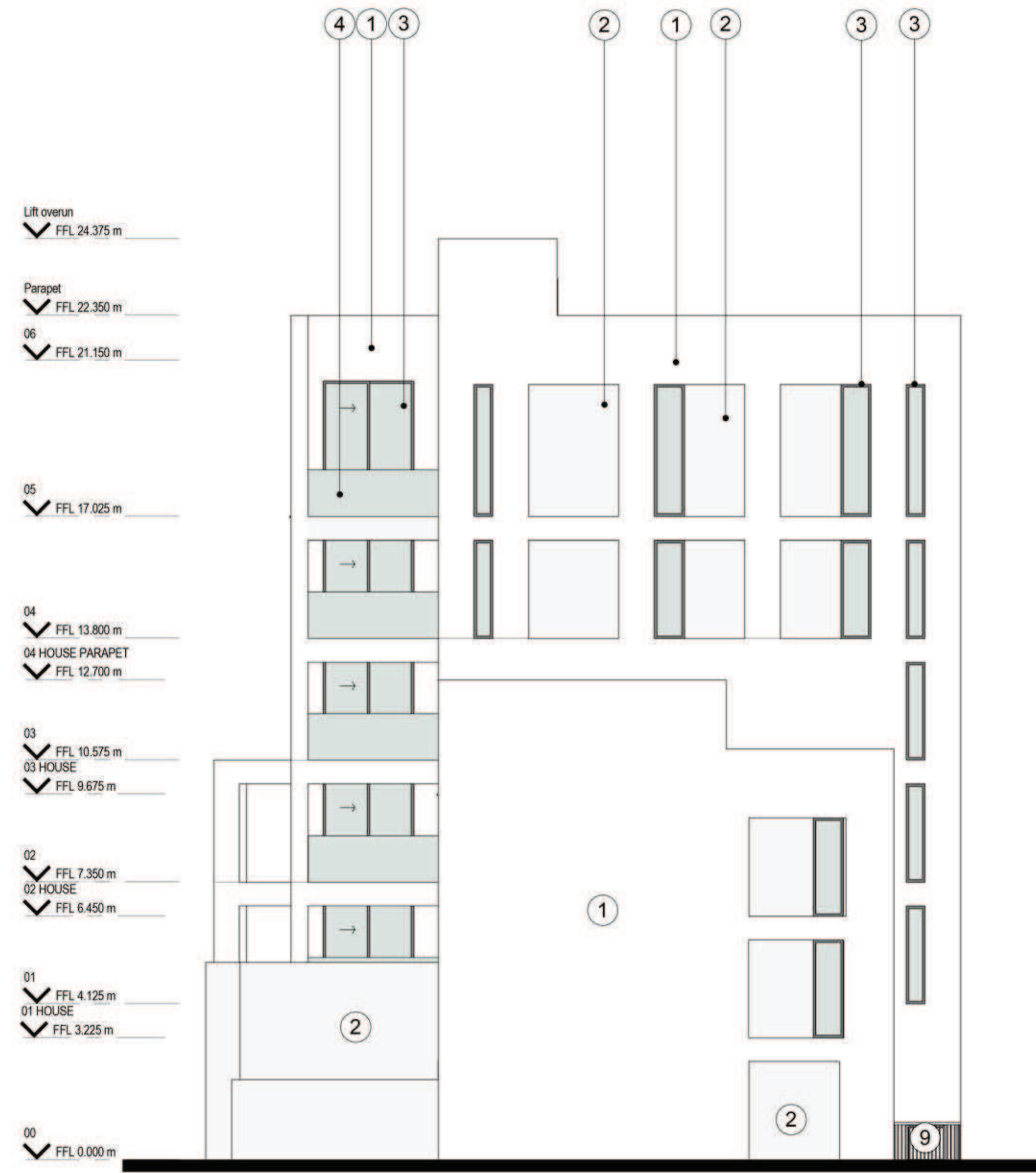
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FeildenCleggBradleyStudios  
LLP  
London Office  
Tottenham Street  
London  
W1T 4RF  
t +44 20 7323 5737  
f london@fcstudios.com

Amendment  
1 Issued for Planning

Date  
23.01.2015  
23.01.2015

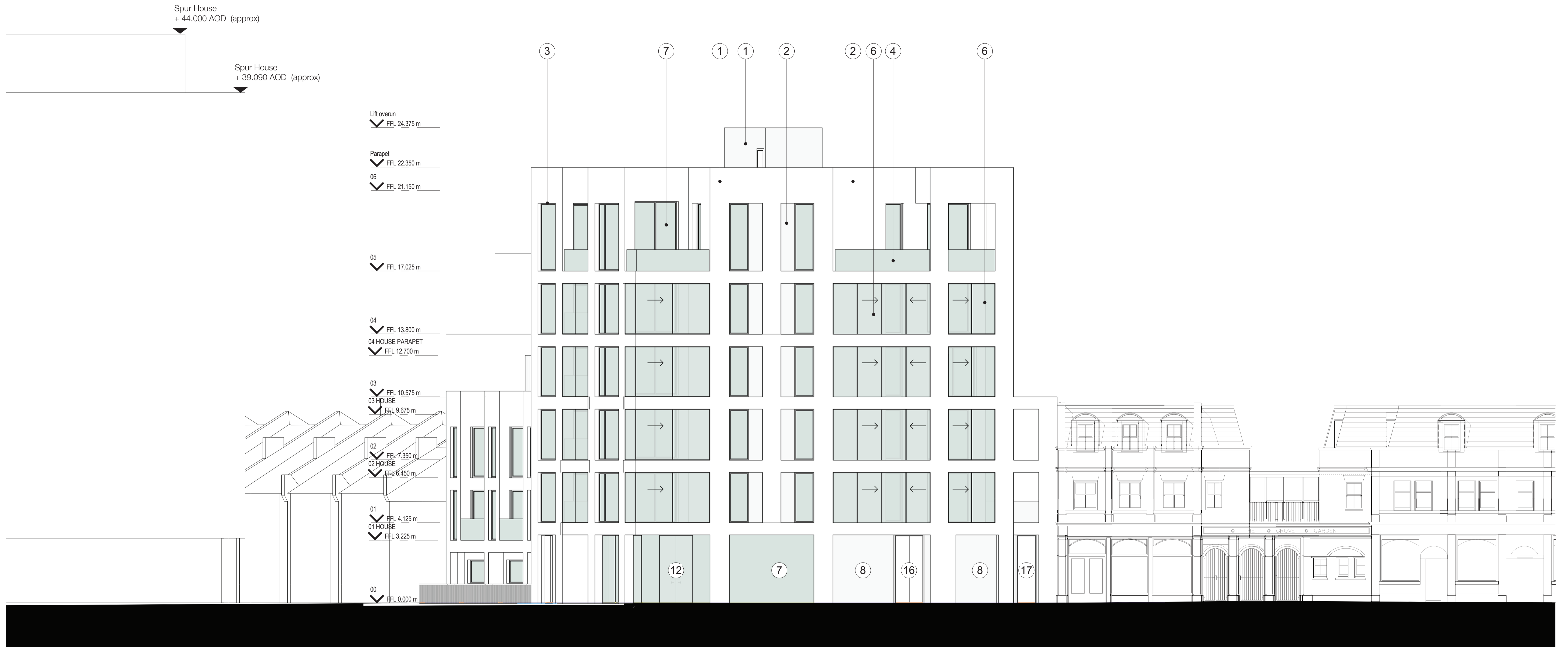
Job/Drawing No  
1782-FCB-A-0603  
Morden Road  
West Elevation  
Scale 1:100 @ A1 (1:200 @ A3)  
Date 12/04/14  
Drawn Author

Amendment  
P1

Do Not Scale  
All Dimensions to be checked on site



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KEY:

- |  |  |                                       |
|--|--|---------------------------------------|
| ① Glazed Terracotta (Module 1)                     | ⑨ Dark Grey House Front Garden Railings  | ⑰ Powder Coated Steel Cycle Room Door |
| ② Glazed Terracotta (Module 2)                     | ⑩ Glazed Door with Dark Grey Frame       | ⑱ Recessed RWP                        |
| ③ Dark Grey Aluminium Window Frames/Doors          | ⑪ Residential Lobby Entrance Glazed Door |                                       |
| ④ Glass Balustrade                                 | ⑫ Commercial Entrance Glazed Door        |                                       |
| ⑤ Dark Grey Aluminium Louvred Panel                | ⑬ Townhouse Timber Front Door            |                                       |
| ⑥ Winter Garden Glazed Panel with Glass Balustrade | ⑭ Powder Coated Steel Bin Store Door     |                                       |
| ⑦ Glazing  | ⑮ Powder Coated Steel Plant Room Door    |                                       |
| ⑧ Aluminium Infill Panel                           | ⑯ Powder Coated Steel Plant Room Door    |                                       |



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 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f london@fcbstudios.com

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 1 Issued for Planning  
 2 Issued for Planning

Date  
 23.01.2015  
 28.04.2015  
 28.04.2015

Job/Drawing No  
**1782-FCB-A-0601**  
 Morden Road  
 East Elevation  
 Scale 1 : 100 @ A1 (1:200 @ A3)  
 Date 12/04/14  
 Drawn Author

Amendment  
**P2**

Do Not Scale  
 All Dimensions to be checked on site

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**FelidenCleggBradleyStudios**  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f london@fcbstudios.com

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 1 Issued for Planning  
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Date  
 23.01.2015  
 28.04.2015  
 28.04.2015

Job/Drawing No  
 1782-FCB-A-0700  
 Morden Road  
 Section 01  
 Scale 1:100 @ A1  
 Date 04/28/15  
 Drawn Author

Amendment  
 P2

Do Not Scale  
 All Dimensions to be checked on site



FeildenCleggBradleyStudios  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f london@fcbstudios.com

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 23.01.2015  
 28.04.2015  
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Job/Drawing No  
 1782-FCB-A-0701  
 Morden Road  
 Section 02  
 Scale 1:100 @ A1 (1:200 @ A3)  
 Date 12/04/14  
 Drawn Author

Amendment  
 2

Do Not Scale  
 All Dimensions to be checked on site



FeildenCleggBradleyStudios  
 LLP  
 London Office  
 Tottenham Street  
 London  
 W1T 4RF  
 t +44 20 7323 5737  
 f  
 e london@fcbstudios.com

Amendment  
 1 Issued for Planning

Date  
 28.04.2015  
 28.04.2015

Job/Drawing No  
 1782-FCB-A-0702  
 Morden Road  
 Section 03  
 Scale 1 : 100 @ A1  
 Date 04/28/15  
 Drawn Author

Amendment  
 P1

Do Not Scale  
 All Dimensions to be checked on site



BLOCK A	Unit no	Description	Hab Rm	Bed Rm	Unit NIA		Block GIA		Amenity	Cycle	Wheelchair
					sq.m	sq.ft	sq.m	sq.ft	sq.m		Unit
GF							157	1690			
1st	A 01 F01	2 bed	3	2	76	818			20	2	
	A 01 F02	2 bed	3	2	70	753	279	3003	7	2	
	A 01 F03	1 bed	2	1	51	549			6	1	1
2nd	A 02 F01	2 bed	3	2	76	818			20	2	
	A 02 F02	2 bed	3	2	70	753	279	3003	7	2	
	A 02 F03	1 bed	2	1	51	549			6	1	1
3rd	A 03 F01	2 bed	3	2	76	818			20	2	
	A 03 F02	2 bed	3	2	70	753	277	2982	7	2	
	A 03 F03	1 bed	2	1	51	549			6	1	
4th	A 04 F01	2 bed	3	2	76	818			20	2	
	A 04 F02	2 bed	3	2	70	753	277	2982	7	2	
	A 04 F03	1 bed	2	1	51	549			6	1	
5th	A 05 F01	2 bed	3	2	76	818			20	2	
	A 05 F02	2 bed	3	2	70	753	289	3111	7	2	
	A 05 F03	1 bed	2	1	51	549			6	1	
Total	15	n/a	40	25	985	10602	1558	15080	165	25	2

HOUSE	Unit no	Description	Hab Rm	Bed Rm	sq.m	Unit NIA	sq.ft	Block GIA	sq.m	sq.ft	Amenity	Cycle	Wheelchair
													Unit
<b>B F01</b>		3 Bed										3	
GF			1		55		592	56	603	28			
1st			2	1	53		570	55	592	3			
2nd			2	2	53		570	55	592				
Roof								10		39			
Total	1	n/a	5	3	161		1733	176	1787	70		3	
HOUSE	Unit no	Description	Hab Rm	Bed Rm	sq.m	Unit NIA	sq.ft	Block GIA	sq.m	sq.ft	Amenity	Cycle	Wheelchair
<b>B F02</b>		3 Bed										3	
GF			1		54		581	56	603	25			
1st			2	1	52		560	55	592	3			
2nd			2	2	52		560	55	592				
Roof								9		38			
Total	1	n/a	5	3	158		1701	175	1787	66		3	

HOUSE	Unit no	Description	Hab Rm	Bed Rm	sq.m	sq.ft	sq.m	sq.ft	sq.m	Unit
<b>B F03</b>		3 Bed								3
GF			1		54	581	57	614	25	
1st			2	1	52	560	55	592	4	
2nd			2	2	52	560	55	592		
Roof							9		38	
Total	1		5	3	158	1701	176	1798	67	3

HOUSE	Unit no	Description	Hab Rm	Bed Rm	sq.m	Unit NIA	sq.ft	Block GIA	sq.m	sq.ft	Amenity	Cycle	Wheelchair
													Unit
<b>B F01/F02/F03</b>													
Total	3	n/a	15	9	477		5134	527	5371	203		9	

**Appendix 1 – Floorspace and amenity space figures.**

## PLANNING APPLICATIONS COMMITTEE 18 June 2015

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	15/P1218	30/03/2015
<b>Address:</b>	20 Sheridan Road, Merton Park, SW19 3HP	
<b>Ward</b>	Merton Park	
<b>Proposal</b>	Demolition of the existing four bedroom detached house and the erection of a replacement five bedroom house with garage and ancillary storage building.	
<b>Drawing No's</b>	14/937/101, 14/937/110B, 14/937/111B, 14/937/112B, 14/937/120B, 14/937/121B, 14/937/122B, 14/937/123B, 14/937/130B, 14/937/140, 14/937/150 and Site location plan, drawings	
<b>Contact Officer</b>	Leigh Harrington (020 8545 3836)	

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**RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions**

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### **CHECKLIST INFORMATION.**

- S106: N/A
  - Is an Environmental Statement required: No
  - Conservation Area – Yes (John Innes Merton Park Conservation Area)
  - Archaeological Priority Zone – Yes
  - Area at Risk from Flooding – No
  - Trees – No protected trees
  - Controlled Parking Zone – Yes
  - Development Plan designation – N/A
  - Design Review Panel consulted – Yes
  - Site notice – Yes
  - Press notice – Yes
  - Number of neighbours consulted – 12
  - External consultations – N/A
  - PTAL: 2 (TFL Planning Information Database)
  - Density – 60 habitable rooms per hectare.
- 

### **1. INTRODUCTION**

- 1.1 This application is brought before Committee for Members' consideration as a result of the public interest in the proposal.

### **2. SITE AND SURROUNDINGS**

- 2.1 The application site (0.1 hectares) is located on the south side of Sheridan Road and within the John Innes Merton Park Conservation Area. The existing building on the application site is a detached which forms part of a small group of three similarly designed properties constructed in 1949 (16, 18 and 20 Sheridan Road) which have been identified in the Conservation Area guide as making a neutral contribution to the Conservation Area.

- 2.2 The existing building benefits from an extensive rear garden with playing fields located at the rear of the site. The front of the application property is characterised by a semi-circular front lawns with an in and out driveway and off street car parking.
- 2.3 The site has a Public Transport Accessibility Level rating of 2 (On a scale of 1a, 1b, and 2-5,6a, 6b where zone 6b has the greatest accessibility). The site is located in an archaeological priority area and in a controlled parking zone. The site is not in an area at risk from flooding.

### **3 CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing property and the construction of a new replacement brick house with a pitched roof providing accommodation at ground floor, first floor and within the building roofspace.
- 3.2 The proposed building is single storey adjacent to the boundary with 18 Sheridan Road with an integral garage provided to the front of the site with ancillary living space to the rear. The ground floor also provides a study, kitchen, WC, dining room and lounge. The area above the dining room will be an open void up to the first floor to allow additional light in from the glass walling to the rear.
- 3.3 A staircase leading up the first floor provides access to a bathroom and a gallery hallway serving three double bedrooms, one of which would be ensuite. The first floor is set in from the ground floor rear and side elevation and flows the line of a previously approved second storey rear extension. A further set of stairs provides access to the second floor which is within the building roof space and provides a bathroom and two bedrooms along with a storage area.
- 3.4 The existing building has a roof eaves height of 5.3 metres and a roof ridge of 9.1 metres. The proposed house of a contemporary building design includes has a roof eaves height of 5.7 metres and a roof ridge of 9.2 metres. The front elevation of the new house is in the same position as the existing house with the rear of the new building extending a maximum of 6.4 metres behind the existing rear elevation.
- 3.5 The external facing materials reflect the comments from the Design Review Panel and include soft red multi stock bricks, timber panelling, charcoal grey window frames and pre weathered tiling for the roof incorporating the top storey on the front elevation. Similar materials will be used throughout the exterior but with flush mounted PV panels on the rear of the roof slope.

### **4. PLANNING HISTORY**

- 4.1 98/P0729 Planning permission granted for the erection of part single/part two storey rear extension and alteration to existing roof profile and provision of rear dormer extensions.

4.2 09/P1979 Planning permission granted for the erection of a part single, part double storey rear extension with three dormer windows to the new rear roof

5. **CONSULTATION**

5.1 The submitted planning application was publicised by means of a site notice, a press notice and individual consultation letters sent to 12 local properties. As a result of this public consultation 10 letters have been received objecting to the proposal on the following grounds:

- The building will be out of keeping with the surrounding buildings in Merton Park and more appropriate for a Greek Island resort than the John Innes Conservation Area;
- The proposal would spoil the continuity of the existing group of three houses;
- The building will be too angular and fails to respect the locally listed Quartermain houses on the north side of Sheridan Road;
- The only house the development does relate to at 11a Sheridan Road and this is shown as having a negative impact on the conservation area;
- Fails to make a positive contribution to the conservation area;
- The design will be to the detriment of local neighbours;
- The proposed materials are out of keeping with the characteristic London brick, flint, terracotta, pitched roofs and sash windows of the locality;
- The front elevation alignment would bring it out of line with the existing situation;
- The size of the rear of the house will be overbearing and unneighbourly for adjacent neighbours;
- Loss of light;
- Loss of privacy and overlooking;
- Waste of resources to demolish and rebuild and could be reconfigured and the layout extended.

5.2 **John Innes Society** there is an objection raised to the proposed development on the following grounds:

- The proposal is out of keeping with the conservation area;
- Changes in materials make the proposal look like 11a which is identified as having a negative contribution to the conservation area;
- Fails to respect the architectural relationship between the buildings, their architectural detail and their use of a palette of very high quality materials.

5.3 **LB Merton Conservation Officer** There is support for the proposal following the replacement of a square box roof with a sloping roof.

5.4 **Design Review Panel** The earlier planning application under reference 14/P4603 was considered by the panel at the meeting on the 29 January 2015.

The recorded minutes are as follows:

5.5 *The Panel clearly saw the house as aspirational and of good architectural quality, and were generally confident the architect could achieve this quality. If anything, it was trying too hard and could 'relax' a little.*

- 5.6 *The key point the Panel raised was the relationship to the conservation area and setting of the house. The conservation area as a whole is a heritage asset and the house and its design had to talk to the setting as well as make sense on its own.*
- 5.7 *The elements of asymmetry did relate well to the subtle Arts and Crafts feel of the area. The Panel clearly felt that this had not been done rigorously and this led to issues with the design in places. This was particularly so with the chosen colour of brick, the choice of a pitched roof and its material. Making the brick deliberately contrast with the surroundings made the task of justifying its preservation or enhancement of the conservation area character much harder – it had to justify its difference – and thus it had to be of exemplary quality.*
- 5.8 *Use of a brick that related to the setting – but not necessarily copied the adjacent houses – would be easier to justify. Tile rather than metal was suggested for the roof, as it related better to the setting but would not detract from the contemporary feel of the building. The Panel did not object to a pitched roof in principle, but it was unclear why it was proposed, how it was an integral or necessary part of the design and how it related to the surrounding roofs, their sizes and pitches.*
- 5.9 *The Panel suggested that an aspiration for a modern version of the existing building, which made people turn back and look again after initially passing it, was a more subtle and appropriate aspiration. One suggestion was to bring forward the alignment of the front roof plane.*
- 5.10 *The Panel felt that the analysis of local character and justification for the design needed to be far more rigorous. The design should stem from this analysis and test itself against the relevant planning and conservation policies of the Council. More care needed to be taken with use of terminology and the accuracy of appearance of the graphics. Further points raised included the need for the building to meet CSH level 5, that rooflights on bedrooms don't work well in rain and that the front landscape setting must be addressed as part of the application. The Panel also recommended the street view sketch be improved and developed further. VERDICT: **AMBER***

Applicant response to the Design Review Panel comments

- 5.11 The planning application that the Design Review Panel formally considered (14/P4603) was subsequently withdrawn with the aim of addressing the comments that the panel had made. The current resubmitted planning application incorporates changes to the development. Whilst proposals are not reported back to be formally considered by the panel the following informal comments have been made by panel members on the revised proposals.
- 5.12 Panel member 1:
- Overall impression is much better with the change of materials.

- A lot will depend on detailing.
- Front (north) elevation might be dark
- Encourage greenery to the front as much as possible within the front landscape.

5.13 Panel member 2:

- Brick type and colour: Happier with the revision:
- Tiles type and colour for the roof: Happier with the revision:
- Roof Plane: I thought at the meeting that the flat roofed projection, coming in front of the sloping roof eaves, could be a little awkward in the view from the street: (see the second floor plan): also, bringing a sloping roof down onto a flat roof is not always the easiest thing to handle: so should the eaves line be left clear and unencumbered, and running right across, with the flat roofed element perhaps lowered in some way, and expressed as a projecting box?
- Code Level 5: Good:
- Front Landscape: the two entry approach is perhaps not ideal in this locality where so much importance is placed on the green-ness and the holly hedges: if a single vehicular entrance was possible, would not this help to keep vehicles off the root system of the big tree in the front garden? And allow the holly hedge to be extended?
- Helpful if the submitted drawings could indicate the position of the adjoining buildings on the floorplans.

5.14 Panel member 3:

- I think they've addressed most of our concerns.

5.15 Panel member 4:

- An initial scan of the revised scheme / DAS is immensely positive and supportive. It's good to see quality architecture flushing in the DRP.

5.16 **LB Merton Tree Officer** There is no objection to the development subject to the inclusion of suitable conditions to protect the two large trees to the front of the site during the construction process.

**6 POLICY CONTEXT**  
**London Plan 2015**

- 6.1 The further alterations to the London Plan were published on the 10 March 2015. The relevant policies in the London Plan (July 2015) 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); 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); 6.5 (Funding Crossrail); 6.9 (Cycling); 6.10 (Walking); 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) and 8.2 (Planning Obligations).



### **London Plan Supplementary Planning Guidance**

- 6.2 The key supplementary planning guidance relevant to the proposals London Housing Supplementary Planning Guidance 2012.

### **Merton Sites and Policies Plan (adopted July 2014)**

- 6.3 The relevant policies within the Sites and Policies Plan are as follows: (Urban design and the public realm); DM.D2 (Design considerations and the public realm); DM.EP2 (Reducing and mitigating against noise); DM D3: (Alterations and Extensions to Buildings); DM D4 (Managing heritage assets); DM H2 (Housing mix); DM.P1 (Securing planning obligations); DM.T1 (Support for sustainable travel and active travel); DM.T2 (Transport impacts from development); and DM.T3 (Car parking and servicing standards).

### **Merton Supplementary Planning Guidance**

- 6.4 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)**

- 6.5 The relevant policies within the Council's Adopted Core Strategy (July 2011) are CS.8 (Housing choice); CS.9 (Housing provision); CS11 (Infrastructure); CS.14 (Design); CS.15 (Climate change); CS.18 (Active transport); CS.19 (Public transport); and CS.20 (Parking; servicing and delivery).

### **National Planning Policy Framework (March 2012)**

- 6.6 The National Planning Policy Framework (NPPF) 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 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 including the loss of the existing building on the application site; the impact of the development on the surrounding conservation area and the street scene including in terms of design and scale; the standard of the

proposed residential accommodation and the impact on residential amenity; access and parking.

**Principle of development and loss of the existing building.**

- 7.2 Policy DM D4 of the Sites and Policies Plan seeks to conserve and where appropriate enhance Merton's heritage assets and distinctive character. Development proposals affecting a heritage asset or its setting will be required to be in accordance with Merton's published conservation area character appraisals. The loss of a building that makes a positive contribution to a conservation area should be treated as substantial harm to a heritage asset and should be resisted. A proposal should conserve and where appropriate enhance the significance of the asset in terms of its individual architectural or historic interest.
- 7.3 Policy 7.8 of the London Plan states that developments affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Heritage assets such as conservation areas make a significant contribution to local character and should be protected from inappropriate development that is not sympathetic in terms of scale, materials, details and form. Development that affects the setting of heritage assets should be of the highest quality of architecture and design, and respond positively to local context and character.
- 7.4 The John Innes Merton Park Conservation Area appraisal puts buildings into one of the following four categories: listed buildings, buildings that make a positive contribution, buildings with a neutral contribution and buildings with a negative contribution. The appraisal has identified the existing building on the application site as having a neutral contribution to the character and appearance of the conservation area. The application building was built in 1949 and the appraisal records that negative alterations to the include replacement windows and parking within the front garden.
- 7.5 It is considered that subject to the assessment of the standard of the proposed replacement building the loss of the existing building is considered acceptable in principle. It is considered that a high quality building on this site that makes a positive contribution to the character of the conservation area may be a satisfactory replacement for the existing neutral contribution of the existing building.

**Need for additional housing.**

- 7.6 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. Policy CS. 9 within the Council's Adopted Core Strategy (July 2011) and policy 3.3 of the London Plan (2015) state that the Council will work with housing providers to provide a minimum of 4,800 additional homes (A minimum of 411 new dwellings annually, up from 320, following adoption of the London Plan 2015) between 2015 and 2025. This minimum target should be exceeded where possible including a minimum of 1450 to 1800 homes in the Morden sub area where the proposal site is located.

- 7.7 The Core Strategy states that the Council will encourage residential accommodation in 'sustainable brownfield locations'. The Core Strategy states that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including the development of brownfield sites. The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties.
- 7.8 In conclusion the provision of additional residential accommodation on this site is considered acceptable in principle subject to other considerations including matters of design, bulk, scale and layout, the standard of accommodation and the impact on amenity. The proposed development in this sustainable location will also assist in addressing the need for new residential accommodation in the borough that is identified in the London Plan and the Core Strategy.

#### **Residential density**

- 7.9 The London Plan states that in urban areas such as the application site with a Public Transport Accessibility Level of 2 the residential density should be within a range of 150 to 200 habitable rooms per hectare. With the application site covering a site area of 0.1 hectares and provision of 6 habitable rooms the residential density of the development is 60 habitable rooms per hectare.
- 7.10 In conclusion whilst the residential density of the proposed development is below the density range set out in the London Plan, with the scale of the development in keeping with its surroundings the proposed residential density is considered acceptable for this location.

#### **Design, appearance, materials and impact on the conservation area.**

- 7.11 Policy CS8 within the Council's Adopted Core Strategy [July 2011] states that the Council will require redevelopment proposals to be well designed. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. Policy 3.5 of the London Plan states that housing design should enhance the quality of local places taking into account physical context, local character and density. The London Plan at paragraph 7.29 identifies the desire to sensitively manage London's heritage assets in tandem with the promotion of the highest standards of modern architecture in order to maintain the blend of old and new and provide a unique character.
- 7.12 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.

- 7.13 The buildings within John Innes Merton Park Conservation Area use a wide variety of different building facing materials including, brick, painted brick, pebbledash, render, stone, hanging tile, timber frame, timber, and flint. Roof finishes are a mixture of clay tiles; slates and concrete tiles. With listed buildings and building considered to make a positive contribution to the conservation area also finished in a variety of facing materials. It is considered that this mix of facing materials contribute to the character of the area.
- 7.14 The proposed external materials for the new building reflect the comments received from the Design Review Panel and include soft red multi stock bricks, timber panelling, charcoal grey window frames and pre weathered tiling for the roof incorporating the top storey on the front elevation. Similar materials will be used throughout the exterior but with flush mounted PV panels on the rear of the roof slope. Whilst the proposed building is of a contemporary design the choice of building materials has been chosen to reflect existing nearby development. To ensure that that the materials are of the necessary standard a planning condition is recommended seeking the submission and approval of these facing materials.
- 7.15 Whilst it is noted that the design and appearance of the proposed building is different from other buildings in the vicinity, the design and appearance of the proposed building is considered to enhance the character and appearance of the conservation area. It is considered by officers that as the existing house makes a neutral contribution to the conservation area the merits of the current proposal outweigh the loss of this existing house.
- 7.16 In conclusion, it is considered that the current proposal will provide a good example of well-designed contemporary architecture that will enhance the character of the conservation area and improve the appearance of the street scene. The design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development in accordance with policies in the development plan.

#### **Scale, height and siting of the development**

- 7.17 The current proposal has been designed so that the height of the proposed two-storey building respects the height of adjacent houses. The scale of the development is considered in keeping with the surroundings with acceptable separation distances between the new building and neighbouring buildings. The massing of the development is considered in keeping with the conservation area and adjacent buildings.

#### **Loss of privacy and overlooking**

- 7.18 Policy DM D2 states that proposals for development will be expected to ensure, quality of living conditions, and appropriate levels of privacy to adjoining gardens. In order to minimise the impact of new development on the privacy of existing dwellings.
- 7.19 The orientation of the new house is such that there would be no overlooking between habitable rooms provided in the replacement house and those on

neighbouring houses. It is considered that the new house will not cause any additional overlooking to adjacent gardens than is currently the case with the existing house. A planning condition is recommended to ensure that the proposed glazing in the upper flank walls will be obscure glazed to protect neighbour amenity.

**Loss of daylight, sunlight and visual intrusion.**

- 7.20 Sites and Policies Plan policy DM D2 states that proposals for development will be expected to ensure provision of appropriate levels of sunlight and daylight, to both proposed and adjoining buildings and gardens. The policy states that proposals for all development will be expected to protect new and existing development from visual intrusion so that the living conditions of existing and future occupiers are not unduly diminished.
- 7.21 The proposed building has been designed to reduce any potential impact on neighbouring occupiers and this includes the set back of the building on the upper floors from the site boundary. In the context of the existing building on the site and the sensitive design of the proposed replacement building the proposal is considered acceptable in terms of the potential impact on daylight, sunlight and visual intrusion.
- 7.22 In conclusion and following assessment of the development including the site context, the building heights, the nature of the existing residential accommodation and the separation distances between buildings it is considered that the proposed development will not give rise to visual intrusion or a loss of daylight or sunlight to adjacent residential occupiers. The development is considered in accordance with Sites and Policies Plan policy DM D2. .

**Internal layout and room sizes**

- 7.23 Sites and Policies Plan 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.
- 7.24 Policy 3.5 of the London Plan (July 2015) 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.
- 7.25 The internal layout of the proposed accommodation is considered to make good and efficient use of the space that is available on the site. The development provides accommodation with an appropriate internal layout and good provision of natural light and outlook to all habitable rooms.

**External amenity space**

- 7.26 Sites and Policies Plan policy DM D2 states that developments will be expected to ensure appropriate provision of outdoor amenity space which



accords with appropriate minimum standards and is compatible with the character of the surrounding area. The standard within the Sites and Policies Plan states that in accordance with the London Housing Design Guide, there should be 50 square metres of external space provided for a family house. After an assessment of the proposed amenity space, its location, proportions and dimensions it is considered to provide a good standard of usable external amenity space and above the minimum area standards.

**Lifetime Homes standards.**

- 7.27 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.
- 7.28 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.

**Refuse storage and collection.**

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

**Car parking**

- 7.31 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 2 spaces for five bedroom dwellings having regard to transport accessibility.
- 7.32 The proposed development provides two off street parking spaces and this is considered acceptable in terms of the relatively low public transport accessibility. The site is located in a controlled parking zone however with the majority of nearby houses provided with off street parking it is considered that there is sufficient on street capacity for any on street parking. In this context it is not considered necessary in this instance to restrict future occupants from obtaining on street parking permits

### **Cycle parking**

- 7.33 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.
- 7.34 The applicant has stated that the development includes 4 cycle parking spaces. A planning condition is recommended to ensure that cycle parking is provided in accordance with recently updated standards with this space retained for the benefit of future residents.

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

- 7.35 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.
- 7.36 On 25th March the Government issued a statement setting out steps it is taking to streamline the planning system. The changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations are relevant to the current application. The Deregulation Act was given Royal Assent on 26th March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.
- 7.37 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above a Code level 4 equivalent. Where there is an existing plan policy which references the Code for Sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.
- 7.38 In light of the government's statement and changes to the national planning framework it is recommended that conditions are not attached requiring full compliance with Code Level 4 but are attached so as to ensure the dwelling is designed and constructed to achieve CO2 reduction standards and water consumptions standards equivalent to Code for Sustainable Homes level 4.

### **Trees and landscaping**

- 7.39 Core strategy policy CS13 and Sites and Policies Plan policy DM O2 seek to protect landscape features such as trees.
- 7.40 There are trees on the application site that could potentially be impacted by the development. Following consultation with the Council's Trees Officer it is considered that the development will be acceptable with the inclusion of suitable planning conditions for the protection of trees. A planning condition is also recommended seeking details of new landscaping.

## **8. ENVIRONMENTAL IMPACT ASSESSMENT**

- 8.1 The area of the application site is below the 1 hectare threshold and as a result the site falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015. In this context there is no requirement for a screening opinion or for an Environmental Impact Assessment as part of this development.

## **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 development is liable for the Mayoral Community Infrastructure Levy, however the applicant has requested that the Council consider an exemption that is available for self-build developments.

### **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 development is liable for the Merton Community Infrastructure Levy, however the applicant has requested that the Council consider an exemption that is available for self-build developments.

### **Planning Obligations**

- 9.5 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.
- 9.6 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.
- 9.7 It is considered that there is no requirement for a planning obligation in relation to the proposed development.

## **10. CONCLUSION**

- 10.1 With assistance from the comments from the Design Review Panel, the current proposal will provide a good example of well-designed contemporary architecture that will enhance the character of the John Innes Merton Park Conservation Area and improve the appearance of the street scene.

- 10.2 The design, scale, layout and appearance of the proposed development complements the local context and respects the local pattern of development whilst at the same time minimising any adverse impacts on neighbouring amenity, traffic and parking. The proposal is in accordance with policies in the development plan and is recommended for approval subject to conditions.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION subject to the following planning conditions.**

1. Standard condition (Time period) The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission. Reason for condition: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.
2. Amended standard condition (Approved plans) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and drawings 14/937/101, 14/937/110 B, 14/937/111 B, 14/937/112 B, 14/937/120 B, 14/937/121 B, 14/937/122 B, 14/937/123 B, 14/937/130 B, 14/937/140, 14/937/150. Reason for condition: For the avoidance of doubt and in the interests of proper planning.
3. Amended standard condition (External materials) Prior to the commencement of development details of particulars and samples of the materials to be used on all external faces of the development hereby permitted, (notwithstanding any materials specified in the application form and/or the approved drawings), shall 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 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014. This information is required prior to commencement as details of external materials would need to be finalised before construction works commence.
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 or at any time on Sundays or Bank Holidays. Reason for condition: To safeguard the amenities of the area and occupiers of neighbouring properties and to ensure compliance with 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. This information is required prior to commencement as construction works have the potential to cause the nuisance that is considered as part of this condition

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. This information is required prior to commencement as construction works have the potential to cause the harm to safety that is considered as part of this condition.
7. Amended standard condition (Obscure glazing) Prior to the first occupation of the development window openings in the side elevations of the building above ground floor level shall be fitted with obscure glass and fixed shut and shall permanently maintained as such thereafter. 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 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.
8. Amended Standard condition (Trees – notification of works starting) The Local Planning Authority's Tree Officer shall be provided with a minimum of two weeks notice prior to the proposed commencement of works on site. 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 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.
9. Amended standard condition (Tree protection) Prior to the commencement of development (including demolition) an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority with the approved details fully in place. The details and measures as approved shall be retained and maintained, 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 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014. This information is required prior to



commencement as construction works have the potential to cause the harm to safety that is considered as part of this condition.

10. Amended standard condition (Site supervision – trees) The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert 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. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan. 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 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.
11. Amended standard condition (Construction exclusion zones – trees) Prior to the commencement of development (including demolition) details of construction exclusion zones to include the protection of the retained trees identified in the Tree Survey Plan shall have been submitted to and approved in writing by the Local Planning Authority with the approved details fully in place. Any building construction outside of the construction exclusion zone, but within an area identified for root protection, shall be protected using ground protection as detailed in BS 5837:2012, or as required by the Local Planning Authority. The details, as approved shall be retained and maintained 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 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Polices Plan 2014.
12. Amended Standard condition (Archaeology - Watching Brief) Prior to the commencement of development (including demolition) an on-site watching brief, which ensures the presence of a suitably qualified and experienced archaeologist during construction work, shall be submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered, which require fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Reason for condition In order to provide the opportunity to record the history of the site and to comply with the following Development Plan policies for Merton: policy 7.8 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policy DM D4 of Merton's Sites and Polices Plan 2014.
13. Amended standard condition (Landscaping) Prior to first occupation of the proposed new dwelling 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 and means of enclosure. 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.

14. Non Standard Condition (Sustainability) No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority demonstrating that the development has achieved not less than the CO2 reductions (ENE1) (a 25% reduction compared to 2010 part L regulations), and internal water usage (WAT1) (105 litres/p/day) standards equivalent to Code for Sustainable Homes level 4. Informative: Evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide. 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 2015 and CS 15 of the Adopted Merton Core Planning Strategy 2011.
15. Amended standard condition (Lifetime homes) Prior to first occupation of the proposed new dwellings, the applicant shall provide written evidence to confirm the new dwelling units meet Lifetime Homes Standards based on the relevant criteria. Reason for condition: To meet the changing needs of households and comply with policy CS8 of the Adopted Core Strategy (July 2011).
16. Non-standard condition (Cycle storage and parking) Prior to first occupation of the proposed new dwelling cycle storage shall be in place that is accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the cycle storage and parking 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).
17. 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).
18. Standard condition (Removal of permitted development) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse 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 or to the character of the area and for this reason would wish to control any future development to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.

19. 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, the occupiers of neighbouring properties and wildlife using the green corridor at the rear of the site and to ensure compliance with Sites and policy DM D2 and policies CS13 and CS14 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](http://www.lifetimehomes.org.uk)
- b) The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. 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 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 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).
- d) The applicant is reminded of the need to comply with the Control of Asbestos Regulations 2012 in relation to the demolition of the existing buildings on the application site, with further advice available at the following link: <http://www.hse.gov.uk/asbestos/regulations.htm>.
- e) The applicant is advised that evidence requirements in respect of condition 13 are detailed in the "Schedule of evidence required for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide.



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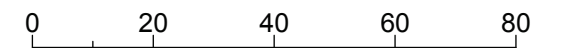
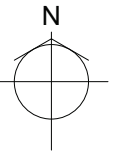


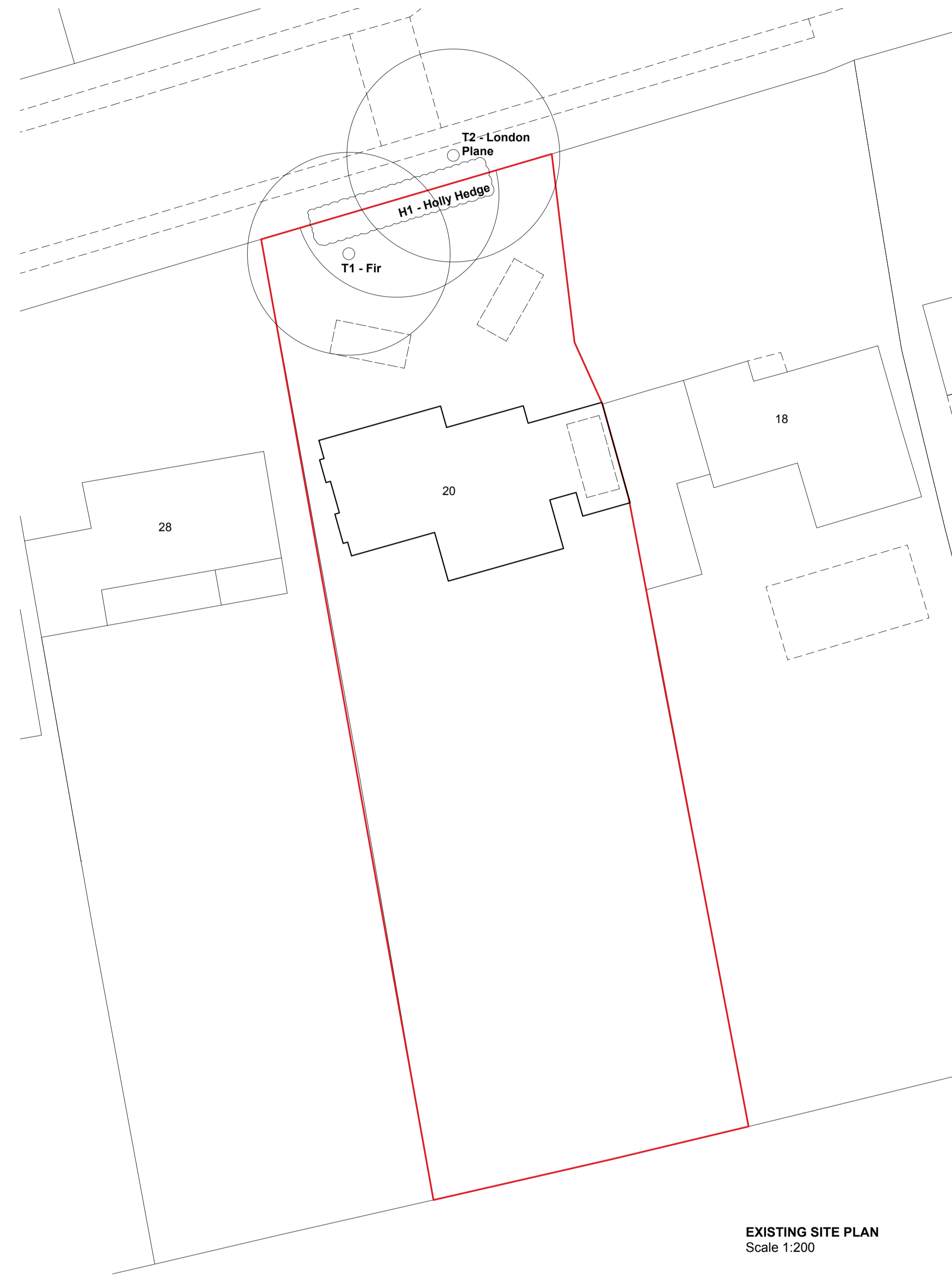
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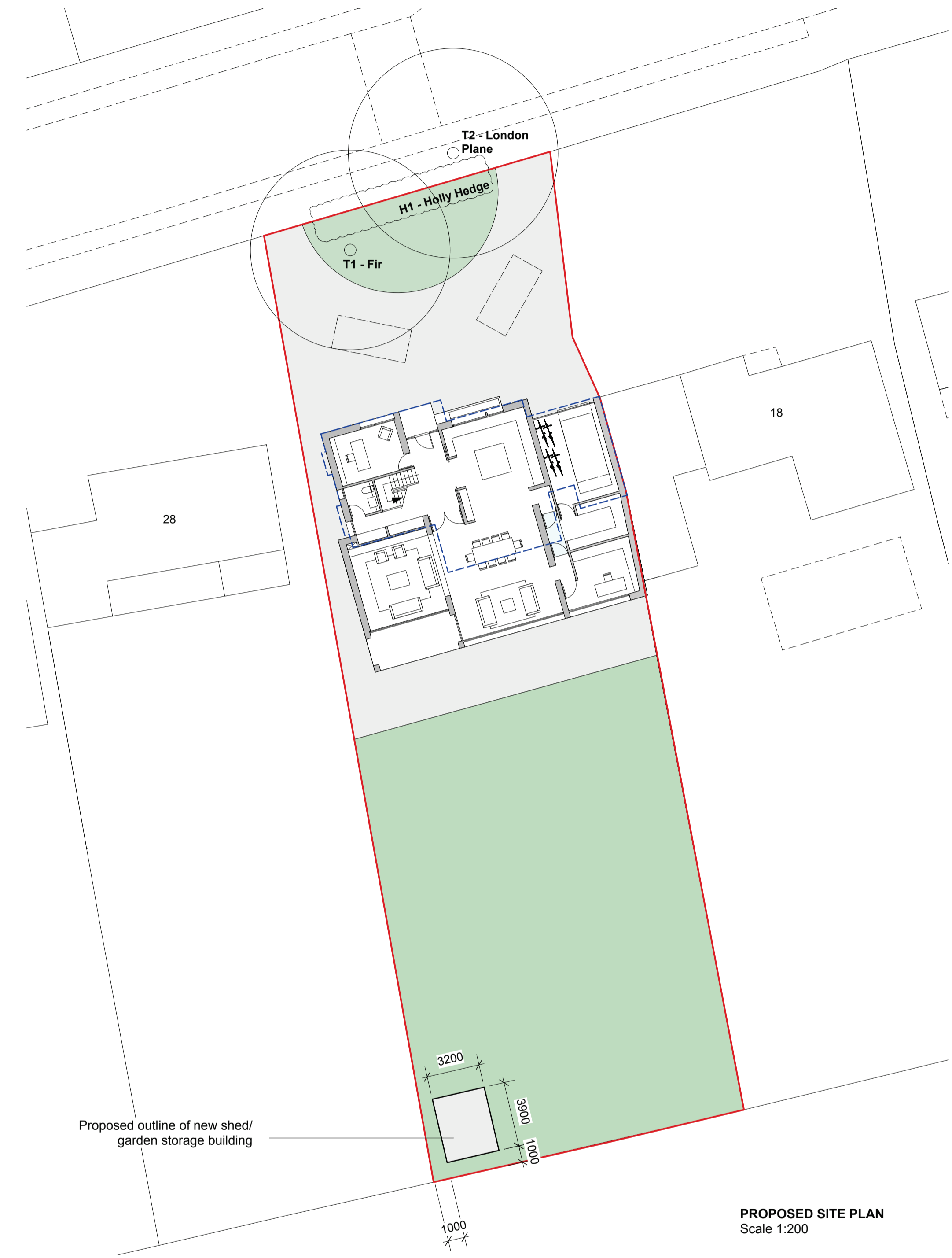
— SITE BOUNDARY





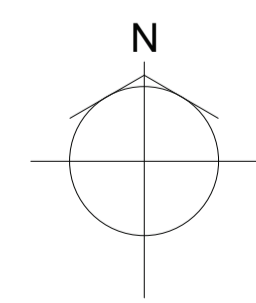
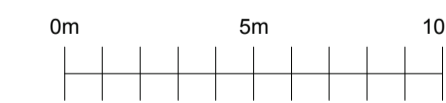
**EXISTING SITE PLAN**  
Scale 1:200

— Boundary Line

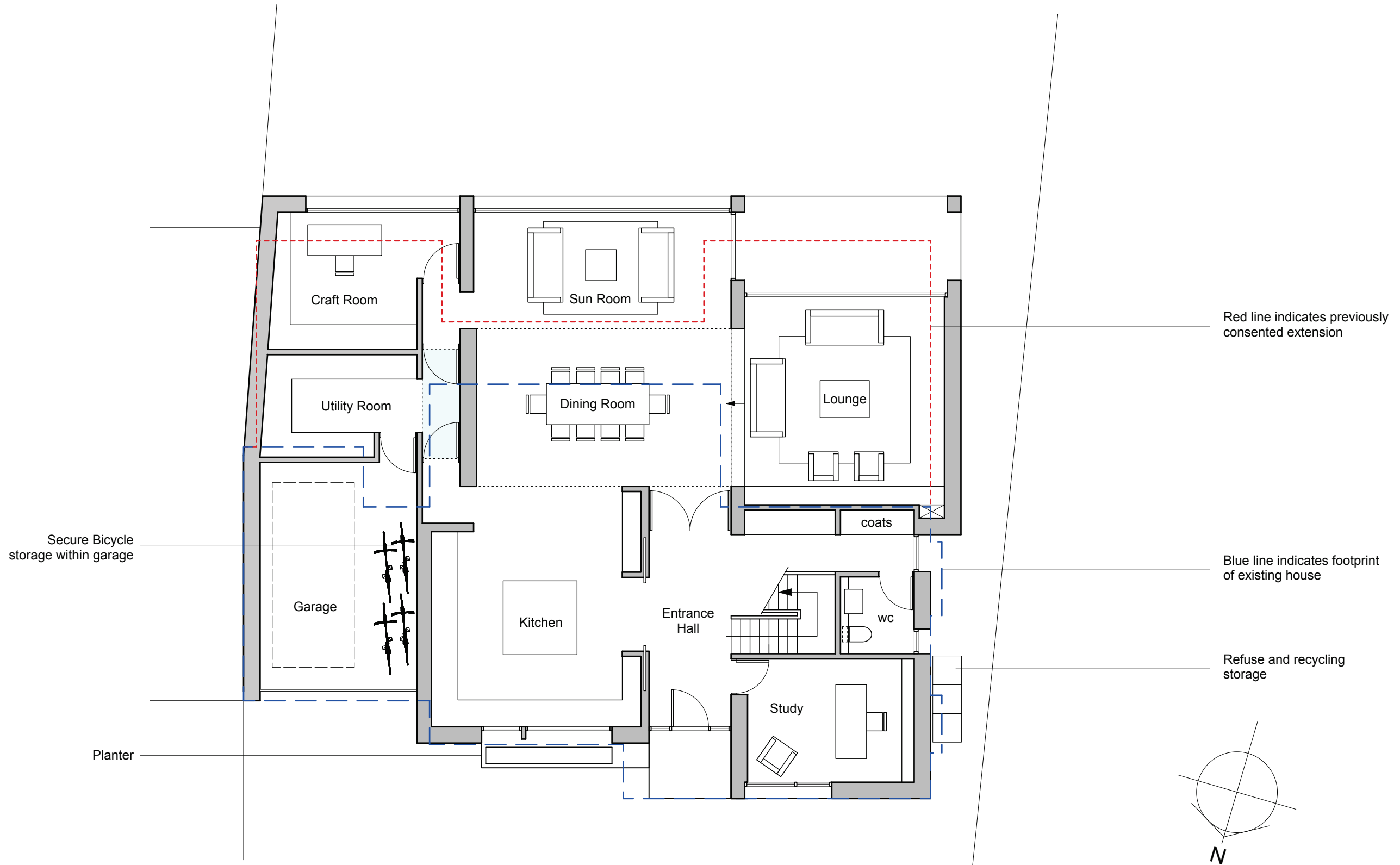


**PROPOSED SITE PLAN**  
Scale 1:200

— Boundary Line







PROPOSED GROUND FLOOR PLAN

SCALE 1:100



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DRAWING  
 PROPOSED GROUND FLOOR PLAN

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SCALE  
 1:100 @ A3

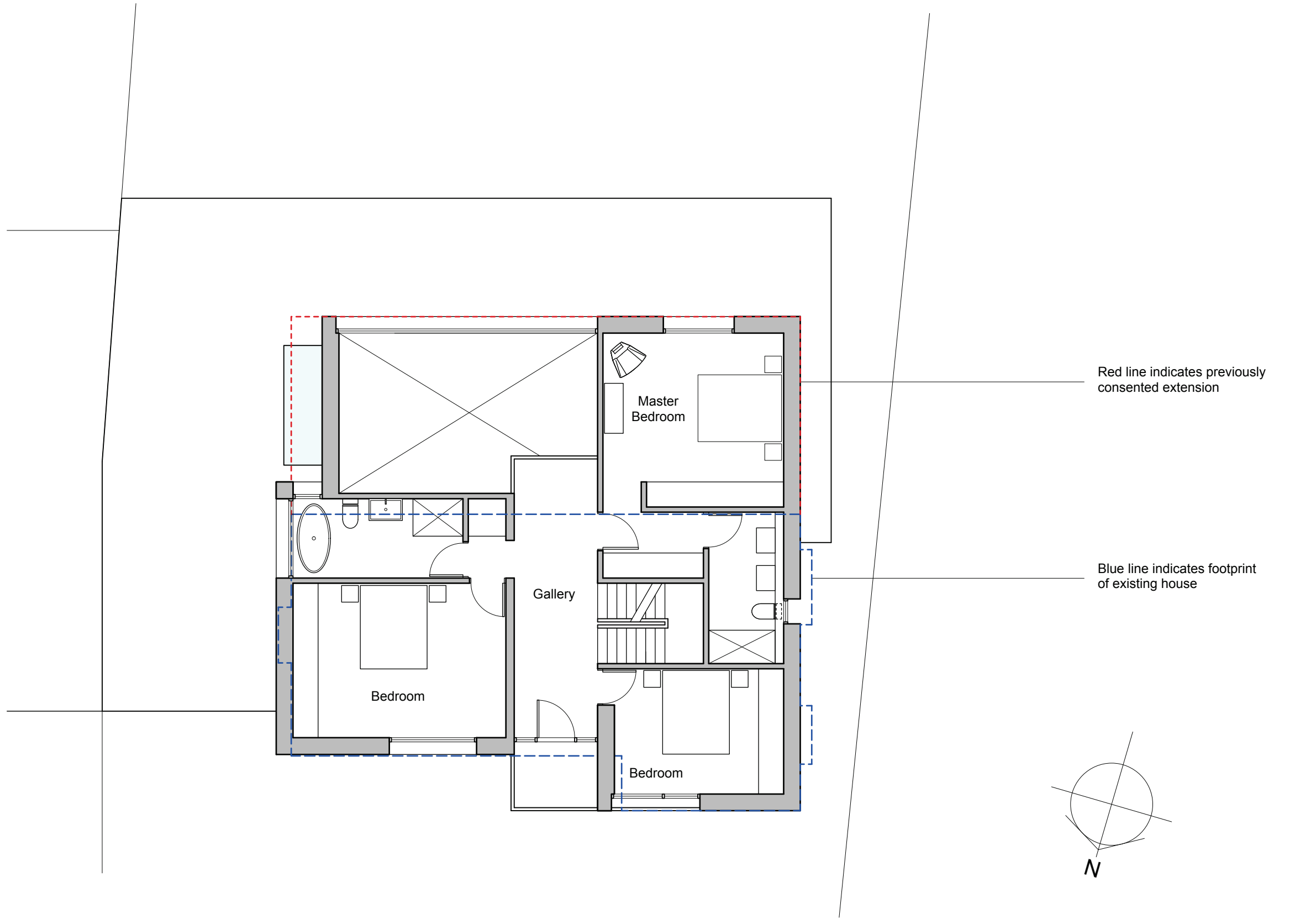
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Red line indicates previously consented extension

Blue line indicates footprint of existing house

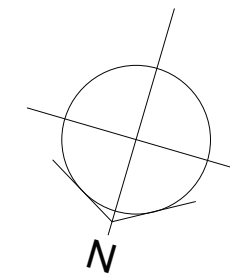
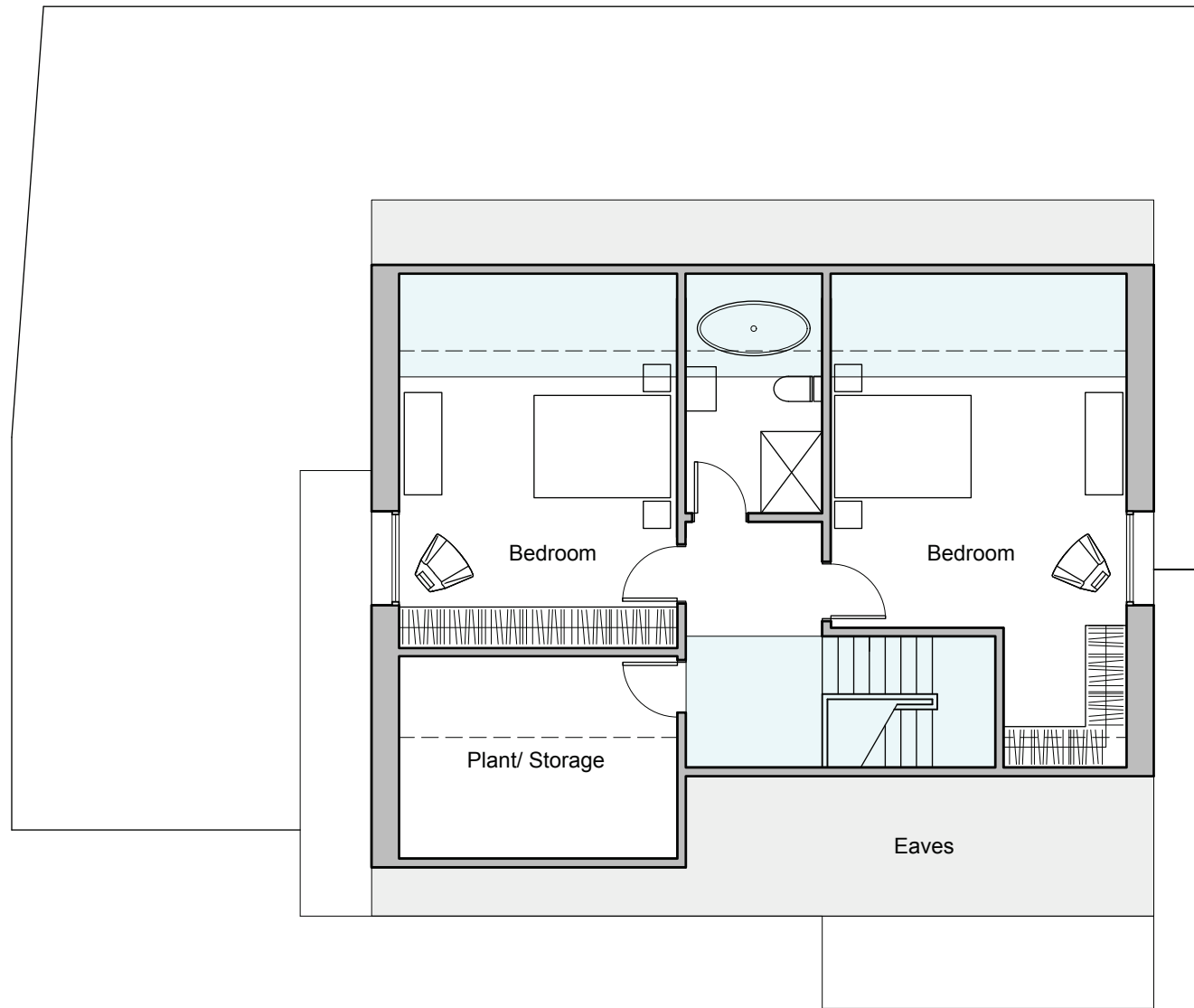
PROPOSED FIRST FLOOR PLAN  
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PROPOSED SECOND FLOOR PLAN  
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PROPOSED SECOND FLOOR PLAN

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**G I L E S P I K E**  
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INTERIOR DESIGNERS

Powder coated aluminium framed Finline rooflight - colour: Charcoal Grey

Pre-weathered roof tile to give the appearance of an aged blackened roof tile with subtle red tones

Pre-coloured concrete coping stone to match masonry walls

Powder coated aluminium framed Finline window - colour: Charcoal Grey

Timber panel with routed motif pattern - stained to match window frames - Charcoal Grey - see detailed section drawing for pattern

Pair of Oak tongue and groove panelled doors stained dark grey to match window frames - Charcoal Grey

Soft red multi-stock with hints of grey - such as 'Bromley Red' by Hoskins Brick Ltd. or similar as approved

Timber panel with routed motif pattern - stained to match window frames - Charcoal Grey - see detailed section drawing for pattern

PROPOSED FRONT ELEVATION

SCALE 1:100



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 PROPOSED FRONT ELEVATION

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SCALE  
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DATE  
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**GILES PIKE**  
 ARCHITECTS &  
 INTERIOR DESIGNERS

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Pre-coloured concrete coping stone to match masonry walls

Powder coated aluminium framed Fineline sliding doors - colour: Charcoal Grey

Flush mounted solar PV panels to rear roof slope

Powder coated aluminium framed Fineline rooflight - colour: Charcoal Grey

Pre-weathered roof tile to give the appearance of an aged blackened roof tile with subtle red tones

Powder coated aluminium framed Fineline window - colour: Charcoal Grey

Soft red multi-stock with hints of grey - such as 'Bromley Red' by Hoskins Brick Ltd. or similar as approved



PROPOSED REAR ELEVATION  
SCALE 1:100



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PLANNING

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PROPOSED REAR ELEVATION

SCALE  
1:100 @ A3

DATE  
MAR 2015

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INTERIOR DESIGNERS



Aluminium framed Fineline window - with opaque glass

Soft red multi-stock with hints of grey - such as 'Bromley Red' by Hoskins Brick Ltd. or similar as approved

Powder coated aluminium framed Fineline sliding doors - colour: Charcoal Grey

Powder coated aluminium framed Fineline window - colour: Charcoal Grey

Timber panel with routed motif pattern - stained to match window frames - Charcoal Grey - see detailed section drawing for pattern



PROPOSED EAST ELEVATION

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DRAWING  
 PROPOSED SIDE ELEVATION

SCALE  
 1:100 @ A3

DATE  
 MAR 2015

DRAWING NO.  
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PROPOSED WEST ELEVATION  
SCALE 1:100



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**EXISTING STREET ELEVATION**  
Scale 1:100

18 Sheridan Road      20 Sheridan Road      28 Sheridan Road

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**PROPOSED STREET ELEVATION**  
Scale 1:100

18 Sheridan Road      20 Sheridan Road      28 Sheridan Road



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PROJECT  
**20 SHERIDAN ROAD**

DRAWING  
**EXISTING & PROPOSED STREET ELEVATION**

CLIENT  
Chris and Alex Aldham

SCALE  
1:100 @ A0

DATE  
MAR 2015

STATUS  
PLANNING

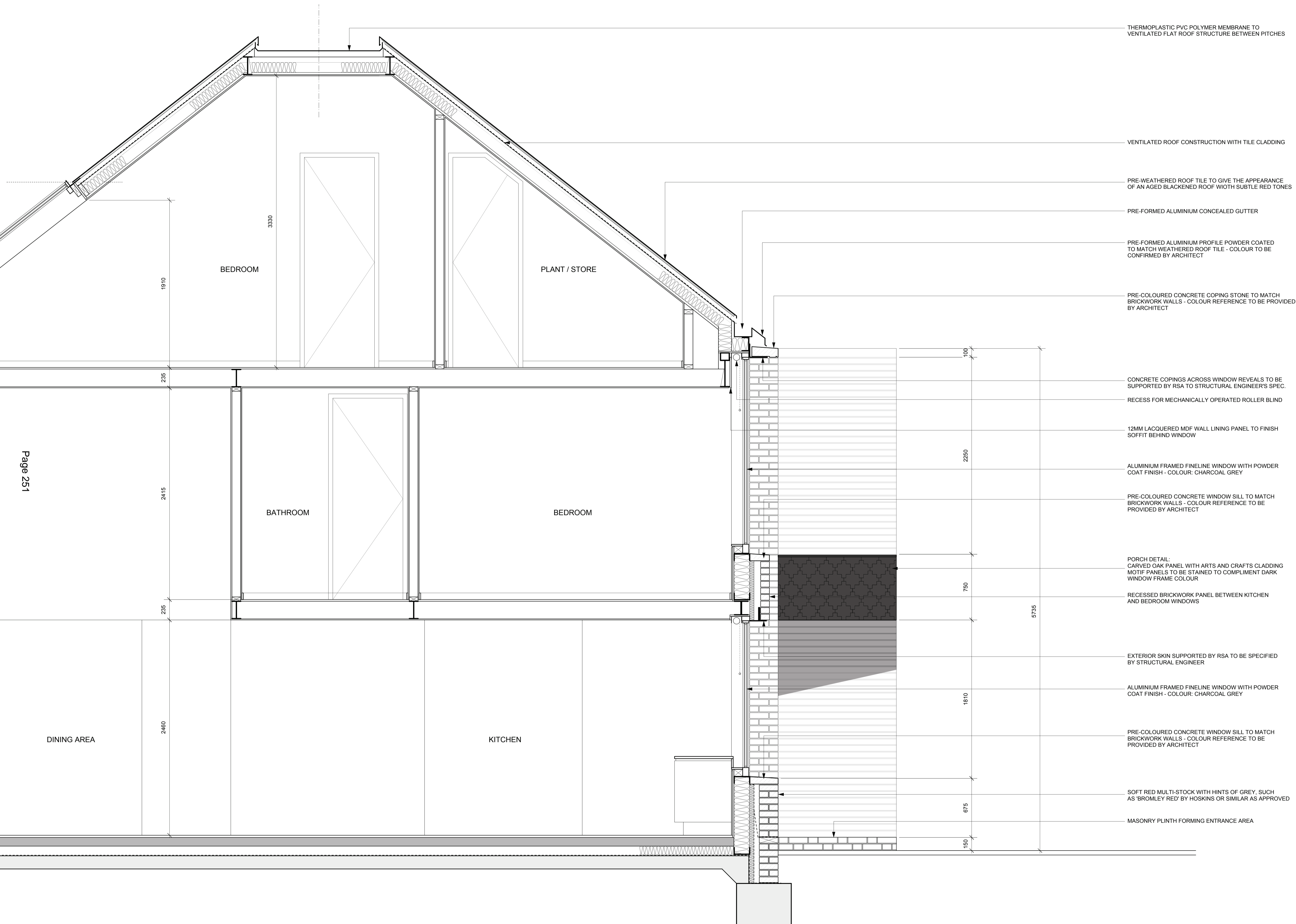
DRAWING NO.  
14 / 937 / 140

REV.  
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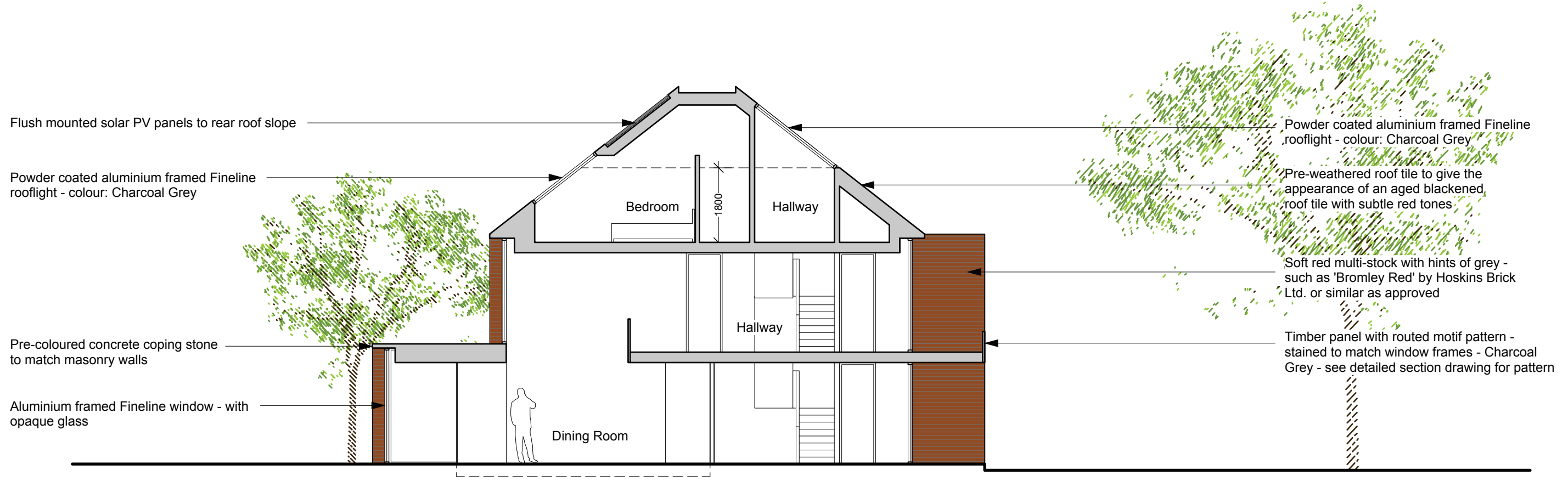
**G I L E S P I K E**  
ARCHITECTS &  
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PROPOSED CROSS SECTION  
SCALE 1:100



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PROJECT 20 SHERIDAN ROAD SW19		CLIENT CHRIS & ALEX ALDHAM		STATUS PLANNING	
DRAWING PROPOSED CROSS SECTION		SCALE 1:100 @ A3	DATE MAR 2015	DRAWING NO. 14 / 937 / 130	REV. B







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FRONT PERSPECTIVE VIEW

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REAR PERSPECTIVE VIEW

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INTERNAL VIEW THROUGH MAIN LIVING ROOM

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## **Committee:** Planning Applications Committee

**Date:** 18<sup>th</sup> June 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:**

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That Members note the contents of the report.

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#### **1. Purpose of report and executive summary**

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



<b>Current Enforcement Cases:</b>	<b>912</b> <sup>1</sup> (926)	<b>New Appeals:</b>	0 (0)
<b>New Complaints</b>	<b>85</b> (39)	<b>Instructions to Legal</b>	<b>0</b>
<b>Cases Closed</b>	<b>99</b> (48)	<b>Existing Appeals</b>	<b>1</b> (3)
No Breach:	51	<hr/>	
Breach Ceased:	48	<b>TREE ISSUES</b>	
NFA <sup>2</sup> (see below):	-	<b>Tree Applications Received</b>	<b>42</b> (38)
Total	<b>99</b> (48)	<b>% Determined within time limits:</b>	<b>90%</b>
<b>New Enforcement Notices Issued</b>		High Hedges Complaint	<b>0</b> (0)
Breach of Condition Notice:	0	<b>New Tree Preservation Orders (TPO)</b>	<b>1</b> (0)
New Enforcement Notice issued	0	<b>Tree Replacement Notice</b>	<b>0</b>
S.215: <sup>3</sup>	0	<b>Tree/High Hedge Appeal</b>	<b>0</b>
Others (PCN, TSN)	0		
Total	0 (2)		
<b>Prosecutions:</b> (instructed)	0 (0)		

Note (*figures are for the period (12<sup>th</sup> May – 8<sup>th</sup> June 2015)*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

None

### Some Recent Enforcement Actions

- 2.01 204 Tamworth Lane, Mitcham CR4**, An enforcement notice was issued on 11<sup>th</sup> May 2015 against the unauthorised erection of a second single storey rear extension and raised patio. The notice would come into effect on 18<sup>th</sup> June 2015 unless there is an appeal prior to that date. The main requirement of the notice is for the unauthorised extension to be demolished within 3 months.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

- 2.02 14 St James Road, Mitcham**, An enforcement notice was issued on 29<sup>th</sup> April 2015 against the unauthorised conversion of the property into two flats. The notice would come into effect on 5<sup>th</sup> June 2015 unless there is an appeal prior to that date and the compliance period would be three months. The requirements would be for the owners to cease the use of the property as flats and remove all fittings and partitions facilitating the unauthorised use.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

**2.03 Tooting Medical Centre, 5 London Road, Tooting SW17.** The Council served an enforcement notice on 9<sup>th</sup> April 2015 against the erection of a wooden panelled fence and a metal structure situated on top of the single storey rear part of the premises. The notice would take effect on 20<sup>th</sup> May 2015 unless an appeal is made before that date. The requirement is to remove the structure and the compliance period would be one month.

**2.04 163 Central Road, Morden SM4,** An enforcement notice was issued on 9<sup>th</sup> April 2015 against the unauthorised conversion of an outbuilding into residential accommodation. The notice would come into effect on 19<sup>th</sup> May 2015 unless there is an appeal prior to that date and the compliance period would be four months. The requirements are for the unauthorised use to cease and the landlord to remove all partitions, facilities, fixtures and fittings facilitating the use of the outbuilding as a bedsit.

The Council has been notified of an intended appeal by the owner of the property but a start date letter is required from the Planning Inspectorate to confirm an appeal.

**2.05 49 London Road, London SW17 9JR.** An enforcement notice was issued on 8/4/15 against the installation of here condenser/ventilation units to the rear elevation of the outrigger extension on the land. The notice would come into effect on 19<sup>th</sup> May 2015 unless there is an appeal prior to that date. The requirements are for the unauthorised units and associated fixtures and fittings to be removed and the resulting debris also removed from the land within one month of the effective date.

**2.06 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.**

**2.07 Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27<sup>th</sup> 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 27<sup>th</sup> 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.

**Listed Building Consent was granted on 3<sup>rd</sup> March 2015** for most of the works which cover 1) the roof and rainwater goods, 2) masonry, chimney and render repairs 3) woodwork, glazing and both internal and external repairs. The

required works have started and officers have been informed that scaffolding would be erected soon to support the external and high level works. Officers were concerned about the section of the application which covers the Tudor part of the building so this was reserved for English Heritage advice and involvement.

It has been agreed that an archaeological survey needs to be undertaken to fully understand the evolution of the Tudor section to establish the best way forward to protect and restore it. English Heritage has now recommended a suitably qualified surveyor to the owners to carry out the needed survey. This will be monitored and further updates provided.

- 2.08 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 20<sup>th</sup> August 2014 as there was no appeal prior to that date and the compliance period would expire by 20<sup>th</sup> 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.

More cars have now been removed from the site and this is expected to continue until the site is cleared.

### **3.0 New Enforcement Appeals**

None

#### **3.1 Existing enforcement appeals**

- **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 final statement was sent on 27<sup>th</sup> March 2015. We are now awaiting an inspector site visit date.**

#### **3.2 Appeals determined –**

1. **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.

An appeal was allowed on 19/5/15, the enforcement notice was therefore quashed and planning permission was granted for the vents.

The Inspector agreed with the Council that there has been a breach of planning control of some nature pointing out that the development that had been carried out is so substantially different from what was permitted that it cannot be regarded as a breach of condition. It amounted to unauthorised operational development.

The Inspector concluded that the Council have issued a valid enforcement notice and dismissed the appeal under ground (c) which argues that there has been no breach of planning control.

2. **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 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.

The appellant has withdrawn the appeal and has promised to remedy the breach within 3 months by returning the property into a single family dwelling.

The enquiry due for 17<sup>th</sup> June 2015 has been cancelled.

### **3.3 Prosecution case.**

**None**

### **3.4 Requested update from PAC**

**38 Alwyne Road (formerly Worcester Hotel), Wimbledon, SW19** – Councillor David Holden referred to the complaint submitted to the Development Control Team alleging that this site had been converted illegally from a family dwelling house to flats.

An enforcement case (ref 15/E0215) has been logged and this is being investigated.

The property was originally built for use as dwellinghouse, which was then given retrospective planning permission in 1977 for use as a hotel. In 1997 permission was then given for a change of use back to C3 (residential), which was not implemented. Policy T.1 states that hotels, guesthouses, and bed and breakfasts should be directed to town centres and where public transport links are good. The application premises are located outside the designated town centre area of Wimbledon but is within reasonable walking distance of Wimbledon Centre. However in view of the original residential use of the property which was only changed to hotel retrospectively, and where a subsequent application granted permission for residential use. The assessment of the change of use application in 2007 was granted planning permission subject to conditions. There have been no changes in planning policy or site conditions to alter the council's assessment of a change of use from a hotel to a single residential house. Therefore the Council has no objection to renewal of the extent planning permission.

- 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**