

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

David Dean

Abigail Jones

Philip Jones

Andrew Judge

Najeeb Latif

Peter Southgate

Geraldine Stanford

Imran Uddin

Substitute Members:

Stephen Crowe

Joan Henry

Daniel Holden

John Sargeant

Laxmi Attawar

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

Date: 8 December 2016

Time: 7.15 pm

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

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

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Planning Applications Committee

8 December 2016

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 10
- 4 Town Planning Applications - Covering Report 11 - 14
Officer Recommendation:
The recommendations for each individual application are detailed in the relevant section of the reports.
- 5 Alan Road, Wimbledon, SW19 7PT 15 - 24
Application Number: 16/P1812 Ward: Village
Recommendation: GRANT Planning Permission Subject to Conditions
- 6 80-86 Bushey Road SW20 25 - 70
Application Number: 16/P1317 Ward: Raynes Park
Recommendation: GRANT Planning Permission subject to any direction from the Mayor of London, the completion of a S106 agreement and conditions.
- 7 59 Dora Road, Wimbledon Park, SW19 7EZ 71 - 94
Application Number: 16/P1620 Ward: Wimbledon Park
Recommendation: GRANT Planning Permission Subject to Conditions and signed S106 Legal Agreement
- 8 Former Thames Water Merton Works, Fortescue Road, Colliers Wood, SW19 2EB. 95 - 120
Application Number: 16/P3430 Ward: Colliers Wood
Recommendation: GRANT Planning Permission subject to section 106 agreement for Affordable housing, permit free and conditions.
- 9 Briar Dene, 15 Langley Road, Merton Park, London, SW19 3NZ 121 - 134
Application Number: 16/P3405 Ward: Merton Park
Recommendation: GRANT Planning Permission Subject to Conditions
- 10 151 Wandle Road, Morden, Surrey, SM4 6AA 135 - 146
Application Number: 15/P4026 Ward: Ravensbury
Recommendation: GRANT Planning Permission Subject to Conditions

- | | | |
|----|--|-----------|
| 11 | Wellington House, 60 – 68 Wimbledon Hill Road,
Wimbledon, SW19 7PA

Application Number: 16/P2942 Ward: Hillside
Recommendation: GRANT Planning Permission Subject
to Conditions and S106 Agreement | 147 - 174 |
| 12 | Tree Preservation Order (No.698) at 11 Lymington Close,
Streatham, SW16 4QL

Application Number: TPO no.698 Ward: Longthorn
Recommendation: That the Merton (No.698) Tree
Preservation Order 2016 be confirmed, without
modification. | 175 - 180 |
| 13 | Planning Appeal Decisions

Officer Recommendation:
That Members note the contents of the report. | 181 - 184 |
| 14 | Planning Enforcement - Summary of Current Cases

Officer Recommendation:
That Members note the contents of the report. | 185 - 190 |
| 15 | PAC - CHANGE OF DATE FOR MARCH 2017

Please note that the Planning Applications
Committee in March 2017 will be held on Thursday 23
March. | |

Declarations of Pecuniary Interests

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

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

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

NOTES

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

Procedure at meetings of the Planning Applications Committee

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

1 Public speaking at the Planning Applications Committee

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

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

2 Submission of additional written evidence at meetings

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

Agenda Item 3

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

PLANNING APPLICATIONS COMMITTEE

17 NOVEMBER 2016

(7.15 pm - 11.40 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor John Bowcott,
Councillor David Dean, Councillor Philip Jones,
Councillor Andrew Judge, Councillor Najeeb Latif,
Councillor Peter Southgate, Councillor Geraldine Stanford and
Councillor Imran Uddin

ALSO Councillor Katy Neep
PRESENT Councillor Daniel Holden
Neil Milligan
Sue Wright
Jonathan Lewis
Chris Chowns
Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Abigail Jones

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered Items 13 and 15 of the applications on the agenda but he did not take part in the debate or vote on the proposal

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 13 October 2016 are agreed as an accurate record.

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

The published Agenda and Supplementary Agenda tabled at the meeting form part of the Minutes:

- a. Supplementary Agenda: A list of modifications for agenda items 5,7,9,13, 14, 15, and 18 were published as a supplementary agenda.
- b. Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.

- c. Order of the Agenda – The Chair amended to order of items to the following:
5,7,9,10,6,11,13,14,15,12
- d. Councillor David Dean was not present for the presentation or vote on Item 12
- e. The Committee noted that Items 8 and 16 had been withdrawn from the Agenda prior to the meeting

5 6 BELTANE DRIVE, WIMBLEDON, SW19 5JR (Agenda Item 5)

Proposal: Demolition of existing house and the erection of a new 5 bed dwellinghouse

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from three objectors to the application and the applicant's Agent.

The Objectors raised residents' concerns, and the Development Control Manager responded to major concerns:

- Concerns regarding disruption during the construction process and any potential affect on property prices are not a material planning considerations.
- Concerns regarding the garage are not relevant to this application and can be investigated separately.
- The separation distances at all levels are acceptable
- The Council's Structural and Flood Risk Engineers have found the scheme acceptable.

Members made comments on the application, and the Development Control Manager Responded:

- The Party Wall agreement will cover any issues of soil settlement
- Officers might have preferred to see a hipped roof design, but still felt that the proposed roof was acceptable
- The Existing building does not merit being saved, the proposed new building is more interesting than the old building.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the conditions set out in the Officer's Report

6 40 DANE ROAD, COLLIERS WOOD, SW19 2NB (Agenda Item 6)

Proposal: Demolition of the existing building and the construction of a three storey block of flats (4x1 bed and 3 x studio flats)

The Committee noted the officer's report and presentation.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the conditions set out in the Officer's Report

7 15 DENMARK RD, WIMBLEDON SW19 4PG (Agenda Item 7)

Proposal: Demolition of existing attached rear building (former school room) and two storey outrigger and the erection of new part single storey, part two storey rear extension with a basement and a lowered ground floor and 2nd floor mansard rear roof extension.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from an objector to the application and the applicant, and Ward Councillor Daniel Holden.

The Objector raised residents' concerns, as detailed in the Officer's report. She reminded the Committee that the original site notice contained incorrect information, and that the parking survey was inaccurate.

In response to points raised by the Speakers and Committee Members, the Planning Officer made the following comments:

- Proposal has footprint that is slightly wider and slightly shorter than current building
- Historic England does not regard the rear structure briefly used as a school room as being of sufficient architectural or historical interest to be worthy of statutory listing
- As the proposal is for extension to an existing property rather than a new house it would not be reasonable to make it parking permit free and there is no mechanism for restricting the number of permits per house.
- The basement is shown as being for storage only. Its location wholly below ground and lack of windows/lightwells will limit its function
- The proposed roof design mirrors existing developments on the street
- There is no change in the boundary with neighbours and the amenity space is the same as the current house.
- The large rear extension is considered acceptable.

RESOLVED

The Committee voted to GRANT Planning Permission subject to the conditions set out in the Officer's Report

8 17 MERTON HALL RD, WIMBLEDON CHASE, SW19 3PP (Agenda Item 8)

Item withdrawn from this agenda

9 134 MERTON RD, WIMBLEDON, SW19 1EH (Agenda Item 9)

Proposal: Demolition of existing two storey rear outbuilding and covered workshop area and two storey outrigger attached to main building. Change of use of part of ground floor and erection of single and two storey extensions to create a new 2 bed residential unit. Rebuilding of the outrigger at a greater width and addition of mansard roof extensions to the main roof and to part of the outrigger to enlarge the existing residential unit. Alterations to existing pedestrian access points.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from three objectors to the application, and the applicant's agent.

The Committee noted the particular concern of objectors relating to the loss of the workshop space. The current workshop and retail shop, are operated as one business, class A1. The owner of the business spoke as an objector to the application, and was asked about the nature of his business. He told the Committee that the vast majority of his income came from the work done in the workshop space. Officers said that the new development would contain a retail space. As the current usage was retail with the workshop being ancillary to this use, the proposal was considered acceptable. Some members did not consider this acceptable and were concerned about the loss of a thriving business. A motion to refuse was proposed and agreed.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - i. Rather than being regarded as a retail use with ancillary workshop use for planning policy purposes, it would be more appropriate to examine it under Policy DM E3 as a scattered employment site as the workshop was the main use and main source of income for the occupier of both the

car spares shop and workshop. The application would cause the loss of a viable employment site contrary to policy DM E3

2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

10 58 MOSTYN ROAD, MERTON PARK, LONDON, SW19 3LN (Agenda Item 10)

Proposal: Demolition of the existing garage and green house and the erection of a part single part 2 storey (plus accommodation in the roof space) rear extension, the erection of a two storey side extension with rear dormer and the erection of side roof dormers.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from two objectors to the application and the applicant's agent

Members noted that the Conservation Officer was satisfied that the proposal would have a neutral impact on the Conservation Area.

Members commented that they were most concerned about the two storey side extension and that this unbalanced the symmetry between the house and its neighbour.

A motion to refuse the proposal on the grounds that it did not respect the design, scale or bulk of the original building was proposed and seconded but was defeated in the vote. The Committee then voted on the Officers recommendation to grant planning permission.

RESOLVED

The Committee voted to GRANT Planning Permission subject to the conditions set out in the Officer's Report

11 7 RIDGWAY PLACE, WIMBLEDON, SW19 4EW (Agenda Item 11)

Proposal: Demolition of a semi-detached dwellinghouse (one half of a pair) and replacement with a new semi-detached dwellinghouse with basement

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from three objectors to the application and the applicant, and Ward Councillor Daniel Holden.

The Objectors raised residents' concerns including:

- Proposed basement will extend beyond the footprint of the house
- Proposed basement will lead to flooding of neighbouring homes and gardens
- Settlement of the basement construction will put stress on to number 5
- Risks to number 5 of demolition and excavation
- New house much bigger than others on street – out of keeping
- New House will have no access from front to rear garden
- The existing house does not need to be demolished and it would be more sustainable to refurbish this building
- Other London Councils have basement policies that would require more ground investigations to be done
- The Party Wall agreement is too weak to properly protect Number 5

The Applicant's Agent raised points including:

- The current house in need of large scale works to bring up to modern standards
- There is no policy to retain such a house in this area, and the proposal satisfies planning policies
- The excavation will be done by hand to minimise disruption
- All the proposed works have been approved by the LBM Structural engineer
- The soil conditions and hydrology have been thoroughly assessed and approved by LBM Flood Risk Engineer.

The Development Control Manager replied to Members questions:

- It is not necessary to discuss the party wall as this is covered by the Party Wall Agreement
- LBM do not have a policy that limits basement size (unless extending over 50% of the rear garden)
- Other properties in the road have similar roof designs and this roof could be built under permitted development rights – the house opposite looks very similar

Members made comments including:

- This is overdevelopment of the basement
- The Basement Games room is 81 m² – this exceeds London space standards for a 2 bedroomed dwelling
- Other properties may have roof and side extensions but don't also have the overly large basement
- The proposed property would be wider than existing properties and this combined with the roof design would have a negative effect on the rhythm of the streetscene.
- The development is very un-neighbourly

A recommendation to refuse was proposed and seconded and voted on.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - i. The proposed Roof and Side extension will lack the rhythm of the streetscene, contrary to policy DM D2
 - ii. The proposed house and basement is too large and does not respect the scale and proportions of the original house and surroundings contrary to policy DM D3
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

12 5 RUSHMERE PLACE, WIMBLEDON, SW19 5RP (Agenda Item 12)

Proposal: Reconstruction of roof involving increasing the roof pitch by 9 degrees from 36 to 45 degrees and ridge height by 300mm and installation of two roof lights to rear roof elevation

The Committee noted the officer's report and presentation

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the conditions set out in the Officer's Report

13 KINGS COLLEGE SCHOOL, SOUTHSIDE COMMON, SW19 4TT (Agenda Item 13)

Proposal: Demolition of swimming pool, rifle range and all weather tennis courts and erection of sports hall, swimming pool, and creation of artificial playing surface (to accommodate two floodlit tennis courts), three cricket nets and relocated tennis hut; new access to Ridgway for construction traffic and thereafter for emergency use only; new landscaped area to the lodge; associated circulation space and remodelling of entrance from Woodhayes Road.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from an objector to the application and the applicant's agent.

Members made comments including:

- Mindful that DRP was very complimentary of the design of the new building
- Mindful that residents are concerned about lighting of the tennis courts but such lighting is directed on to the court and will not cause a problem
- Noise of tennis matches will not be a problem

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the conditions set out in the Officer's Report

14 20 SUNNYSIDE, WIMBLEDON, SW19 4SH (Agenda Item 14)

Proposal: Demolition of existing dwelling house and erection of new 5 bedroom detached dwelling house with accommodation at basement level and within the roof space, together with new boundary treatment, provision of car parking and landscaping.

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from three objectors to the application and the applicant, and ward Councillor

The Development Control Officer answered Members questions and points arising from objectors comments:

- The LBM Conservation Officer is happy with this design and siting
- An extra condition has been added to make obscure glazing necessary in windows facing Linden Cottages
- There is adequate separation between the proposed building and Linden Cottages so that light will not be lost

Members commented that the proposed house was of an attractive design, but some members felt that it was too big and would tower over the properties in Oldfield Road.

A motion to refuse planning permission was proposed, and seconded, for the reasons of Bulk and Massing and lack of sympathy for the houses on Oldfield Road. The vote was tied and the Chair used her casting vote to defeat the motion to refuse.

Members then continued by voting on the Officers Recommendation to approve the application

RESOLVED

The Committee voted to GRANT Planning Permission subject to the conditions set out in the Officer's Report

15 52-54 WANDLE BANK, COLLIERS WOOD, SW19 1DW (Agenda Item 15)

Proposal: Demolition of existing industrial buildings (Class B2 & B8) and erection of a part 2, part 3, part 4 storey buildings and associated works (parking & landscaping etc) to provide 34 x residential units and 459 sqm of office space (Class B1a).

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda. The Committee received verbal presentations from three objectors to the application and the applicant's Agent, and Ward Councillor Katy Neep

The Planning Officer made comments in reply to questions from Members:

- The contribution to affordable housing was based on the view of the independent viability assessor
- A viability review mechanism will be incorporated into the S106 triggered if there is a significant delay in building out the development following grant of planning permission
- The Environment Agency are now happy with the Application and the Flood Risk Assessment
- The application has design features to ensure privacy with screening on the upper level terraces and balconies
- The separation distances meet guidelines
- The Council's own employment studies show that there is a demand for the type of employment premises provided by this application.

Members made comments including:

- This development will provide much needed new homes
- It is regrettable that no affordable housing is provided, just a contribution to off site affordable housing
- Concerned about loss of low cost employment use premises

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the conditions set out in the Officer's Report and S106 agreement

16 WELLINGTON HOUSE, 60-68 WIMBLEDON HILL RD, SW19 7PA (Agenda Item 16)

Withdrawn from Agenda

17 PLANNING APPEAL DECISIONS (Agenda Item 17)

The Committee heard that there had been no Planning Appeal Decisions to note this month

18 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 18)

The Committee noted the report on recent and current Enforcement Cases.

PLANNING APPLICATIONS COMMITTEE 8 DECEMBER 2016

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

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

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

Recommendations:

A. The recommendations for each individual application are detailed in the relevant section of the reports.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

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

2. DETAILS

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

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

2.3 In Merton the Development Plan comprises: The London Plan (March 2015) the Merton LDF Core Planning Strategy (July 2011), the Merton Sites and Policies Plan (June 2014), and The South West London Waste Plan (March 2012). The National Planning Policy Framework ("NPPF") which came into effect in March 2012 and the National Planning Policy Guidance, published in March 2014 are also of particular relevance in the determination of planning applications.

2.4 Members' attention is also drawn to Section 16 (2) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 (1990 Act), regarding applications for Listed Building Consent which places a statutory duty on the Council as local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

- 2.5 With regard to Conservation Areas, Section 72(1) of the 1990 Act provides that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance” of the conservation area when determining applications in those areas.
- 2.6 Each application report details policies contained within the Development Plan. For ease of reference and to introduce some familiarity, the topics covered by the policies are outlined in brackets. In the event that an application is recommended for refusal the reasons will cover policies in the Development Plan.
- 2.7 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.8 The Council’s Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, provided that it would not contain any heads of terms or contributions that are not a standard requirement of the Local Plan or (for proposals where a standard requirement has been subject to modification through negotiation or otherwise) depart significantly from the standard requirement of the Local Plan; and applications for advertisement consent.

3. SUSTAINABLE DEVELOPMENT AND ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 There is a need to comply with Government guidance that the planning process should achieve sustainable development objectives. It is for this reason that each report contains a section on sustainability and environmental impact assessment requirements.
- 3.2 Resolution 42/187 of the United Nations General Assembly defined sustainable development as "development which meets the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF states that “the purpose of the planning system is to contribute to the achievement of sustainable development” and that “there are three dimensions to sustainable development: economic, social and environmental”.
- 3.3 The NPPF states that “pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life”, and that “at the heart of the National Planning Policy Framework is a **presumption in favour of**

sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

- 3.4 It is also important that relevant applications comply with requirements in respect of environmental impact assessment as set out in the Town & Country Planning (Environmental Impact) Regulations 2011 (As amended). Each report contains details outlining whether or not an environmental impact assessment was required in the consideration of the application and, where relevant, whether or not a screening opinion was required in the determination of the application. Environmental impact assessments are needed in conjunction with larger applications in accordance with relevant regulations. In some cases, which rarely occur, they are compulsory and in others the Council has a discretion following the issue of a screening opinion. In practice they are not needed for the large majority of planning applications.

4 ALTERNATIVE OPTIONS

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

5. CONSULTATION UNDERTAKEN OR PROPOSED

- 5.1 Not required for the purposes of this report.

6 TIMETABLE

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

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

7 LEGAL AND STATUTORY IMPLICATIONS

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

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. These applications have been considered in the light of the Human Rights Act (“The Act”) and in particular, the First Protocol of Article 1 (Protection of Property); Article 6 (Rights to a Fair Trial) and Article 8 (Private and Family Life) which came into force on 2 October 2000.
- 8.2. Consideration has been given to the impact of each application on the people living and working in the vicinity of that particular application site and to the impact of the proposals on the persons who have made written representations on the planning merits of the case. A full assessment of material planning considerations has been included in each Committee report.
- 8.3. Third party representations and details of the application proposals are summarised in each Committee report. It may be that the policies and proposals contained within the Development Plan and/or other material

planning considerations will outweigh the views of third parties and/or those of the applicant.

9 CRIME AND DISORDER IMPLICATIONS

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

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

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

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

11.1 None for the purposes of this report.

12. BACKGROUND PAPERS

- Background papers – Local Government (Access to Information) Act 1985
- Planning application files for the individual applications.
- London Plan (2015)
- Merton LDF Core Planning Strategy (2011)
- Merton Sites and Policies Plan (2014)

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

PLANNING APPLICATIONS COMMITTEE 8 DECEMBER 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P1812	03/05/2016
Address/Site	4 Alan Road, Wimbledon SW19 7PT	
(Ward)	Village	
Proposal:	Erection of a part single/part two storey rear extension, a gable ended rear roof extension and rear dormer window, installation of new window to front elevation, new hard landscaping to front garden, new front wall and gates and new landscaping to rear garden.	
Drawing Nos	636/015 P3, 016 P3017 P3, 018 P3, 019 P3, 020 P3, 021 P3, 022 P3, 023 P3, 024 p3, 026 P3, 027 P3, SK50 P3, SK 51 P3, SK52 P2, SK 53 P2 and Design and Access Statement	
Contact Officer:	Richard Allen (8545 3621)	

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: no
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 4
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two storey detached dwelling house (with rooms within the roof space) situated on the south side of Alan Road. The application site is within the Merton (Wimbledon North) Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the erection of a part single/part two storey rear extension with rooms within the roof space, installation of new dormer window and new window to front elevation, new hard landscaping, boundary wall and gates to front elevation.
- 3.2 The proposed rear extension would be 6.5 metres in length and 11.5 metres in width. The single storey extension would be between 3 metres in height at ground floor level. The first floor level of the rear extension would project 6.5 metres from the rear wall of the original building. At second floor level the extension would project 4.2 metres from the rear of the original building. The two storey section of the rear extension would have an eaves height of 5.5 metres and have a shallow pitched roof, whilst the second floor accommodation would be in the rear gable which would have an eaves height of 6.5 metres and a ridge height of 9.5 metres. It is proposed to erect a dormer window to the rear roof elevation. A single dormer window would be provided on the existing rear roof elevation.
- 3.3 Internally, an enlarged kitchen/dining room would be formed at ground floor level, a new bedroom at first floor level and an additional bedroom at second floor level.
- 3.4 It is also proposed to erect a new front boundary wall and new timber sliding gates. The existing garage would be refurbished and a new garage door provided. New timber window and doors would be installed and new clay tiles are proposed to match the original clay tiles.
- 3.5 The current application has been submitted in order to overcome the reasons for refusal of application LBM Ref.15/P4043 which was refused on 21/12/2015.

4. **PLANNING HISTORY**

- 4.1 In December 2015 planning permission was refused for the erection of a part single/part two storey rear extension with rooms within the roof space, installation of new rear dormer window and new window to front elevation, new hard landscaping and new boundary wall and front gates (LBM Ref.15/P4043). Planning permission was refused on the grounds that:-

‘The proposed extension by virtue of its length, height and bulk and design would fail to complement the original dwelling house and would fail to preserve or enhance the character and appearance of the Merton (Wimbledon

North) Conservation Area contrary to policy CS14 (Design) of the adopted Merton Core Planning Strategy (July 2011) and policy DM D4 (Managing Heritage Assets) of the Merton Sites and Policies Plan (July 2014) and

The proposed two storey rear extension would by virtue of its length, height and siting constitute an unneighbourly form of development that would be visually intrusive and detrimental to the amenities of neighbouring properties at 2A Alan Road and 6 Alan Road and be contrary to policy CS14 (Design) of the Adopted Merton Core Planning Strategy (July 2011) and policies DM D2 (Design Considerations in all Developments) and DM D3 (Alterations and extensions to Buildings) of the Merton Sites and Policies Plan (July 2014)'.

5. **CONSULTATION**

5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers on neighbouring properties. In response 5 letters of objection have been received. The grounds of objection are set out below:-

- The proposed rear extension remains very large at 7 metres in length at both ground and first floors and 3 metres at second floor level.
- The reduction in bulk is minimal close to 2A Alan Road...
- The extensions are substantial in terms of footprint, bulk and mass.
- The scale of development is out of proportion to the original house.
- The proposal is contrary to policy DM 2 which seeks to ensure that all developments achieve high quality of design and protects amenity.
- The proposed extensions would reduce the gaps between properties.
- A smaller rear extension was refused at 20 Belvedere Grove and dismissed on Appeal.
- The proposal does not preserve or enhance the conservation area.
- The proposal would result in loss of daylight and sunlight to neighbouring properties.
- The proposals would constitute over development of the site.
- The rear extension extends too far into the rear garden.
- The bulk of the extension has not been significantly reduced.
- The extension would obscure views of St. Mary's Church from the garden of 4 Belvedere Avenue.
- The application site is within a conservation area and the Council is obliged to protect such areas.
- The changes are a limited reduction in scale of the rear extension by omitting one element of the first floor extension and by cutting back by one square metre at the corners of the central first floor extension. The length and height of the rear extension has not changed nor has its siting.
- The design and detailing of the roof and eaves is at variance with the original building.
- The visual gap between 2A and 4 Alan Road would be reduced by the ground floor extension.
- The proposed rear extension would compromise outlook from the kitchen, first floor bedroom and from the ground floor conservatory of 2A.

- The daylight and sunlight currently enjoyed by 2A would be reduced.

5.2 Belvedere Estates Residents Association

The Belvedere Estates Residents Association state that the proposal involves a full height rear extension increasing the depth of the current house by 7 metres on the ground and first floor and 3 metres on the second floor. The first floor extension would remove a significant amount of daylight and sunlight to the patio, garden and rear rooms of number 6. The current gap between the rear of number 4 and the Copper Beech tree allows daylight and sunlight to pass through. The extension would largely remove this amenity. The proposed rear extension would also break the building line at the rear of the houses in Alan Road.

6. **POLICY CONTEXT**

6.2 Adopted Merton Core Strategy (July 2011)

CS14 (Design).

6.3 Sites and Policies Plan (July 2014)

DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.4 London Plan (March 2015)

7.6 (Architecture).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design/conservation, neighbour amenity and tree issues.

7.2 Design/Conservation Issues

The proposal involves the erection of a part single/part two storey side/rear extension with rooms within the roof space. The current application has been submitted in order to overcome the reasons for refusal of the previous application LBM Ref.15/P04043. The rear extension would be two and a half storeys in height, with the massing of the extension designed so that is within the centre of the rear elevation in the middle of the plot, well away from the boundaries with neighbouring properties. The first floor section adjacent to number 2a Alan Road previously proposed has been removed from the current scheme. The ridge and form of the extension follows that of the original gabled dormer window and would be set below the ridge height of the main roof. The single storey sections of the rear extension would have low pitched metal roofs to reduce the visual impact of the extension. The proposed extension would be 'aysmetrical' in design and is influenced by the Arts and Crafts style that forms part of the character of the area. The proposed extension would have a rendered finish to match the existing elevations of the house which will be over clad in insulated render. The pitched roof would be of clay tiles and would match the existing roof, with the shallow pitched roofs at ground and first floor level would be copper sheet.

New timber windows would be used for both the extension and the existing house together with new stone or cast stone lintels. In design terms the proposed extension and refurbishment of the house is considered to be acceptable and the proposal would preserve the character of the Merton (Wimbledon North) Conservation Area and would comply with policies CS14, DM D2, DM D3 and DM D4.

7.3 Neighbour Amenity

The previous planning application LBM Ref.15/P4043 was refused permission on both design grounds and its impact upon neighbour amenity. A number of objections have however been received from neighbours and local residents who are concerned about the scale and massing and rearward projection of the proposed extension. Although the section of the extension immediately adjacent to the boundary with number 2A Alan Road would be 6.5 metres in length, this section of the extension would be single storey with a shallow pitched roof with an eaves height of 3 metres. The extension would also be sited 1 metre away from the garden boundary and would be 4.5 metres separation between the flank wall of the single storey section of the extension and the side elevation of the conservatory to number 2A. The first floor section of the extension would be sited 7 metres away from the boundary with number 2A Alan Road. Although the first floor section of the extension would project 6.5 metres from the rear elevation of the original house the extension would only be 5 metres in width and would be sited in the centre of the rear elevation. At second floor level the side elevation of the extension would be 7 metres from the boundary with 2A Alan Road but would only project 4.2 metres from the rear elevation from the original dwelling house. It is therefore considered that the revised design of the proposed rear extension has a satisfactory relationship to 2A Alan Road.

- 7.4 In terms of the impact of the extension upon 6 Alan Road, the flank wall of the extension would be 4 metres from the boundary with 6 Alan Road and would project 7 metres from the rear elevation of the original house. Although the extension would have an eaves height of 7 metres and incorporate a gable roof with an overall height of 9.5 metres, the only window at first floor level would be obscure glazed to a height of 1.8 metres and fixed shut. It should also be noted that number 6 Alan Road is being extensively renovated including major alterations to the roof form and erection of ground floor extensions (LBM Ref.15/P1115). Although the approved extensions to number 6 Alan Road do not project into the rear garden (apart from a single storey section adjacent to the boundary with number 8 Alan Road), the part of number 6 Alan Road closest to the application site would comprise a garage and plant room with a play room above. The main part of the house would be 4.8 metres from the boundary with number 4 Alan Road. Given the separation distances between the proposed rear extension to number 4 and number 6 Alan Road it is not considered that the proposal would be of such detriment to neighbour amenity as to warrant refusal of the application. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.5 Trees

The tree officer has no objections to the proposed development subject to appropriate tree protection conditions being imposed on any grant of planning permission in order to protect the mature Beech tree situated in the rear garden of the application site. The proposal is therefore acceptable in terms of policy DM O2 (Trees, Hedges and Landscape Features).

8 **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9 **CONCLUSION**

9.1 The current application for the erection of a part single, part two storey rear extension (with accommodation within the roof space) has addressed the reasons for refusal of application LBM Ref.15/P4043. The bulk of the extension facing number 2A Alan Road has been reduced and the proposed extensions are now considered to be acceptable in design terms. Although the extension would project into the rear garden, it is considered that there is sufficient separation distance between the proposed extension and the site boundaries so as not to be detrimental to neighbour amenity. The proposal would also preserve the character and appearance of the Merton (Wimbledon North) Conservation Area. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT OUTLINE PLANNING PERMISSION

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. D.11 (Construction Times)

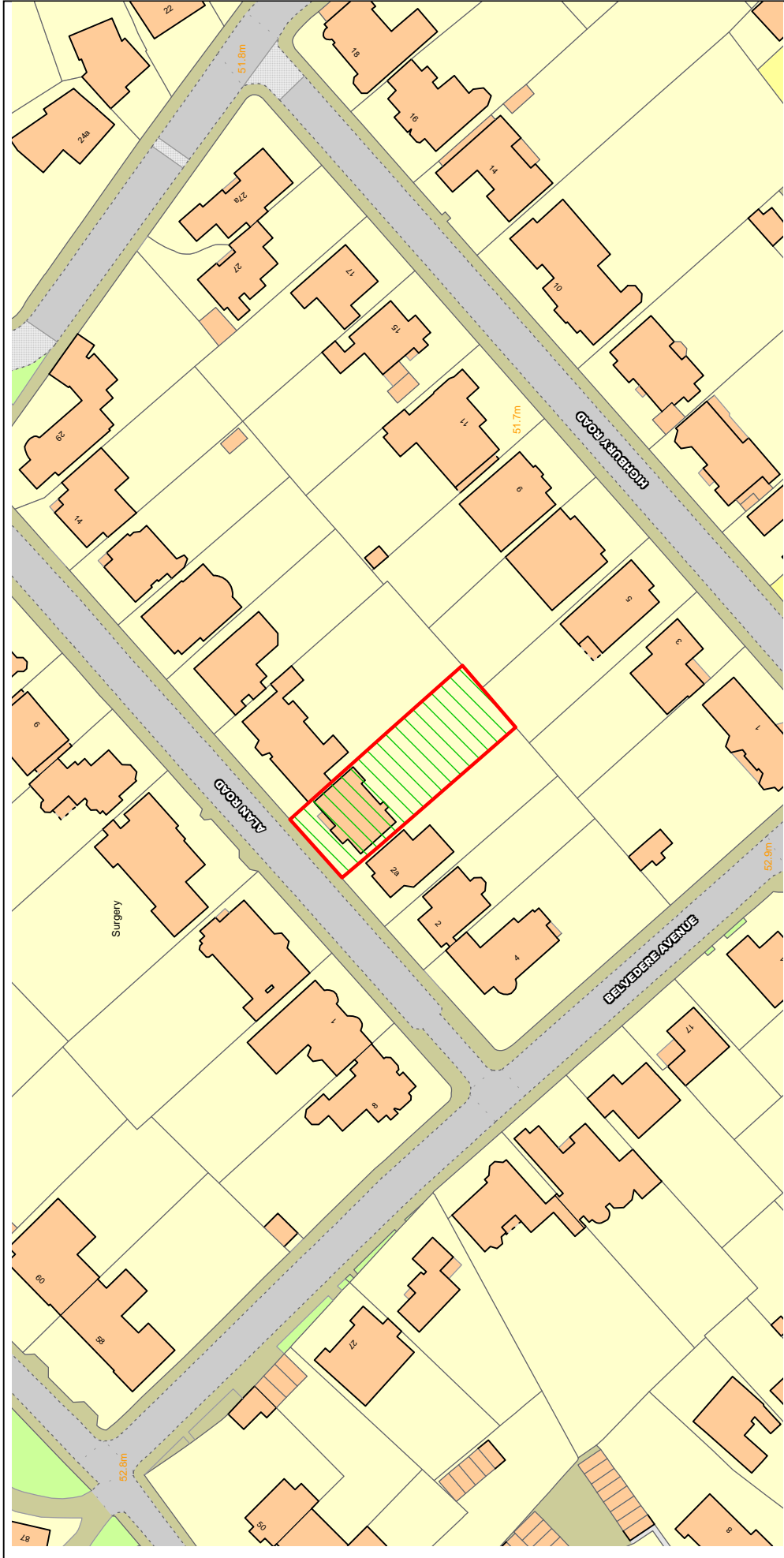
9. F5 (Tree Protection)
 10. F8 (Site Supervision-Trees-Fournightly)
-

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



Text Details **4 Alan Road**

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PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	<u>APPLICATION NO.</u> 16/P1317	<u>DATE VALID</u> 04/04/2016
Address/Site:	80-86 Bushey Road SW20	
Ward:	Raynes Park	
Proposal:	Redevelopment of land involving demolition of existing buildings and the erection of a retail park (Class A1 - 13,736 sq.m internal floorspace), with café/restaurant units (Class A3 - 1,193 sq.m internal floorspace) landscaping, associated car parking (334 spaces), cycle parking (100 spaces) and new pedestrian access from Bodnant Gardens.	
Drawing No.'s and documents:	See Appendix A	
Contact Officer:	Jonathan Lewis (020 8545 3287)	

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement and conditions.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: Yes
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No.
- Number of neighbours consulted: 543
- External consultations: Yes
- Controlled Parking Zone: No
- Flood zone:
- Conservation Area:
- Listed buildings: No statutorily listed buildings. One locally listed building – 84/86 Bushey Road.
- Protected Trees: Yes – 5 silver birch trees in front of No 84 (TPO 635 – 2013)
- Public Transport Access Level: 2

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination as the application is a departure from the development plan.

2. SITE AND SURROUNDINGS

- 2.1 The site fronts Bushey Road, close to the junction with the A3, and extends to some 2.7 hectares with 2.4 hectares being within the Applicants ownership. It is 1 kilometre to the southwest of Raynes Park.
- 2.2 It is currently occupied by three main buildings. The former Thales office building is a two storey building extending to 5,282 square metres originally constructed in the 1930s, but has been altered significantly since. The building is currently vacant. it was Locally Listed in December 1982.
- 2.3 To the west of the Thales building lies the existing Pets at Home/Topps Tiles unit, which is in active retail use and provides 3,345 square metres of Class A1 accommodation.
- 2.4 Finally, there is a vacant warehouse to the rear of the Pets at Home unit which extends to 999 square metres, therefore providing a total of 9,626 square metres of floorspace on the site of which only 3,345 square metres is in active (retail) use.
- 2.5 Vehicular access into the site is provided from two points off Bushey Road, with car parking and servicing areas accommodating the land around the three buildings. With the exception of some limited tree planting, the site is largely impermeable and made up of either buildings and concrete or tarmacadam surfaces.
- 2.6 The site is bound by Bushey Road to the South, West Wimbledon Primary School to the East, houses to the north and the Race Tech site to the northwest. Immediately to the west at 88 Bushey Road is the new Next retail unit which is currently under construction, (formerly occupied by Apex House and the SafeStore Storage building).
- 2.7 A number of TPO birch trees front the site on Bushey Road and the site is located predominantly in Flood Zone 1 with the south west corner in Flood Zone 2.
- 2.8 Raynes Park local centre is located approximately 1 kilometre (walking distance) to the north east of the Application Site and New Malden district centre (within the neighbouring authority of Royal Borough of Kingston) is 1 kilometre to the west. It therefore occupies an out-of-centre location in retail planning policy terms.
- 2.9 The A3 (Beverley Way) forms part of the transport for London Road Network and the A298 (Bushey Road) forms part of the Strategic Road Network. TfL is the highway authority for Beverley Way and for both roads has a duty to ensure that any development does not adversely impact on their operation.
- 2.10 There are a number of bus routes serving the site with routes 265, 152 and K5 stopping on Bushey Road and providing links to New Malden, Putney and Tolworth. Route 131 runs along West Barnes Lane and provides links to Kingston, Wimbledon and Tooting although bus stops are in excess of 400m

walk from the site.

- 2.11 The site has a low public transport accessibility level (PTAL 2 on a scale of 1-6 where 6 is the highest).
- 2.12 Parts of the site and in particular the parking and servicing areas towards the northern boundary are in an unkempt condition and suffer from fly tipping.

3. CURRENT PROPOSAL

- 3.1 Redevelopment of land involving demolition of existing buildings and the erection of a retail park (Class A1 - 13,736 sq.m internal floorspace), with café/restaurant units (Class A3 - 1,193 sq.m internal floorspace) landscaping, associated car parking (334 spaces), cycle parking (100 spaces) and new pedestrian access from Bodnant Gardens.
- 3.2 The proposed development comprises the demolition of existing buildings on the site and construction of a retail park (Class A1) with complementary restaurant/café (Class A3) units and associated works. The current light industrial use that is adjacent to the north west boundary of the application site and behind the new Next retail store is retained.
- 3.3 The development comprises four key elements:
 - An L-shaped retail terrace along the norther and western boundaries providing large-format units capable of being installed with mezzanine floorspace; Buildings 9.4m high to parapet and 10m to ridge of shallow pitched roof.
 - Two smaller buildings providing four café/restaurant units fronting Bushey Road 7.5m high to parapet and approximately 16m to top of feature replica clock tower;
 - Customer car parking and external circulation areas; and
 - Service and support areas to the rear of the retail terrace.
- 3.4 The site will be laid out to tie with the adjacent retail unit which is currently under construction and will be occupied by a Next Home & Garden Store. This development was thoroughly considered throughout the design process so that the proposed development would become a seamless extension to the retail offer proposed by Next. This would be delivered in the L shaped form of the retail units. The intention is to maintain the continuity of form, pedestrian linkages and visual lines.
- 3.5 Restaurant/café (Class A3) units which will be accommodated in two smaller buildings southwest of the site. The design of these buildings includes a replica clock tower replacing that part of the locally listed building.
- 3.6 Facing materials: Prefabricated metal cladding to lower parts of units with wood effect composite panels to top half all framing large glazed areas to unit frontages. Food and drink units in white painted render with large areas of glazing to lower level and smaller glazing units, reminiscent of art deco style building to be demolished at upper level.

- 3.7 The applicant's planning statement advises that mezzanine areas are indicative and reflect 75% of the ground floor area of each unit. This is 'floating' mezzanine space allowing it to be installed anywhere across the scheme, to accommodate tenant demand.
- 3.8 The car park will be located centrally and will provide convenient vehicle access to all of the units. The main pedestrian circulation will be created around the perimeter of the car park, providing a pedestrian link between all of the customer entrances of the retail units. Another pedestrian route will run centrally through the car park. A new pedestrian link to Bodnant Gardens is also provided at the rear of the site. This will provide a route from the residential estate into the site, via the service road.
- 3.9 Servicing and delivery access has been segregated to the rear of the L shaped building to ensure a safe customer environment to the public frontage. The restaurant building will be serviced internally and not from Bushey Road.
- 3.10 The table below is an extract from the applicant's Planning statement and provides a breakdown of floorspace.

Table 4.1 Breakdown of floorspace

Unit	Use Class	Floorspace (GIA)		
		Ground	Mezzanine (indicative)	Total
1	A1	966	724.5	1690.5
2	A1	1,393	1,044.75	2437.75
3	A1	956	717	1,673
4	A1	1,858	1,393.5	3,251.5
5	A1	1,394	1,045.5	2,439.5
6	A1	650	487.5	1,137.5
7	A1	633	474.5	1,107.75
Total A1		7,850	5,887.5	13,737.5
8	A3	378	0	378
9	A3	347	0	347
10	A3	275	0	275
11	A3	193	0	193
Total A3		1,193	0	1,193
Overall Total	A1 and A3	9,043	5,887.5	14,931

- 3.11 Boundary treatment is in the form of 2m high weld mesh fence to west of proposed pedestrian access from Bodnant Gardens, and 3m high to the east. Refurbished railings on Bushey Road frontage. No details for eastern boundary. Landscaping is focused on the periphery of the site in the form of replacement tree planting along the Bushey Road frontage and alongside the exit road between Units 10 and 11 on Bushey Road and alongside the main service road located to the west side of the site.
- 3.12 Surface treatment is in the form of tarmacked service roads and manoeuvring areas with contrasting colour tarmac for parking bays and pedestrian routes. Paving to forecourts of retail units. Granite aggregate concrete to forecourts of food and drink units.
- 3.13 Renewable energy technology in the form of PV panels are proposed to be roof mounted (up to 800 sq.m).

3.14 The application is accompanied by a number of supporting statements:

Planning Statement, prepared by Quod;
Retail Assessment, prepared by Quod;
Transport Assessment, prepared by TPP;
Statement of Economic Benefits, prepared by Quod;
Phase 1 Geotechnical & Geoenvironmental Assessment, prepared by Cundall;
Energy and Sustainability Statement, prepared by Cundall;
Air Quality Assessment, prepared by Cundall;
Noise Assessment, prepared by Cundall;
Flood Risk Assessment, prepared by Cundall;
Light Pollution Study Summary, prepared by Cundall;
Ecological Assessment, prepared by Ecology Solutions;
Arboricultural Implications Assessment, prepared by DLA;
Tree Survey and Constraints Plan, prepared by DLA;
Heritage Statement, prepared by CgMs plus Supplemental Heritage response.
Market Report; prepared by Altus Edwin Hill;
Statement of Community Involvement, prepared by Thorncliffe;
Design and Access Statement, prepared by Chapman Taylor;

4. PLANNING HISTORY

4.1 The site has an extensive planning history which dates back to the 1950's, although the first buildings appeared on the site in the 1930's. The majority of the planning history is of limited relevance to the planning application proposals.

4.2 In the 1950's and 60's consent was granted for extensions to the factory (ref: MM7340 and ref: MM 6307) whilst consent was granted in 1968 to temporarily use the building for storage and distribution purposes (ref. MER914/68).

4.3 Nurdin and Peacock submitted a number of planning applications in the 1980's and 1990's.
1985 permission granted to change of use of the ground floor of the cash and carry warehouse for offices to serve their own IT department (ref: MER19585);
1985 and 1991 permission granted to Nurdin and Peacock for extensions to the existing office buildings (ref: MER195/85 and 91/P0626).
1993 consent was granted to Nurdin and Peacock for the erection of 2no. second floor extensions to the existing restaurant.
1983 (ref. MER677/83). Erection of a DIY retail warehouse with ancillary offices car parking etc.

This was followed by a succession of applications to widen the sites permitted use, to allow a wider range of bulky goods to be sold (refs. 95/P0091 and 96/P0486).

2005 05/P0282 Lawful Development Certificate issued confirming the lawfulness of a veterinary facility being ancillary to the use of the site for the sale of pet products

May 2008 08/P0843 planning permission granted for the sub-division of the existing unit a (Pets at Home) to provide a new retail unit, with retention of existing Unit B (Topps Tiles) with alterations to the west elevation to provide a new entrance (contrary to a planning condition restricting sub-division. Permission not implemented but gave support for multiple retail units at this site.

4.4 There is no other history of relevance.

4.5 88 Bushey Road – Adjoining site to the west.

2014 13/P1802 Demolition of existing buildings on site and the erection of a new building on three floors for retail purposes (use within class A1) with an ancillary café and associated car parking and cycle parking. Gross floorspace 5,970 sq.m; net tradable area 3,705 sq.m. Car parking spaces - 167. The development is under construction.

In 2013 Axa Real Estate submitted a planning application for Next at Home, which was granted permission in 2014. The planning application was accompanied by a retail sequential test and impact assessment which demonstrated that there were no suitable, available or viable sites within or on the edge of town centres where Next at Home could locate. The Next at Home planning permission is also subject to planning conditions which help to protect the viability and vitality of nearby town centres in Merton and Kingston by ensuring that the retailer maintains the same quantum of sales floorspace

2015 15/P2355 - approval of non-material amendments to elevations for 2014 scheme.

2015 – 15/P3376 and 4017 – approval of various pre-commencement and other conditions.

May 2016 16/P1184 – prior approval not required for method of demolition for a small office building at 88 Bushey Road that lies in the path of the revised access (see below).

June 2016 – 16/P1366 – permission granted for revised access arrangement to provide a single access lane and two egress lanes with associated dropped kerb for pedestrian crossings. Works are currently underway on site.

The application the subject of the current application was the subject of pre-application discussions with both Merton Council and Greater London Authority officers.

5. CONSULTATION

5.1 Site and press notices and 543 letters to neighbouring addresses.

5.2 2 letters of objection.

- Concerns regarding demolition, hours of work, nuisance from dust and noise and security day and night.

- Similar concerns regarding construction.
- Concerns regarding more noise and fumes from increased traffic, night deliveries and noise day and night.

5.3 1 letter of objection from freeholders of Centre Court Shopping centre. Retail only development is in direct conflict with the Development plan policy as the site is designated as a Locally Significant Industrial Area in the Council's Plans. Proposals fail to substantially protect land which is designated to accommodate future business and industrial functions. Applicant does not demonstrate that release of LSIA satisfies provisions of London plan Industry and Transport SPG 2012.

A large part of the site is allocated for mixed use development (Site proposal 48b in the Sites and Policies Plan (2104)). Final site allocation identifies the land as suitable for an employment led mix of uses, comprising research and development, light industry and storage and distribution. Provision was made of the potential delivery of some bulky goods retail a car showroom and a school.

During the preparatory stages of Council's sites and Policies Plan there was confirmed interest from B2 and D1 occupiers.

Council policy supporting text states any retail development will be restricted to providing at least 70% of retail floorspace as bulky goods for sale on the premises in order to avoid harm to viability of Wimbledon Town centre and other surrounding centres. Retail component was envisaged as being small in scale relative to other B class uses on this site. Even a small quantum of retail use at this site should be tightly controlled.

5.4 2 individual letters of support:

- Will change the site from being an eyesore.
- Will be attractive to people both on foot and in cars but concerned as to how traffic will be managed.
- Encourages inclusion of a water feature/fountain as a landmark.

5.5 115 copies of a template letter in support of the proposals with each letter signed primarily by residents with addresses on the housing estate to the north of the proposed development have also been received.

The letter sets out the reasons for support as follows:

- The scheme will rejuvenate a tired and vacant site by creating new high quality shops;
- The development will bring 550 new jobs to the area, generating fantastic career and apprenticeship opportunities;
- The art deco building with clock tower will be re-built, preserving it as a local landmark;
- Junction improvements and a new surface level pedestrian crossing will be brought forward in conjunction with the new Next Home and Fashion store next door;
- New trees and landscaping will transform the site's appearance.

- 5.5 Raynes Park High School - In principle support for proposals. Proposals will improve amenity of a run-down site and enhance the environment of the area. Will provide job and work experience opportunities. Concerns about increased traffic. Urges Council and TfL to ensure safe phasing of lights at roundabout outside the school. 152 Bus stop should be re-sited adjacent to Topps Tiles. Suggests bus stop be located inside retail park.

Internal.

- 5.6 Transport planning. The application has been the subject of on-going discussion between TfL, Council officers and the applicant's specialist traffic/transport advisor. Notwithstanding various initial concerns regarding traffic modelling, impact on the surrounding highway network and accessibility to the site these matters have been resolved and no objections are raised subject to suitable conditions and S106 obligations.

- 5.7 Flood risk and drainage officer.

The Cundall FRA and Drainage Strategy are considered acceptable and in accordance with the NPPF, the London Plan policy 5.13 and Merton's policies DM F1 and F2. Condition recommended requiring a detailed scheme for the provision of surface water drainage to be implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Drainage scheme to be designed in accordance with the submitted Drainage Strategy (produced by Cundall dated 29/03/16 Ref: 1008016).

- 5.8 Climate change officer. Satisfied that the development has met the 35% improvement on Part L 2013 requirements, as well as the BREEAM standards. District heating is not a viable option for the site at present and the GLA appear satisfied with the proposed energy strategy approach. Officers are satisfied with the proposed approach and recommend attaching suitable conditions to any permission regarding the standard of sustainable design.

- 5.9 Trees officer. The proposals entail the removal of 5 mature silver birch in front of 84 Bushey Road. The trees provide a valuable source of amenity in a very hard industrialised landscape. The proposals also entail the removal of all the trees within the site including 4 with a Class B valuation. The landscape masterplan shows new trees will be of a semi mature size. More tree planting should be provided in the car parking area. No objections are raised to the proposed development provided suitably worded conditions are attached to ensure compliance with the arboricultural impact assessment and the provision of semi-mature trees as part of the details for the landscaping of the site.

- 5.10 Conservation officer. In Merton this building has great significance both architecturally and historically which is empathised by its rarity. Heritage assets are irreplaceable. The new development should respect the locally listed Art Deco building and incorporate it in situ into the design of the proposed layout. The proposal for further development should relate to the

scale and proportions of the existing building so that it enhances the historic asset's setting. The building undoubtedly has a positive visual impact on the area and has an unharnessed potential which restoration would bring. Demolition of a locally listed heritage asset would not only destroy the historic assets significance but would remove the last remnant of the areas industrial past. The applicant does not put forward a convincing justification for its demolition.

Observations on Supplemental heritage response.

The Conservation Officer considers that the applicant has not presented any new evidence or arguments to support their proposal to demolish Merton's rare Art Deco factory building.

- 5.11 Environmental Health. No objections subject to conditions regarding control of noise, regulation of waste collection times, control of light spillage, supplementary investigations to deal with any contamination, and a construction method statement to mitigate against any environmental impacts.
- 5.12 Waste services. Proposals are for commercial use only and no domestic waste collections are required. No objections to proposals.

External.

- 5.13 London Borough of Sutton The site is 3.5kms from Worcester Park district centre and 6kms from Sutton town centre, one of the "major" centres in the London Borough of Sutton. In light of the retail assessment to determine the sequential effect of the proposals on neighbouring town and district centres the Council raises no objection to the principle of the proposal.
- 5.14 London Borough of Wandsworth. Concerns raised regarding scope of initial retail assessment. Tooting town centre should be considered, particularly considering the indicative drive time, and that parking will be available which may be attractive to shoppers from Tooting. The applicant's report identifies a 3% trade diversion from Tooting Town centre. Given that the site is not allocated for comparison goods, the trade draw is a concern.
*Officers note that following receipt of an external consultant's independent review of the retail impact report LB Wandsworth was reconsulted. No objections were raised. Wandsworth officers acknowledge the findings of the report which concluded that Tooting town centre would not experience a significant adverse impact and that were Merton minded to approve that any permission would be subject to conditions as recommended in the independent consultant's report.
- 5.15 London Borough of Kingston upon Thames
Comments awaited.
- 5.16 Greater London Authority (Stage 1 referral).

Principle of development. The proposal is a departure from the development plan due to the allocation and designation of the site including as a locally significant industrial site and needs to be more fully justified in policy and

employment terms. Merton is required to consider the release of the industrial land in the context of its wider industrial land strategy.

Retail. Merton's independent retail review concludes that there is a need for further verification of the findings of the sequential test, impact on vitality and viability of town centres and investment in town centre report conclusions. Merton Council should hold further discussions with Kingston Council across the range of issues it has raised to date. *Officers note that no objections have been raised by LB Kingston.

Urban design, heritage and access. There remain concerns regarding the layout of the development and inward looking design which do not provide active frontages onto Bushey Road and a satisfactory interface with Bodnant gardens. The demolition and relocation of the locally listed building is not sufficiently justified and its retention and restoration into the scheme should be considered. The proposed pedestrian access to the rear of the site is indirect and convoluted. ** Officers note that in the months following receipt of the GLA report the applicant has continued to engage with GLA officers who now appear content to endorse the loss of the locally listed building subject to the quality of the replacement clock tower feature as part of this element of the redevelopment (which the applicant has agreed to). Officers also note that the detailed design of the pedestrian route in particular from Bodnant gardens has been the subject of discussion with officers at the GLA and Merton and adjustments to its design have been made so as to address earlier concerns.

Climate change. The carbon dioxide savings meet the London Plan targets. However, the applicant should provide the carbon emissions after each stage of the energy hierarchy, address overheating and provide some information on the heating system proposed. The proposals are acceptable in terms of London Plan policies 5.12 and 5.13. * Officers note that the applicant has provided supplementary information in accordance with the GLA's request.

Transport. Further work is needed on the trip generation and modelling in order to establish requirements for any mitigation towards the highway and public transport networks. Information regarding Blue Badge parking spaces, car park management strategy, cycle and pedestrian routes and facilities is required, together with conditions and planning obligations. *Officers note that the applicant has undertaken further work on trip generation to inform assessment of the impact of the proposals on the surrounding highways network addressing concerns as to the reliability of modelling.

- 5.17 Transport for London. Following initial concerns raised by TfL in May 2016 officers note that traffic data and associated analysis by the applicant has been the subject of ongoing review by TfL. TfL is now satisfied with trip generation data and modelling its impact on the highway network and this has informed their comments.

Recommended planning conditions (those starred to be discharged in consultation with TfL).

- Car park management plan. To include information on signage, measures to restrict use to only when units are open. Automatic number plate recognition measures to limit long stay users, enforcement measures for parent and child and disabled bays, and marshalling of traffic at peak times.*
- Provision of cycle parking (requirements – 100 spaces in total, 30 long stay in secure accessible and well-lit location). *
- Service and delivery plans. *
- Construction logistics plan. *
- Electric vehicle charging points and blue badge parking.
- Provision of shower facilities (applicant has now agreed this can be secured by condition).
- Service yard to include signalisation.

Recommended S106 clauses:

- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate (if required) – to be payable to Merton.
- £60-75,000 contribution towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.

5.18 Historic England. This proposal includes the demolition of the Art Deco industrial building. Originally constructed between 1927 and 1935 the building has undergone some alterations; however it has retained some of the key features which were typical of the Art Deco movement. If the Borough is minded to grant consent then it is recommended that a programme of historic building recording is carried out in the form of a photographic survey prior to demolition. No objection to demolition but written scheme of historic building investigation recommended as a condition.

5.19 Environment Agency. The site is located in Flood Zone 2. The proposed use is considered “less vulnerable”. For the Council to assess surface water impacts. No further comments

5.20 Thames Water

Waste comments – recommended conditions to prevent petrol, oil and car washing products from entering local water courses.

Surface water – advice regarding the need for storm flow attenuation.

Sewerage infrastructure capacity – No objections.

Informatives recommended regarding: discharging water into a public sewer minimising groundwater discharge, diversion of a water main crossing the site.

5.21 Met Police (Designing out Crime officer).

Recommends that the developer seeks Secured by Design accreditation.

1. Layout and design. Observations regarding design so as to ensure a safe

- and secure environment for those visiting the site including by foot or cycling including appropriate forms of landscaping so as to avoid concealment, and safe and cycle parking areas.
2. Vehicle Parking. The design criteria for the car park should follow the principles in the ParkMark© initiative. Full registration should be considered as a planning condition to reduce crime and fear of crime in the car park. Continued registration would ensure the car park is maintained as a safe and secure environment.
 3. Retail Units. Elevations may present opportunities for graffiti or inappropriate loitering near to the proposed link to Bodnant Gardens. The elevations should have a buffer zone of a 'defensive' hedge, if there is insufficient room than a wall finish that makes graffiti removal easier such as an anti-graffiti glaze, or a sacrificial coating should be applied. Secured by design standards to be incorporate into detailed design of buildings.
 4. Roads. Concerns regarding increased traffic and recommends a traffic management report should be prepared and provided to the local Police Road Safety Engineering Officer.
 5. CCTV. Consideration should be given to fitting external cameras that adopt the existing Merton Borough Council town centre CCTV standards. Soft landscaping and lighting fixtures should not be in conflict with CCTV operation. Secured by design standards to be incorporated into detailed specification for CCTV.
 6. Lighting. Should be designed to complement effective operation of CCTV. All lighting across the entire development should be to the required British Standards, avoiding the various forms of light pollution (vertical and horizontal glare). The lighting should be as sustainable as possible with good uniformity. Lighting columns should avoid tree planting.
 7. Management. A security management policy should be formulated to include access control to the rear service yard, patrolling, traffic and parking control, crime reporting, maintenance and housekeeping with regular reviews.

5.22 Twentieth Century Society

The Society objects to what we consider to be the unjustified demolition of a locally listed heritage asset, and the proposed pastiche rebuild of the clock tower on top of a new structure. The applicants have not demonstrated that any effort has been made to retain the building in the new scheme, as would be reasonably expected of a locally designated heritage asset. We do not consider that this proposed reconstruction is a way of properly 'ensuring historic and architectural continuity.' (Heritage Statement, p.17)

We consider that the most appropriate way to do this would be to retain and re-use the building. Given that there is little left of interest internally, this represents an excellent opportunity for a sensitive conversion to retail space. This could be done through the retention of the original wings and tower, and the extension of the building to the north following the removal of later additions which are of no architectural merit –thereby ensuring that the significant elements of the locally listed heritage assets are conserved and enhanced, in line with the guidance of local policy.

In principle, the application represents an opportunity to restore and celebrate a locally listed heritage asset that has the potential to lend heritage value to a modern retail development. The Society considers that this harm could be reasonably avoided, and that the retention of the building does not represent an insurmountable barrier to the sites wider redevelopment – rather, that it would be to its overall benefit.

However, as it stands the Twentieth Century Society considers that the scheme would cause substantial harm to a locally listed heritage asset, and will detract from Merton's specific sense of place and identity. With the application in its current form we must recommend that the local authority refuse permission.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012)

The following principles are of particular relevance to the current proposals:

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local place that the Country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in that area, taking account of the needs of residential and business communities.
- Encourage the effective use of land by reusing land that have been previously developed (brownfield land), provided that it is not of high environmental value;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. When

considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. When assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment of the development

Others sections of NPPF of relevance:

- 2. Ensuring the vitality of town centres.
- 4. Promoting sustainable transport.
- 7. Requiring good design.
- 10. Meeting the challenge of climate change/flooding.
- 12. Conserving and enhancing the historic environment.

6.2 London Plan (2015)

Relevant policies include:

- 2.6 Outer London: Vision and strategy.
- 2.8 Outer London: Transport.
- 2.15 Town Centres.
- 4.7 Retail and town centre development.
- 5.1 Climate change mitigation.
- 5.2 Minimising carbon dioxide emissions.
- 5.3 Sustainable design and construction.
- 5.6 Decentralised energy in development proposals.
- 5.7 Renewable energy.
- 5.9 Overheating and cooling.
- 5.10 Urban greening
- 5.11 Green roofs.
- 5.13 Sustainable drainage
- 5.15 Water use and supplies.
- 5.17 Waste capacity
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing 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 and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
- 8.2 Planning obligations
- 8.3 CIL

6.3 Merton Local Development Framework Core Strategy – 2011 (Core Strategy)

Relevant policies include:

- CS 7 Centres.
- CS 12 Economic development.
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery.

6.4 Merton Sites and Policies Plan – 2014 (SPP)

The site is allocated as a Locally Significant Industrial Site (LSIS).

Part of the site also benefits from a specific allocation: Site Proposal 48. This allocation excludes the existing retail units occupied Pets at Home and Topps Tiles which fall into the LSIS.

Site Proposal 48 is split into two parts: 48a which comprises 88 Bushey Road (the committed 'Next' retail development which is now under construction) and 48b which contains the vacant Thales building and warehouse to the rear of the Pets at Home unit. As mentioned, the Pets at Home/Topps Tiles unit is excluded from the allocation, but it does form part of the LSIS.

The Site and Policies Plan allocates the entire Site Proposal 48 for the following uses:

“An employment-led mixed use scheme, research and development (B1[b] Use Class), light industrial appropriate in a residential area (B1[c] Use Class) and storage or distribution (B8 Use Classes) that may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class).”

In setting out the rationale for the allocation, the Plan states that the proposed retail use at the site should be restricted to at least 70% bulky goods retail floorspace, in order to avoid undue harm to the viability of town centres within the proximity of the site.

Officers note by way of back ground to the allocation; between 2012-2014 during the assessment of this site for allocation in Merton's Sites and Policies Plan, the site was in two separate land ownerships: the L-shaped former Thales site owned by Ignis Asset Management and the Pets at Home site to the east owned and managed by Axa Real Estate. At this time, the site allocation was also included the site to the far west, formerly the vacant office and safestore owned by Axa Real Estate, now the subject of planning permission for a Next at Home.

While Ignis Asset Management owned the Thales section of the site, they explored a wide variety of potential uses for the land in their ownership, the former Thales section only) in line with the site allocation, including a school, car showroom and part of a university campus. Axa Real Estates on behalf of Friends Life Limited subsequently acquired the site from Ignis Asset Management, but in November 2015 the site changed hands again, with the Friends Life Limited fund now owned and managed by Aviva Investors.

Relevant Sites and Policies Plan policies include:

- DM D1 Urban Design
- DM D2 Design considerations
- DM O1 Open space
- DM O2 Trees, hedges and landscape features
- DM EP2 Reducing and mitigating noise
- DM T1 Support for sustainable travel and active travel
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

- 6.5 Supplementary planning considerations
Merton Design SPG – 2004

7. **PLANNING CONSIDERATIONS**

- 7.1 The key planning considerations are; the principle of the development including the loss of industrial/employment land, the provision of a primarily retail development and its impact on other centres, urban design, heritage issues and access, transport including impact on surrounding highway network and parking provision and climate change issues.

Principle of development

Loss of the existing employment land and departure.

- 7.2 Core Strategy policy CS 12 states that the Council will seek to ensure that there is an adequate supply of viable and appropriate sites and premises for employment use in locations which minimise the need to travel by private car while meeting the needs of business by maintaining and improving locally significant industrial areas and ensuring that they contribute towards business, industrial, storage and distribution functions.
- 7.3 The current application will introduce retail and complementary food and drink/restaurant uses into a Locally Significant Industrial Area (LSIA) and as a result the proposal represents a departure from the adopted development plan. In these circumstances the Council is required to assess whether there are material planning considerations, which would warrant the granting of permission and whether the proposed development would cause demonstrable harm to interests of acknowledged importance.
- 7.4 Paragraph 22 of the National Planning Policy Framework [March 2012] advises "Planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed". In line with the National Planning Policy. Officers note that the former Thales Avionics office building on the western side of the application site and which includes the locally listed frontage building has been vacant since 2010.

- 7.5 After an independent 'examination in public' the Core Strategy was found 'sound' and adopted in July 2011. In this context the Nathaniel, Litchfield and Partners review of employment land in the borough and its conclusions informed policies within the Core Strategy. Officers acknowledge that while this represents a review of employment land in the borough as required by paragraph 22 the National Planning Policy Framework it is no longer an up to date review.
- 7.6 However, although designated as an LSIA concerns were identified regarding the quality of buildings. A number of poor quality former industrial buildings have now been demolished to make way for the Next development. LBM Core Strategy CS12 is supportive of the rationalisation of Locally Significant Industrial Sites where this would result in increased provision of the overall number and range of jobs, including retail jobs. Slavishly safeguarding land forming part of the LSIA site for solely B1/B8 employment uses has therefore not been pursued by the Council in recent years with the Council being supportive of the potential for employment generation from a retail use having been satisfied that no harmful retail impact on local centres would arise.
- 7.7 Following adoption of the Sites and Policies Plan in 2014 the application site now benefits from a more flexible site allocation allowing for a range of uses. The site allocation is as follows: An employment led mixed use scheme, research and development (B1[b] Use Class), light industrial appropriate in a residential area (B1[c] Use Class) and storage or distribution (B8 Use Classes) that may include an appropriate mix of any of the following: bulky goods retail (A1 Use Class), car show room (sui generis Use Class) and school (D1 Use Class). The adopted plan states that "As a 'locally significant industrial site' mixed use proposals must be employment led".
- 7.8 Only the easternmost part of the LSIA (1 hectare of the 2.4 hectares that comprise the application site) lies outside this site allocation on which there is already a large retail unit in the form of Pets at Home and Topps Tiles.
- 7.9 During the sites allocation process (2012-2014) the Council worked with previous landowners of part of the application site to examine the potential for bringing forward development proposals. Their proposals included car showroom and a school but did not include B2 or B8 uses.
- 7.10 The current application is supported by a statement of economic benefits which identifies the potential for a net increase of 550 head count jobs on site and a total of 620 people working on the site. A wide range of job opportunities would arise including jobs for school leavers and part time employment. The proposals have the potential to develop apprenticeships and work experience initiatives to benefit local young people. Aside from this the applicant estimates the proposals are likely to generate an uplift of £2.1m in business rates annually and around £1.19m in Community Infrastructure levy contributions.
- 7.11 In conclusion it is considered that against a backdrop of an earlier examination of the development opportunities for the site as part of the

development plan process, the Council having already supported a major employment generating retail development immediately adjacent to the site, the presence on the non-allocated part of the application site already containing major retail uses and the major employment generating potential of the proposed development, a departure from the development plan may reasonably be supported.

Provision of a primarily retail led development and departure.

- 7.12 The current application was submitted in April this year following pre-application discussions with Council and GLA officers. Notwithstanding the complementary food and drink/restaurant floorspace, this scheme is effectively 100% retail which does not comply with the site allocation. The application has therefore been advertised as a departure from the development plan. Neither the NPPF (paragraphs 25-27) nor the London Plan policy 4.7 nor local planning policy (CS.7 Centres and DM.R2 Development of town centre type uses outside town centres) supports out of centre retail development of this scale without the submission of a retail sequential test and impact assessment to ensure that there are no sites within designated town centres that the retail premises could be delivered and that the proposal will not have an impact on the vitality and viability of nearby town centres. Therefore the applicant submitted a sequential test and a retail impact assessment with this planning application. Due to the size and scale of the scheme, the Council recruited third party independent consultants to review the applicant's Retail Assessment.
- 7.13 In February 2016, as part of the pre-application discussions, the applicant provided a statement setting out the scope of the retail information they proposed to submit with the planning application. The independent consultants commented on this scope against national, regional and local planning policies. These comments were passed to the applicant recommending that this information be prepared and included within the forthcoming planning application
- 7.14 In April 2016 the applicant submitted the planning application accompanied by the retail sequential test and impact assessment to the Council. The council consulted planning officers in neighbouring boroughs of Kingston upon Thames, Sutton and Wandsworth on their views on the applicant's proposals, particularly from a retail planning policy perspective, sites in their borough included in the sequential test, town centres or other areas in neighbouring boroughs included in the retail impact assessment. The comments received from Kingston, Sutton and Wandsworth are summarised above.
- 7.15 In May 2016 the independent consultants provided a response to the applicant's retail impact assessment and sequential test, officers reviewed this response and asked the applicant to address the following points in a revised retail impact assessment:
- address planned investment in Colliers Wood in recognition of the council's aspirations to see its designation as a District Centre in the next London Plan

- testing another scenario as the “worst case” as to the impacts on vitality and viability of nearby town centres that could arise from the scheme by: using a comparison goods sales density of £6,000 per square metre as the previous figure of £5,000 per square metre is taken from the council’s 2010-11 Retail Study which is now old; using a gross:net floor area ratio of 85% for the two non-bulky goods units proposed in recognition that shops selling non-bulky goods can have a smaller storage area than those selling just bulky goods. The blanket application of the previous figure of 80% gross:net to all stores assumed that all stores would sell bulky goods, which is not what the applicant is proposing.

Assuming a higher level of trade could be diverted from Wimbledon town centre by adjusting the pattern of trade draw, in recognition that Wimbledon is close to the application site and that there is overlap in the type of goods between those sold in the town centre and with the stores being targeted for occupancy (e.g. Decathlon, Dunelm, TK Maxx).

- 7.16 This independent report was passed to the neighbouring boroughs of Kingston, Sutton and Wandsworth for their views.
- 7.17 In June 2016 the applicant updated their Retail Assessment and the final version was reviewed by council officers and the independent retail consultants. This followed Wandsworth’s query as to why Tooting did not appear to have been considered in terms of the retail sequential approach and impact assessment. The applicant considered that due to the distance from the site Tooting would be outside the main area of site search for the sequential test and that the impact on the turnover of comparison goods would not be significant (at -0.2%) even when the planned Next at Home is included. This view is supported.
- 7.18 The conclusion reached by the independent retail consultant and council officers is that on balance, the proposed development complied with policy requirements of the sequential test (NPPF paragraph 24, London Plan 4.1 and CS7 and DM R3) and the retail impact assessment (NPPF paragraph 26, London Plan policy 4.1, CS7 and DMR2) and that based on these assessments, the proposal would not have a significant adverse effect on the vitality and viability of nearby town centres or in-centre investment.
- 7.19 However this conclusion is conditional upon the scheme being built and occupied under the same conditions as the applicant sets out in their Retail Assessment (i.e. the same conditions that have been robustly tested to ensure that there is no significant impact upon the viability and vitality of nearby town centres.
- 7.20 As mentioned above and in line with national and London-wide planning policies to support town centres, Merton’s policy DM.R2 *Development of town centre type uses outside town centres* section (d) states

(d) Vitality and viability of Merton’s existing town centres are not harmed. Planning conditions may be imposed on applications, to ensure that proposals

do not have an adverse impact on the vitality and viability of existing town centres. Such conditions may:

- i. Prevent the amalgamation of small units to create large out-of-centre units;*
- ii. Limit internal development to specify the maximum amount of floorspace permitted;*
- iii. Control the type of goods sold or type of activity.*

- 7.21 Therefore, in order to ensure that the vitality and viability of nearby town centres are not harmed by this proposal, should the proposal be recommended for approval, appropriate conditions on the ranges of goods which can be sold are applied to individual units as per the floorspace schedule set out in the Retail Assessment which defines which units are to be used for the sale of 'bulky goods' and which will be used for the sale of 'non-bulky' comparison goods (Table 6 of Document 5 and updated with the amended retail assessment matters identified in this report and in the final independent assessment).
- 7.22 If these units were to be operated as open A1 non-bulky comparison goods units, or wholly or partly as convenience goods floorspace, the patterns of trade draw and therefore conclusions in respect of impact would be expected to be different. Therefore any applications for future variations of conditions will need to be fully justified by an updated retail impact assessment.
- 7.23 In order to be satisfied that the proposal complies with retail planning policies, planning conditions are proposed to ensure that the scheme is built and occupied in accordance with the details set out by the applicant in their Retail Assessment.

Urban design, design and impact upon the character and appearance of the area.

- 7.24 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DMD2 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings. 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. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings.

Layout.

- 7.25 The proposals are laid in the form of an inward facing set of retail and restaurant/food and drink units enclosing a large customer car park. The layout is not uncommon for modern car based retail parks and similar layouts characterise The Tandem Centre at nearby Colliers Wood. However, the layout turns its back on the surrounding road network with an absence of

active frontages onto Bushey Road. While officers acknowledge the considerable changes in levels towards the northern boundary and the Carters housing estate make meaningful connectivity via building frontages challenging this is not the case with the Bushey Road frontage. The resulting layout gives rise to poor connectivity between the public realm and the development and arguably poor urban design.

- 7.26 The site currently has no connection with the housing estate to the north. A pedestrian link was promoted by Council officers at the pre-application stage and has been incorporated into the application submission. The design of the footpath link including detailed matters such as gradients and subsequent connectivity with the road and footpath layout within the development have been the subject of discussions between the applicant and GLA/Merton officers with the resulting design and layout being considered satisfactory. This aspect of the scheme promotes permeability for north/south pedestrian movement thereby promoting good urban design and would be secured by conditions.

Design and massing.

- 7.27 The proposed retail buildings incorporate a plain and simple design while the food and drink element of the proposals has echoes of the locally listed building incorporating a clock tower. The proposals entail the loss of a significant locally listed building and members may not consider the new buildings necessarily meet the test of being of the highest architectural quality or enhance local character. Further consideration of design and heritage issues is addressed below. However the scale and bulk of the buildings is compatible with the Next retail store currently under construction and not out of character with the existing retail units. The considerable changes in levels towards the northern boundary would ensure that the proposed buildings, while clearly visible, would not be unduly intrusive or dominant when seen from Bodnant Gardens.

Hard and soft landscaping.

- 7.28 The proposals employ a plain, simple but suitably robust palette of materials to provide a satisfactory urban setting for the new buildings. The site currently has a number of mature and semi mature trees that soften the Bushey Road frontage. The proposals result in the loss of these trees along with others that are scattered within existing parking areas that are located between existing buildings. Policy CS13 of the Core Strategy seeks to ensure that new developments incorporate and maintain landscape features such as trees which make a positive contribution to the wider network of open space. Adopted policy DM.O2 seeks to safeguard trees that contribute to visual amenity but acknowledges that their removal may be justified if the benefits of the development outweigh its amenity value. Tree replacement is a feasible option to mitigate for their loss and, subject to any conclusions that members may reach as to the merits of the design and layout of the proposals, it may be considered unreasonable to resist the proposals on the basis of the loss of the trees or to structure a layout simply so as to retain them. The Arboricultural officer has recommended semi mature specimens as replacements as part of any landscaping scheme.

7.29 Similar to the Next development, officers have not promoted tree planting within the parking area and have focused on perimeter planting so as to soften the edge of the development. No issues arise in terms of the wider streetscene given the absence of planting within the parking area and where advice from consultees (the Met Police) have sought to promote good levels of visibility, and thus surveillance, across the parking area in the interests of safety and security. Thus, while the introduction of tree planting within the car park may have the effect of softening its appearance the absence of planting would not be a basis to withhold permission.

Heritage issues.

7.30 The NPPF advises local authorities to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment. The following considerations should be taken into account when determining planning applications.

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation; The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring;
- The desirability of new development in making a positive contribution to local character and distinctiveness;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

According to Paragraph 129, LPAs should also identify and assess the significance of a heritage asset that may be affected by a proposal and should take this assessment into account when considering the impact upon the heritage asset.

7.31 Sites and policies plan policy DM.D4 requires:

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

c) Proposals that will lead to substantial harm to the significance of, or the total loss of heritage assets will only be granted in exceptional circumstances where substantial public benefits outweigh the harm or loss in accordance with the NPPF or that all of the following apply:

- i. the nature of the heritage asset prevents all reasonable uses of the site; and,
- ii. no viable use of the heritage asset itself can be found that will enable its conservation; and,
- iii. conservation by grant funding or some form of charitable or public ownership is not possible; and,
- iv. the harm or loss is substantially outweighed by the benefit of bringing the site back into use.

- 7.32 Officers note that the Locally Listed building has no statutory protection and could be demolished without the need for planning permission. The applicant has not done this and has submitted both a Heritage Statement and Supplemental Heritage response that provides their rationale for demolition.
- 7.33 The Council's Conservation officer advises that 84/86 Bushey Road is an Art Deco industrial building which is significant as a good example of an industrial building of its time and now unique in Merton. It represents and is symbolic of the industrial history of this part of the Borough, which included adjacent Decca records and radar and historic British Salmson Aero Engines which developed into the distinctive Salmson cars built on this development site. The building is described as a highly valued historic building and was assessed and added to the Local List in December 1992. Buildings of this era are now considered more historically significant than at that time which increases the desirability to sustain and enhance this locally significant Art Deco heritage asset.
- 7.34 The building is readily seen from the A3 and may be considered a historic landmark building. Officers consider that in a restored condition the building would enhance the Borough's built heritage. The Art Deco building is arguably an iconic building which can be clearly seen from the fly-over that connects the Kingston Bye-Pass with Bushey Road and the slip road which, in turn, connects it with Shannon Corner, an important intersection and hub of a number of shopping warehouses. The clock tower can be clearly seen from Kingston Bye-Pass, both travelling north and south. Officers consider the building has a positive visual impact on the area.
- 7.35 The GLA in their stage 1 response also indicated that the building is of significant heritage value and while not designated, the application should explore options for its re-use or through a façade retention scheme.
- 7.34 Officers consider the building could be incorporated as part of the whole development as perhaps a gateway building. The new development could be configured so as to respect the locally listed Art Deco building and incorporate it in situ into the design of the proposed layout with the new development relating better to the scale and proportions of the existing building so that it enhances historic asset's setting.
- 7.35 The applicant however is of the view that this approach would not work. The evolution and rationale of the layout of the development into the present layout with all buildings facing inwards towards the proposed single parking area is explained in the applicant's Design and Access statement and, given the condition of the building as described in the applicant's Heritage Statement, the applicant does not consider the locally listed building warrants retention when weighed against the benefits of the proposals. The applicant has stated that commercially it does not work to orientate the scheme in any other way and the retention of the building in an attempt to achieve this has not been pursued for this reason.

The applicant has however acknowledged the significance of the clock tower as a landmark and, along with detailing the frontage building in a style reminiscent of art deco industrial buildings, and has amended the design to incorporate a replica clock tower in its current location. Officers note that the GLA is amenable to this approach being taken subject to re-use of clock face materials in any re-construction. Officers advise that conditions may reasonably be attached to any decision to secure this outcome in the event that members are supportive of the proposals.

- 7.36 Under NPPF Paragraph 129 the LPA has identified and assessed the significance of the Art Deco building by virtue of its local listing. Due to its listing and prominent location the LPA has sought to resist demolition and encourage alternative approaches to layout. The applicant has chosen not pursue this approach. The proposal to demolish a locally listed heritage asset would not only destroy the historic assets significance but would remove the last remnant of the areas industrial past which is disappointing and as a matter of judgement it is considered that the alternative proposal to erect a building with art deco influences and incorporating a clock tower would not compensate for the loss.
- 7.37 Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits. Conservation of heritage assets requires a flexible and thoughtful approach to get the best use of a locally listed building such as this. NPPF states at paragraph 131 that the LPA should uphold the desirability of sustaining and enhancing the significance of heritage assets and putting them to variable uses consistent with their conservation. The LPA must consider the positive contribution that conservation of heritage assets can make to sustain a community including the economic vitality. Retention of a landmark Art Deco building with enhancement could be an asset to the development as a whole.
- 7.36 NPPF paragraph 132 states that great weight should be given to the historic asset's conservation. New development of this large site which includes the heritage asset is an ideal opportunity to restore and enhance the Art Deco building. In Merton this building had great significance both architecturally and historically which is empathised by its rarity. Heritage assets are irreplaceable. Notwithstanding that the GLA are now amenable to the demolition of the locally listed building, officers consider that the applicant has not put forward a convincing justification for its demolition and that the building could be incorporated within a proposal.
- 7.37 Merton's Sites and Policies Plan policies are set in accordance to the NPPF, the London Plan and Historic England Advice. DM.D4 is Merton's policy to Manage Heritage Assets. The aim of this Policy is to conserve and where appropriate enhance Merton's heritage assets and distinctive character.
- 7.38 D4 b requires that a Heritage Statement is submitted to demonstrate how a heritage asset will be conserved or enhanced through any development proposal. The Heritage Statement submitted with this proposal does not demonstrate conservation but proposes demolition. Its content identifies the

unsympathetic steps that have taken place and that have harmed its character over time. NPPF 130 states that deliberate neglect and damage or the deteriorated state of a heritage asset should not be taken into account in any decision. Officers consider that the façade has been altered but not extensively compromised and that damage and lack of maintenance is not grounds for demolition. The condition of this Art Deco building does not support the loss of this building. In accordance with adopted policy officers suggest that development proposals should be used to the advantage to restore features and generally enhance the heritage asset and bring it back to an appropriate use.

- 7.39 D4 c states that the loss of a heritage asset is only granted if there is no reasonable use of the building which is not the case. This Art Deco industrial building can be incorporated in a beneficial way in a new development. It is an opportunity for the Art Deco building to be conserved and enhanced. Officers consider its loss may be treated as substantial harm.
- 7.40 D4 f. states that proposals affecting a heritage asset or its setting should conserve and enhance the significance of the asset. This proposal involves the loss of a heritage asset and is not conserving it. It also proposes the demolition and replication of the heritage asset in a new position. Apart from the fact a replica is no longer the original asset and would not be listable, it would not have the landmark status it presently presents, the clock tower no longer being a central feature on a road frontage but on the elevation facing a car park.
- 7.41 An alternative to the current proposals would be to embrace the conservation and enhancement of this heritage asset and the reinstatement of features that would contribute to the asset and bring enhancement. It is a heritage asset, which in turn could complement the new development on the rest of the site. The Conservation officer has provided further commentary on initiatives that might be taken to restore the quality and character of the building as a good local example of Art Deco industrial architecture. Officers have sought albeit unsuccessfully to encourage the applicant to give retention of the locally listed building further consideration and remain to be persuaded that the approach of incorporating an Art Deco style building with a replica clock tower incorporating salvaged elements from the existing tower and facing inwards towards the car park adequately mitigates against the loss of the locally listed building.

Impact upon neighbouring amenity including visual impact, noise, light and air quality

- 7.42 London plan policies 7.14 and 7.15 seek to improve air quality or be at least air quality neutral and reduce and manage the noise environment. SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise. Officers consider the northern boundary of the site to be sensitive in this respect being the edge of a housing estate, albeit with the carriageway of Bodnant Gardens running alongside this boundary. To the east is West

Wimbledon Primary School with part of its play adjoining the site and also sensitive to impact from redevelopment.

- 7.43 The matter of bulk, massing and siting of the proposed buildings has been addressed above and officers consider the proposals would not have a harmful impact on light and outlook from neighbouring dwellings. The design of the units is such that retail unit windows face inwards towards the parking area and not northwards towards houses in Bodnant Gardens or towards the play space for the school. The proposals give rise to no issues regarding loss of privacy.

Noise.

- 7.44 The operation and use of the servicing and areas and parking as currently configured has the potential to be the source of noise. Officers can find no controls over hours of servicing attached to planning permissions for the existing buildings. The proposals however would introduce a more intensive form of development with numerous retail units with servicing areas located around these more sensitive boundaries. It is recommended that conditions be attached regarding hours of servicing/waste collection and the operation of plant and machinery associated with the use of the units. The applicant has challenged the Environmental Health officers recommendation to restrict servicing/waste collection to no later than 20.00 hours citing relevant British Standards and quantifying predicted noise levels during daytime periods (daytime being 07.00 to 23.00 having regard to the relevant British Standard) being below background noise levels for neighbouring receptors, these being the school and houses. Conditions have been drafted accordingly.

Lighting.

- 7.45 The applicant has provided details of on-site lighting as part of their submissions along with analysis of the likely impact of the lighting on neighbouring occupiers and identifies some limited impact on property to the north of the site. Lighting however has been designed so as to meet the Institute of Lighting Engineers Guidance and the relevant British standard and objections are not raised. To ensure the parking and servicing areas are safe and secure conditions are recommended so as to ensure the design and operation of the lighting accords with submitted plans, minimises light spillage and does not give rise to a harmful impact on neighbouring occupiers.

Air quality.

- 7.46 The NPPF 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.
- 7.47 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.

- 7.48 In support of the application an Air Quality Assessment has been submitted. The AQA identifies that only temporary, local impacts on local air quality will arise during the construction phase of the development. During construction it will therefore be necessary to apply a package of mitigation measures to minimise dust emission. With these measures in place, it is expected that any residual effects will be 'not significant'.
- 7.49 The assessment has demonstrated that there will be no significant increase in concentrations of nitrogen dioxide arising from the operation of the development. The report concludes that the building and transport related emissions associated with the proposed development are both below the relevant benchmarks. The proposed development therefore complies with the requirement that all new developments in London should be at least air quality neutral and Merton's Environmental health officers have not challenged the conclusions.
- 7.50 Officers recommend that permission is made conditional on development not commencing until a method statement outlining the method of site preparation, and measures to prevent nuisance from dust and noise to the surrounding occupiers and a construction logistics plan, with the proposals being based on the recommendations in Appendix A7 of the applicant's Air Quality report, has been submitted to and approved in writing to the Local Planning Authority for approval and the submission of a Travel Plan.

Transport and highways issues.

- 7.51 London Plan policy 6.3 requires that development proposals ensure that impacts on transport capacity and the transport network at both corridor and local level are fully assessed. Development should not adversely affect safety on the transport network. Similarly Core Strategy policy CS20 requires that development would not adversely affect pedestrian or cycle movements, safety, the convenience of local residents, on street parking or traffic management.
- 7.52 London Plan policies 6.9 and 6.10 seek to secure to ensure that developments provide integrated and accessible cycle facilities and high quality pedestrian environments while policy 6.13 sets out maximum parking standards. The policies provide an overarching framework for decision making.

Walking

- 7.53 A fundamental requirement from the outset of discussions was to secure enhanced walking links to the site, including a new fully accessible connection to Bodnant Garden through the site so that residents to the north choosing to visit the store on foot/cycle or potential employees had a practical step free alternative to the current stepped route accessed via West Barnes Lane. The gate will be open 1hr before opening and 1 hour after closing. The route will have street lights and be covered by CCTV. A commitment to fund local improvements has also been secured.

- 7.54 In opening the Bodnant Garden pedestrian entrance it was also necessary to guard nearby residents from potential additional parking attracted to the area by this convenient link. This will be monitored during the early years of operation and if issues arise then residents will be given the opportunity of parking controls.
- 7.55 Continuing on the pedestrian theme, defined pedestrian routes are included across the car park, include a link to the adjacent Next site.

Public Transport

- 7.56 Despite a low to moderate PTAL range of 1b -3 and proximity to the strategic road network/A3 it was important that opportunities for trips by public transport were not overlooked, especially when retail parks remain car dominated. This would be tackled through a travel plan encouraging staff to travel by sustainable choices and improving nearby bus stops. Similar to other major retail schemes, such as the ASDA store in Mitcham, the development would also be conditioned so as to ensure the provision of shower facilities for staff so as to make cycling a more attractive alternative mode of travel to work.

Junction Arrangements

- 7.57 The A3, Bushey Road and the adjoining slips roads are already busy at peak periods and whilst capacity improvements are currently being completed in conjunction with the adjacent Next store it was recognised that further detailed modelling should be undertaken to ensure the final junction configuration would be capable of coping with the increased demands placed upon them from this development. This involved collecting new traffic data and reviewing trip rates from developed sites of a similar size and characteristics from a nationally recognised database and simulating the impacts. The model methodology adopted conformed with guidelines set down by Transport for London and was subsequently validated by TfL. The junction designs were amended as appropriate to ensure that they would operate at peak times within their practical capacity. Works to implement the junction changes and to implement the pedestrian link and any associated off site works would be dealt with via a combination of S106 requirements and conditions.

Parking and parking Management

- 7.58 The application proposes a total of 334 car parking spaces and is in line with the London Plan of which 6% would be accessible bays. The GLA have flagged up a need to provide a further 4% of enlarged standard bays for future provision. TfL have commented in detail that the first 22 Blue Badge bays for visiting disabled motorists should be enlarged with a further 13 enlarged spaces provided for the application in order to be in accordance with London Plan policy 6.13. TfL recommends that at least one of the staff parking spaces be a Blue Badge space. The extent of car parking provides for flexibility in terms of its detailed design and meeting the above requirements may reasonably be addressed by condition.
- 7.59 The scheme would deliver 34 (10%) active electric vehicle charging points and a further 34 (10%) providing passive provision in accordance with the London Plan.

- 7.60 With any retail park it is recognised that appropriate processes need to be established early on to ensure that the car park operates in a safe manner, caters for the needs of customers including those with limited mobility and that capacity is not utilised by non-shoppers. There is also a need to ensure that the impacts of seasonal and other peaks are considered to reduce the likelihood of the highway being negatively impacted including vehicles potentially queueing on the highway. These issues are also identified by TfL in their detailed response which acknowledges that the car park will operate close to capacity at regular Saturday peak periods.
- 7.61 To manage demand the applicant will be expected to provide a detailed Car Parking Management Plan prior to commencement of operations on site. This will be expected to tackle the following topics:-
Enforcement to deter long stay and staff parking.
Signage/markings.
Safety/speed limits.
Gate/Access arrangements.
Management during exceptional periods e.g. Christmas.
Emergency/contingency planning.

Road Safety

- 7.62 The Council was conscious of the proximity of Raynes Park High School as well as the complexity of the signal arrangements when assessing the development. As part of the Next improvement works surface level crossing facilities are already being provided (including the Next Junction). The pedestrian route would be extended across the site frontage towards the Bushey Road Bus Stop a short walk away. This includes a pedestrian refuge island at the new uncontrolled junction in the centre of the development.
- 7.63 From accident data most of the existing collisions occur at the new at grade crossing points so potential concerns are already being treated. The possibility of relocating the eastbound Bushey Road bus stop/provide an extra crossing was also explored, but rejected due to alignment and level issues

Delivery and Servicing

- 7.64 There were some early concerns as to how the A3 uses would be serviced and potential conflicts with car park users. This will now be handled through a combination of on-site management of selected parking bays, timing deliveries outside peak times and limited on-street serving from the access road.

Cycle storage

- 7.65 Cycle storage is required for new development in accordance with London Plan policy 6.9 and table 6.3 and Core Strategy policy CS 18. Cycle storage should be secure, sheltered and adequately lit.
- 7.66 TfL recommend 100 spaces in total for the development with 30 long stay in a secure, well-lit and accessible location with 70 short stay spaces distributed around the site. Such provision would be secured via a condition.

Sustainability

- 7.67 Policy 5.2 Minimising Carbon Dioxide Emissions of London Plan requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) requires new developments to make effective use of resources and materials, minimise water use and CO2 emissions.
- 7.68 The BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 56.61%, which meets the minimum requirements to achieve BREEAM 'Very Good' in accordance with Merton's Core Planning Strategy Policy CS15, and is projected to achieve a 35% improvement on Part L 2013, in accordance with the requirements for major development proposals under Policy 5.2 of the London Plan (2015). The applicant's figures have been further examined by officers at the GLA who have indicated that the applicant's figures for energy savings have now been confirmed.
- 7.69 The proposal is a shell and core design and hence some of the aspects of sustainability may vary according to the final fit out of the scheme. I therefore note and welcome the intention to utilise a Green Lease and Green Tenant Guide to help advise and influence the future fit-out and operation of the development.
- 7.70 Officers welcome and commend the intention to limit the environmental impact of the development through the use of sustainable materials.
- 7.71 The opportunity for district heating connection has been explored for the development but ruled out on the basis that there are no existing network connection opportunities – as detailed by the London Heat Map. It is the council's intention to undertake a review of the heat opportunity areas in the borough and complete energy masterplanning to highlight and improve the granularity of local heat network opportunities going forward, however officers are content that there is not sufficient opportunity at present that would allow the development proposal to connect into any existing or future planned network opportunities. District heating is not a viable option for the site at present. Furthermore, the applicant has indicated that the demand profile of the site (being primarily retail in nature) may not offer sufficient opportunity to utilise a site-wide CHP system. As such officers are content that the applicant has taken appropriate steps in following the London Plan Energy Hierarchy approach in selecting solar PV as the primary low/zero carbon technology for the site.

Flooding and site drainage

- 7.72 Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy CS.16 of the Core Strategy seeks to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and is therefore at low risk of flooding from fluvial flooding.

- 7.73 The primary risk of flooding to the site and other areas would be from the proposed drainage network. To mitigate this, the allowable surface water discharge from the site into the public sewer will be limited to equivalent greenfield run-off rates prior to discharge into the Bushey Road surface water sewer. Attenuation in the form of geocells is provided to accommodate excess surface water flows up to and including a 1 in 100 year event with an 20% allowance for climate change. For a total hard-standing area of 2.58 Ha and an allowable runoff of 20.8 l/s (based on 8 l/s/Ha), the total required attenuation storage volume of the proposed geocells will be 1530m³.
- 7.74 Silt traps and filter drains will be provided to meet the necessary requirements for water treatment and quality. An existing connection will be reused for surface water discharge. A CCTV Survey is required to confirm the state of the drains in Bushey Road which presently serve the site.
- 7.75 The maximum modelled flood levels for nodes near the site are 14.56 m AOD (Node 4) for the 1% AEP plus climate change. The proposed FFL of the restaurants ranges from 14.600 -14.900 m AOD. Restaurant Units 08-10 finished floor levels have a clearance of 40 mm above the 1 in 100 year fluvial event plus climate change.
- 7.76 The Council's Flood Risk Management Engineer has reviewed the applicant's technical reports and raises no objection subject to appropriate conditions.

Other matters- Crossrail 2.

- 7.77 In their Stage 1 response the GLA flagged up the need for there to be a clear and demonstrable plan in place before 2019 for delivering 200,000 homes along the route of Crossrail 2. The site is in proximity to 3 stations; Raynes Park, Motspur Park and New Malden and initial work to date has identified the site as a potential location for housing in the future. Merton Council officers have raised the issue of delivering housing as part of a mixed use development of the site with the applicant. While officers acknowledge the potential of the site for other uses including housing, given the timing of the application and in the absence of any comprehensive plan led solution for the site and other sites in the locality the application must be considered on its merits.

8. ENVIRONMENTAL IMPACT ASSESSMENT

- 8.1 The application site is 2.7 hectares and therefore requires consideration under Schedule 2 development under the The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.2 The need for Environmental Impact Assessment as part of the proposed development has been assessed using the criteria in the above regulations. This assessment has concluded that there is no requirement for an Environmental Impact Assessment as part of this planning application.

9. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 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, 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 buildings that provide new retail warehouses or superstores. This levy is calculated on the basis of £220 per square metre of new floor space.

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 The proposed development should address policy objectives in terms of being accessible other by car. To make the location more attractive to those using buses improvements to bus stops is considered necessary, and for those accessing the site by foot improvements to those footpaths in close proximity to the site. While the pedestrian link is welcomed in terms of pedestrian permeability it could precipitate parking pressure on roads on the Carters estate. To safeguard residents of the estate from potential parking pressure

the Council may wish to review the need for and if necessary implement a controlled parking zone. It would be appropriate for the development to contribute towards the costs of work the Council would need to undertake in this respect. The effectiveness of a travel plan would need monitoring and again costs for such monitoring would need to be recouped.

The following heads of terms are recommended:

- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate (if required) – to be payable to Merton.
- £60-75,000 contribution towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.

10. CONCLUSION

- 10.1 Against a backdrop of recent decisions by the Council that have supported major retail development immediately adjacent to the site, the presence already of retail uses on the locally significant industrial and the employment opportunities presented by the proposals officers consider that there are grounds that warrant supporting a departure and releasing the land from more conventional employment uses.
- 10.2 Independent analysis of the retail impact of the proposals leads officers to conclude that a retail led redevelopment of the site can be supported and that suitably conditioned harm would not arise to the vitality and viability of neighbouring town centres.
- 10.3 Subject to S106 obligations and suitably conditioned the proposals would not detract from the operation of the surrounding highway network and would provide improved access to those using modes of transport other than cars. Suitably conditioned the proposals would not give rise to a harmful impact on neighbour amenity, or give rise to increase risk from flooding.
- 10.4 Officers consider that the proposed development has both attributes, in the form of delivering significant employment generation, improving, to some degree, the appearance of the site with modern retail buildings of a design typical of out-of-centre retail parks, and providing highways and associated transport improvements and shortcomings, in so far as the layout would be at the expense of a prominent locally listed building and would deliver a development that is both inward facing and would not secure the quality of design and connectivity with the surrounding street network that redevelopment of the site might otherwise deliver.
- 10.5 However, planning decision making is based not on whether alternative development options might be pursued (for example, there was more formal plan based guidance such as for the redevelopment of the Rainbow Industrial Estate) but very much on whether the merits of the current proposals

outweigh harm that might arise. Members may reasonably conclude in this case that on balance the proposals may be approved, subject to any direction from the Mayor of London, the Secretary of State and subject to appropriate S106 obligations including relating to highways and transport improvements, and conditions.

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London, any direction from the Secretary of State, the completion of a S106 agreement covering the following heads of terms.

- Off-site highways works, including any associated S278 agreement, in connection with footway and highway access arrangements onto both Bushey Road and Bodnant Gardens.
- £33,000 contribution towards bus stop improvements within vicinity of site – to be payable to TfL.
- £50,000 contribution for consultation, design and implementation of CPZ on Carters Estate – to be payable to Merton.
- Financial contribution (not less than £60,000 and not more than £75,000) towards improvements and upgrades of pedestrian access footpaths and steps from Burlington Rd to Bushey Rd – to be payable to Merton.
- Travel plan and monitoring fee contribution.
- The developer agreeing to meet the Council's costs of drafting the Section 106 Obligations [£ to be agreed].
- The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

and subject to the following conditions:

Pre-commencement/construction stage/environmental impacts.

1. A.1 Full permission. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission
2. A.7 In accordance with approved plans (insert schedule of plans and documents appended to report).
3. Bat Survey. In the event that evidence of bats is found on the site, prior to the commencement of development details of the provisions to be made for appropriate mitigation measures including potential for artificial bat roosting sites/boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before first occupation of any part of the development, unless otherwise agreed in writing by the LPA. Reason for condition To ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation (Natural Habitats, &c.) Regulations 1994 and policy CS 13 within the Adopted Core Strategy [July 2011].

4. A supplementary intrusive investigation should be undertaken for contaminated land in accordance with the recommendations of Paragraph 7.1 of the report compiled by Cundalls on behalf of the applicant. If necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, excluding works of demolition, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
7. Demolition and Construction Method Statement . No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period and shall follow the recommendations in Appendix A7 of the applicant's air quality report.
The Statement shall provide for:
 - hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition

-a scheme for recycling/disposing of waste resulting from demolition and construction works. Reason: To protect the amenities of future occupiers and those in the local vicinity.

8. D.11 Construction times. No demolition or construction work or ancillary activities such as deliveries shall take place before 0800hrs or after 1800hrs Mondays - Fridays inclusive; before 0800hrs or after 1300hrs on Saturdays or at any time on Sundays or Bank Holidays.
9. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason: To protect local amenity and air quality in accordance with [local policy] and London Plan policies 5.3 and 7.14

10. Before development commences the applicant shall have submitted to and had approved by the local planning authority a construction logistics plan (see Construction Logistics Plan Guidance published by the Mayor of London/TfL). The development shall be implemented in accordance with the approved details. Reason. To minimise environmental impact of the implementation of the development on the local environment including the surrounding highways network and the amenities of surrounding occupiers and to accord with relevant London plan policies including 7.14 and 7.15.
11. No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. No demolition shall take place other than in accordance with the approved scheme which shall include a statement of significance and research objectives and:
 - a) the programme and methodology of site investigation and recording and nomination of a competent person or organisation to undertake the agreed works;
 - b) the programme for post investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
12. [Local employment strategy] Prior to the commencement of development [including demolition] a local employment strategy shall have been submitted to and approved in writing by the Local Planning Authority setting out the measures taken to ensure that the development provides employment

opportunities for residents and businesses in Merton during the construction phase and in connection with the operation of the approved uses. Reason for condition: To improve local employment opportunities in accordance with policy DM.E4 of the Sites and Policies Plan.

Design details.

13. B.1 External materials. Notwithstanding any generic details identified on the approved plan, no works which are the subject of this condition 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, 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. 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.
14. Site and surface treatment. Surfacing of all those parts of the site not covered by buildings or soft landscaping, including any parking, service areas or roads, footpaths, hard and soft have been shall be carried out in accordance with the approved Landscape Strategy drawings submitted by Davies Landscape Architects. The development shall not be occupied / the use of the development hereby approved shall not commence until the 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.
15. Boundary treatment. The development shall not be occupied/the use shall not commence until all boundary walls or fences described on the approved Landscape Strategy drawings submitted by Davies Landscape Architects have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason: To ensure a satisfactory and safe 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.
16. Landscaping. Based on the applicant's amended landscaping plan, prior to the commencement of the use a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, with the approved landscaping in place either prior to first occupation of the development or the first planting season following the completion of the development whichever is the sooner. The scheme shall include details of the size (to be not less than 20-25cms girth – semi-mature), species, spacing, quantities and location of

trees and landscaping and indications of all existing trees, hedges and any other features to be retained. 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 Merton Core Planning Strategy 2011.

17. F.2 (Landscape Management Plan) Prior to the commencement of the use a landscape management plan shall be submitted to and approved in writing by the Local Planning Authority with the approved landscape maintained for the lifetime of the development with the plan including long term design objectives, management responsibilities and maintenance schedules for the proposed trees and landscaping 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.
18. Notwithstanding what is shown on the approved plans full details of security shutters to the customer entrance to the store shall be submitted to and approved by the local planning authority before installation.
19. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the commercial use shall not exceed LA90-10dB at the boundary with the closest residential property.
20. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Reason. To safeguard neighbour amenity.
21. The applicant shall have submitted to and had approved a detailed scheme of works for the demolition of the clock tower and associated measures for salvaging and storing materials and details of their re-use in the development before demolition of the locally listed building. The development shall be implemented in accordance with such details as are approved and the clock tower element of the food and drink units completed in conjunction with the programme of works for the retail development. Reason. To ensure the development adequately safeguards heritage assets and ensures their re-use in the approved development in the interests of the visual amenities of the area.

Sustainable design and construction.

23. Excluding works of demolition, the development approved by this permission shall not commence until a detailed scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The final drainage scheme shall be designed in accordance with the submitted Drainage Strategy (produced by Cundall dated 29/03/16 Ref: 1008016) and will dispose of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and

the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide 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 at an agreed maximum rate of no more than 20.8l/s with no less than 1530m³ of storage. Appropriate measures must be taken to prevent pollution of surface waters (such measures should include petrol/oil interceptors to avoid petrol/oil polluted discharge entering local watercourses);
 - ii. undertake a CCTV of the drainage onsite and within Bushey Road connections and undertake any remedial repairs to any defects found to the drainage system.
 - iii. include a timetable for its implementation; and
 - iv. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.
24. Within 6 months of each unit being occupied a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan C02 reduction targets (equivalent to minimum emissions reductions required to achieve BREEAM excellent). Reason. To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply 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.
25. [Refuse and recycling facilities] Prior to the commencement of the use recycling facilities shall be provided, that are in accordance with details that shall have previously been submitted to and approved by the Local Planning Authority, with the approved facilities maintained for the lifetime of the development. Reason for condition: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with adopted policy.
26. Prior to commencement of occupation of any unit hereby approved details of staff showers and locker facilities shall be submitted to and approved by the local planning authority and shall be provided prior to first use of the premises. The facilities shall thereafter be retained to serve each unit and shall be re-provided in the event of refurbishment of the unit. Reason: To ensure that facilities are provided to encourage staff travel to the development other than by car and to comply with the objectives of adopted planning policies.

Parking, servicing and accessibility pre-occupation.

27. H.12 [Delivery and Servicing Plan to be Submitted] Prior to the commencement of the use a Delivery and Servicing Plan shall be submitted to

and approved in writing by the Local Planning Authority with the approved measures outlined in the plan fully implemented and maintained for the lifetime of the development. Reason for condition: In the interests of the safety of pedestrians and vehicles and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

28. [Car parking spaces] Prior to the commencement of the use the car parking spaces, including 10% of the spaces for persons with disabilities to serve the development together with 10% of the spaces provided with facilities to charge electric vehicles plus a further 10% providing passive provision shall be provided and thereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose for the lifetime of the development. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the adopted London Plan.
29. The development hereby permitted shall not be occupied until a Parking Management Strategy has been submitted in writing for approval to the Local Planning Authority. No works that is subject of this condition shall be carried out until this strategy has been approved, and the development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation. Reason for condition: To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011.
30. No part of the development hereby approved shall be occupied until the vehicle and pedestrian access/egress arrangements as shown on the approved plans including provision on both Bodnant Gardens and Bushey Road have been completed and details for their management and operation to enable access to and through the development have been approved. The use shall be operated in accordance with such details as are approved. Reason. To ensure adequate access arrangements to the development in accordance with adopted policy.
31. Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the ongoing monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.The development shall be implemented only on accordance with the approved Travel Plan.

32. [Cycle parking] Prior to the commencement of the use secure cycle parking shall be in place that is accordance with details to be submitted to and approved in writing by the Local Planning Authority, with the cycle parking retained in accordance with the approved details for the lifetime of the development. On site provision shall be not less than 100 spaces in total, 30 long stay in secure accessible and well-lit location. Reason: 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].
33. Notwithstanding any details shown on the approved plans the applicant shall have secured approval from the local planning authority and implemented signalisation measures for the service yard before use of the service yard commences. Reason. To ensure the operation of the service yard does not conflict or give rise to conditions that would detract from pedestrian or vehicle safety and to comply with adopted planning policies.
34. Waste collections and deliveries using the perimeter service road shall only be conducted between 7am and 11pm. Reason. To safeguard neighbour amenity.
35. Road safety audits. The applicant shall conduct Road Safety Audits in accordance with HD 19/15 "Road Safety Audits" as part of the design stage, at the end of construction and post-construction for the carriageway and footway to identify any road safety problems. Measures to eliminate or mitigate any concerns arising from such audits shall be agreed in writing with the Local Planning Authority and implemented within a timescale to have been agreed with the Local Planning Authority. Reason. To ensure the safe operation of the carriageway and footway and to comply with policy CS.20 of Merton LDF Core Planning Strategy (2011).

Other on-going restrictions.

36. Café/Restaurant floorspace. The total gross internal area of all parts of the development to be used for restaurant / café purposes shall not exceed 1,193sqm, within a maximum of 4 units, and shall only be used for the purposes of restaurant/café uses (A3 Use Class) and for no other purpose. The total part of the development to be used for restaurant / café purposes shall be divided into four units and shall not be amalgamated or further subdivided.
Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant's retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2015, policy CS 7 of Merton's Core Planning Strategy 2011 and policy DM R2 Merton's Sites and Polices Plan 2014.

37. Retail Units (uses and scale). The total retail floor space shall not exceed 13,738sqm gross internal area. The total retail floorspace shall be divided into seven units as per the floorspace requirements set out in the table below. Units shall not be subdivided, amalgamated or the net sales area increased. Each unit shall only be used for the purposes set out in the “type of goods sold” column below and for no other purpose, (including any other purpose within Class A1 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. Each “bulky goods retail” unit (units 1, 4, 5, 6, 7 in the table below and in the applicant’s Retail Assessment) shall be used for the sale of building and home improvement materials, gardens and associated products, furniture, , hard and soft furnishings, homewares and household goods, decorative products, carpets and floor coverings, bulky electrical goods, and pets and pet supplies and for no other purpose (including any other purpose in class A1 of the schedule of the Town and Country (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

The net sales area of each unit hereby approved, to include all showroom areas and areas where customers have access shall not exceed the “net sales area” column attributed to each unit in the table below.

<i>(all measurements in square metres)</i>	Type of good sold (all non-food and non service retail)	Total floorspace (gross internal area)	Net sales area
Unit 1	Bulky goods retail	1932	1546
Unit 2	Non bulky goods comparison retail	2786	2229
Unit 3	Non bulky goods comparison retail	1912	1530
Unit 4	Bulky goods retail	3530	2824
Unit 5	Bulky goods retail	1807	1446
Unit 6	Bulky goods retail	1138	910
Unit 7	Bulky goods retail	633	506

(The above table is data drawn from the applicant’s Retail Assessment submitted with the planning application, particularly Table 6 of the Retail Assessment and as updated in the applicant’s June 2016 submission)

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant’s retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2015, policy CS 7 of Merton’s Core Planning Strategy 2011 and policy DM R2 Merton’s Sites and Polices Plan 2014.

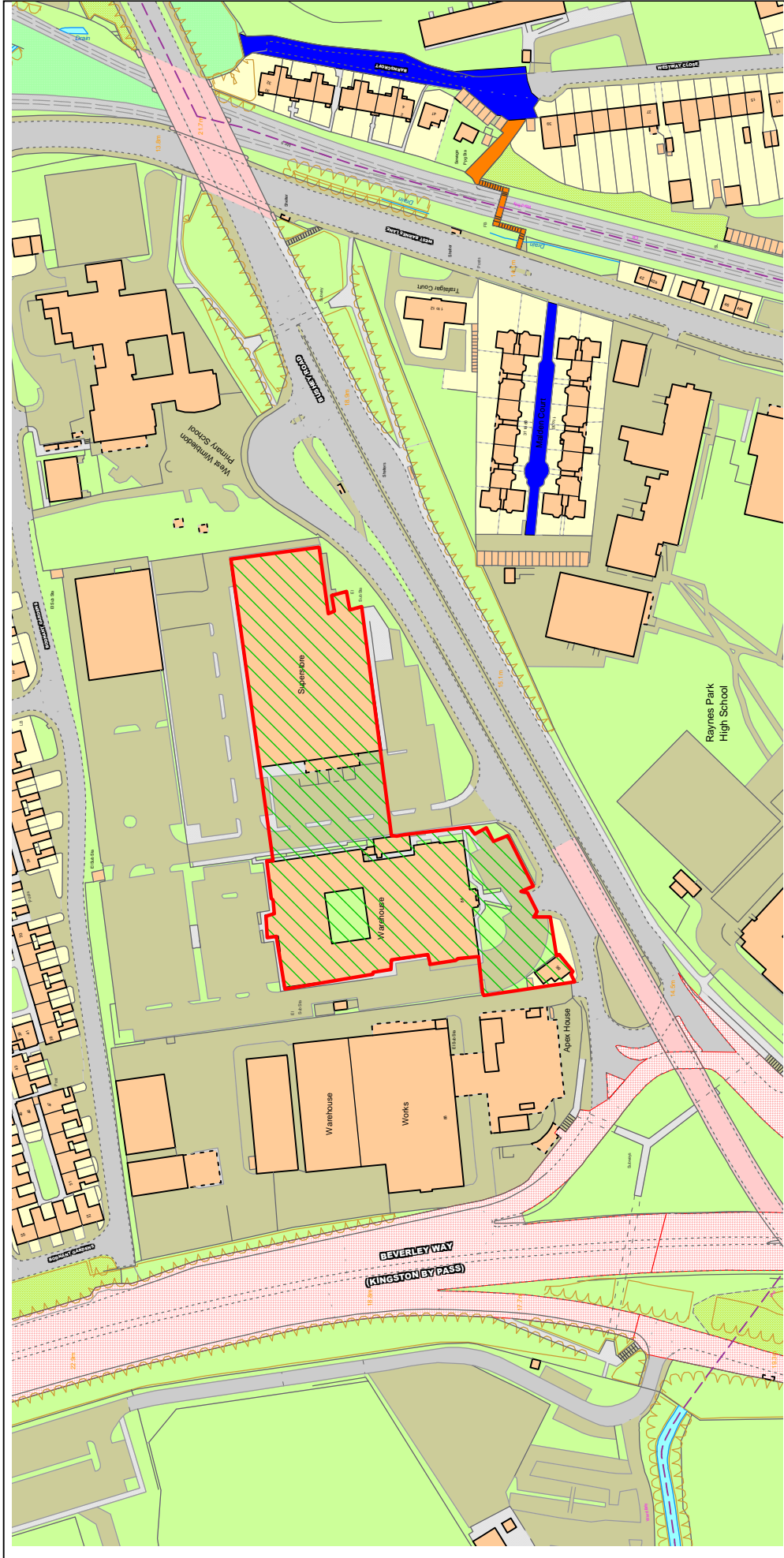
Informatives.

- a) 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).
- b) The developer is recommended to seek Secured by Design accreditation. For further information contact the Design out crime Officer at the Metropolitan Police (pat.simcox@met.police.uk)
- c) The Written Scheme of Investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological projects in London.
- d) A groundwater risk management permit from Thames Water will be required for discharging groundwater into a public sewer. Permit enquiries should be made to Thames Water (wwqriskmanagement@thameswater.co.uk or by phone 0235779483).
- e) There is a Thames Water main crossing the development site which may need to be diverted at the developer's cost or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be made available at all times for maintenance and repair. Please contact Thames Water Developer Services (0800 009 3921).
- f) 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 applicant was given the opportunity to amend the proposals. Planning Committee considered the application where the applicant/agent had the opportunity to speak to the committee and promote the application.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



Text Details **80-86 Bushey Rd**

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PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

APPLICATION NO.
16/P1620

Address/Site: 59 Dora Road, Wimbledon Park, London, SW19 7EZ

Ward: Wimbledon Park

Proposal: DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 x SEMI-DETACHED DWELLINGHOUSES

Contact Officer: Tim Lipscomb (020 8545 3496)

RECOMMENDATION Grant planning permission subject to the completion of a signed Section 106 Legal Agreement and conditions.

CHECKLIST INFORMATION

- Heads of agreement – Permit free housing (for one of the two units) and alterations to existing Traffic Management Order.
- Is a screening opinion required: No.
- Is an Environmental Impact Statement required: No.
- Press notice: No.
- Site notice: Yes.
- Design review panel consulted: No.
- Number of neighbours consulted: 16.
- External consultations: Historic England GLAAS (Archaeology).
- Archaeology: Not in a Priority Zone.
- Flooding: In flood zone 1.
- PTAL Score – 1b (very poor).
- CPZ – Yes.
- Density 36.7 dwellings per hectare.

Plans:

15133LS Topographical Survey
214-LP-01 Rev PL1 Site Location Plan
214-EX-01 Rev PL1 Existing Site Plan
214-EX-02 Rev PL1 Existing Front Elevation
214-EX-03 Rev PL1 Existing Rear Elevation
214-EX-04 Rev PL1 Existing Section
214-PL-00 Rev PL2 Existing and Proposed Streetscape
214-PL-01 Rev PL3 Proposed Block Plan
214-PL-02 Rev PL5 Proposed Ground Floor and Site Plan
214-PL-03 Rev PL3 Proposed Lower Ground Floor Plan
214-PL-04 Rev PL3 Proposed First Floor Plan
214-PL-05 Rev PL3 Proposed Second Floor Plan
214-PL-06 Rev PL3 Proposed Front Elevation
214-PL-07 Rev PL3 Proposed Rear Elevation
214-PL-08 Rev PL4 Proposed Side Elevation

1. INTRODUCTION

- 1.1 The matter is brought before the Planning Applications Committee due to the number of objections.

2. SITE AND SURROUNDINGS

- 2.1 The site comprises 59 Dora Road, a detached bungalow.
- 2.2 The site is located to the northern side of Dora Road. The surrounding area is predominantly residential. Buildings in the immediate vicinity of the site are generally 2/2.5 storey, although there are some 3 storey buildings.
- 2.3 There is a Magnolia tree located in the front garden of the site, which is subject to a Tree Preservation Order (TPO) and a Lime tree in the rear garden which is also the subject of a TPO. There are also some mature trees along the boundaries of the site in the rear garden.
- 2.4 The rear garden is terraced to take account of the change in levels (the site slopes up from front to rear).
- 2.5 A driveway provides parking for up to three cars. There are two parking bays on the street immediately in front of the site.
- 2.6 The Vineyard Hill Road Conservation Area is adjacent to the site (to the northwest).
- 2.7 The site is not located within a Conservation Area. The building is not locally or statutorily listed. The site is adjacent to an Archaeological Priority Zone (beyond the eastern boundary of the site). The site is within Flood Zone 1 (low probability of flooding).

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of the existing bungalow and the erection of a pair of semi-detached dwellings.
- 3.2 The proposed dwellings would be 2.5 storeys, with accommodation in the roofspace and also with additional residential floor space within basements. Each dwelling would provide five bedrooms. The southernmost dwelling of the two (proposed No.57) would have off-street parking for one vehicle.
- 3.3 The application has been amended in order to retain the protected Magnolia tree to the frontage and as such, the northernmost dwelling of the two (proposed No.59) would not have any off-street parking.
- 3.4 The existing vehicular access would be closed.

- 3.5 The proposal would necessitate the slight re-arranging of parking bays on the road to the frontage of the site. However, there would be no overall loss of parking bays (the two existing parking bays would be replaced).
- 3.6 The height of the proposed dwellings, when measured from the raised ground level would be 9.5m. The proposed dwellings would measure 10.1m in height to the ridge, when measured from the existing ground level. The finished ground floor level of the existing bungalow is +11.820, whereas the finished ground floor level of the proposed dwellings would be between +12.367 and +12.667. Therefore, the ground level of the proposed building would be raised by 0.547 - 0.85m.
- 3.7 The ground to the frontage of the site would be levelled. The site currently slopes up from the road (+10.500 to +10.7000) to the front of the bungalow (+11.820). The ground level would be levelled off at a height of +10.667 to provide a flat driveway and access to the basement area. External steps would provide pedestrian access from the driveway to the front door. The proposed basements would extend beyond the 'above ground' footprint of the proposed dwellings and would cover part of the rear gardens. An open, sunken courtyard would be provided to the immediate rear of the proposed dwellings providing light to the subterranean rooms beneath the proposed dwellings. The finished ground level in the rear garden, to the rearmost part of the site, would be between +12.367 and +13.9 (the existing level of the garden ranges from +12.6 to +13.87).
- 3.8 The dwellings would have gable end roofs, with gable out-shot projections to the front elevations. Flat canopy roof, three storey out-shots would be located to the rear elevations, with solar panels above.
- 3.9 Construction materials would be clay tiles, bricks, metal framed glazing and permeable paving.
- 3.10 Three category C trees are proposed to be removed (T4, T5 and T7), with a further tree recommended for removal (T3). However, tree T3 is outside the site within a separate ownership and therefore its removal does not form part of the application. A semi-mature tree is proposed to the frontage of the site (to the frontage of the southernmost proposed dwelling).
- 3.11 Bicycle storage facilities are shown in the rear garden of each proposed dwelling.
- 3.12 Bin storage is shown in an enclosure to the front of the site.

4. PLANNING HISTORY

4.1 There are no planning records for the site other than works to trees in 2012 (12/T0195).

4.2 No.61 Dora Road

06/P0203 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A PAIR OF 5 BEDROOM SEMI DETACHED HOUSES. Grant Permission subject to Conditions 09-02-2006

06/P1337 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A PAIR OF 5 BEDROOM SEMI - DETACHED HOUSES (AMENDMENT TO PREVIOUS APPROVAL 06/P0203 DATED 28TH APRIL 2006 INVOLVING CONVERSION OF PREVIOUSLY PROPOSED INTEGRAL GARAGES INTO LIVING ACCOMMODATION

WITH ASSOCIATED EXTERNAL ALTERATIONS). Grant Permission subject to Conditions 05-07-2006

5. POLICY CONTEXT

5.1 London Plan (2015) policies (as amended by Minor Alterations to the London Plan March 2016):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

5.2 Adopted Merton Core Planning Strategy (July 2011)

- CS8 Housing Choice
- CS9 Housing Provision
- CS11 Infrastructure
- CS13 Open space, nature conservation, leisure and culture
- CS14 Design
- CS15 Climate Change
- CS16 Flood Risk Management
- CS18 Active Transport
- CS19 Public Transport
- CS20 Parking, Servicing and Delivery

5.3 Sites and Policies Plan and Policies Map (July 2014)

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM O2 Nature Conservation, Trees, hedges and landscape features
- DM D1 Urban design and the public realm
- DM D2 Design considerations in all developments
- DM F2 Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure

DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards

5.4 Other guidance:

Merton's New Residential Development SPG 1999

Merton's Design SPG 2004

DCLG Technical Housing Standards – Nationally Described Space Standard 2016

5.5 The site is not in an identified area of flood risk area and has no site specific designations on the adopted Merton Sites & Policies Plan Proposals Map. The existing building is not statutorily or locally listed. The site is adjacent to the Vineyard Hill Road Conservation Area (to the immediate northwest).

6. CONSULTATION

6.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. 22 objections received from 18 address points, objecting on the following grounds:

- A legal covenant restricts development on this site so planning permission should not be granted.
- Overlooking and loss of privacy to No.34 Vineyard Hill Road and No.55 Dora Road.
- Loss of light to No.55 Dora Road.
- Loss of light to patios of Nos.61 and 61A.
- Loss of long distance views to No.55 Dora Road and associated devaluing of property.
- The planned development is oversized for the plot.
- Overshadowing to No.34 Vineyard Hill Road due to proposed tree planting.
- Light pollution.
- Concern regarding potential adverse structural impacts due to basement construction.
- Concern regarding loss of on-street parking.
- Affordable housing contributions should be sought, notwithstanding viability considerations. The current proposal results in the loss of an affordable dwelling for elderly people.
- Lime tree TPO is not referred to in the tree report. The impact on this tree should be taken into account.
- Concern regarding the loss of the TPO Magnolia tree.
- Concern regarding impact on trees across the site.
- Tree T7 should be retained to provide privacy screening between the site and the roof terrace of No.55
- The design of the house is completely out of synch with No.57 and is considerably larger.
- The fact that there are two dwellings next door which have been developed should not be a starting point for this development, which is out of keeping with the Edwardian character of the street.
- Rear projection of proposed development is greater than neighbouring houses.
- Dormer windows proposed are completely out of keeping and create a stand out horrendous feature.
- It was a condition of the development at Nos.61 and 61a that there be no glazing to the rear dormers to avoid overlooking. This condition should apply in this development also.
- Proposed gardens are disproportionately small.
- Concerns regarding flooding.

- Concerns regarding parking and congestion (including parking throughout the construction process).
- Concerns that site notice has not been displayed.
- Request that tree to frontage be a Cherry Plum Nigra (as opposed to the proposed Whitebeam) in line with the existing trees at No.55.
- Trees provide a foraging area for bats.
- The proposal is not in line with Merton's Strategic Plan to conserve front gardens.

6.2 Transport Planning:

Although the site is not particularly well serviced by public transport (PTAL 1A) Wimbledon Park Station and bus route 156 are available within a reasonable walking distance. Whilst parking shows signs of stress some spaces are generally available. Therefore having one property without an off-street parking space is therefore only expected to have a minor impact. Therefore no objection.

The development will require the removal and replacement of the two on street parking bays immediately outside the front of the property which, because it is within an existing CPZ, will require a consultation regarding the changes and loss to parking and the applicant will be required to pay for this consultation and any subsequent changes to the traffic management order and changes to the road markings.

Advise s.106 agreement for preventing the occupiers of the house with one off-street parking space obtaining a parking permit.

6.3 Tree and Landscape Officer (response to amended application retaining the Magnolia tree):

No further arboricultural objection is seen to the proposed development. I would recommend attaching the following planning conditions:

- **Tree Protection:** The details and measures for the protection of the existing retained trees as specified in the approved document 'BS5837 Arboricultural Report Impact Assessment & Method Statement' dated 26 September 2016 including the drawing titled 'Tree Protection Plan' numbered 'CCL09485B/TPP Rev 1' shall be fully complied with. The methods for the protection of existing trees shall follow the sequence of events as detailed in the document and shall include arboricultural supervision for the duration of all site works.
Reason: 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 policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.
- 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 LPA not less than monthly the status of all tree works and tree protection measures throughout the course of site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
Reason: To protect and safeguard the existing retained trees in accordance with policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

6.4 Climate Change Officer:

- The submitted SAP calculation / energy statement indicates that the proposed development should achieve an 19% improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015) - and is equivalent to the 25% improvement over Part L 2010 required under former Code for Sustainable Homes Level 4.
- The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day (equivalent to Code for Sustainable Homes Level 4).
- I am therefore content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition is applied to address these issues:

'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 - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

6.5 Flood Risk Management Engineer:

The proposed Borehole did encounter ground water during drilling, however, to ensure conservative design and to allow for seasonal fluctuations in ground water level, we would recommend that the design takes into account full hydrostatic pressure. The CMS also needs to consider how and where they propose to dewater, should this be required.

In terms of drainage, the scheme proposes to pump to manholes at ground level which will then discharge via gravity to the public sewers. We would recommend that the design includes self contained pumps and non return valves also, to help avoid sewer surcharge.

The scheme proposes that peak surface water discharge rates from the proposed development will be reduced to a minimum of 50% of the current condition with the use of attenuation & flow control. An attenuation tank is shown in layout plan, but no calculations have been provided to demonstrate that this tank can accommodate all events up to and including the 1 in 100 year storm including +30% for climate change and this will be required by condition below. Also, permeable paving is shown for the driveway but no detail is given to its make up. Surface water flows should be prevented for flowing unrestricted onto the public highway.

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12,

5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

Informative:

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

6.6 Structural Engineer:

There are no significant changes to the CMS apart from addition of geotechnical information and the borehole logs. Although they have added the borehole log in the amended CMS, we would still like to see a Ground Investigation Report with the borehole log and interpretation of these logs by a Geotechnical Engineer and any recommendations following this.

The planning application can be approved with the below condition.

The following documents must be submitted and approved by the case officer prior to works commencing on site:

- Demolition Method Statement - prepared by the Contractor undertaking the demolition works. A survey has to be conducted to identify any hazardous materials such as materials containing asbestos, lead etc. The method statement should incorporate any recommendations from the survey report and include the subsequent management, handling and safe disposal of such materials. The DMS should consider the effect on the adjacent foundations while removing the existing foundations and associated mitigation measures.
- Detailed Construction Method Statement produced by the Contractor responsible for the excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- Ground Investigation Report
- Construction drawings

- Temporary works drawings

Since the site has a considerable slope, I would recommend installing movement monitoring devices to adjacent ground and property as a precautionary measure.

6.7 Historic England - Archaeology:

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest as the site is not within an Archaeological Priority Area and the proposed works are too small scale to result in an archaeological impact at this location.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the demolition of the existing building and its replacement, the design of the replacement houses, including provision of basement level accommodation, together with neighbouring amenity, impact on trees, biodiversity, parking, highway safety and sustainability issues.

7.2 **Principle of development**

7.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.

7.2.2 The site is a brownfield site within a residential area and as such the principle of replacement housing development in this location is acceptable in land use terms, subject to the policies of the Development Plan.

7.2.3 The existing building sits comfortably within the plot but does not make a particularly positive contribution to the character of the area and there is no objection to the loss of the existing building in architectural terms, provided that any redevelopment is of a suitably high standard.

7.2.4 The existing dwelling house is not within a Conservation Area, not locally listed and not statutorily listed. Therefore, there is no in principle objection to the demolition of the existing building subject to the replacement scheme being acceptable in respect of all other material planning considerations, including design and appearance, impact on neighbours, sustainability, quality of accommodation provided, impact on trees, biodiversity, parking and highway safety.

7.3 **Provision of housing**

7.3.1 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities and that the Council will work with housing providers to provide a minimum of 4,107 additional homes (411 new dwellings annually) between 2015 and 2025. Merton LDF Core Strategy policies CS8 & CS9 also seek to encourage proposals for well-designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.

7.3.2 This proposal will provide an additional unit of family accommodation and is therefore considered to accord with these policies. Consequently the use of the site for residential purposes is supported in principle.

7.4 **Character of the Area**

7.4.1 The National Planning Policy Framework (NPPF) states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The regional planning policy advice in relation to design is found in the London Plan (2015), in Policy 7.4 - Local Character and 7.6 - Architecture. These policies state that Local Authorities should seek to ensure that developments promote high quality inclusive design, enhance the public realm, and seek to ensure that development promotes world class architecture and design.

7.4.2 Policy DM D2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D2 also seeks to ensure that trees are protected from adverse impacts from development. Core Planning Policy CS14 supports this SPP Policy.

7.4.3 The surrounding area is characterised by substantial semi-detached dwellings, along with some detached dwellings. Buildings in the area are generally 2-2.5 storeys in height, with some examples of three storey buildings. Bungalows are not a common feature of the locality.

7.4.4 The proposal would involve the subdivision of the site to form two plots. The width of the resultant plots would be similar to the majority of residential plots along the street and it is considered that the subdivision of the site in the manner shown would be acceptable.

7.4.5 In terms of height, the proposed dwellings would continue the rhythm and pattern of the existing streetscene and would not appear out of keeping.

7.4.6 The proposal would retain sufficient space to the sides of the dwellings to avoid a terracing effect or cramped appearance within the streetscene.

7.4.7 The building lines of the proposed development are considered to be suitable. There would be an adequate setback from the frontage to avoid an overbearing effect on the streetscene and the separation distance between the two proposed dwellings and the neighbouring dwellings is similar to that generally found in the locality. The proposed dwellings would extend slightly further to the rear than the neighbouring properties but it is considered that this marginal projection would not result in harm to the character of the area.

7.4.8 The proposal includes a three storey out-shot to the rear elevation. There is some reservation over the bulky, cumbersome appearance of this element of the proposal, in particular, the roof form. However, it is acknowledged that this element of the proposal is to the rear and would not be prominent within the streetscene. In addition, it is noted that there is a variety of dormer types to neighbouring dwellings and the proposed roof form would not appear particularly out of keeping. Therefore, on balance, it is concluded that the design of the proposed dwellings would be acceptable.

7.4.9 The proposal involves the lowering of ground levels to the frontage of the site to provide a level driveway. This extent of excavation has the potential to adversely impact on the character of the streetscene by making the subterranean part of the proposed dwellings more visually apparent. However, the proposed layout and soft/hard landscaping has been configured in such a way as to minimise this impact.

7.4.10 Merton's Core Planning Strategy states that Merton's high quality suburban streetscapes are generally characterised by consistent front building setbacks, vegetated front gardens and adequate on-street parking provision. The detrimental impact of the conversion of existing single dwellings into two or more smaller units of accommodation can be:

- Interruption of consistent dwelling front setbacks due to off-street parking within front gardens.
- Reduction in front garden space and vegetation due to the installation of hard standing within front setbacks.
- Saturation of on-street parking resulting in car dominated environments.

However, due to the design and layout of the frontage of the site it is considered that the quality of the suburban streetscape would be maintained, as the setback would fit in with neighbouring dwellings, a significant amount of planting would be incorporated in the frontages and car parking would be relatively discreet.

7.5 Basement Accommodation

7.5.1 The proposal includes the construction of basements to each proposed dwelling. The basements would stand within the footprint of the proposed dwellings and there would also be a sunken courtyard to the immediate rear of each dwelling.

7.5.2 Developments including basements are required to comply with the requirements of Policy DM D2 in relation to basements.

7.5.3 The basement would be wholly contained within the curtilage of the application property and would be designed to maintain and safeguard the structural stability of the application building and nearby buildings, as evidenced by the submitted Subterranean Construction Method Statement, provided that certain pre-commencement conditions are imposed (criterion b i).

7.5.4 The proposed basement would not cause harm to heritage assets (criterion b ii) and there would be no impact on a listed building (criterion b iii).

7.5.6 The extent of the basement does not exceed 50% of either the front, rear or side garden of the property and result in the unaffected garden being a usable single area (criterion b iv).

7.5.7 The proposal includes sustainable drainage information and concludes that the proposal would not unduly impact and underlying hydrology or overload the near surface geology (criterion b v). The Council's Flood Risk Management Engineer has considered the details and raises no objection subject to conditions.

7.5.8 The proposal would involve the loss of trees T4, T5 and T7 (criterion b vi). However, the loss of these trees is not solely related to the provision of a basement. In any event, it is considered that the replacement planting proposed would satisfactorily mitigate for the loss of these trees.

7.5.10 The basement would be served by extensive windows to the rear and also windows to the front and it is considered that the design of the light wells and windows would also ensure that any harmful impact on visual amenity is avoided (criterion b viii).

7.5.11 The submitted Energy Statement demonstrates that the application would make the fullest contribution to mitigating the impact of climate change by meeting the carbon reduction requirements of the London Plan (criterion b ix).

7.5.12 Therefore, having regard to the requirements of Policy DM D2, the proposal is considered to be acceptable in terms of its impact on visual amenity.

7.6 Impact on trees

7.5.1 There is a magnolia tree in the front garden which is protected by way of a Tree Preservation Order. Following significant public objection to the loss of this tree the application has been amended to ensure that this tree can be retained. (This amendment has resulted in the loss of one off-street parking space for the proposed development).

7.5.2 A new tree is proposed to the frontage of the site and is considered to be suitable. The comments of the neighbour, that the tree should be a Cherry Plum Nigra, to match the existing trees, is noted, however, a degree of variation is welcomed and it is not considered to be necessary to insist that the tree be a Cherry Plum Nigra.

7.5.3 The Lime tree in the rear garden, which is also protected, would be retained.

7.5.4 The other trees on site which are earmarked for removal are considered to not make such a contribution to public amenity that they should be retained and no objection is raised on this basis, subject to the implementation of the landscaping scheme as shown on the submitted plans.

7.5.5 The Council's Tree Officer has commented on the proposals and sets out that the existing Magnolia tree and other retained trees can be successfully retained with the layout shown.

7.5.6. In terms of the new tree to the frontage, the application has been amended to show lower planting beds, which would accommodate the new tree more satisfactorily. The Tree Officer raises no objection to the single semi-mature tree to the frontage of the site, which would suit the proposed landscape beds. Additionally, the two semi-mature trees to the rear of the site are considered to be suitable for the area.

7.5.7 The scheme would successfully retain the existing Magnolia tree to the frontage and other significant trees on site and the proposal is considered to be acceptable in terms of its impact on trees.

7.6 Neighbouring Amenity

7.6.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.

7.6.2 The neighbouring property to the northeast side of the site (No.61) is a 2.5 storey, semi-detached townhouse, with subterranean parking. There are no side facing

windows to the dwelling on the flank wall facing the site. There is a single storey out-shot to the rear of No.61.

- 7.6.3 The main bulk of the proposed replacement dwellings would not project beyond the rear building line of No.61, but there would be a single storey projection beyond the rear building line of No.61 of some 2.0m, with a separation distance to the boundary of 2.7m. This marginal, single storey projection beyond the neighbour's rear building line is considered to not result in material harm to residential amenity.
- 7.6.4 The other neighbouring property, No.55, to the southwest, has a number of side facing windows. At ground floor these appear to serve a hallway, utility room and kitchen (dual aspect with another window to the other side of the dwelling). At first floor the windows serve a stairway and bathroom and the window in the gable end of the second floor serves the stairway leading to the converted loft. The majority of these windows serve secondary habitable areas, other than the kitchen, which is a dual aspect room with a light source (window) to the other side. Therefore, whilst there would be some loss of light to these windows, it is considered that the proposed development would not result in a material harm by way of loss of light to the rooms served by these windows.
- 7.6.5 The rear two-storey building line of the proposed dwellings would extend beyond the rear two storey building line of the neighbouring property, No.55, by some 0.7m, with a separation distance to the boundary of 1.2m. The proposed three-storey rear out-shot would project beyond the rear two-storey building line of No.55 but not beyond the existing roof terrace. There would be a separation distance of 3.3m from the proposed three-storey rear out-shot to the boundary. There would be a slight impact on the first floor rear facing window of No.55 (a sole aspect bedroom) and roof terrace as a result of this relationship. However, it is noted that a 45 degree line could be taken from the neighbour's first floor rear facing bedroom window and would not be interrupted by the building line of the proposed extension. The separation distance to the boundary is such that a reasonable level of outlook and light would be retained to the neighbouring property.
- 7.6.6 The comments raised by objectors have been carefully considered. Whilst there is considered to be some marginal impact on adjoining properties, the impact is considered to not be materially harmful. The loss of long distance views cannot be considered as a material planning consideration and therefore objection cannot be reasonably raised on this basis. Whilst the impact on the character of the area and neighbouring amenity are material considerations, the impact on house prices is not a material planning consideration. Any overlooking from the rear facing dormer windows to the rear facing windows of the property to the rear, No.34 Vineyard Hill Road, would be at a separation distance of over 35m and whilst there may be some increased intervisibility, it would not amount to material overlooking. There would be some limited overlooking from the rear facing windows to the garden of No.34, at a separation distance of approximately 13.5m. However, this relationship is not unusual in suburban environments and it is considered that this relationship would not result in a material loss of privacy. The proposed tree planting has the potential to result in some overshadowing of neighbouring properties, however, the planting of two trees to the rear boundary would not be so harmful as to warrant a refusal. It is also of note that no planning permission is required to plant trees and therefore, it is considered to not be reasonable to refuse permission on this basis. In terms of light pollution, there would be additional light spill from the proposed development due to the increase in windows. However, an objection based on light pollution for this small scale residential development, in this developed area, could not be reasonably substantiated.

7.6.7 The proposal is considered to not result in material harm to residential amenity. The proposal is considered to comply with Policy DM D2 in terms of neighbouring amenity.

7.7 **Standard of accommodation**

7.7.1 London Plan Policy 3.5, as amended by Minor Alterations to the London Plan (March 2016) states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards – nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.

7.7.2 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.

7.7.3 The proposed development would comfortably satisfy the requirements of the London Plan in terms of unit and room sizes and amount of external amenity space.

7.7.4 The scheme would provide rear gardens of over 50sqm and as such the minimum requirements of Policy DM D2 in relation to external amenity space would be achieved.

7.7.5 The proposal is considered to be acceptable in terms of the standard of accommodation.

7.8 **Highway, traffic and parking considerations**

7.8.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.

7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.

7.8.3 The site has a PTAL rating of 1b (very poor). The original application showed one off-street parking space for each unit. However, following amendments to the proposal, to retain the existing protected Magnolia tree, the proposed layout has been revised to show one off-street parking space to proposed No.57 and no off-street parking space to proposed No.59.

7.8.4 The London Plan expresses parking standards as a maximum, rather than a minimum requirement. The Council's Transport Planner has reviewed the proposed parking provision and considers that whilst parking shows signs of stress, some spaces are generally available. Therefore, having one property without an off-street parking space is therefore only expected to have a minor impact. On this basis, no objection is raised.

7.8.5 Whilst it would be unusual for a dwelling of this size to not have off-street parking, the applicant has chosen to omit the parking for this unit in order to retain the protected

Magnolia tree. However, the impact on overall parking demand would be minor and as such it is considered, on balance, that the parking provision would be acceptable.

- 7.8.6 The application has confirmed that the new driveways would have permeable surfacing materials and would not drain onto the highway.
- 7.8.7 The proposal would involve changes to the layout of on-street parking bays to the frontage of the site. There are currently two on-street parking bays directly to the front of the site. The proposal would retain two parking bays but arranged in a different position. This would require works to the public highway and as such the existing Traffic Management Order would need to be altered, to take account of the changes in the layout of parking bays and parking restrictions. This matter would be controlled by way of a s.106 Agreement. The costs of this alteration would need to be met by the applicant.
- 7.8.8 Cycle parking, in line with the requirements of the London Plan (2015) (minimum of two secure, covered spaces per dwelling), are shown on the plans and no objection is raised on this basis.
- 7.8.9 The additional traffic generated by the proposed development is unlikely to have an adverse impact on the highway network and no objection is raised on this basis.
- 7.8.10 Subject to a legal agreement relating to parking permits and an alteration to the existing Traffic Management Order, the proposal is considered to be acceptable in terms of highway impacts.

7.9 **Refuse and recycling**

- 7.9.1 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.
- 7.9.2 A space for refuse and recycling storage is shown adjacent to the proposed dwelling. There would be sufficient space to accommodate the storage area and the positioning, to the side of the dwellings, would ensure that the refuse and recycling storage would not appear overly prominent when viewed from the street.

7.10 **Archaeology**

- 7.10.1 The site is adjacent to an Archaeological Priority Zone and the proposed development would involve ground disturbance. Historic England has commented on the application and raises no objection as the site is not within an Archaeological Priority Zone and the proposed works are too small scale to result in an archaeological impact at this location.

7.11 **Biodiversity**

- 7.11.1 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.

7.11.2 The application is accompanied by an ecological survey which states that no evidence of protected species was found on site. The survey indicates that there is a potential for foraging bats to use the trees on site but given the size of the site and the availability for foraging in the wider area, it is unlikely that the removal of the habitat from the site would result in a negative impact on protected species.

7.11.3 The survey has been carried out by a qualified ecologist and it is considered that the submitted survey demonstrates that the proposal would not result in harm to protected species. As such, no objection is raised in terms of biodiversity.

7.12 Sustainable design and construction

7.12.1 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.

7.12.2 Policy CS15 sets out minimum sustainability requirements for development proposals.

7.12.3 On 25 March 2015 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 the Royal Assent on 26 March 2015. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.12.4 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with the requirements of Code Level 4. 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.

7.12.5 The application is accompanied by an Energy Statement. The Council's Climate Change Officer has commented on the proposals and is satisfied that the proposals would meet Merton's policy requirements, subject to a condition to ensure that the proposed development achieves CO2 reductions and internal water usage standards equivalent to Level 4 of the Code for Sustainable Homes.

7.12.6 Therefore, the proposal is considered to be acceptable in terms of sustainable design and construction and would comply with Policy CS15 in this regard.

7.13 Affordable Housing

7.13.1 LDF Core Planning Strategy policy CS8 seeks the provision of a mix of housing types including affordable housing. Policy CS8 seeks financial contributions towards off-site affordable housing for schemes providing 1-9 additional residential units. However, the council considers that the Government's 2014 statements (advising councils not to seek affordable housing contributions from small sites) have greater weight than the relevant part of Merton's 2011 Core Planning Strategy policy CS8 (d) and therefore the London Borough of Merton has currently stopped seeking affordable housing contributions from small sites of 10 homes / 1,000 square metres or less. Following

this change, the council will not seek financial contributions towards affordable housing on schemes of 1-9 units with a gross area of no more than 1,000sqm; consequently part of Section (d) of Merton's Core Planning Strategy policy CS8 housing choice, is not being applied. Therefore, no affordable housing contribution is required.

7.13.2 The proposed development would also be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

7.14 Other matters

7.14.1 The majority of issues raised in objection letters have been addressed in the body of the report. However, in addition, the following comments are offered:

- The NPPF 2012 and the London Plan both make it clear that financial viability is a material planning consideration. Therefore, it would not be reasonable to impose a contribution for affordable housing if it renders the scheme financially unviable. However, in any event, as set out above in this report, the requirement for affordable housing contributions on schemes yielding less than 10 dwellings has been dropped following a statement issued by central Government in 2014.
- The side facing elements of glazing in the dormer windows for the development at the adjacent site, Nos.61 and 61A were conditioned to be obscurely glazed but not the rear facing windows. The current scheme does not include side facing windows to the proposed dormer windows, therefore, there would not be additional overlooking.
- The gardens proposed are smaller than a number of gardens in the area. However, this is mainly due to the depth of the garden at No.34 Vineyard Hill Road. The width of the gardens would be similar to others in the area and would provide a sufficient level of external amenity space, whilst also not harming the character of the area.
- Merton planning department encourages applicants to display a site notice. However, as neighbouring properties have been notified in writing, the site notice is not a statutory requirement.
- Planning permission does not convey an ultimate right to develop and if there are legal obstacles to developing the site these should be resolved. The existence of a legal covenant is not a material planning consideration but is a private civil matter.
- A detailed Construction Method Statement is recommended to be secured by way of condition and this will ensure that the structural stability of the basement is acceptable. The Council's Structural Engineer has considered that proposals and raises no objection to the construction.
- There would be no overall loss of on-street parking bays. However, there would be an increased demand of one dwelling to park on the street. However, for the reasons set out in this report, the parking provision is considered to be acceptable.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

9.1 The principle of development is considered to be acceptable. The proposal would provide one additional residential unit towards meeting the borough's housing target.

- 9.2 The proposed development is considered to be acceptable in relation to the impact on visual amenity, residential amenity, trees, standard of accommodation and highway impacts.
- 9.3 The proposal is considered to be acceptable in planning terms and permission should be granted subject to the receipt of a suitable legal agreement.

Recommendation:

Grant planning permission subject to planning conditions and the completion of a S106 agreement covering the following heads of terms:

- 1) Restriction on future occupiers of proposed No.57 obtaining parking permits
- 2) Highway works
- 3) The applicant agreeing to meet the Council's costs of preparing drafting and monitoring the section 106 obligations.

Conditions

1. A.1 Commencement of development for full application
2. A.7 Approved plans: 15133LS Topographical Survey, 214-LP-01 Rev PL1 Site Location Plan, 214-EX-01 Rev PL1 Existing Site Plan, 214-EX-02 Rev PL1 Existing Front Elevation, 214-EX-03 Rev PL1 Existing Rear Elevation, 214-EX-04 Rev PL1 Existing Section, 214-PL-00 Rev PL2 Existing and Proposed Streetscape, 214-PL-01 Rev PL3 Proposed Block Plan, 214-PL-02 Rev PL5 Proposed Ground Floor and Site Plan, 214-PL-03 Rev PL3 Proposed Lower Ground Floor Plan, 214-PL-04 Rev PL3 Proposed First Floor Plan, 214-PL-05 Rev PL3 Proposed Second Floor Plan, 214-PL-06 Rev PL3 Proposed Front Elevation, 214-PL-07 Rev PL3 Proposed Rear Elevation, 214-PL-08 Rev PL4 Proposed Side Elevation No.57, 214-PL-09 Rev PL4 Proposed Side Elevation No.59, 214-PL-10 Rev PL4 Proposed Section, 214-PL-11 Rev PL2 Proposed section through No.59, CCL09485B/TTP Rev 1 Tree Protection Plan, Design and Access Statement Rev B dated October 2016, Ecological Constraints Survey dated 21 March 2016, Energy Statement for Planning dated March 2016, Subterranean Construction Method Statement dated 20 October 2016 and Arboricultural Report dated 26 September 2016.
3. B 1 Material to be approved
4. B.4 Surface treatment
5. B.5 Boundary treatment
6. C.1 No Permitted Development (Extensions)
7. C.4 Obscured Glazing (Opening Windows)
Before the development hereby permitted is first occupied, the windows in the first and second floors of the northeast and southwest elevations shall be glazed with obscured glass and shall be maintained as such thereafter.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 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. C.7 Refuse and recycling (Implementation)
9. C.8 No use of flat roof
10. D.10 External lighting
11. D.11 Construction times.
12. F.1 Landscaping/ Planting Scheme.
13. F.2 Landscaping (Implementation)
14. Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'BS5837 Arboricultural Report Impact Assessment & Method Statement' dated 26 September 2016 including the drawing titled 'Tree Protection Plan' numbered 'CCL09485B/TPP Rev 1' shall be fully complied with. The methods for the protection of existing trees shall follow the sequence of events as detailed in the document and shall include arboricultural supervision for the duration of all site works.

Reason: 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 policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

15. Non-standard condition
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 LPA not less than monthly the status of all tree works and tree protection measures throughout the course of site works. The works shall be carried out strictly in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: To protect and safeguard the existing retained trees in accordance with policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

16. F09 Hardstandings
17. H02 Vehicle Access to be provided
18. H.3 Redundant crossovers.
19. H04 Provision of Vehicle Parking
20. H05 Visibility Splays
21. H.7 Cycle Parking to be implemented
22. H09 Construction Vehicles
23. H.10 Construction vehicles
24. Non-standard condition

No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

25. Non-standard condition

No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

Reason: 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 Merton Core Planning Strategy 2011.

26. Non-Standard condition

Prior to the commencement of development, the following documents must be submitted and approved by the Local Planning Authority in writing:

- Demolition Method Statement - prepared by the Contractor undertaking the demolition works. A survey has to be conducted to identify any hazardous materials such as materials containing asbestos, lead etc. The method statement should incorporate any recommendations from the survey report and include the subsequent management, handling and safe disposal of such materials. The DMS should consider the effect on the adjacent foundations while removing the existing foundations and associated mitigation measures.
- Detailed Construction Method Statement produced by the Contractor responsible for the excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.
- Ground Investigation Report
- Construction drawings
- Temporary works drawings

The development shall be carried out in strict accordance with the approved details.

Reason: In order to comply with the requirements of Policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

INFORMATIVES

1. INFORMATIVE

The applicant is advised to check the requirements of the Party Wall Act 1996 relating to work on an existing wall shared with another property, building on the boundary with a neighbouring property, or excavating near a neighbouring building. Further information is available at the following link:

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

2. INFORMATIVE

Evidence requirements relating to sustainability are detailed in the "Schedule of Evidence Required - Post Construction Stage" under Category 1: Energy and Carbon Dioxide Emissions (ENE1: dwelling emissions rate) and Category 2: Water (WAT1: Indoor water use) of the Code for Sustainable Homes Technical Guide (2010).

3. INFORMATIVE

Advice regarding permeable and porous hardstandings can be found in the document 'Guidance on the Permeable Surfacing of Front Gardens' available at <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens>

4. INFORMATIVE

It is Council policy for the Council's contractor to construct new vehicular accesses. The applicant should contact the Council's Highways Team on 020 8545 3829 prior to any work starting to arrange for this work to be done. If the applicant wishes to undertake this work the Council will require a deposit and the applicant will need to cover all the Council's costs (including supervision of the works). If the works are of a significant nature, a Section 278 Agreement (Highways Act 1980) will be required and the works must be carried out to the Council's specification.

5. INFORMATIVE

You are advised to contact the Council's Highways team on 020 8545 3700 before undertaking any works within the Public Highway to obtain the necessary approvals and/or licences. Please be advised that there is a further charge for this work. If your application falls within a Controlled Parking Zone this has further costs involved and can delay the application by 6 to 12 months.

7. INFORMATIVE

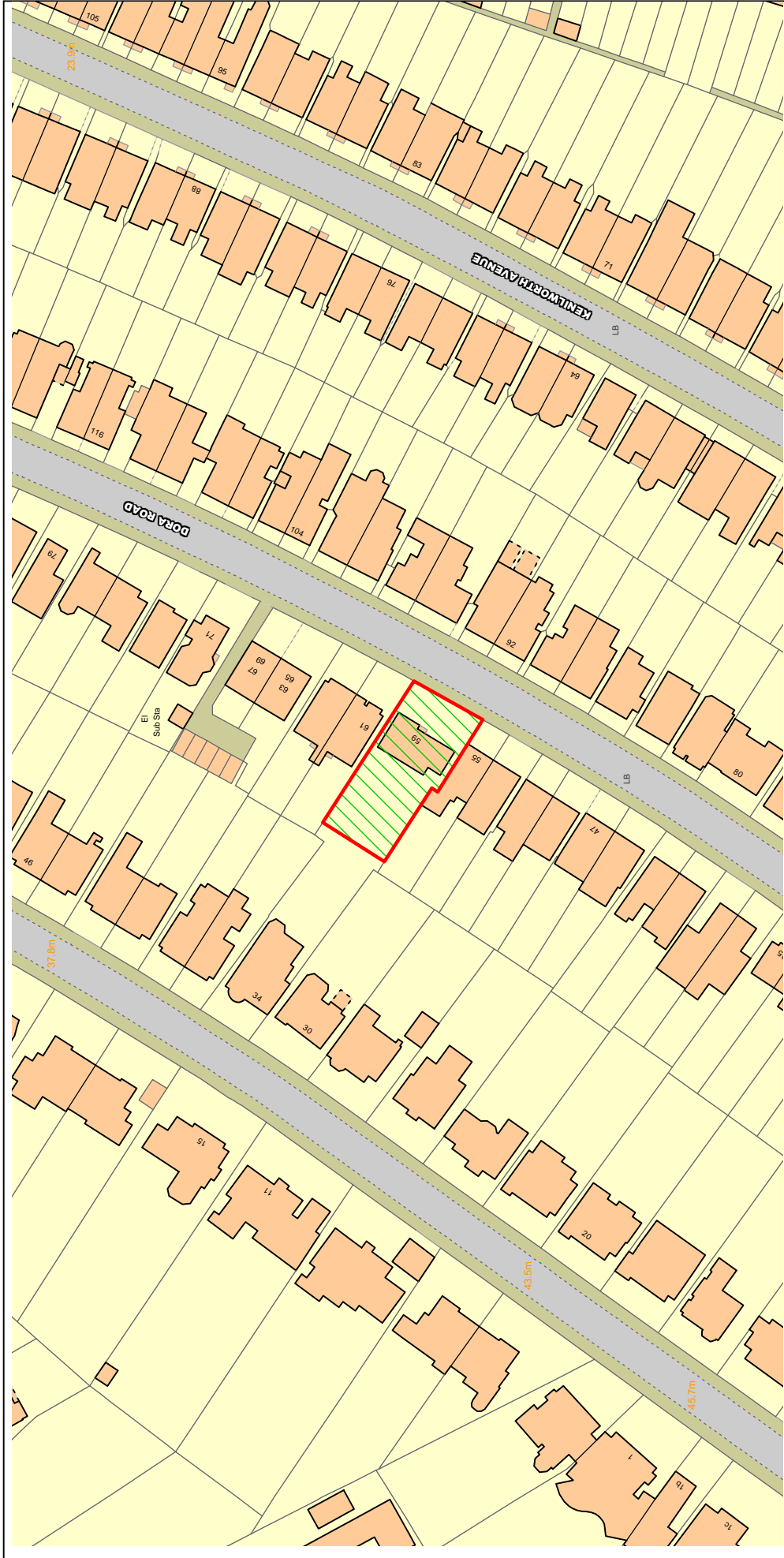
It is the responsibility of the developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

8. INFORMATIVE

As the site has a considerable slope, officers recommend installing movement monitoring devices to adjacent ground and property as a precautionary measure.

9. INFORMATIVE
This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.
10. INFORMATIVE
Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	APPLICATION NO. 16/P3430	DATE VALID 06.09.2016
Address/Site	Former Thames Water Merton Works, Fortescue Road, Colliers Wood, SW19 2EB.	
Ward	Colliers Wood	
Proposal:	Erection of three x 4 storey buildings and one x three storey building each with a lower ground floor to provide 74 residential units (5 x studios, 18 x 1bedroom, 34 x 2 bedroom and 17 x 3 bedroom flats) (use class C3), 29 car parking spaces and 126 cycle parking spaces, associated landscaping and children's play space.	
Drawing No's	Site location plan, drawings; 5416 P01_002, 5416 P01_003, 5416 P01_100, 5416 P01_101, 5416 P01_102, 5416 P01_103, 5416 P01_104, 5416 P01_105, 5416 P01_106, 5416 P01_107, 5416 P01_108, 5416 P01_109, 5416 P01_200, 5416 P01_203, 5416 P01_204, 5416 P01_205, 5416 P01_206, 5416 P01_207, 5416 P01_208, 5416 P01_209, 5416 P01_210, 5416 P01_300, 5416 P01_301, 5416 P01_400, 5416 P01_500 and 8216-PL-GA-101-P and documents 'Noise aspects', 'Landscape & Public Realm strategy' and Arboricultural Report' reference: '141215-PD-21a' and dated 'August 2016' including the drawing titled: 'Tree Protection Plan' numbered '141215-P-22 Rev.a'.	
Contact Officer:	Leigh Harrington (020 8545 3836)	

RECOMMENDATION

GRANT PERMISSION SUBJECT TO SECTION 106 AGREEMENT AND CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: Yes
 - Is a screening opinion required: No
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted –No
 - Design Review Panel consulted – No
 - Number of neighbours consulted – 372
 - Press notice – Yes
 - Site notice – Yes
 - External consultations: Two; Historic England, Metropolitan Police
-

- Number of jobs created – n/a
 - Density 123 dwellings/345 habitable rooms per ha
-

1. INTRODUCTION

- 1.1 The application is brought before PAC due to the level of objection to the proposal and for approval in relation to a section 106 agreement for a permit free development and affordable housing.

2. SITE AND SURROUNDINGS

- 2.1 This is a 0.6 hectare roughly rectangular shaped site located on the south side of Fortescue Road on which the site entrance is located. The north of the site adjoins the rear gardens of houses on Fortescue Road which are typically 2-3 storey Edwardian properties. The east of the site is adjacent to the Myrna Close Local Nature Reserve. The south of the site, which is around 2.5m lower than the Fortescue Road side of the site, is bounded by a footpath area linking Christchurch Road and the Tandem Centre with Brailford Close. The west of the site is bordered by the remains of the Thames Water pumping site. New residential developments of up to 17 storeys in height are being constructed nearby at the Brown and Root tower and there are new blocks of up to 12 storeys along Christchurch Road.
- 2.2 The site was first developed as part of a railway and when that rail service was closed it became a depot site for Thames Water. Whilst the depot use is no longer active the site includes two high pressure Thames Water mains, 40m shafts and a 19th century pumping chamber 40m below ground. Because of these features Thames Water have imposed a no build zone over a third of the site. Since the depot use ceased the site has been heavily infested with Japanese knotweed and suffers from fly tipping.
- 2.3 The site is not within a Conservation Area but is located within an Archaeological Priority Zone and a Controlled Parking Zone (CW) .
- 2.4 The application site enjoys good access to public transport, (PTAL level 4) as it is within easy walking distance of several bus stops and Colliers Wood Underground station.
- 2.5 Approximately two thirds of the site is within the Myrna Close Valley Site of Borough Importance for Nature Conservation - Grade 2 covering the eastern and southern areas of the site. This designation also extends into the land adjacent to the southern and eastern boundary of the site. The land adjacent to the eastern boundary of the site is also designated as the Myrna Close Local Nature Reserve. The land adjacent to the southern and eastern boundaries of the site is also designated as open space.

2.6 The site is not subject to river flooding but is within a surface water risk area.

3. CURRENT PROPOSAL

- 3.1 The current proposal involves the erection of three x 4 storey buildings and one x three storey building each with a lower ground floor to provide 74 residential units (5 x studios, 18 x 1 bedroom, 34 x 2 bedroom and 17 x 3 bedroom flats) (use class C3), 29 car parking spaces and 126 cycle parking spaces, associated landscaping and children's play space.
- 3.2 Access to the site is via what would be a mixed/integrated vehicle and pedestrian entrance way from Fortescue Road. At the recommendation of the Police this entrance would be gated.
- 3.3 The residential accommodation is provided in the form of four blocks, A, B, C & D which are separated from each other by pathed areas of greenery. Each block would be partially cut into the slope of the site creating lower ground floors. Each lower ground floor provides lockable storage space for the flats and blocks A, B and C have their secure cycle storage provided within the lower ground level along with plant and meter rooms on the north side of the site with apartments on the south elevation.
- 3.4 Blocks A, B and C would be four storeys high with Block D being the three storey block. Each block would be primarily constructed from London Stock facing brick with natural colour mortars with the top floors being finished in dark grey fibre cement rainscreen cladding materials. 8 accessible units have been provided with 6 of them designed to be easily adaptable for wheelchair use and two being specifically designed for disabled use and fully fitted as wheelchair user dwellings and located within the affordable rented block.
- 3.5 Two refuse stores would be located near the entrance way to the site with a smaller one opposite Block D that would also include a 20 space bike store. The 29 car parking spaces that would be provided would be located under a pagoda arrangement of frames and wires to encourage climbing plant systems adjacent to the rear gardens of the properties on Fortescue Road.
- 3.6 To the east of the site a series of allotment type resident growing areas would be provided in a section to the rear of house on Fortescue Road along with a pond area and accompanying woodland between the site and the adjacent Myrna Close nature reserve. A children's play area would be situated between blocks A and B.
- 3.7 The application is accompanied by the following supporting documents; Design and access statement, Planning statement, Landscape and Public realm strategy, Noise aspects assessment, Sustainability statement, Air quality assessment, Air quality neutral calculation report,

Transport assessment, Interim travel plan, Statement of community involvement, Arboricultural report, Ecology report, Energy statement, Building for Life 12 assessment, Archaeological baseline assessment, Outline construction management plan, Flood risk assessment, Viability assessment, utilities assessment, Daylight/sunlight assessment, Phase 1 Preliminary risk assessment and Phase 2 environmental and geotechnical site investigation report.

4. PLANNING HISTORY

- 4.1 MER971/71 Planning permission granted for erection of generating house central building, oil storage compound chlorination building and ancillary work in connection with boards southern tunnel main.
- 4.2 MER31/78 permission granted for new operational building and formation of roads and ancillary works.
- 4.3 MER556/79 permission granted for erection of security fence.
- 4.4 MER997/82 Permission granted for construction of new building to house compressor plant required in connection with water supply.
- 4.5 15/P0397 Licence notification in respect of the upgrade of existing telecommunications equipment comprising of the installation of 3 x antenna and repositioning of the existing 3 x antenna and associated development that form part of the EE mobile phone network.

5. CONSULTATION

- 5.1 Prior to the submission of the application the applicants undertook their own community involvement consultation process with letters sent to local residents, businesses and local interest groups. Meetings were also held with the local London Assembly member, local ward councillors, Crime prevention Officer and the Colliers Wood Residents Association. 1,200 leaflets advertising a public consultation event to be held at Christ Church Hall on June 9th 2016 were distributed and 60 people attended and left 24 comments with parking being the main concern.
- 5.2 In response to the concerns the initial pre planning submission proposals were reduced from 76 to 74 units and the height of block D reduced to three floors. The proposals would be permit free with spaces moved further back from neighbours on the eastern side of the site.
- 5.3 Prior to the submission of this application the applicants engaged in further pre application discussions with officers.
- 5.4 The proposal was publicised by means of major press and site notices. Letters were sent to 372 neighbouring occupiers. In response 1 letter of support was received along with 13 individual objection letters and 21

copies of the same objection letter have been received from local residents raising the following issues:

Parking and traffic

- Insufficient on-site parking with 29 spaces (6 for disabled), residents will park in Christchurch Close where there is no CPZ.
- Parking surveys undertaken for the evening when the CPZ is not in force.
- Increased pressure on parking on Sundays when Oasis and Christ Church worshippers are there.
- Where is visitor parking going to be?
- Could the development not be vehicle free?
- There should be a restriction on the number of trucks entering the site, idling in the street and no construction on weekends, need clarity on construction methods and management plan.
- The developers need to clean the streets afterwards and the houses impacted by dust

• Amenity

- Noise and fumes from cars parked near the rear boundary fences.
- Buildings too close to neighbouring boundary fences (between 10 and 19m)
- Loss of daylight and sunlight to houses and gardens
- Loss of privacy to buildings and gardens from overlooking and the use of onsite CCTV
- Noise assessment technically flawed as was not done throughout the night and early morning for deliveries to the Tandem Centre
- Light pollution from the development
- Increased noise and disruption caused during and after construction
- Increased noise and pollution from increased numbers of people using communal space and balconies

• Design

- Buildings are too big, disproportionate and out of keeping with the area. Should be the same height as the houses in Fortescue Road
- Boundary fences should be higher for security and more soft trees in planters on the boundary
- Cannot see need for southern perimeter access even for maintenance
- Security risk from having the rear of the site accessible.
- The security gates should be operational 24 hours a day.
- Over development with 50% more cramming into the equivalent space on the street, this is backland development.
- Conflicting relationship to the scale, proportion and density of the surrounding area.
- There should be site access via the Thames Water Merton Works offices
- Wheel washing by the exit could put debris and knotweed into the public service drainage system.

- Additional comments
- How do residents know the Japanese knotweed will not be spread by the disturbance?
- The viability assessment should be public.
- No evidence that impact assessment has been completed canvassing views of residents bordering Myrna Close nature reserve.
- Schools may not have capacity for the extra children.
- If the sewer is at capacity alternative arrangements need to be effected.
- Will the developer resurface Fortescue Road and pavement on completion?

5.5 Transport Planning have confirmed that;

- An internal shared surface is suitable in this instance as there are low car parking numbers (low trip gen) and servicing will be confined to the area immediately surrounding the main access route into the site.
- The proposed level of trip generation will equate to an increase of 0.8% on the junction of Christchurch and Fortescue which will generate no form of perceivable or operational impact on the performance and safety of the surrounding highway network.
- If the lawful use was operating at its full capacity trip generation levels for the existing use would far exceed the proposed use.
- Census car ownership data (2011) for this ward (Colliers Wood) indicates that there will be a maximum of 40 vehicles associated with above proposals. The proposals contain 29 parking spaces, therefore 10 surplus over spill vehicles will be generated by the development. The applicants have agreed to the development being exempt from the surrounding CPZ (future residents will not be eligible for permits). Applicants will provide an on street car club bay along with 3 years free membership for each eligible adult. Both of these measures are robust mitigation against the likelihood of overspill parking by future residents of the development.
- There have been a number of residential objections on parking received from members of the public who live in Christchurch Close and Colwood Gardens. These two roads are not part of the CW CPZ and therefore these residents are concerned that future residents of the development will park in these roads. On street parking stress in these roads operates above capacity. The high level of competition for kerb side parking space during commuter, retail and residential parking peak times of demand is sufficient to deter future residents who don't have access to off street parking facilities from owning vehicles and struggling to park in these roads. The above mentioned roads are due for a CPZ review in the next financial year, as such when this development is ready for occupation there is a

distinct possibility that these roads may have been incorporated into the surrounding CPZ. The incorporation of these roads into the surrounding CPZ is subject to residential consultation and approval.

- Conflict between vulnerable road users and service/ refuse vehicles will be kept to a minimum due to the good provision for pedestrian/cycle movement and the design of bin stores and block access's reduce the need for service and refuse vehicles to travel through the site.
- 126 secure cycle parking spaces have been proposed which exceeds London plan standards by one. The design needs to be conditioned.
- The bin stores are also in reasonable proximity of the main entrance to reduce the need for refuse vehicles to travel through the development. Swept paths have also been submitted showing a refuse vehicle entering and exiting the development in a forward gear which is the preferred option.
- Details of the electric vehicle charging points and location of the car club need to be dealt with by condition
- In terms of transport and highways matters, officers support the application as it contributes to Merton Council's sustainable transport policies. The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

5.6 Highways section raised no objection to the physical highways issues subject to conditions.

5.7 Environmental Health. No objections. Given the site's location officers recommended conditions relating to noise, vibration, external lighting, site contamination, air quality and a demolition and construction method statement be imposed.

5.8 Merton Flood Risk Management confirmed the submitted flood risk Assessment and Drainage Strategy were acceptable and in accordance with relevant policies and therefore had no objections subject to conditions.

5.9 Merton Climate Change. Officers raised no objections to the proposals subject to the imposition of suitable conditions

5.10 Merton Arboricultural officer No objections to the proposals subject to the imposition of conditions.

5.11 Merton Greenspaces raised no objection to the proposals subject to conditions.

5.12 Metropolitan Police Safer by Design Officer.

- To improve physical security advised that the entrance gates should be closed at all times apart from allowing access.

- Layout details should ensure no conflict with the seating areas and vehicular traffic, secondly there must be clear demarcation between communal and public areas due to the above point.
 - The proposed play area appears to be in a location to allow for supervision from nearby dwellings with safe routes for users to come and go, this is a good security measure.
 - Natural surveillance should be encouraged where possible
 - There is less car parking spaces to the number of residential units so to avoid disputes the parking spaces should be allocated.
 - The location of lighting, CCTV and tree planting should be coordinated to avoid lighting or CCTV cameras from being obscured.
 - The cycle storage design should be approved
 - Any railings and balcony design should eliminate potential aides for climbing to higher floors. Also proposed new tree planting should not assist climbing to the balconies.
 - The communal entrances should be video access controlled entries tested with the appropriate locking mechanisms in situ. The video access should preferably be linked to a dedicated monitor/screen within the residence.
 - A zoned encrypted fob controlled system should be installed to control access throughout the buildings.
 - All lighting across the entire development should be to the required British Standards and local council requirements, avoiding the various forms of light.
 - The CCTV system should adopt the existing Merton Borough Council town centre CCTV standards. Details should be approved by condition
- 5.13 Historic England/GLAAS advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest given the depth of the high pressure mains and therefore had no objections and made no request for conditions to be applied.

6. POLICY CONTEXT

- 6.1 Relevant policies in the London Plan (March 2015) are 3.2 (improving health and addressing health inequalities), 3.3 (Increasing Housing Supply), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing Development), 3.8 (Housing Choice), 5.1 (Climate Change), 5.3 (Sustainable Design and Construction), 5.13 (Sustainable drainage), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.5 (Public realm), 7.6 (Architecture), 7.15 (Reducing and managing noise), 7.21 (Trees and woodlands).
- 6.2 Relevant policies in the Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS 13 (Open space), CS14 (Design), CS15 (Climate Change), CS 16 (Flood risk management), CS 17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery).

6.3 Relevant policies in the Adopted Sites and Policies Plan 2014 are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM EP1 (Opportunities for decentralised energy networks), DM EP 2 (Reducing and mitigating against noise), DM EP 4 (Pollutants), DM F2 (Sustainable urban drainage systems), DM O2 (Nature conservation), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 Car parking and servicing standards.

6.4 London Housing SPG 2016

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations include the principle of housing use of the site, the impact on biodiversity, housing targets, affordable housing and standard of accommodation; impact on neighbouring amenity; parking and servicing; Biodiversity, planning obligations.

7.2 The principle of residential development on the site.

When the railway closed the existing Thames Water premises to the west of the site was opened due to its proximity to the existing ring mains and Victorian subterranean pumping station that was built under the railway line. The site was then developed into a depot for storage of equipment and Thames Water have since consolidated their operations onto the smaller adjoining site and therefore there are no concerns with the loss of any employment on site and given the proximity to residential properties on Fortescue Road the site is not considered suitable for further commercial use and that residential use would be the most appropriate use and this is supported by Merton Planning Policy team.

7.3 Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. This proposal will provide 74 new flats ranging in size from one bedroom units up to three bedroom units suitable for family accommodation and is therefore considered to accord with these policies.

7.4 Biodiversity

London Plan Policy 7.19 'Biodiversity and Access to Nature' states: On Sites of Importance for Nature Conservation development proposals should: give sites of borough and local importance for nature conservation the level of protection commensurate with their importance. When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

- avoid adverse impact to the biodiversity interest
- minimize impact and seek mitigation

- only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

7.5 Merton's adopted Core Planning Strategy Policy CS 13 'Open space, nature conservation, leisure and culture' states that to improve opportunities for our residents and visitors to experience nature policy will:

- Protect and enhance biodiversity through supporting the objectives of the London Biodiversity Action Plans;
- Refuse development that has a significant adverse effect on the population or conservation status of protected or priority species and priority habitats;
- Require any development proposals likely to affect a Site of Special Scientific Interest, Metropolitan, Borough or Local Sites of Importance for Nature Conservation and Local Nature Reserve, as shown on the Proposals Map, to demonstrate that such development will not adversely affect the nature conservation values of the site;

7.6 Although a large proportion of the site is currently designated as a Borough SINC it is evident that the site was scraped by the previous owners and this has had a substantial detrimental impact on the nature conservation status of the site because although brownfield sites are considered to provide biodiverse environments, in its current condition this site's ability to do so is limited. The provision of the proposals outlined in the landscaping strategy are considered to improve the biodiversity of the site and its wider environs.

7.7 The ecology report accurately identifies the parts of the site with the most potential for biodiversity enhancement and the proposed site layout and landscaping strategy avoids undue impact on the Local Nature Reserve and will result in the establishment of a nature conservation area adjacent to the LNR. Therefore, despite the fact that the proposals entail development on a SINC, with suitably worded planning conditions, which address the relevant matters, the proposals will result in net biodiversity gains and will not cause undue harm to protected species. To that end a condition relating specifically to a construction method statement relating to the relocation of the protected slow worms from the site is recommended.

7.8 Affordable housing

Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social Rented and 40% intermediate. The proposal was

submitted with an Economic Viability Assessment that has been independently assessed.

- 7.5 Following further negotiations on the level of affordable housing to be provided, the independent assessors, concluded that “this scheme, using our assumptions, will be able to provide 15% on site affordable housing at a tenure split of 60% affordable rent and 40% shared ownership”. The total offer put forward by the applicants Goldcrest includes 15% as affordable rent (1x1 bedroom, 5x2 bedroom and 5x3 bedroom units in Block D), deemed to be viable by POD, as well as an additional 5 studio flats, as ‘Starter Homes.’ These would be sold directly by the developer at a discount in perpetuity and these 5 units would be dealt with separately from the 15% affordable housing in the legal agreement. The starter homes were introduced to the site after questions were raised by ward councillors as to the potential to increase the amount of affordable housing on site. The affordable rented and starter home units would comprise 22% of the overall number of units.
- 7.6 Standard of Accommodation and Amenity Space
The London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2016 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards are based on the numbers of bedrooms and therefore likely future occupiers. Each flat either meets or exceeds this standard, with all habitable rooms receiving reasonable levels of daylight, outlook and natural ventilation. Similarly each unit meets or exceeds the minimum requirement for private amenity space.
- 7.7 Design
London Plan policy 7.4, Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area.
- 7.8 Appearance; The applicants have actively engaged with the public and officers in refining the design of the building and the Council’s Urban Design officer has been involved in design discussions. The design reflects the New London vernacular of brick built blocks of flats and the application is accompanied with detailed drawings demonstrating the proposed materials and design finishes giving officers and members an indication of what the proposed blocks and their setting will look like and there have been no objections relating to the appearance of the blocks.
- 7.9 Scale bulk and massing. Each of the four blocks provides generous sized units, the vast majority of which are dual aspect and this has guided the size of each footprint. Whilst, as typical of most flatted

developments, the blocks are taller than the surrounding buildings, the site is distinct from its neighbours and as such they are not a continuation of an established pattern of development. Each block is to be set in from the site boundaries and would be surrounded in generous landscaping whilst the top of each block is to be set back and finished in lightweight materials to further reduce its visual impact and provide a development that officers consider would be an appropriate addition to the surrounding urban context.

7.10 Safety and security. Policy DM D2 requires that proposals provide safe and secure layouts. The Police Designing Out Crime Officer was involved at an early stage with the development of the scheme and the officer had similar concerns to neighbours with regards to restricting access to the site such that the main entrance gates were kept locked on a permanent basis with some form of fob, pad or key access for residents. Consequently it is proposed that the site be gated. The footpath to the rear of the site is remote, not very well lit and does not benefit from any real passive surveillance. This proposal will improve the lighting in the area and the overlooking flats will provide passive surveillance to make the path more user friendly for local residents and discourage anti-social behaviour. In order to address some concerns relating to the use of CCTV on site a condition requiring details of its set up and management to be approved is recommended.

7.11 Occupier amenity
Sites and Policies Plan policies DM D2 and DM EP2 require developments to protect future occupiers from noise and pollution so as not to unduly diminish their living conditions. The applicants have commissioned a 'noise aspects' report to consider the impact of noise on future residents of the development given the proximity to commercial uses to the west and south of the site. The report found that whilst the site was not particularly close to any major transportation noise sources there were noise sources from the commercial uses in the form of air handling units, condensers, extract systems and transformers. These sources were however found to be low intensity and were not attention attracting. It was considered that the use of normal specification glazing would be adequate provided bedrooms and living rooms were fitted with acoustical trickle vents. The report concluded that provided those measures were implemented the internal comfort conditions will be in accordance with available guidelines with no harm to the amenity of future residents.

7.12 Air Quality
The applicants also commissioned Air quality assessments for the site. The report notes that the highest risk of dust and airborne pollution would be during the construction but that provided the highly-recommended mitigation measures described in the mayor's SPG are adhered to it 'should ensure the air quality impacts of constructions and demolition are minimised and any mitigation measures employed are

effective'. A condition requiring a full construction method statement to deal with these issues is recommended.

- 7.13 The report also assessed the potential impact of the completed development on nearby 'receptors' in the local area and the modelling predicted this to be negligible. With regards to future occupiers of the site it determined that future occupiers should be exposed to acceptable air quality and the site is deemed suitable for its proposed future use in this respect. The reports also found that the total building emissions are below the relevant building benchmarks and no mitigation measures need to be considered.
- 7.14 Neighbour Amenity
London Plan policy 7.6 and SPP policy DM D2 require that proposals will not have a negative impact on neighbour amenity in terms of loss of light, visual intrusion or noise and disturbance. From the objections received there appears to be some confusion as to the height of the block. They will be 3 storey for block D and 4 storeys for blocks A to C relative to the neighbouring houses in Fortescue Road. There is a slope to the site and therefore the additional floor is only relates to the south elevation facing the footpath to the side of the Tandem Centre. There have been objections from neighbours in properties in Fortescue Road at the front of the site concerned about the impact on their amenity in terms of loss of light and privacy.
- 7.15 Privacy. Whilst distances between the blocks and the rear boundaries range from between 11.46m and 17m, the distance between the blocks and the closest points on the rear of those houses range between 20.8m and 32.m. Privacy standard 28 in the Mayor's Housing SPG 2016 (Page 85) notes; "In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city". Therefore whilst the proposals may create a perceived loss of privacy it is considered that the separation distance between the properties are such that it would not justify grounds for refusal.
- 7.16 Loss of light. In relation to a loss of light the applicants commissioned daylight and sunlight assessment which showed that all four blocks would be below the 25 degree vertical angle where the origin of that angle is taken at the midpoint of the lowest window serving habitable room in an existing neighbouring dwelling. The scheme would also exceed 25% Annual Probable Sunlight Hours and the report's conclusion is that the 'neighbouring properties will therefore continue to receive very good levels of daylight and sunlight'.

- 7.17 Noise and disturbance; There have been objections on the grounds of noise and disturbance from the new residents. The applicants have proposed pagoda style (see my comments above) coverings using climbing plants for the car parking area with planting to reduce the visual and audible impacts of the car parking area. Each flat will have an amenity balcony but these are not a common source of noise and disturbance due to their limited size whilst the main 'organized' amenity space will be the children's play area located between blocks A & B and behind a planting screen. Possible issues during the construction phase can be managed by means of conditions restricting the hours of operation and the requirement for a full Construction Management Plan to be approved and the construction company is to be registered with the Considerate Constructors Scheme and operate a third party Environmental Management System demonstrating sound management and systematic control of environmental impacts..
- 7.18 Traffic, Parking and Servicing
This issue was of greatest concern in most objections to the proposals. With regards to increased traffic levels the Council's Transport planning officer is satisfied that the level of vehicle movements generated are likely to only represent an increase of 0.8% (above existing traffic levels) and therefore the proposals will not have an adverse impact on the local highway network.
- 7.19 In terms of parking, current national and Mayoral guidance seeks to encourage use of sustainable travel modes and to reduce reliance on private car travel. To this end there are only guidelines on the maximum level of parking that should be provided rather than a minimum. The Council's Transport Planning Officer advised that the 2011 Census data for Colliers Wood indicates that there would be 40 vehicles associated with the development. With 29 spaces provided this leaves a 'shortfall' of 11 spaces. However the officer considers that a combination of making the development permit free and the provision of a car club with three years free membership represent a robust mitigation against the likelihood of overspill parking by future residents of the development. Consequently given the level of on-site parking, it is considered that the development would be unlikely to result in adverse impacts for highway safety or increased demand for on-street parking to an extent that would warrant refusal of the scheme. The proposal will provide electric vehicle charging points and disabled bays in accordance with London Plan requirements and the Council's Transport Planning Officer and the Police have advised that the proposal should be subject to a standard condition to provide a Parking Management Strategy.
- 7.20 The proposed level of cycle parking exceeds the London Plan minimum standards and is consequently considered acceptable. There is a requirement for the cycle storage to be secure and therefore a condition requiring details to be approved is also recommended.

- 7.21 Flood risk and Sustainable Urban Drainage
The site itself is not at risk from flooding but larger schemes such as this proposal are required to have regard to policy 5.13 of the London Plan and ensure that they have a SUDS that aims to achieve greenfield run-off rates and ensures that surface water run-off is managed as close to its source as possible. A series of conditions requiring compliance with the SUDS already submitted and flooding and drainage related matters are therefore recommended.
- 7.22 Play space
Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter. The proposals do however include a play space area between Block A and Block B (see Spacehub drg 8216-PL-GA-101-P), which will exceed the minimum requirements within the SPG. With a suitably worded condition, which secures the submission of details for the play space (as described in part 5.3 of the submitted Landscape & Public Realm Strategy), its delivery and its retention, this aspect of the proposals would be considered acceptable
- 7.23 Health Impact Assessment
London Plan policy 3.2 part (c) requires an HIA for major developments to assess the impact of proposals on the health and wellbeing of communities whilst part (d) requires that developments be designed, constructed and managed in ways that improve health and promote health lifestyles to help reduce health inequalities. For this proposal the applicants have placed a significant emphasis on the green credentials of the scheme with extensive planting and measures to improve biodiversity. Ample cycle parking is provided and the children's playspace is well in excess of the required minimum. The scheme also provides mini allotments on site to encourage residents to grow their own food.
- 7.24 Contaminated land
The relevant consultees have no objection to the proposals but require the imposition of suitable conditions relating to potential land contamination given the commercial use history of the site and that there is the possibility of asbestos being in the building hardcore which is now located on the site.
- 7.25 Ecological improvements
Within the site the provision of north-south green spaces is intended to improve ecological connections between the gardens of the houses on Fortescue Road and the open space to the south of the site as well as into Myrna Road nature reserve. The entrance has been designed to offer a greener opening onto Fortescue Road leading to the greened buffer where plant clad pergolas will cover the car parking bays and

feature permeable paving. The North-south Interstitial gardens will reconcile the changes in level between the two sides of the site, creating amenity space with rain gardens. The southern edge of the site would feature an 'Amenity corridor', a natural boundary with native species hedgerow with trees, habitat creation and ecological corridor which will also help to soften the view from the new flats to the industrial units beyond the site. To the east of the site an 'ecological park' including a reed bed pond will extend the ecological attributes of the nature reserve into the site, this would be for residents only with no public access for security reasons.

7.28 Public realm improvements

The applicants are proposing to enter into a section 106 agreement with the Council to make improvements to the area immediately adjacent to the footpath linking Myrna Close and Christchurch Road to the south and east of the application site and its immediate surroundings. The improvements would include removal of the 'Kissing gates', post mounted LED wildlife friendly lighting, improved permeable path surface, scattered woodland trees with a shrub understorey and species rich wild-flower meadow turf. These improvements would increase the attractiveness and safety of the area for local residents and would be in connection with on site improvements including the replacement of the existing industrial palisade boundary treatment with domestic style steel fencing, native species hedgerow and enhanced planting along the southern site boundary and are welcomed.

7.29 Archaeology

The site is located within an APZ but GLAAS have determined that given the amount of deep excavation works that were undertaken to locate the mains 40m below the surface, the chances of any meaningful archaeological remains being on site was remote and they requested no conditions to be imposed.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

- 9.1 The site is a brownfield disused former Thames Water Depot that has become surplus to the company's requirements, with the former storage space being relocated to other sites, and suffers from fly tipping and an infestation of Japanese knotweed. The site provides a suitable opportunity for residential development.

- 9.2 The applicants seek to redevelop the site with four blocks providing 74 flats including an element of affordable housing, thereby making a contribution towards meeting housing needs. The proposals would be set within landscaped areas designed to promote biodiversity and improve the ecological offering of the area, linking with the Myrna Close nature reserve to the east of the site. The flats have been designed to provide future residents with a high standard of amenity with above minimum levels of internal and external space including a children's playspace and allotments for residents. The site would provide policy compliant on-site parking whilst its location within a CPZ would mean that future residents would be unable to park on surrounding streets as the development would be permit free. Further incentives to reduce the need for car ownership may reasonably be promoted via car club membership.
- 9.3 The on-site construction restraints, including a high pressure water main, have meant that most of the development is set back from the closest houses such that they are not considered to have an adverse impact on the amenity of neighbouring residents through loss of privacy and light whilst the imposition of suitable conditions is considered to further protect neighbour amenity. In view of these considerations the proposals are recommended for approval subject to a section 106 agreement and appropriate conditions.

**RECOMMENDATION.
GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106
AGREEMENT AND CONDITIONS.**

Heads of terms

- i) Provision of affordable housing;
- ii) Permit free development;
- iii) Provision of three years free membership to car club.
- iv) Off-site public realm improvements;
- v) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

1. A.1 Commencement of development for full application
2. A.7 Approved plans; Site location plan, drawings; 5416 P01_002, 5416 P01_003, 5416 P01_100, 5416 P01_101, 5416 P01_102, 5416 P01_103, 5416 P01_104, 5416 P01_105, 5416 P01_106, 5416 P01_107, 5416 P01_108, 5416 P01_109, 5416 P01_200, 5416 P01_203, 5416 P01_204, 5416 P01_205, 5416 P01_206, 5416 P01_207, 5416 P01_208, 5416 P01_209, 5416 P01_210, 5416 P01_300, 5416 P01_301, 5416 P01_400, 5416 P01_500 and 8216-PL-GA-101-P and documents 'Noise aspects', 'Landscape & Public Realm strategy' and Arboricultural Report' reference: '141215-PD-21a' and dated 'August 2016' including the drawing titled: 'Tree Protection Plan' numbered '141215-P-22 Rev.a'.

3. B 3 Materials as specified The development shall not be carried out other than in accordance with the list of materials detailed on drawings Block A Elevations (PO1_203, PO1_204), Block B Elevations (PO1_205, PO1_206), Block C Elevations (PO1_207, PO1_208), Block D Elevations (PO1_209, PO1_210) and P01_500
4. B.4 Surface treatment
5. B.5 Boundary treatment (Amended) No development (other than demolition and site clearance) shall take place until details of all boundary walls or fences are submitted in writing for approval to the Local Planning Authority. This shall include all boundary works that are required to allow the movement of animal, reptile and insect species between the site and adjoining land. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5, 7.6 and 7.19 of the London Plan 2015, policies CS13 and CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.
6. C.6 Refuse and recycling
7. Non standard condition; External lighting.
Prior to commencement of development details of external lighting are to be submitted, which clearly demonstrates how the lighting features to be installed meets the principles that are set out in part 5.4 of the submitted Landscape & Public Realm Strategy. Reason To protect and enhance biodiversity in accordance with policies 7.19 of the London Plan 2015 and CS 13 of the Merton Core Strategy 2011.
8. D.11 Construction times.
9. F.1 Landscaping/ Planting Scheme.
10. F.2 Landscaping (Implementation)
11. Non standard Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'Arboricultural Report' reference: '141215-PD-21a' and dated 'August 2016' including the drawing titled: 'Tree Protection Plan' numbered '141215-P-22 Rev.a' shall be fully complied with. The methods for the protection of the existing trees shall follow the sequence of events as detailed in the document and shall include arboricultural supervision by an arboricultural expert to monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of site works from the commencement of site works through to the completion of the development. Reason: To protect and safeguard the existing 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 policies DM D2 and DM 02 of Merton's Sites and Policies Plan 2014

12. H.3 Redundant crossovers. Prior to occupation of the development hereby permitted the car parking spaces shown on the approved drawings to serve the development shall be provided, and shall include 20% provision for charging electric vehicles and parking for disabled people in line with London Plan (March 2016) requirements, and hereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the London Plan.
13. H6 Details of cycle storage
14. H.7 Cycle Parking to be implemente
15. H.10 Construction vehicles
16. H.11 Parking Management Strategy
17. Non-standard condition; Prior to the commencement of development the proposed design and habitat creation of the 'Ecology Garden', together with the supporting 'Landscape and Biodiversity Management Plan' should be approved in writing by the Local Planning Authority and be implemented prior to commencement of residential occupation. The 'Ecology Garden' shall thereafter be managed and maintained in accordance with such details as are approved. Reason To protect and enhance biodiversity in accordance with policies 7.19 of the London Plan 2015 and CS 13 of the Merton Core Strategy 20.
18. Prior to occupation of the development hereby approved, details for the play space (as described in part 5.3 of the submitted Landscape & Public Realm Strategy), its delivery and its retention, shall be submitted for approval by the Local Planning Authority and the play space shall be provided in accordance with those details before first occupation of flats in Blocks A and B and thereafter retained and maintained. Reason; To ensure the provision and retention of suitable children's play space in accordance with the requirements of Merton's Core Planning Strategy policy CS 13 and The London Plan 2015 policy 3.6.
19. Non-standard condition No works (including any site clearance and preparation) pursuant to this consent shall commence until a Species Method Statement, drafted in accordance with the recommendations and guidance set out in the submitted 'Fortescue Road Ecology Report' (8216-DOC-200 August 2016) by Spacehub, has been submitted to and approved in writing by the Local Planning Authority. The works

shall be carried out strictly in accordance with the approved Species Method Statement. Reason. To ensure no adverse impact on priority or protect species in accordance with the following Development Plan policies for Merton: policy 7.19 of the London Plan 2015 and policy CS13 of Merton's Core Planning Strategy 2011.

20. Non-standard condition: Prior to the occupation of the development hereby approved the bat boxes and bird nesting boxes as recommended in paragraph 8.3 and 8.4 of submitted ecological report and the landscaping features as set out in the submitted Landscape & Public Realm Strategy shall be implemented and made ready for use and shall thereafter be retained. Reason To protect and enhance biodiversity in accordance with policies 7.19 of the London Plan 2015 and CS 13 of the Merton Core Strategy 2011.
21. Non-standard condition; Notwithstanding the details of fenestration already provided, glazing for the units hereby approved shall be in accordance with the standards stipulated in the document 'Noise aspects' compiled by MoirHands. Reason; To protect the amenity of future residents from noise and disturbance in accordance with policy DM EP2 of the Adopted Merton Sites and Policies plan 2014
22. Non standard condition. Prior to first occupation of any part of the development details of the design and methods of operation of all access gates including the positioning and operational management of any associated on site security system shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational and shall thereafter be retained and maintained. Reason; To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015
23. Non standard condition. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The final drainage scheme shall be designed in accordance with the details submitted in the Flood Risk Assessment (produced by RPS, dated August 2016, Ref:HLEF44107/001R) The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) at the agreed restricted rate of 2.9l/s with no less than 212.1m³ of attenuation provision, in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. Provide information about the design storm period and intensity, the method employed to delay and control the rate of surface water discharged from the site. Appropriate measures must be

taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;
- iv. A CCTV examination of the existing sewer and drainage network to establish its condition and any remedial works;
- v. Include a sequencing of works and construction method statement for any sewer diversions and new connections
- vi. All sewer diversions and any new connections are undertaken to the satisfaction of Thames Water.

Reason: To reduce the risk of surface and foul water flooding to the proposed development and future users, and ensure surface water and foul flood risk does not increase offsite in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

24. Non-Standard Condition: The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) The mitigation measures specified shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason. To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's Core Strategy policy CS16, DM F1 and DMF2 of the adopted Merton Sites and Policies Plan 2014 and London Plan policies 5.12 and 5.13.
25. Non-Standard Condition: The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the submitted document included within section 13 of the Flood Risk Assessment and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services. Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's Core Strategy policy CS16 and policy DM F1 of the adopted Merton Sites and Policies Plan 2014 and London Plan policy 5.12.
26. Sustainable Design and construction. No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development has achieved not less than CO2 reductions and internal water usage rates 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.

27. District Heat Networks – London Heat Networks Manual
No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014). Reason. To demonstrate that the site heat network has been designed to link all building uses on site and to demonstrate that sufficient space has been allocated in the plant room for future connection to wider district heating in accordance with London Plan 2015 policies 5.5 and 5.6.
28. District Heat Networks – London Heat Map Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council that the developer has uploaded the appropriate information pertaining to the sites Combined Heat and Power (CHP) system has been uploaded onto the London Heat Map (<http://www.londonheatmap.org.uk/>) Reason To ensure that the development contributes to the London Plan targets for decentralised energy production and district heating planning. Development Plan policies for Merton: policies 5.2 and 5.5 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.
29. M2 Contamination
30. M3 Contamination remediation
31. M4 Contamination –validation report.

INFORMATIVES:

Evidence requirements for sustainability are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).

Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

Appendix of accommodation and amenity space schedules

Description				Area			Amenity		
Fiat No.	Location	Type	Tenure	Area (m2)	Min Area (m2)	Additional Area	Amenity	Min Area (m2)	Additional Area
Block A									
1	LG	2B3P	Private	68.2	61.0	12%	9.8	6.0	63%
2	LG	3B4P (WA)	Private	89.1	74.0	20%	8.7	7.0	24%
3	Ground	2B3P	Private	63.7	61.0	4%	7.9	6.0	32%
4	Ground	2B3P	Private	68.0	61.0	11%	8.7	6.0	45%
5	Ground	3B4P	Private	77.0	74.0	4%	8.7	7.0	24%
6	Ground	2B3P	Private	65.6	61.0	8%	9.0	6.0	50%
7	First	2B3P	Private	63.7	61.0	4%	7.9	6.0	32%
8	First	2B3P	Private	68.0	61.0	11%	8.7	6.0	45%
9	First	3B4P	Private	77.0	74.0	4%	8.7	7.0	24%
10	First	3B4P	Private	80.4	74.0	9%	9.0	7.0	29%
11	Second	2B3P	Private	63.7	61.0	4%	7.9	6.0	32%
12	Second	2B3P	Private	68.0	61.0	11%	8.7	6.0	45%
13	Second	3B4P	Private	77.0	74.0	4%	8.7	7.0	24%
14	Second	3B4P	Private	80.4	74.0	9%	9.0	7.0	29%
15	Third	2B3P	Private	66.8	61.0	10%	24.3	6.0	305%
16	Third	2B4P (WA)	Private	85.3	70.0	22%	15.0	7.0	114%
17	Third	3B4P	Private	85.8	74.0	16%	25.1	7.0	259%
Block B									
18	LG	3B4P	Private	92.1	74.0	24%	11.3	7.0	61%
19	LG	2B4P (WA)	Private	71.9	70.0	3%	7.0	7.0	0%
20	LG	2B4P	Private	73.2	70.0	5%	7.0	7.0	0%
21	Ground	2B4P	Private	71.6	70.0	2%	11.0	7.0	57%
22	Ground	3B4P	Private	82.7	74.0	12%	11.3	7.0	61%
23	Ground	2B3P	Private	66.5	61.0	9%	7.0	6.0	17%
24	Ground	2B3P	Private	65.1	61.0	7%	7.0	6.0	17%
25	Ground	1B2P	Private	50.4	60.0	1%	6.8	6.0	36%
26	Ground	2B3P	Private	63.4	61.0	4%	10.0	6.0	67%
27	First	2B4P	Private	71.6	70.0	2%	11.0	7.0	57%
28	First	3B4P	Private	82.7	74.0	12%	11.3	7.0	61%
29	First	2B3P	Private	66.5	61.0	9%	7.0	6.0	17%
30	First	2B3P	Private	65.1	61.0	7%	7.0	6.0	17%
31	First	1B2P	Private	50.4	60.0	1%	6.8	6.0	36%
32	First	2B4P	Private	79.4	70.0	13%	10.0	7.0	43%
33	Second	2B4P	Private	71.6	70.0	2%	11.0	7.0	57%
34	Second	3B4P	Private	82.7	74.0	12%	11.3	7.0	61%
35	Second	2B3P	Private	66.5	61.0	9%	7.0	6.0	17%
36	Second	2B3P	Private	65.1	61.0	7%	7.0	6.0	17%
37	Second	1B2P	Private	50.4	60.0	1%	6.8	6.0	36%
38	Second	2B4P	Private	79.4	70.0	13%	10.0	7.0	43%
39	Third	2B4P	Private	71.6	70.0	2%	8.4	7.0	20%
40	Third	3B4P	Private	82.7	74.0	12%	8.8	7.0	26%
41	Third	1B2P	Private	51.8	60.0	4%	6.0	6.0	20%
42	Third	2B4P (WA)	Private	83.9	70.0	20%	46.0	7.0	543%
43	Third	2B3P	Private	66.8	61.0	10%	7.6	6.0	27%

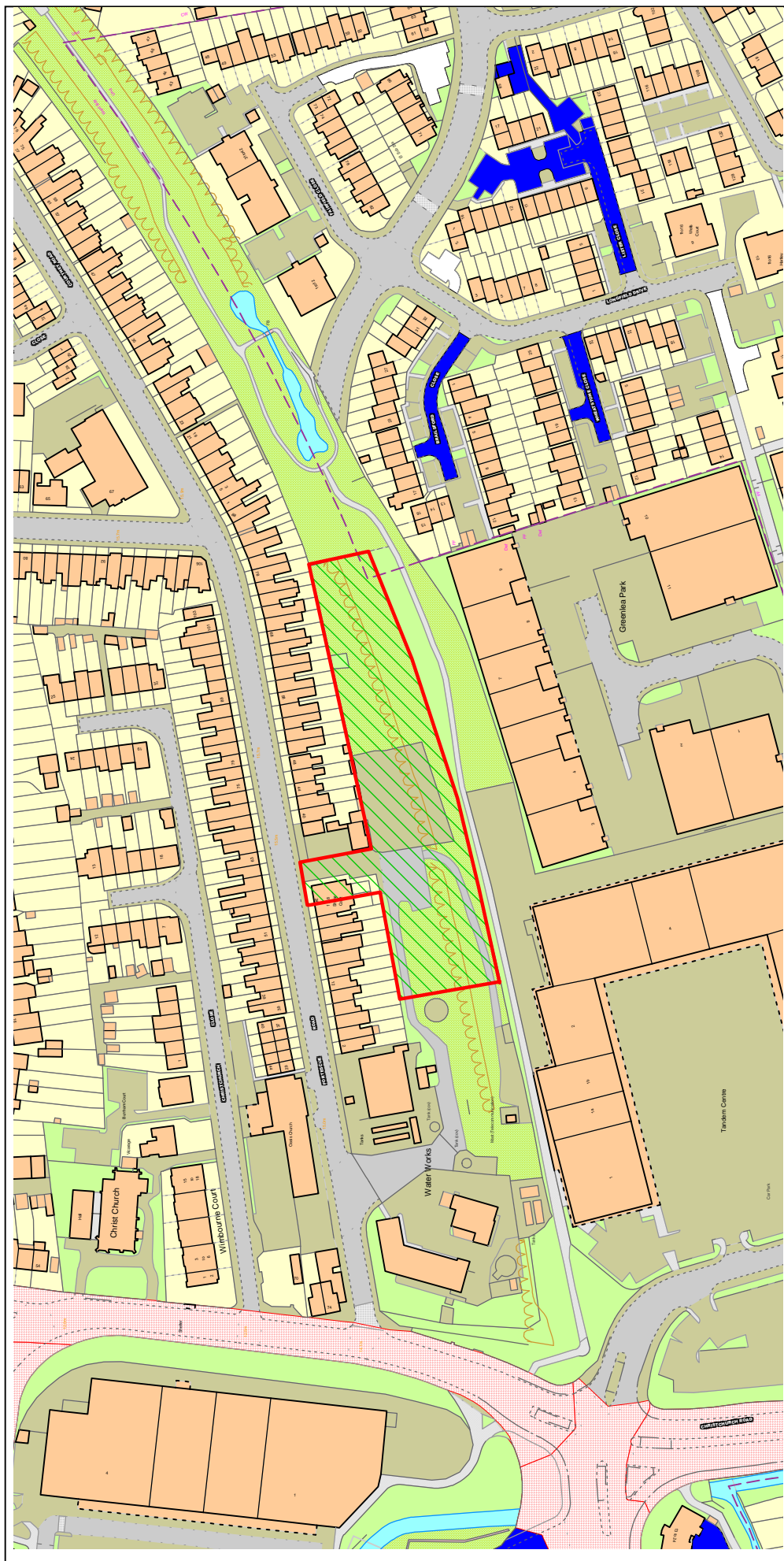
Description				Area			Amenity		
Fiat No.	Location	Type	Tenure	Area (m2)	Min Area (m2)	Additional Area	Amenity	Min Area (m2)	Additional Area
Block C									
44	LG	Studio	Int. Starter	38.6	37.0	4%	7.8	6.0	56%
45	LG	1B2P	Private	51.5	60.0	3%	7.7	6.0	54%
46	LG	1B2P	Private	50.5	60.0	1%	6.3	6.0	26%
47	Ground	Studio	Int. Starter	41.2	37.0	11%	8.0	6.0	60%
48	Ground	Studio	Int. Starter	38.6	37.0	4%	7.8	6.0	56%
49	Ground	1B2P	Private	51.5	60.0	3%	7.7	6.0	54%
50	Ground	1B2P	Private	50.5	60.0	1%	6.3	6.0	26%
51	Ground	1B2P	Private	50.4	60.0	1%	7.3	6.0	46%
52	First	1B2P	Private	50.0	60.0	0%	8.0	6.0	60%
53	First	Studio	Int. Starter	38.6	37.0	4%	7.8	6.0	56%
54	First	1B2P	Private	51.5	60.0	3%	7.7	6.0	54%
55	First	1B2P	Private	50.5	60.0	1%	6.3	6.0	26%
56	First	1B2P	Private	50.4	60.0	1%	7.3	6.0	46%
57	Second	1B2P	Private	50.0	60.0	0%	8.0	6.0	60%
58	Second	Studio	Int. Starter	38.6	37.0	4%	7.8	6.0	56%
59	Second	1B2P	Private	51.5	60.0	3%	7.7	6.0	54%
60	Second	1B2P	Private	50.5	60.0	1%	6.3	6.0	26%
61	Second	1B2P	Private	50.4	60.0	1%	7.3	6.0	46%
62	Third	2B4P (WA)	Private	80.0	70.0	14%	50.6	7.0	623%
63	Third	2B3P (WA)	Private	67.1	61.0	10%	67.0	6.0	1017%
Block D									
64	LG	3B4P	Aff Rent	84.3	74.0	14%	10.0	7.0	43%
65	LG	3B4P (WC)	Aff Rent	90.5	74.0	22%	14.9	7.0	113%
66	Ground	2B3P	Aff Rent	61.0	61.0	0%	6.7	6.0	12%
67	Ground	3B4P	Aff Rent	76.0	74.0	3%	8.3	7.0	19%
68	Ground	2B3P	Aff Rent	62.7	61.0	3%	7.4	6.0	23%
69	First	2B3P	Aff Rent	61.0	61.0	0%	6.7	6.0	12%
70	First	3B4P	Aff Rent	76.0	74.0	3%	8.3	7.0	19%
71	First	3B4P	Aff Rent	77.5	74.0	5%	7.4	7.0	6%
72	Second	1B2P (WC)	Aff Rent	52.0	60.0	4%	6.7	6.0	34%
73	Second	2B3P	Aff Rent	64.3	61.0	5%	8.3	6.0	38%
74	Second	2B3P	Aff Rent	63.5	61.0	4%	34.9	6.0	482%

Amenity Schedule			
Description	Area (m2)	LP Policy Minimum area (m2)	Exceeds min. area by
<i>Shared</i>			
Ecological Garden	590		
Growing Area	180		
Child Play Space	370	223.2	
Gardens (between B & C)	150		
Gardens (between C & D)	130		
Other landscaped gardens	1000		
Total Shared	2420	223.2	
<i>Private</i>			
Balconies/Patios/Roof Terraces	792	449	76%
TOTAL AMENITY PROVISION	3212	672.2	378%

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PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P3405	19/09/16
Address/Site	Briar Dene, 15 Langley Road, Merton Park, London, SW19 3NZ	
Ward	Merton Park	
Proposal:	Demolition of the existing bungalow and the erection of a two-storey detached dwelling house (plus accommodation in the roof space). Alterations to existing garage involving a replacement roof and new windows.	
Drawing Nos	Sunlight & daylight review dated 10/11/16; Design & Access Statement dated 13/11/16; Heritage Statement dated 13/11/16; Energy & Sustainability Statement dated 13/08/16; P2050 rev 1, P2100 rev 1, P21001 rev 1, P2102 rev 1, P2103 rev 1, P2200 rev 1, P2201 rev 1, P2202 rev 1, P2300 rev 1, P4000 rev 1.	
Contact Officer:	Mark Brodie (8545 4028)	

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted – 4
- External consultants: Historic England
- Density: 133 h.r.p.h
- Number of jobs created: n/a
- Archaeology Priority Zone: yes
- Conservation Area – Yes. Merton Park, John Innes

1. INTRODUCTION

- 1.1 This application has been brought to the Planning Applications Committee due to the number of objections received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached 1960's single-storey bungalow and associated single-storey double garage located within the John Innes Merton Park Conservation Area. The existing detached garage was built circa 1900 and comprises flint walls and clay pantile roof and is locally listed. The John Innes (Merton Park) character Assessment (2006) does not identify the existing bungalow at no.15 Langley Road as having any architectural or group value and is not locally listed. The current building is noted to making a "neutral contribution" to the character and appearance of the conservation area. The garage however, is considered to make a "positive contribution". The character assessment identifies that many of the houses at the western end of Langley Road were built in the 1960's and 1970s, with house numbers 1, 3, 5, 7, 9, 10, 12, 14 and 17 also seen to make a "neutral contribution" to the character and appearance of the conservation area. The character statement also identifies no.79 Church Lane, (a two-storey detached house whose rear garden abuts the application site to the east) as having a "neutral contribution" to the character and appearance of the conservation area. No.19 Langley Road, two plots to the west is identified as having a "negative contribution" to the character and appearance of the conservation area. The character assessment highlights that "most of Langley Road offers no consistent building frontages, so that a building line is not readily discernible".

With the exception of the application site the surrounding properties are predominantly two-storeys in height and many have converted loft accommodation to offer a third internal floor.

3. **CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing single-storey bungalow and the erection of two-storey (plus accommodation within roof) detached double fronted five bedroomed house. The proposed house would measure (overall width 15m, overall depth 11m, height at eaves 5.2m, height at ridge 8m, a centrally placed single storey rear conservatory would project an additional 3.2m to the rear). The house would be positioned some 3m at first floor level from the eastern boundary and 1.7m from the western boundary. The house would be set back some 8.5m from the front boundary of the site and the front and rear elevations would generally align with the neighbouring property (no.17 Langley Road) to the west. The house incorporates hipped roofs to either side; four gabled dormers within rear roof slope; a centrally placed two-storey hipped roof front projection; a hipped roof single-storey side and front extension and a single storey hipped roof porch. At ground floor level the proposed house would comprise a study, lounge, family room, dining room, kitchen and utility room. At first floor it would comprise 5 bedrooms four of which would have en-suite bathrooms. At second floor level a playroom and office is proposed. Materials include flat

clay tiles (Tuscan colour), buff colour textured stock brick; composite timber double glazed windows.

- 3.2 The existing detached garage would be retained and repaired with internal asbestos roof removed and roof tiles/windows replaced to match existing.
- 3.3 Amended Scheme: The main changes to that originally submitted includes replacing centrally placed gabled projection to a hipped roof; a reduction in depth of the single-storey projection to the east side including changing its gabled roof profile to become a hipped roof; reduction in projection of front porch including changing gabled roof profile to a hipped roof.
- 3.4 In support of the proposal the applicant has submitted a sunlight/daylight report which in summary states:- There are two dwellings which flank 15 Langley Road, including 17 Langley Road and 79 Church Lane that overlook the development site and could in turn be affected by the proposed scheme. This scheme is positioned some distance from 16 Langley Road when any change in light produced by the proposal would be negligible and within BRE guidelines. The BRE Guide advises that a 25-degree line taken from the centre of the lowest window on the neighbouring building can be used to establish the basis for consideration in relation to light should be approached. If the whole of the new development is lower than this line then it is unlikely to have a substantial effect on the daylight enjoyed by occupants in the neighbouring building. In the case of 79 Church Lane the proposed development would likely fall below this 25 degree angle and the effects on daylight and sunlight amenity would therefore be negligible. The proposed scheme will include additional height along the western boundary closest to 17 Langley Road. However, it does not appear that any of the windows within the flank wall (which face the development site) serve habitable rooms. As a separate consideration, the overshadowing position has been reviewed for the rear garden of 79 Church Lane. The BRE test considers the sun-on-ground assessment which measure the available sun reaching the ground on March 21st (the solar equinox). Whilst the proposed scheme will seek to increase the height on the site, the slope angle of the roof and general openness of the are (low local obstructions) would result in excellent retained sunlight levels reaching the ground surface. The proposed development would likely fall within the application of BRE Guide and loss of daylight and sunlight amenity to neighbouring residential receptors and amenity spaces, if any, would be negligible.

4. **PLANNING HISTORY**

- 4.1 MER605/66 Retention of existing house and erection of attached house and erection of two houses with garages in curtilage of no.78 Church Lane.

5. **CONSULTATION**

- 5.1 The application has been advertised by conservation area site and press notice procedure and letters of notification to occupiers of 4 neighbouring properties in relation to the original submission. In response 4 letters of

objection have been received from local residents Church Lane and one objection from the John Innes Society raising the following concerns:

- Overdevelopment of a small site in a cramped and intrusive form of development harmful to the visual amenities of neighbouring occupiers.
- Would result in the loss of light and privacy.
- The siting, bulk and massing will seriously and adversely affect the amenities of occupiers of no.79 Church Lane in terms of sunlight, visual intrusion, and shadowing. The forward projection of the three-storey front gable, in particular will seriously detract from our established amenities overshadowing garden and habitable rooms.
- The proposed development would by virtue of its design, form, scale massing and bulk (a) fail to complement the surrounding townscape; (b) fail to reinforce local distinctive patterns of development with a quality design that has regard to surroundings; (c) fail to preserve or enhance the character and appearance of MPCA; (d) constitute an inappropriate and visually dominant form of development due to its disproportionate roofline and prominent projection towards the street; (e) fails to protect the visual amenities of neighbouring properties
- Would not improve the character of the conservation area and would be contrary to Unitary Development Plan policies BE1, BE4, BE8, BE15, BE16 and BE21.
- A key feature of the conservation area is its spacious layout and street scene and irregular frontage patterns, maintained by significant gaps and different heights between many of the buildings. Currently there is a visual gap at the end of the street between the existing building and the buildings in Church Lane. This is achieved by the single-storey garage and bungalow which contributes to the spacious street scene of the area. The existing low-rise dwelling has little or no impact on the outlook from neighbouring properties. The scale of existing building is such that it maintains the sense of spaciousness between the existing buildings.
- The established irregular street frontage pattern and alignments are not respected by proposing to build upon the same building line as the neighbouring property and by building so far in front of the established site building line. When viewed along the street it will present a continuing monolithic appearance and have a very intrusive impact on the street scene. The verticality and awkward proportions of the proposed building emphasises the resulting lack of harmony on the street scene.
- Existing bungalow contributes positively to the character of the conservation area adding variety to the built form and a satisfactory justification has not been made for the demolition of the existing building or that there would be substantial planning benefits which would decisively outweigh its loss and its demolition would be premature.
- Height of the building would be visually intrusive
- Welcome the fact that the property is shifted towards Langley Road (north), improving its alignments with neighbouring properties in Langley Road and placing it north of the extended boundary line between 78 & 79 Church Lane. This alone would be beneficial to the light, privacy views and visual amenities of neighbours as well as improving the continuity and frontage onto Langley Road, however object as the proposed house is too high and out of scale with

surrounding properties. And would result in the loss of light and privacy for 76, 77, 78 and 79 Church Lane.

- Would fail to preserve or enhance the character of the Merton Park Conservation Area.
- Preference for the property to be reduced in height with skylights replacing casement windows on the rear upstairs and reduced to single-storey where it is adjacent to the boundary wall with no.79 Church Lane (the eastern boundary).
- The applicant should be aware that titled deeds to the property that owners of 78 and 79 Church Lane have exercisable covenants which constrain certain developments and give right of approval over any design.
- A compromise could be reached in the submitted design to reduce its impact upon the conservation area and in particular the amenities of occupiers of no.79 Church Lane including the omission of the three-storey front gable; moving building in south easterly position; removal of three ground floor windows that directly overlook the garden of 79. The two first floor windows although shown with obscured glazing are casement windows that when open would afford views of no.79. These should be fixed windows with fanlights removed completely
- Disruption associated with building works. If the Council are minded to grant planning permission then there should be stringent limits included within the conditions pertaining to the permitted working times and a requirement to keep road access free at all times. Any damage to the road surface must be repaired at no cost to the existing residents.

5.2 The John Innes Society objected to the proposal as originally submitted: No objections to the design of the house as such, but query whether the site is the right place for it. The reason the present building is a bungalow is that anything higher will block sunlight from the west from reaching 79 Church Lane and its garden. That will seriously detract from its amenities. A full height house will also be visually intrusive for several of the nearby houses on Langley Road and Church Lane, so they will no longer enjoy the very pleasing open character of the neighbourhood.

5.3 Conservation Officer Comment - The proposed amendments are an improvement. They help to maintain the significance of the locally listed garage. Materials condition required in order to assess in relation to the context.

Concerns about alterations to the garage. The roof does not appear to be in bad condition and it would be preferable that it is not re-roofed. However if there is a case for re-roofing then the new tiles will need to be submitted for approval, along with more information regarding the replacement window and door at the rear of the locally listed garage.

5.4 Transport Planning & Projects Officer – The proposal will not generate a significant level of trip generation. It is thought that any vehicles associated with the increase in bedroom numbers can be accommodated on site as the driveway area to the front of the property can accommodate at least two vehicles, as well as the provision for two parked vehicles in the retained garage. The garage could accommodate four cycle parking spaces which

would exceed the minimum cycle parking standards stated in the London Plan. Bins have been provided within a suitable proximity of the entrances to the development for the use of future. The bins are also a reasonable proximity from the public highway and can easily accessed by refuse operatives. The proposed development will not generate a significant negatively impact on the performance and safety of the surrounding highway network, as such a recommendation for approval is supported.

- 5.5 Future Merton – Climate Officer - The submitted energy statement indicates that the proposed development has been designed in accordance with the mayors energy hierarchy and demonstrates compliance with DM H4 – Demolition and redevelopment of a single dwelling house Merton’s. Whilst the energy strategy does not make specific reference to achieving a 19% improvement in CO2 emissions on Part L 2013 I am satisfied that the proposed strategy would not struggle to meet this target. Whilst the energy strategy is of sufficient quality the CO2 reductions of 19% will need to be secured by condition in order to meet the sustainability requirements of Merton’s Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015), and is equivalent to the 25% improvement over Part L 2010 required under Code for Sustainable Homes Level 4.

Content that the proposed energy approach to the development is policy compliant and recommends that Merton’s Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition is applied to the development.

- 5.6 Historic England - (The Greater London Archaeological Advisory Service) – Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application. I conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

- 5.7 4 neighbours and original objectors re-consulted on amended scheme – 3 objections from nos. 76, 78 and 79 Church Lane: the amendments to minor architectural details do nothing to change objections as originally stated above. The objector from no. 79 acknowledges that the amendments go a long way to address concerns regarding design and are appreciative of efforts made but still reiterate original objections outlined above. Any further comment to be reported verbally.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)
CS14 (Design).

- 6.2 Sites and Policies Plan (July 2014)
DM D1 (Urban design and the public realm); DM D2 (Design Considerations in all Developments); DM D4 (Managing Heritage Assets);), DM H4 (Demolition and Redevelopment of a Single Dwelling House), DM 02 (Nature

Conservation, Trees, Hedges and Landscape Features); DM T3 (Car Parking and Servicing Standards).

6.3 The London Plan (March 2015)

The relevant policies within the London Plan are 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets).

6.4 John Innes (Merton Park) Character Assessment (2006).

Briar Dene (the application property) is noted to making a “neutral contribution” to the character and appearance of the conservation area. The garage however, is considered to make a “positive contribution”. The character assessment identifies that many of the houses at the western end of Langley Road were built in the 1960’s and 1970s, with house numbers 1, 3, 5, 7, 9, 10, 12, 14 and 17 also seen to make a “neutral contribution” to the character and appearance of the conservation area. The character statement also identifies no.79 Church Lane, (a two-storey detached house whose rear garden abuts the application site to the east) as having a “neutral contribution” to the character and appearance of the conservation area. No.19 Langley Road, two plots to the west is identified as having a “negative contribution” to the character and appearance of the conservation area. The character assessment highlights that “most of Langley Road offers no consistent building frontages, so that a building line is not readily discernible”.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the demolition of the existing house, the design of the new dwelling and its impact on the character and appearance of the John Innes (Merton Park) Conservation Area, together with standard of accommodation, neighbour amenity, parking and sustainability issues

7.2 Demolition of Existing Building

The existing dwelling house is of little architectural merit and there are no objections to the demolition of the existing building subject to a satisfactory replacement building and compliance with relevant adopted Merton Core strategy policies and policies within the Merton Plans and Policies Plan in particular policy DM H4 (Demolition and Redevelopment of a Single Dwelling House), DM D4 (managing heritage assets) and policies within the London Plan and relevant planning guidance.

7.3 Design Issues

A traditional design approach has been adopted for the proposed new dwelling house using detailing that is prevalent within other buildings within the conservation area. The massing of the building is positioned centrally within the plot with the rear extents aligned with the neighbouring two-storey house to the west no. 17 Langley Road. At the front the massing has been brought forwards to form a more consistent building line along the street. This in turn improves the landscape setting of the building by increasing the garden at the rear through a significant reduction in footprint to that of the existing bungalow. The frontage has been stepped back to improve the setting of the retained locally listed garage. The massing is aligned in height at eaves and

ridge to align with the neighbouring house (no.17) to the west. The house has been set back from the eastern boundary at first floor level with 79 Church Lane by 3m and 1.6m from the western boundary with no. 17 Langley Road respectively. The gaps both exceed and are comparable to the majority of gaps between existing building in Langley Road and will continue to contribute to the semi-rural character of the area, allowing views from the street to backland areas.

- 7.4 Third party objections refer to the loss of the open character that the existing single-storey bungalow offers at this end of Langley Road. However it would be unreasonable to insist that development on this plot alone is constrained to single-storey purely on the grounds that it affords an open aspect in the streetscene particularly given that the proposed development has satisfactory setbacks from neighbouring boundaries that serve to retain the open semi-rural character. Overall it is considered that the new house makes a positive contribution to and represents an enhancement to the character and appearance of the John Innes (Merton Park) Conservation Area.
- 7.5 The proposed alterations to the existing retained locally listed garage are considered acceptable but would be subject to a condition reserving details & materials. Overall it is considered that the proposal is compliant with the objectives of policies DM H4 (Demolition and redevelopment of a single dwelling) & DM D4 (managing heritage assets).

Neighbour Amenity

- 7.6 There are no direct facing neighbouring windows at the front or rear. There will be some overlooking of neighbouring gardens to the rear and to the south-east to gardens in Church Lane, but this would be no more significant than the mutual overlooking currently experienced between neighbouring properties or indeed that currently experienced at the application site from occupiers of neighbouring properties. The two windows within the eastern side elevation at first floor level of the proposed house serve two en-suite bathrooms and suitably conditioned to ensure they remain fixed and maintained in obscured glass will prevent any potential overlooking of properties in Church Lane. The three ground floor windows within the single storey side extension on the eastern side look directly onto the 2m high retained boundary wall and as such do not command views of properties in Church Lane.
- 7.7 As confirmed by the submitted sunlight/daylight report the proposed house would not result in an unacceptable loss of sunlight/daylight to neighbouring houses or gardens and would be in accordance with the tolerances set out in the British Research Establishment (Site Layout Planning for Daylight and sunlight). There will be a change in outlook from properties in Church Lane but given the 3m setback from the eastern boundary at first floor level coupled with the distance from the eastern boundary (12.7m) at its closest point to no.79 Church Lane, it is not considered that the proposals would unacceptably affect the outlook of occupants of this property.

Standard of Accommodation

- 7.8 Policy 3.5 of the London Plan 2016 states that housing developments should be of the highest quality internally and externally. New residential development should ensure that it reflects the minimum internal space standards (specified as Gross Internal Areas) as set out in table 3.3 of the London Plan (amended March 2016). In this instance each of the proposed house would comfortably exceed the minimum GIA's.
- 7.9 Policy DM D2 of the Council's Sites and Policies Plan states that all development should ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy. The Council's Sites and Policies Plan Policy DM D2 outlines a requirement of 50 m2 of outdoor amenity provision for new houses. The proposed house would have a generous layout with good levels of sunlight, daylight and outlook. Future occupants would have access to a rear garden in excess of 220 sq.m

Trees

- 7.10 No trees would be affected by the proposal.

Parking

- 7.11 Two parking spaces would be provided within the double garage and there would be space on the driveway for further vehicles. The parking provision and access arrangements are considered to be acceptable in terms of policy CS20. No concerns are raised with regards to cycle storage and bins arrangements.

- 7.12 Sustainability Issues

The Council's Climate officer has confirmed that the energy strategy is of sufficient quality and that subject to a condition to ensure that the sustainability measures meet the requirements of Core Strategy Policy CS15 & Policy 5.2 of the London Plan the scheme would be satisfactory in sustainability terms.

- 7.13 Developer Contributions

The proposed development would be subject to payment of the Merton Community Infrastructure Levy and the Mayor of London's Community Infrastructure Levy (CIL).

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

- 8.1 The proposal does not constitute Schedule 1 or Schedule 2 development. Accordingly there is no requirement for an EIA submission.

9. CONCLUSION

- 9.1 Officers consider that the proposals to replace the existing bungalow with a modern but traditionally designed and detailed house would enhance the

character and appearance of the conservation area. The design siting and massing of the proposed house is considered to be acceptable and would not affect neighbour amenity. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to the following conditions:-

1. A.1 Commencement of Development
 2. A.7 Approved Drawings
 3. B.1 (Approval of Facing Materials to proposed house and retained garage)
 4. B.4 (Site Surface Treatment)
 5. C.2 (No Permitted Development Doors/Windows within eastern and western elevations)
 6. C.4 (The windows in the eastern elevation at first floor level to be obscured glazed and fixed shut)
 7. D.11 (Construction Times)
 8. Notwithstanding what is shown on the submitted plans details of the alterations to the existing garage shall be submitted to and approved by the Local Planning Authority prior to commencement of development
 9. F.1 Landscaping scheme
 10. F.2 Landscaping
 11. 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.

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.
- INF1. Party Walls

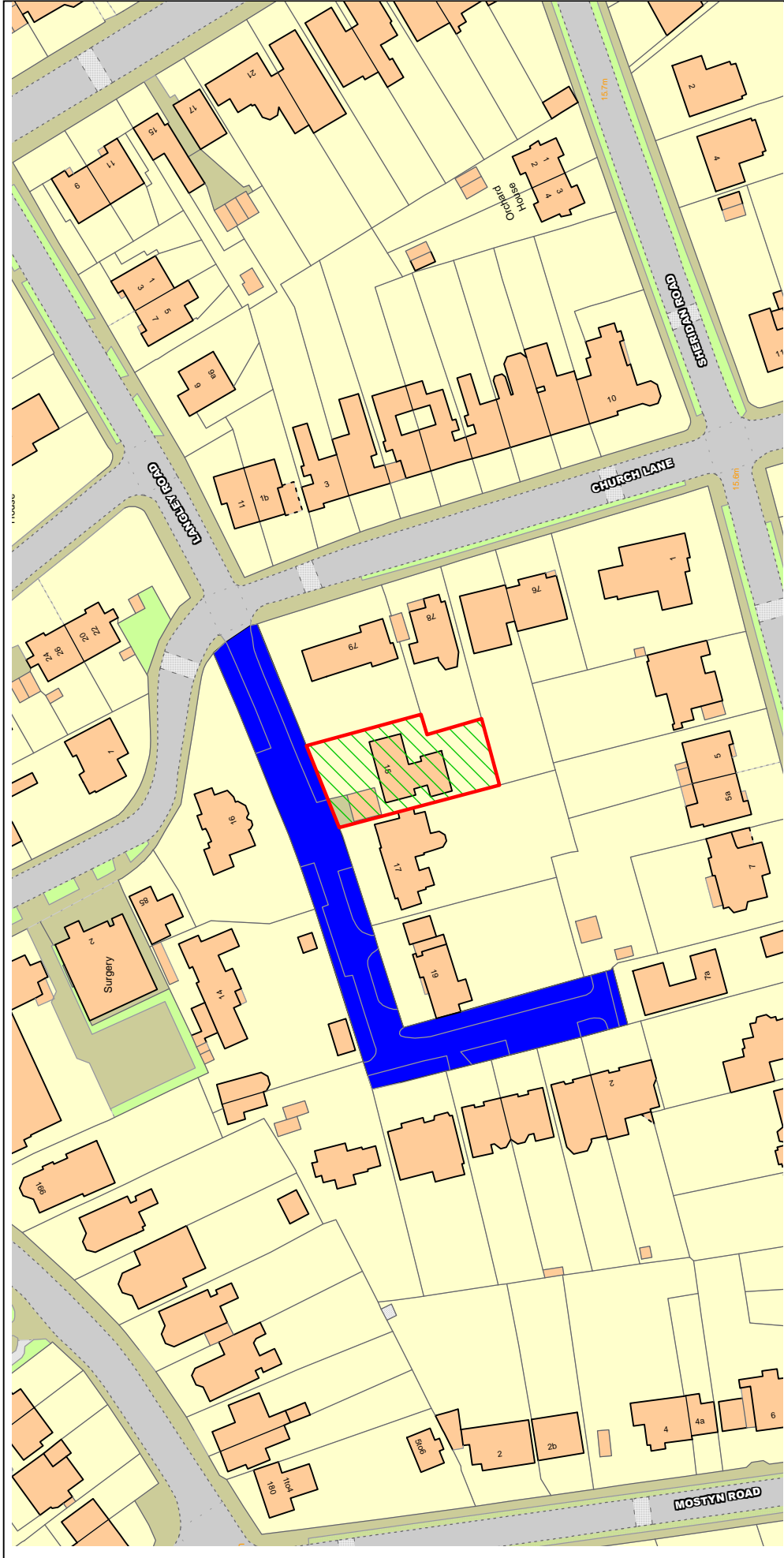
INFORMATIVE: With respect to the sustainable design and construction condition, evidence requirements are detailed in the “Schedule of Evidence Required” for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).’

[Click here](#) for full plans and documents related to this application.

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PLANNING APPLICATIONS COMMITTEE 8TH DECEMBER 2016

	APPLICATION NO.	DATE VALID
	15/P4026	25/03/16
Address/Site:	151 Wandle Road, Morden, Surrey, SM4 6AA	
Ward	Ravensbury	
Proposal	Rear roof extension in connection with the conversion of the existing house into 1 x 3 bedroom unit; 1 x 1 bedroom unit and 1 x studio flat with provision of 3 parking spaces and bin store to the front of the property and cycle storage to the rear.	
Drawing No's	Site location plan, 100 rev 3, 101 rev 3, 220 rev D, 221 rev F, 320 rev1, 321 rev D	
Contact Officer	Mark Brodie (020 8545 4028)	

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 8
- Press notice - No
- Site notice - Yes
- External consultations: Nil
- Number of jobs created N/A

1. INTRODUCTION

- 1.1 This application is brought before the Planning Applications Committee due to the level of objection received.

2 **SITE AND SURROUNDINGS**

- 2.1 The application site is a two-storey semi-detached house positioned on the south-west side Wandle Road. Running along the south side of the property is a pedestrian footpath leading to Connaught Gardens. There is an existing pedestrian access gate within the side boundary that provides pedestrian access to the rear garden via the pedestrian footpath. There is an existing vehicular crossover providing vehicular access and the entire front garden has been paved over to provide hardstanding for cars. Similar semi-detached property adjoins. Opposite are two-storey semi-detached purpose built flats. The site is south of and close to Morden Hall Park. The area is predominantly residential in character.
- 2.2 The site is not within a conservation area and has a Public Transport Accessibility Levels of 3. The site is not within a Controlled Parking Zone.

3. **CURRENT PROPOSAL**

- 3.1 Rear roof extension in connection with the conversion of the existing house into 1 x 3 bedroom unit, 1 x 1 bedroom maisonette and one studio flat with provision of three car parking spaces to the front of the property and bin and cycle storage within the rear garden.

Flat No.	Number of bedrooms/bed spaces	Floorspace	London Plan Minimum required floorspace
Unit 1	3b/4p	103.5 sq.m	74 sq.m
Unit 2	1b/2p	68.35 sq.m	58 sq.m
Unit 3	1b/1p	40.54 sq.m	39 sq.m

Private amenity space would be provided for the ground floor family unit in the form of an enclosed patio 24.49 sq.m and all of the flats would have access to a communal garden of approximately 142 sq.m.

- 3.2 Amended Scheme: The main changes involve the omission of the single-storey rear extension; omission of one studio unit in connection with the creation of a family sized 3 bedroom unit at ground floor level; change from a 2-bedroom maisonette to a 1 bedroom maisonette; omission of additional crossover; inclusion of additional cycle space; inclusion of electric charging points; relocation of bin store.

4. **PLANNING HISTORY**

- 4.1 15/P2726 planning permission granted for the erection of a hip to gable and rear roof extension with 3 x rooflights to front roof slope.

- 4.2 15/P2140 Certificate of Lawfulness refused for the erection of a hip to gable and rear roof extension with the installation of three rooflights in the front roofslope (The proposed roof extension would exceed the permitted development tolerances set out in Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015).
- 4.3 15/P2085 Prior Approval granted in respect to a single-storey rear extension, with the following dimensions, extends beyond the rear wall of the original dwellinghouse by 6m. The maximum height of the enlarged part of the dwellinghouse will be 3m. The height of eaves of the enlarged part of the dwellinghouse will be 3m.
- 4.4 06/P0473 Planning permission granted for the erection of a part single/part two-storey side and rear extension.
- 4.5 02/P0787 planning permission refused for the erection of a single storey and a two-storey side extension.
Reasons: The proposed two storey side extension would appear unduly dominant and disrupt the symmetry of the semi-detached pair and appear unduly dominant eroding space between properties to the detriment of the visual amenities of the Wandle Road street scene contrary to Policies EB.23, H22, H23 of the Adopted Unitary Development Plan (April 1996), Policies BE.23, BE.28, BE.29, BE.30 of the Second Deposit Draft (October 2000) and Supplementary Planning Guidance). Subsequent appeal dismissed.

5. CONSULTATION

- 5.1 8 neighbours consulted on scheme as originally submitted: 7 individual letters of objection were received including an additional letter of objection received on behalf of the objector/neighbour at no.153 Wandle Road.

Overdevelopment; four units would result in overcrowding; loss of family unit would be contrary to Core Strategy policy CS14; inappropriate development within a predominantly family area that is likely to cause stress to neighbours; flats do not meet minimum space standards; stacking arrangements are unacceptable; poor layout with poorly lit accommodation; larger flats should have access to the garden; side access to narrow; increased noise from communal garden; increased traffic and air pollution; insufficient parking for four units; increased demand for on-street parking leading to parking congestion; difficult for bus drivers to navigate due to parked cars and the proposal will exacerbate this situation; parking arrangement involving an additional crossover could not be achieved due to the location of telephone pole;

loss of front wall and a full width crossover will detract from streetscene; position of bin store would represent an eyesore and due to its proposed location would result in smells; increased overlooking of neighbouring gardens; poor outlook; no affordable housing contribution; loss of privacy; loss of light; bike store in back garden would attract thieves; potential for future occupiers to leave side gate unsecured leading to security problems; increased demand on drainage and water supply; noise, dust, disturbance and traffic congestion from building works.

One objector has suggested that if the Local Planning Authority were minded to grant planning permission then a series of conditions relating to:- hours of operation of building works; fitting soundproofing to all walls flanking 153 Wandle Road; ensure drainage and sewage connections for the site are housed completely within the boundaries of the site; prohibit the use of the flat roof of the ground floor of the property as a roof terrace; enforce re-positioning of bin store; enforce the fitting of a security gate for access to communal back garden.

5.2 Transport Planning. Consulted on the original scheme. The site has a PTAL score of 3 and in an uncontrolled parking zone so the Council is unable to apply a permit free agreement. Cycle parking provision shows only 4 spaces (London Plan standards would require it to have 5 spaces); The applicant would have to apply for a vehicle crossover from the Highways Team to widen the existing crossover access. The proposed new crossover is unlikely to be granted because of the presence of the telephone post (officers would note that this has been omitted from the amended scheme). The applicant is proposing two new gated accesses to the property from Connaught Gardens footpath, the applicant will need to confirm how they are expecting residents to access these gates from the footpath. Provision of electric vehicle charging points for the parking bays should be provided.

5.3 Climate Officer

As a minimum, the development should demonstrate that it has been designed in accordance with the Mayor's energy hierarchy (as outlined in Policy 5.2 of the London Plan 2015 and Policy CS15 part b of Merton's Core Planning Strategy 2011), make efficient use of resources and materials and minimise water use and CO2 emissions.

As a conversion to provide new dwellings officers advise that the development is assessed under the BREEAM Domestic Refurbishment Standard. This methodology is designed for domestic refurbishments. This will be applied through the standard BREEAM Domestic Refurbishment - Pre-Commencement (Conversions to provide new dwellings) planning condition, which requires a minimum standard of BREEAM 'Very Good' for the converted dwelling.

- 5.4 8 neighbours were consulted on the amended scheme: 8 individual letters of objections were received including an additional letter of objection received on behalf of the objector/neighbour at no.153 Wandle Road. 3 of the objection letters acknowledged the amendments to the scheme but continue to reiterate the objections already expressed under the original consultation and outlined above.

6. POLICY CONTEXT

- 6.1 The relevant policies in the Council's Adopted Sites and Policies Plan (July 2014) are:

DM D1 (Urban design)
DM D2 (Design considerations in all developments)
DM D3 (Alterations and Extensions to Buildings)
DM T2 (Transport impacts of developments)
DM T3 (Car parking and servicing standards)

Supplementary Planning Guidance for New Residential Development
1999

- 6.2 London Plan 2015
3.3 (Increasing housing supply)
3.4 (Optimising housing potential)
3.5 (Quality and design of housing developments)
6.13 (Parking)
7.4 (Local character)
7.6 (Architecture)
- 6.3 Housing Standards – Minor Alterations to the London Plan (March 2016)
Mayor's Housing Supplementary Planning Guidance (March 2016)
- 6.4 DCLG Technical Housing Standards – Nationally Described Space Standard
- 6.5 Adopted LDF Core Strategy (July 2011)
CS 8 (Housing choice)
CS 9 (Housing provision)
CS 14 (Design)
CS 20 (Parking, servicing and delivery)

7.0 PLANNING CONSIDERATIONS

- 7.1 The main issues for consideration are the principle of conversion; visual amenity; residential amenity; standard of accommodation; parking and traffic.

The provision of housing:

- 7.2 Policy CS14 of Merton's Core Strategy (2011) requires the incorporation of at least one family sized unit where resulting in the loss of an existing family sized unit. A three bedroom family sized unit is incorporated within the conversion at ground floor level with access to its own private garden and as such the scheme is compliant with this aspect of policy.

Standard of Accommodation

- 7.3 Policy 3.5 of the London Plan 2015, as updated by the Minor Alterations Housing Standards (March 2016) and the Department for Communities and Local Government "Technical Housing Standards – Nationally described space standard" set out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS14 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 and daylight and privacy for occupiers of adjacent properties and for future residents of the proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

- 7.4 All of the proposed flats would exceed the minimum space standards required by policy 3.5 of the London Plan and the Department for Communities and Local Government "Technical housing standards – nationally described space standard" The flats are also double aspect and as such it is considered that they would receive a satisfactory amount of daylight/sunlight and have a good outlook. Future occupants of the family unit on the ground floor will have access to a private amenity area and all of the flats would have access to a generously sized communal garden. A number of third party objections raised concerns regarding overcrowding; loss of family unit; units not achieving minimum space standards; access to the garden. It should be noted however that the application has been through a series of amendments since originally submitted resulting in a decrease in the proposed occupancy; the inclusion of a family unit; all units exceed minimum space standards; all units have access to outdoor amenity space.

Impact on neighbour amenity

- 7.5 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.

- 7.6 It is not considered that the proposed roof extension would be visually intrusive or overbearing when viewed from neighbouring properties or result in an unacceptable level of daylight/sunlight, loss of outlook nor would it result in an unacceptable loss of privacy. It is noted that the proposed roof extension would be almost identical in terms of size, design and proportions to the existing rear roof extension to the neighbouring property at no.153 Wandle Road.

Parking, servicing and deliveries.

- 7.7 Core Strategy Policy CS 20 is concerned with issues surrounding pedestrian movement, safety, serving and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection. Sites and Policies Plan policy DM T2 requires that development has a minimal impact on the local environment. The application site has a PTAL rating of 3 which means it has moderate access to public transport. Policy DMT3 states that development should only provide the level of car parking required to serve the site taking account accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated.
- 7.8 The proposal has reduced the proposed occupancy levels since it was originally submitted As a family sized unit is being retained, the level of impact needs to be considered in terms of the impact of the additional two flats and the potential additional occupiers thereof. There is satisfactory space within the existing hardstanding to accommodate 3 car parking spaces. The scheme as originally submitted proposed an additional crossover which has been omitted from the scheme. In addition three electric vehicle charging points and secure cycle storage have been provided in accordance with London Plan standards. Satisfactory refuse storage has been accommodated within the rear garden. Bearing the amendments in mind it is not considered that the proposal would result in an unacceptable increased demand for on-street parking.

- 7.9 The Council's Transport planning section has been consulted and raised no objection to the proposal with their full comments being at para 5.2.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9 **CONCLUSION**

- 9.1 Officers consider that the proposals have been thoughtfully redesigned designed to provide additional residential accommodation within a building that respects the appearance, context and character of the wider environment. The layout will provide living accommodation that exceeds the minimum requirements of the London Plan both in terms of Gross Internal Areas and external amenity space.

RECOMMENDATION

Grant planning permission subject to planning conditions

Conditions

- 01 A1 Commencement of Development
- 02 A7 Construction in accordance with plans
- 03 B2 The materials to match existing The facing materials used in the development hereby permitted shall match those of the existing building in materials, style, colour, texture and, in the case of brickwork, bonding, coursing and pointing.
04. D11 Construction times. 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.
05. H4 Parking provision The vehicle parking area shown on the approved plans shall be retained for parking purposes for occupiers and users of the development and for no other purpose.
06. H6 Cycle parking to be implemented
07. INF12 Works affecting the public highway.
- 07 BREEAM Domestic Refurbishment - Pre-Commencement No development shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors confirming that the development is registered with the Building Research Establishment (BRE) or other equivalent assessors in respect of a BREEAM Domestic Refurbishment rating and a Design Stage Assessment Report demonstrating that the development will

achieve not less than the standards equivalent to BREEAM Very Good standard has been submitted to and approved in writing by the Local Planning Authority.'

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

- 08 BREEAM Domestic Refurbishment - Pre-Occupation Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be occupied until a Building Research Establishment or other equivalent assessors Design Stage Certificate or Post Completion Certificate confirming that it will achieve/ or has achieved, not less than the standards equivalent to BREEAM Very Good for BREEAM Domestic Refurbishment has been submitted to, and acknowledged in writing by the Local Planning Authority.

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.

09. The three electric vehicle charging points shown on the approved drawings shall be implemented prior to the occupation of the residential unit hereby approved.
Reason: To encourage the use of environmentally friendly electric vehicles and to comply with policy 6.13 of the London Plan 2015.

[Click here](#) for full plans and documents related to this application.

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 8 DECEMBER 2016

	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P2942	02/08/2016
Address/Site:	Wellington House, 60 – 68 Wimbledon Hill Road, Wimbledon, SW19 7PA	
Ward	Hillside	
Proposal:	Refurbishment of the existing building including the recladding of the exterior of the building, erection of two additional floors and infilling of the surface level car park to create an additional 2,055sqm (Gross Internal Area) of office use (Class B1). Change of use and amalgamation of two ground floor units from A2 use (financial and professional services) to a single A3 use (café / restaurant). Reconfiguration of existing basement to accommodate plant with reduction in basement car parking	
Drawing Nos:	064-A-11-09(E), 10(H), 11(E), 14(E), 15(G), 16(G), 064-A-16-01(D), 02(C), 064-A-17-01(E), 02(G), 03(C), 04(C), 05(C) & 06(D)	
Contact Officer:	David Gardener (0208 545 3115)	

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Short stay cycle parking contribution, S278 Agreement, Carbon Emissions Offset Contribution
- 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: Yes
- Number of neighbours consulted: 354
- External consultations: None

1. INTRODUCTION

- 1.1 The application has been brought before the Planning Applications

Committee due to the number of objections received following public consultation.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a four storey (plus plant room) mixed use building with a gross internal floor space (GIA) of 2475sqm. The building is located on the corner of Wimbledon Hill Road and Mansel Road on the edge of the designated Wimbledon Town Centre area.
- 2.2 At ground floor level, facing Wimbledon Hill Road, it comprises 2 estate agents and 1 letting agency (A2 financial and professional services) and 1 restaurant (A3 café / restaurant). The 3 floors above are in office use (Use Class B1) served by an entrance lobby on Mansel Road. Adjacent to the entrance lobby on Mansel Road is a surface car park and refuse storage area with a ramped access down to a basement car park. There are 7 parking spaces at surface level and 27 at basement level.
- 2.3 Mansel Court, which is a recently remodelled and extended five and six-storey office building, sits adjacent to the site on Mansel Road, separated by the car park. 58 Wimbledon Hill Road is a four storey building attached to Wellington House on the Wimbledon Hill Road frontage comprising restaurant use at ground floor level with office above. Forming part of the redevelopment of 58 Wimbledon Hill Road is a four storey element at the rear comprising six self-contained residential flats on its first, second and third floors. This element is known as 58 Worple Road Mews.
- 2.2 Wellington House is located in the Merton (Wimbledon Hill Road) conservation area. The immediate area comprises an eclectic mix of building styles and sizes. Wellington House on one side of Wimbledon Hill Road and Melbury House, a modern four-storey building on the opposite side (on the corner of Wimbledon Hill Road and Woodside) replace earlier terraces. Traditional Victorian terraces comprising commercial uses at ground floor level and a mixture of office and residential uses above are located on the application site of Wimbledon Hill Road. On the opposite side, south of Alwyne Road, are the highly ornate Jacobean style 'Bank Buildings' of 37-47 Wimbledon Hill Road.
- 2.3 Mansel Road is a predominantly residential street running between Wimbledon Hill Road and Raymond Road to the south. Towards Wimbledon Hill Road the residential terraces give way to larger office, school and church buildings that mark the start of the town centre area. The boundary lies between the office building known as Mansel Court and the neighbouring nursery use. Trinity Church and Hall is a grade II listed building from 1885, built in a Gothic style of red brick and stone dressing and is located further along Mansel Road. There are a further eleven locally listed buildings along Mansel Road that are considered to contribute to the character and appearance of the conservation area.

- 2.4 The application site has excellent public transport links (PTAL rating of 6b) being sited in very close proximity to Wimbledon tube, railway and tram station and a number of bus routes.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the refurbishment of the existing building with significant changes to the external appearance of its principal street elevations, including recladding of the existing concrete frame with new patterned brickwork, curving the corner with large glass panels and new shopfronts, alterations to the principal street elevations, reconfiguration of internal spaces and erection of two additional floors.
- 3.2 An infill building is proposed in the location of the surface car park with access maintained to a reconfigured basement to accommodate plant with the total number of car parking spaces reduced from 34 (basement and ground level) to 11 basement spaces including two blue badge holder spaces. At ground floor level, the parking would be replaced with 56 cycle spaces with shower and locker facilities.
- 3.3 A total of 2,055sqm of GIA (Gross Internal Area) additional office space is proposed which means the GIA of the proposed extended building would be 4,530sqm. The new office floor plates would be high quality 'A' grade office.
- 3.4 The building will have a maximum height of approx. 20.22m to the top of level 5 and 22.7m to the top of the roof plant. The building would have terraces at levels 4 and 5 and would also step in at the rear at levels 4 and 5. A link element between the main element of the building and the side boundary with Mansel Court would be set back approx. 6.4m behind the main element of the building. Facing materials would include red brick with profiled pattern to main façade, double glazing and ppc (polyester powder coated) aluminium framed windows to main façade. The upper levels would comprise ppc aluminium projecting vertical fins with metal back painted spandrel panels. The link element of the proposed building which is set back from the buildings Mansel Road elevation would comprise a ppc aluminium framed curtain wall system with back painted horizontal glass spandrels.
- 3.5 The application has been amended since it was first submitted with the roof plant significantly reduced. Some of the plant has also been relocated to level 5. The floorplate of level 5 has also been reduced in size with the southeast elevation on Wimbledon Hill Road set further away from No. 58 Wimbledon Hill Road.
- 3.6 The façade has also been further developed from the original submission with the colour of the brickwork lightened, introduction of ornate patterning to the horizontal spandrel panels and patterned metal horizontal panels. Glazing has also been introduced to the level 4 brick return whilst the metal vertical railings have been replaced with glass. The opening doors at ground floor level on the buildings Mansel Road elevation have also been removed.

- 3.6 It is proposed to change the use of the two A2 estate agents closest to the corner with Mansel Road and amalgamate the units into a single unit with A3 (café/restaurant) use.
- 3.7 The application as originally submitted proposed that servicing of the proposed development would take place on the highway via a loading bay on Mansel Road in front of the proposed development. In order to accommodate the loading bay, it was proposed that the two existing central islands on Mansel Road would be removed. The plans have now been amended with the central islands retained. An off-street loading area for small to medium sized vehicles is now provided on-site within the basement access area, with larger vehicles loading on-street. In the case of on-street loading and unloading, the vehicle would be required to park in front of Mansel Court although part of the vehicle would be able to park in front of the basement access. The proposed on street loading arrangement would be facilitated by re-locating and re-configuring four existing on-street parking bays, with the loss of one bay but an improvement in their dimensions.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 MER676/76 - Retention of a 4 storey building with 4 shops on ground floor, showrooms on 1st floor, and offices on 2nd and 3rd floors with a basement car park. Granted - 07/02/1977
- 4.2 MER109/77 – Change of use to offices. Granted - 14/04/1977
- 4.3 95/P0177 - Enclosure of 1 car parking space in basement area to provide covered area for power supply system. Granted - 05/05/1995
- 4.4 02/P1940 - Installation of a two metre high sliding security gate and railings to the Mansel Road frontage of the rear service yard. Granted - 11/11/2002
- 4.5 Pre-application advice was sought in March 2016 (LBM Ref: 16/P0974/NEW) for re-cladding of external elevations of current mixed use building, erection of a two storey extension to the roof and infilling of surface car park to create 2,500sqm of additional office space, change of use and amalgamation of two A2 units into a single A3 use.

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):
DM D1 (Urban design and public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D4 (Managing heritage assets), DM E1 (Employment areas in Merton), DM E2 (Offices in town centres), 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 R5 (Food and

drink/leisure and entertainment uses), DM T1 (Support for sustainable transport and active travel)

- 5.2 The relevant policies in the Adopted Core Strategy (July 2011) are: CS.6 (Wimbledon Town Centre), CS.7 (Centres), CS.12 (Economic development), CS.14 (Design), CS.15 (Climate Change), CS.18 (Active Transport), CS.19 (Public Transport), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (July 2011) are: 4.2 (Offices), 5.2 (Minimising carbon dioxide emissions), 5.6 (Decentralised energy in development proposals), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture), 7.7 (Location and design of tall and large buildings), 7.8 (Heritage Assets and Archaeology)
- 5.4 National Planning Policy Framework (NPPF)
- 5.5 Merton's Tall Buildings Background Paper 2010
- 5.6 Wimbledon Hill Road Character Assessment 2006

6. CONSULTATION

- 6.1 The application was originally publicised by means of a site notice and individual letters to occupiers of neighbouring properties. In response, 38 letters of objection were received including objections from the Raymond & Mansel Road Residents Association, Wimbledon E Hillside Residents' Association and the Wimbledon Society. The letters of objection are on the following grounds:
- Mansel Road is an inappropriate location for a loading bay whilst maintaining the current traffic islands is critical to safety of the street. The two traffic islands on Mansel Road have a long history and have been deemed to be the most suitable way to prevent cars using Mansel Road as a way of bypassing the traffic lights at the end of Worple Road to turn up Wimbledon Hill Road. The proposal to use no left turn signs was not considered to offer sufficient protection
 - Loading bay and associated implications including changes to islands should be subject to separate formal consultation. Loading bay should be located on-site
 - If there is a requirement for a short term loading bay during construction then appropriate provision needs to be made for temporary changes to the location of the islands to both keep the protection offered by the islands whilst allowing vehicles making a left turn from Wimbledon Hill Road into Mansel Road when a vehicle is loading and unloading. Disruption caused during construction as well by increase in traffic generated by larger building

- Underground parking area is chaotic and with only one access ramp would result in delays due to waiting vehicles disrupting traffic flows. Reduction in on-site car parking spaces is unacceptable
- Weekend closures for construction would have significant impact on church congregation including elderly and the disabled
- CPZ includes parking meters, which means there would be greater pressure on metered bays. S106 must be included prohibiting any business/visitor permits in the CPZ
- Proposed restaurant use would put greater pressure on parking. Increase in footfall
- Extended building would be too tall, dominating, overpowering and too bulky. Building should match height of Melbury House
- Does not respect or relate to rich architectural styles of other buildings in local/conservation area. Dark bricks and large glass windows is insensitive to its setting. Unacceptable impact on conservation area
- Overdevelopment of the site. Sustainability should be 'excellent' and not 'very good'
- Lack of demand for restaurants on this part of Wimbledon Hill Road and if proposed A3 use granted could lead to anti-social behaviour and increased street rubbish. Could also easily offer fast food as no control over food. Should be retained as an A2 unit.
- Loss of daylight/sunlight, overshadowing and overlooking of windows/communal patio of flats at 58 Worple Road Mews (Rear of 58 Wimbledon Hill Road) and Wimbledon High school classrooms
- Noise

6.2 The Wimbledon Society

6.2.1 The increase in height is not sufficiently set back and the scale of the building would be increased significantly. The impact of this proposal is to introduce an unacceptable dominance of the existing streetscene on Wimbledon Hill Road. On Mansel Road the closing of the gap would overshadow the road and reduce sunlight extending the commercial, tree less character into the residential road. The blandness of the elevations does not relate well to the terrace on Wimbledon Hill Road, Melbury House which has clearly aimed to introduce a variety of brick based detailing or the conservation area. The opportunity should be made to erect a canopy above the pavement.

6.2 Following the initial consultation a number of amendments were made to the scheme and these are detailed in paragraphs 3.4, 3.5 and 3.7 of this report. A further re-consultation was then undertaken in which 19 objections have been received including objections from the Wimbledon Society, Wimbledon E Hillside Residents' Association and Raymond and Mansel Road Residents Association. The letters of objection are on the following grounds:

- Amendments to the proposal are minimal and the building would still be out of scale and too tall compared to existing buildings. Building would also be too dominant and any infill should not extend beyond front building line of Mansel Court. The 'gateway' aspect remains lost. Infilling of car

park will take away openness of conservation area. Clashes with Melbury House

- Lack of on-site parking and granting of parking permits for occupiers. Loss of on-street parking bay
- Removal of traffic islands during construction and road safety due to car drivers making illegal left turns out of Mansel Road. Too little consideration given to residents both during and after construction. Inaccuracies in highway movement report. Mansel Road is not lightly trafficked.
- Increased air pollution and impact on sewers
- Change of use of much of ground floor to A3 is unwarranted and unwanted. Inclusion of two doors on Mansel Road frontage of A3 use.
- Green roof area is green wash
- Proposed cycle storage is poorly configured
- Would encourage on-street loitering from e.g. smokers
- Consultation process

6.3 Design and Review Panel – (23rd September 2016)

6.3.1 The Design and Review Panel (DRP) commented on the originally submitted scheme.

6.3.2 The Panel were clear that the proposal as it stands does represent an improvement on the current building. However, this reason alone was not considered sufficient to grant consent on design grounds. The conservation area character and gateway location of the site also needed to be better taken into account.

6.3.3 The Panel noted that at its previous review it had recommended removing the top storey as it seemed too high for its location and in relation to other buildings, and that this floor had not been removed in the current design. Whilst it was acknowledged there had been some alterations to the upper storeys mass and appearance, the plant room was still prominent and the darker colours proposed made the top of the building seem too heavy.

6.3.4 The Panel were concerned that the approach to scale, bulk and massing was to assume it was similar to the built and successful Mansel Court and that this would be okay. This was not considered a valid argument by the Panel as that site was clearly different in many respects. The design needed to look to good nearby buildings in more detail to develop design cues and build on the generally good analytical work already done.

6.3.5 The building is essentially 3 storeys higher than the adjacent building and the Panel felt that, despite the changes, the transition in height was not successful and could probably not be managed successfully within the building itself, and that their opinion that a storey should be removed was still valid. It was felt that this fundamental aspect had to be resolved and that a high quality frontage would not atone for this.

6.3.6 The building is located at a point where the suburban feel of Wimbledon Village gives way to the urban feel of the town centre. It was considered to

mark this transition with an urban building, but that it simply needed to make the gateway statement more positive. This could be done in many ways with alterations to the curved corner – which itself was a positive element. One suggestion was that the corner element alone could support an additional storey as a landmark – similar to a cupola. Another suggestion was to work closely with an artist to generate creative ideas for the corner to make it distinctive.

- 6.3.7 In terms of the general design and appearance of the building, the Panel felt that it had a number of good qualities, notably the attention to detail with the brickwork, which was picking up on some local distinctiveness. There were other issues however, that did not work well. The brick colour was considered too dark and uniform, rather than the warmer brick and terracotta used on the former bank building opposite. It was felt that the infilling of the gap in the Mansell Road frontage needed to be managed sensitively in order for it not to be overbearing in the street scene.
- 6.3.8 There was also some discord felt with respect to the vertical and horizontal elements. These seemed too uniform, reminiscent of industrial warehouse buildings, and therefore made the building seem more at home in Clerkenwell rather than Wimbledon. As the building was a re-clad, it was felt important to retain vertical separation between the bays at ground floor to reflect the rhythm of adjacent shops.
- 6.3.9 This uniform feel led the Panel to suggest that different floors of the building should have subtly different elevational treatment. This would add interest, as well as dilute the uniformity without compromising the overall design, for which there was a degree of support. It was also noted that the ground floor seemed too squat and that this was probably due to inaccurate and inconsistent CGI images. This led to the request for elevational drawings of the whole façade to show the building properly in context and scale.
- 6.3.10 The Panel felt that, although there had been some changes, the considered them relatively minor. The key element of the bulk and mass of the building had not been addressed, despite being raised at a previous review. The Panel were also disappointed that the generally good quality appearance of the building had not been further developed to make it better relate to adjacent buildings and ensure the design was finer grained and more appropriate for Wimbledon.

VERDICT: **RED**

6.4 Design Review Panel – further review by email October 2016

- 6.4.1 In response to the comments received at DRP in September 2016, further revisions were made which were then circulated for email feedback from individual DRP members. Panel members in response stated that there are positive aspects of the latest amendments including the imaginative brick detailing, lighter colours on the top floor and the brick colour relating better to surroundings. There were also positive comments regarding the decorative

panels/spandrels under windows that look like part of the window frame and texture detail of the brickwork. The reduced height was also considered to be an improvement.

- 6.4.2 There were however still considered to be a number of negative aspects. This includes the height/massing still being too bulky (this would benefit from removal of another storey) and the building has a 'wall' effect when viewed from Wimbledon Hill Road. Reducing the height would address this, and a more discernible gap with Mansel Court could also possibly help. A more explicit corner treatment was needed to create a positive gateway, rather than the current 'wraparound'. The corner needs more excitement and life – the building is weakest here, where it should be strongest. The ground floor was also considered to still look too cramped at the corner due to the higher ground level and it was suggested that as a start, the masonry ground floor band could be raised or thickened, but an artist could be commissioned to aid in the design of this corner. Concerns were also raised concerning each of the storey bays from 1st to 4th being identical and the building does not evolve as it goes up – the adjacent building does this very distinctly. Doing this in a more subtle way would address this, add richness and address the point of the building looking a bit 'Clerkenwell' rather than 'Wimbledon'.

6.5 Future Merton - Urban Design

- 6.5.1 The applicant and land-owner is the same as the adjacent Mansel Court which has recently been re-clad and refurbished to provide better quality office accommodation, and improvements to the local architecture and street scene. This gives the Council confidence in terms of delivery of the scheme and long-term stewardship of the development. Merton's Core Strategy and Economic Development Strategy both emphasise the need for additional high quality office space in Wimbledon to support jobs and the local economy. The principle of these proposals are sound and will be a benefit to Wimbledon town centre.
- 6.5.2 A scheme that would involve a complete demolition and re-build would cause greater local disturbance and have a greater effect on local businesses than the current proposals presented here. It is the council's view that it's inherently more sustainable to re-use and remodel an existing building for new purposes and a prolonged lifespan. However, working with the existing columns and floor slabs of the current 1970s building presents challenges; for example the floor to ceiling heights, plot rhythm and squat ground floor do not match those of the adjacent Victorian terraces on the hill and are, by necessity; fixed.
- 6.5.3 It is considered that the applicant has successfully created a more contemporary, open and active building (set within the limitations of the existing frame and existing building proportions). The proportion of the ground floor shop-fronts have been made slightly taller through clever positioning and of new shop signage zones (located higher up) to echo, as much as possible within the existing frame, those in the adjacent terrace. The upper floors have been opened up with floor-to-ceiling windows. This visually reduces the effect

of the solid mass of the existing 1970s brick and smoked glass façade. The extent of the floor-to-ceiling ratio has been decreased in response to DRP comments and now includes a low-bronze banding at the lower part of the windows; so that office floor clutter (bins/bags etc) aren't directly visible from the street. This is a welcome change and adds further detailing to the depth and reveals of the windows and façade.

- 6.5.4 The proposal extends onto the rear car park. Whilst this fills in a gap, the natural end to the commercial uses on this street is west of the adjacent office building of Mansel Court. This urban form is replicated to a degree on the other side of the street, with the elevations of the school buildings (sitting higher up the hill), and it is not until further along Mansel Road that the character becomes strongly residential. This infilling is considered sensible and appropriate, particularly as the current view between the buildings is of the less attractive service areas, backs of buildings and blank flank wall of Mansel Court. The proposed development is also an appropriate way to fill an urban block, and is one of the few ways a site can achieve an intensification of use in this part of Wimbledon town centre.
- 6.5.5 The proposals include an increase in height of an additional two storeys. The height and massing has been revised through the planning process resulting in a significantly reduced plant area and a more pronounced stepping up of the floors from the adjacent terrace (somewhat mimicking the topography of the site). It should be noted that to fund the quality of improvements to the office space and the architecture of the building; value has to be created through some growth and intensification. The proposals presented here represent a viable and acceptable level of intensification. A part 5/6 storey development in a major town centre is not considered as tall and the building set-backs mitigate the height and bulk of scheme. The building performs the function of both gateway and 'book-end' of an urban terrace where you'd expect the corner block to be emphasised in height. The height of the building is higher than the building opposite, but this in itself does not make it inappropriate. It is also important that the building has sufficient presence to act as a gateway building to the town centre, and height has a legitimate role to play in achieving this. The building, as amended, will not appear as a building that is significantly taller than those around it, nor as a landmark solely because of its height.
- 6.5.6 The building is not considered excessively tall for its location and shouldn't be a 'shouty' or dominant landmark. The proposals are respectful to the neighbouring context whilst achieving a measure of growth. Whilst the building extends taller than the adjacent buildings, it does not do so significantly and can still be read as part of the terrace of shops going up the hill. The corner of the building with increased height and curved wraparound begins to mark the building as a local landmark. However, it reads primarily as simply a way the building turns the corner. This curved hinge is in part dictated by the existing floor-plates and column positions, but presents a more rounded, softer corner – again, referencing the larger curves of Melbury House as it turns into Woodside opposite.

- 6.5.7 As the building is a recladding, the rhythm and proportions are largely inflexible at the large scale. The effect of this is that the building does not have the opportunity to step up the hill bay-by-bay, as the older buildings do. This loses a degree of grain to the building, but does clearly mark the difference in use – as an office, and this is not inappropriate given the site constraints. It does however mean that what should be the most imposing part of the building – the corner, is less imposing. However, as mentioned earlier – landmarks don't need to shout or stand out. There is an understated and restrained simplicity in these proposals, when viewed from a distance, and up-close the extremely detailed brickwork becomes the point of interest and adds a layer of quality and texture to the building.
- 6.5.8 The current proposal has a front elevation at the top level of vertical fins. These work well as a subservient form to the main elevation and lighten the mass of the building at the upper levels (similar to Elys). The use of brick at the lower levels emphasises the relationship with the adjacent terrace and other gateway building of Melbury House. The proposed material of brick is clearly appropriate for this type of building and location in Wimbledon. It fits the local context well. The detailing in the brick, with the angled brick texture (borrowed from Mansell Road Church) moulded frieze and spandrel panel, introduce an exceptional level of detail, texture and human scale that is clearly of high quality and is a level of craftsmanship often lacking in many modern buildings. Following DRP, the brown bricks have been lightened (to be more red) to fit in with the Bank Buildings and Melbury House. This must be tightly governed through planning conditions to maintain quality. It is a good contemporary interpretation of some local vernacular.
- 6.5.9 As this is a recladding, there is a limited degree to which the local context can be interpreted in the form or topography. The detailing and materials however, do this well. This level of richness in the facades will be an improvement to the heritage asset of the conservation area it sits within. The impact of building on the car park has already been discussed above. The importance of side gaps at the end of terraces in the conservation area character, or in Wimbledon in general is considered of limited or no significant importance, and is not picked out in the conservation area appraisal as an important characteristic. In fact, the hiding of the rear elements of buildings will improve the street scene and ensure the intensification blends well with its surroundings. The appearance of the existing building is clearly of its time, despite being based on a 1970s frame. The proposed scheme looks and feels like a good quality, flexible office building that belongs in a town centre. Its appearance also responds reasonably well to local context at the detailed level.
- 6.5.10 The public realm is improved by the change of use from A2 to A3, as this will generally mean more open frontages and better natural surveillance, as well as more evening activity. The footway here has recently been replaced. On Mansell Road, the car park gap has been filled in, screening the service uses and improving the distinction between public and private realm. The corner unit has been wrapped around to add active frontage to Mansell Road, which

was previously a dead blank wall. Overall, the public realm has been improved as the scheme has progressed through planning.

6.6 Future Merton - Transport Planning

6.6.1 It is considered that whilst there will be some highway impacts they would be slight and insufficient to merit refusal as they predominantly relate to the applicants own day to day operations which can be managed through their site servicing and management plan. The proposal would result in the net loss of one on-street parking bay however it is considered that the four current bays are too short for modern vehicles and as such their replacement with three longer bays is acceptable. The applicant will also be required to enter into a S106 agreement to provide a financial contribution for short stay cycle provision in the local area given the applicant has only provided long stay spaces.

6.7 Future Merton - Climate Change

6.7.1 The BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 63.02%, which meets the minimum requirements to achieve BREEAM 'Very Good' in accordance with Merton's Core Planning Strategy Policy CS15. This is particularly commendable in light of the use of BREEAM New Construction scheme to undertaken the assessment. In order to make allowance for the additional difficulties assessing a refurbishment project under the BREEAM New Construction scheme it is suggested that a condition is attached to allow a BREEAM Good rating to be accepted in this case. Additionally the applicant has requested that allowance be made for the time taken to finalise the code certificates and reflected in the wording of the condition.

6.7.2 The BRUKL output documentation submitted for the proposed development indicates refurbished element of the works will achieve the target emissions reduction of 35% whilst the new build element of the development will only achieve an emissions reduction target of 11%. This leaves a carbon shortfall of 13.87 tCO₂ which will need to be addressed through a S106 payment according to the offset methodology outlined in the Mayors Sustainable Design and Construction SPD.

6.7.3 Future Merton are satisfied that the all potential on-site carbon abatement opportunities have been considered and implemented where feasible and that the constraints placed on the site by virtue of it being an existing building limit the potential of achieving a 35% improvement for the new build element. The reimaging carbon shortfall can be dealt with via a S106 payment of £24,966.

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

- 7.1.1 The Council supports the development of major offices in Wimbledon town centre, which is defined in Policy DM R1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) as having more than 1,000sq.m. Policy CS.7 of the Core Planning Strategy states that in Wimbledon Town centre the council will support high quality offices, especially major development. Policy DM E1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals relating to employment sites will only be supported that subject to Policy DM E2 and DM E3, retain existing employment land and floor space. The Council will support proposals for the redevelopment of vacant and underused existing employment land and floor space for employment use and proposals for large and major offices (B1(a) use class) in town centres. Policy DM E1 notes that as Wimbledon town centre is tightly bound by residential areas, the possibilities for growth include increasing density on existing sites. This policy states that the council will work with landowners to meet market demand for high quality, well designed large floorplate offices commensurate with Wimbledon's status as a major centre and to take advantage of the internationally recognised Wimbledon 'brand'.
- 7.1.2 At a regional and national level it should be noted that Policy 4.2 of the London Plan states that the Mayor will encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility. Paragraph 19 of the NPPF states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 7.1.3 The applicant has submitted a market overview and summary which demonstrates that there is a significant shortage of office space in Wimbledon town centre with total stock levels recorded at circa 1.8m sq. ft. with current availability being limited to only two buildings with over 5,000 sq. ft. This represents only 1% of total stock and is considered to be exceptionally low. There is potentially a further 10,000 sq. ft. of space coming through on the ground floor of Wimbledon Bridge House when Unibet move into the refurbished Pinnacle House building on completion of works. The applicant has advised that they are in early discussions with a party in respect to the possible signing of a lease on the whole of the office component.
- 7.1.4 Wellington House is located in Wimbledon Town centre and has excellent transport links (PTAL rating of 6b), which means it is a highly suitable location for a major office development. It is considered that the proposal would comply with local, regional and national planning policies by providing a modernised and sustainable office building with well-designed large floorplates commensurate with Wimbledon's status as a major centre.

7.2 Design, Impact on Streetscene and Wider Conservation Area

- 7.2.1 The extended building would be six storeys and have a maximum height of approx. 20.22m (22.7m to top of roof plant). The top floor would be recessed

approx. 3m behind the building's Wimbledon Hill Road elevation and 2 – 2.4m behind the buildings Mansel Road elevation. Level 4 is also stepped back from the building's Wimbledon Hill Road and Mansel Road frontages.

- 7.2.2 The London Plan states that tall buildings are those buildings that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of applications to the Mayor. Policy 7.7 states that tall buildings should generally be limited to sites in town centres that have good access to public transport.
- 7.2.3 Given the proposed building would have a maximum height of 22.7m it would not require referral to the Mayor of London as its proposed height would fall below the 30m height limit for buildings located outside the City of London. Nevertheless it is considered that given it would be two storeys taller than the buildings on this side/part of Wimbledon Hill Road that in this instance the proposal might be classed as a tall building.
- 7.2.4 In terms of local planning policy, Policy CS.14 of the Core Planning strategy promotes high quality sustainable design that improves Merton's overall design standard. Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be expected to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings. More specific guidance is outlined in the Tall Buildings Background Paper (2010) which forms part of Merton's Local Development Framework, as an evidence base in support of the Design Policy outlined in the Core Strategy. This states that in Wimbledon Town Centre, tall buildings should contribute to creating a consistent scale of development based on a range of similar but not uniform building heights. These should be determined by reference to surrounding building heights and townscape characteristics.
- 7.2.5 Wimbledon is the borough's largest town centre, identified as a major centre in the London Plan. The centre has the highest level of public transport accessibility in the borough and this makes the centre a sustainable location for a tall building. The proposal is also located in the Merton (Wimbledon Hill Road) conservation area so there needs to be careful consideration of its wider impact on the conservation area. The proposed building given its height and prominent location at the junction of Wimbledon Hill Road and Mansel Road would be visible from a number of vantage points along both these roads.
- 7.2.6 The Design and Review Panel reviewed the proposal as originally submitted. It should also be noted that the panel reviewed a previous scheme at pre-application stage. The Panel were clear that the proposal as it stands does represent an improvement on the current building. However, the Panel noted that at its previous review (pre-application stage) that it had recommended removing the top storey as it seemed too high for its location and in relation to other buildings, and that this floor had not been removed in the current design. Whilst it was acknowledged there had been some alterations to the upper storeys mass and appearance, the plant room was still prominent and the

darker colours proposed made the top of the building seem too heavy. The panel also felt that the transition in height was not successful and could probably not be managed successfully within the building itself, and that their opinion that a storey should be removed was still valid. In terms of the general design and appearance of the building, the Panel felt that it had a number of good qualities, notably the attention to detail with the brickwork, which was picking up on some local distinctiveness. There were other issues however, that did not work well. The brick colour was considered too dark and uniform, rather than the warmer brick and terracotta used on the former bank building opposite.

- 7.2.7 The applicant has made further amendments in response to comments received from the Design and Review Panel and council planning officers following its original submission. This includes the setting back of level 5 from the buildings southeast facing elevation and substantially reducing the size of the roof plant with some plant relocated to level 5 and lightening the brick colour. The metal vertical railings have also been removed and replaced with glass and ornate patterning to the horizontal spandrel panels has been introduced. Although the top floor has not been removed it has been reduced in size in response to the original comments received from DRP with it now stepped in further from the buildings southeast elevation which means there is a more gradual transition in scale and height to the terraced buildings along Wimbledon Hill Road and also means the building no longer appears top heavy.
- 7.2.8 The current building has been identified in the Wimbledon Hill Road character assessment as making a negative contribution to the conservation area and to fund the quality of improvements to the office space and the architecture of the building; value has to be created through some growth and intensification. The proposals presented here represent a viable and acceptable level of intensification and it is considered that a part 5/6 storey development in a major town centre is not considered as tall and the building set-backs mitigate the height and bulk of scheme. The building performs the function of both gateway and 'book-end' of an urban terrace where you would expect the corner block to be emphasised in height. It is also important that the building has sufficient presence to act as a gateway building to the town centre, and height has a legitimate role to play in achieving this. The building, as amended, will not appear as a building that is significantly taller than those around it. The reduction in size of the roof plant also means this element would now be barely visible from the street. Given the large size of the roof plant on the originally submitted scheme, this effectively removes a floor sized element from the top of the building further reducing the building's scale and mass. It is considered that the reduction in size of the roof plant would significantly improve the appearance of the scheme when viewed along Wimbledon Hill Road, particularly from further up the road towards Wimbledon Village where the plant was particularly prominent. Although DRP continue to have reservations about the height and massing of the building, Merton's Urban Design Team have been involved in negotiations and have reviewed the changes and are strongly supportive of the scheme as set out in paragraphs 6.5.1 – 6.5.10 and is summarised below.

- 7.2.9 The building is not considered excessively tall for its location and shouldn't be a 'shouty' or dominant landmark. The proposals are respectful to the neighbouring context whilst achieving a measure of growth. Whilst the building extends taller than the adjacent buildings, it does not do so significantly and can still be read as part of the terrace of shops going up the hill. The corner of the building with increased height and curved wraparound begins to mark the building as a local landmark. However, it reads primarily as simply a way the building turns the corner. This curved hinge is in part dictated by the existing floor-plates and column positions, but presents a more rounded, softer corner – again, referencing the larger curves of Melbury House as it turns into Woodside opposite.
- 7.2.9 The proposal extends onto the rear car park. Whilst this fills in a gap, the natural end to the commercial uses on this street is west of the adjacent office building of Mansel Court. This urban form is replicated to a degree on the other side of the street, with the elevations of the school buildings (sitting higher up the hill), and it is not until further along Mansel Road that the character becomes strongly residential. This infilling is considered sensible and appropriate, particularly as the current view between the buildings is of the less attractive service areas, backs of buildings and blank flank wall of Mansel Court. The proposed development is also an appropriate way to fill an urban block, and is one of the few ways a site can achieve an intensification of use in this part of Wimbledon town centre.
- 7.2.10 As the building is a recladding, the rhythm and proportions are largely inflexible at the large scale. The effect of this is that the building does not have the opportunity to step up the hill bay-by-bay, as the older buildings do. This loses a degree of grain to the building, but does clearly mark the difference in use – as an office, and this is not inappropriate given the site constraints. It does however mean that what should be the most imposing part of the building – the corner, is less imposing however this is not a significant concern as landmark buildings do not have to necessarily stand out. There is an understated and restrained simplicity in these proposals, when viewed from a distance, and up-close the extremely detailed brickwork becomes the point of interest and adds a layer of quality and texture to the building.
- 7.2.11 The current proposal has a front elevation at the top level of vertical fins. These work well as a subservient form to the main elevation and lighten the mass of the building at the upper levels (similar to Elys). The use of brick at the lower levels emphasises the relationship with the adjacent terrace and other gateway building of Melbury House. The proposed material of brick is clearly appropriate for this type of building and location in Wimbledon and fits in well with the local context. The detailing in the brick, with the angled brick texture (borrowed from Mansell Road Church) moulded frieze and spandrel panel, introduce an exceptional level of detail, texture and human scale that is clearly of high quality and is a level of craftsmanship often lacking in many modern buildings. Following DRP, the brown bricks have been lightened (to be more red) to fit in with the Bank Buildings and Melbury House and it is

considered to be a good contemporary interpretation of some local vernacular. It should also be noted that the use of polyester powder coated (PPC) external materials on the upper floors as well as the link which is set back from the buildings Mansel Road elevation is also the same external material used on much of the refurbished and extended Mansel Court which is considered to be an excellent recent example of an extension and refurbishment of an office building.

7.2.12 In terms of the wider conservation area Grade II listed Trinity Church which was erected between 1885 and 1891 is located further along Mansel Road. It is considered that the building would have little impact on the setting of Trinity Church given the existing limited relationship between the church, an appreciation of its heritage interest and the application site. It is considered to experience the historical and architectural interest of the church one must stand facing the church with the application site behind at relatively close range. Likewise views from the vicinity of the church looking away from it are filtered by trees along Mansel Road and the existing and the proposed buildings do not form a dominant visual presence within the setting of the church. Further afield there will be no views of the church spire that will be obscured by the proposed development, which sits on the same building line as the existing building. There are currently no opportunities to see the spire where the additional height would prevent a view of the spire. Glimpsed kinetic views of the church spire along Woodside to the north-east would see a very slight change as a result of the additional bulk proposed, but the spire would remain entirely visible above the tree line with the proposed building to the left of the view, just beyond the existing dome of Melbury House and there would be no effect on significance.

7.2.13 Overall, it is considered that the proposal is an imaginative design that responds well to its surrounding context contributing positively to the Merton (Wimbledon Hill Road) conservation area and the Wimbledon Hill Road and Mansel Road streetscene. It has benefited from the Council's design review process and the Council's Urban Design officer is fully supportive of the scheme.

7.3 Residential Amenity

7.3.1 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.

7.3.2 A block of six self-contained flats known as 58 Worple Road Mews are located to the rear of No.58 Wimbledon Hill Road. The flats are arranged over the first, second and third floors and abut the southern corner of the application site. The occupiers of the flats have access to a rear courtyard area, which is located at first floor level to the rear of No. 58 Wimbledon Hill Road. Mansel Court, which is a recently refurbished office building, is located immediately to

the southeast, whilst Wimbledon High School is located on the other side of Mansel Road. Melbury House, which is a four storey commercial building, is located on the opposite side of Wimbledon Hill Road at the junction with Woodside.

7.3.3 No. 58 Worple Road Mews comprises two, one bedroom flats on each floor at first, second and third floor levels with each of the flats being dual aspect. The proposed development would only be visible from the rear of these flats. The applicant has submitted a daylight and sunlight assessment which assesses the impact of the proposed development on No.58 Worple Road Mews. The Vertical Sky Component (VSC) is a measure of the skylight reaching a point from an overcast sky. The proposal would fail the VSC to the rear habitable room windows of each of the flats. However, it is important to note that the VSC is a simple geometrical calculation which provides an early indication of the potential for daylight/sunlight entering the space. It does not assess or quantify the actual daylight levels inside the rooms. In this instance, the close juxtaposition of buildings requires a more detailed approach and therefore the Average Daylight Factor (ADF) is calculated. This uses the VSC calculation in order to confirm the angle of obstruction and visible sky, but goes on to consider the area of glass receiving light and the transmittance qualities of the glass. This is then related to the surface area and reflectance value, of the room beyond. This provides a far more comprehensive review of daylight and is judged against the room's use. The British Standard sets the minimum diffuse daylight levels that should be available to the main habitable room windows, such as bedrooms, living rooms and kitchens. The following minimum average daylight factors should be achieved in the main habitable room: 1% in bedrooms, 1.5% in living rooms and 2% in kitchens. In this instance all but one of the habitable room windows would fully comply with BRE guidance, with only the bedroom window of one of the first floor flats failing. However, it is considered that this is considered to be acceptable given this window already fails the average daylight factor measurement, which means this bedroom already receives a limited amount of daylight/sunlight. It should also be noted that the living room windows to each of these flats are located to the front of the building and would not be impacted at all by the proposed development.

7.3.4 There would be some loss of outlook from the flats at No.58 Worple Road Mews due to the filling of the gap between the current building and Mansel Court. However, it is considered that given the application site is located in Wimbledon Town Centre, where more dense development is expected and encouraged it is considered that the proposal in this instance would not be visually intrusive or overbearing when viewed from these properties. It should be noted that the rear elevation of these properties already directly face the rear elevation of No. 58 Wimbledon Hill Road, which itself is a four storey commercial building. To further mitigate the impact of the extension on these properties the southeast facing rear wall would be located approx. 5m from the side boundary the application site shares with No.58 with levels 4 and 5 stepped further back.

- 7.3.5 In terms of privacy, it should be noted that the building would comprise two terraces, which would be located at level 4 on the front of the building facing Wimbledon Hill Road and at level 5 on the southeast facing side of the building. It is considered that given their location there would not be any impact in terms of privacy. The rear of the building would feature windows that directly face the courtyard area and bedroom windows of three of the flats of No.58 Worple Road Mews. It is considered that given there would only be a separation distance of between 14.5m and 17.5m between the southeast facing windows and the bedroom windows of three of the flats at No.58 that it would be necessary to attach a condition requiring these windows are obscure glazed and fixed shut below 1.7m internal floor height.
- 7.3.6 Significant concerns have been raised by local residents concerning two pairs of opening doors to the proposed A3 use which were to be located on the buildings Mansel Road elevation and the impact that this would have in terms of town centre/commercial activity further encroaching on this predominantly residential street. It should be noted that on the advice of Council planning officers these doors have now been removed. A condition will also be attached limiting the opening hours of the A3 unit so that it operates no later than 23:30 on any given day further limiting any further impact.
- 7.3.7 It is considered that given the above considerations that the proposal would not be visually intrusive or overbearing when viewed from surrounding residual properties, or result in an unacceptable level of daylight/sunlight or privacy loss. The proposal would therefore accord with policies DM D2 and DM D3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and is acceptable in terms of residential amenity.

7.4 Parking and Traffic

- 7.4.1 Policy 6.1 of the London Plan (2015) supports development which generates high levels of trips at locations with high levels of public transport accessibility and improves the capacity and accessibility of public transport, walking and cycling. At a local level Policy CS.18 promotes active transport and encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers). Policy CS.20 of the Core Planning Strategy states that the Council will require developers to demonstrate that their development will not adversely affect pedestrian and cycle movements, safety, the convenience of local residents or the quality of bus movement and/or facilities; on-street parking and traffic management. Developments should also incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.4.2 The application as originally submitted proposed an on-street loading bay directly outside the development site on Mansel Road, which would have necessitated the modification of the existing contra flow cycle facility, including the removal of two segregation islands. Whilst this was considered to be satisfactory from a transport perspective concerns were raised during the consultation stage that the loss of these islands may encourage motorists to

ignore the 'No Entry' restrictions and turn left onto Wimbledon Hill Road. As a result a number of alternative options were explored including modifications to the existing cycle lane arrangements outlined in a second consultation. However, this option was dropped following concerns raised in a safety audit. The current proposal provides an off-street loading facility suitable for small to medium delivery vehicles by utilising the area in front of the entrance gates to the basement ramp. Refuse vehicles and occasional larger delivery vehicles would make use of a new section of double yellow line waiting restriction adjacent to the site in front of Mansel Court. This can be achieved by relocating the adjacent on-street car barking bays westwards a short distance. Given these bays are considered to be too short for modern vehicles (approx. 4.4m to 5.4m), three longer bays of between 5 and 6m in length will be re-provided. It is noted that the applicant's own service vehicles would restrict access to the underground car park for short periods, however it is considered that given the low level of movements from the car park and the presence of alternative on-street car parking close by that this would be acceptable in this instance. In response to concerns regarding the safety of children attending Wimbledon High School conditions will be attached limiting delivery vehicles to no more than 7.5 tonnes and requiring loading and unloading is not carried out between the hours of 8am and 9.30am, and 3pm to 5pm Monday to Friday to further mitigate this impact in respect to the movement specifically of school children.

- 7.4.3 Significant concerns were raised by residents regarding the temporary removal of the two segregation islands on Mansel Road during the construction phase in the last round of consultations. The applicant has now submitted an addendum to the Construction Management Plan so that the existing cycle lane in Mansel Road can remain during the construction works together with the two traffic islands. It is not possible for a vehicle to park adjacent to the site in Mansel Road and for another vehicle to pass which means a Temporary Traffic Order for the closure of Mansel Road will be required during the loading and unloading of vehicles. Prior to the construction phase and the implementation of the temporary road closures the developer will advertise when the temporary road closures would take place. Deliveries will also be programmed to avoid the peak travel periods and arrival and departure of pupils at Wimbledon High School. The proposed delivery times, which would be secured by a planning condition, would be 9:30am to 3pm Monday to Friday and Saturday between the hours of 8am and 1pm. It should also be noted that it is not possible to park delivery vehicles outside Mansel Court because vehicles would be unloading steelwork, reinforcement and ready mix concrete for 1-2 hours per day, with 2-3 vehicles per day directly outside Mansel Court. The crane would also potentially oversail Mansel Court and the lifting point is much further away so the size of the crane would have to be increased in size.
- 7.4.4 The applicant has submitted a transport statement and Travel Plan demonstrating that the transport impacts associated with the proposals can be accommodated within the surrounding transport network. The proposal includes reducing the number of car parking spaces from 34 to 11 spaces including two Blue Badge parking spaces which will be located at basement

level and accessed via a ramp from Mansel Road. It replaces surface level parking with high quality cycle parking provision. This is considered to be acceptable as it encourages sustainable travel in this highly accessible location. Wellington House is well connected and has excellent public transport links (PTAL rating of 6b).

- 7.4.5 The London Plan expects outer London Centres that have high PTALs to have cycle parking standards to match those of inner/central London (1 space per 90sqm). The proposed development would have a total ground floor area of approx. 4,530sqm and will provide 58 long stay cycle spaces at ground floor level which means it would comply with London Plan standards. It is also considered that this element of the proposal would comply with Policy CS.18 of the Core Planning Strategy as the cycle storage would also be secure, covered and other facilities such as showers and lockers would be provided. The London Plan also requires a development of this size to provide 9 short stay cycle spaces (first 5,000sqm: 1 space per 500sqm, thereafter: 1 space per 5,000sqm). Given the constraints of the site the proposal would not provide any short stay cycle spaces. As such, the applicant will be required to provide a financial contribution of £2700 (9 x £300 per short stay cycle space) for short stay cycle provision in the local area.

7.5 Sustainability and Energy

- 7.5.1 The extended building would be highly sustainable given the constraints of the site with the applicant confirming that the development will meet the minimum requirements to achieve BREEAM 'Very Good' which is in accordance with Merton's Core Planning Strategy Policy CS15. This is particularly commendable in light of the use of BREEAM New Construction scheme to undertaken the assessment when the application is a refurbishment and extension and not wholly new build.
- 7.5.2 The BRUKL output documentation submitted for the proposed development indicates refurbished element of the works will achieve the target emissions reduction of 35% whilst the new build element of the development will only achieve an emissions reduction target of 11%. This leaves a carbon shortfall of 13.87 tCO₂ which will need to be addressed through a S106 payment according to the offset methodology outlined in the Mayors Sustainable Design and Construction SPD.
- 7.5.3 Future Merton have assessed the application and are satisfied that the all potential on-site carbon abatement opportunities have been considered and implemented where feasible and that the constraints placed on the site by virtue of it being an existing building limit the potential of achieving a 35% improvement for the new build element. It should also be noted that the applicant has been highly proactive in this process. The remaining carbon shortfall can therefore be dealt with via a S106 payment of £24,966.

7.6 Change of Use

7.6.1 The proposal would involve the amalgamation of two A2 units (professional and financial services) to create a single larger A3 unit. The application site is located in a secondary shopping frontage and as such uses such as restaurants are encouraged because they contribute to the vitality and viability of the shopping frontage. It should also be noted that the site is also located at the edge of Wimbledon Town Centre and a number of other restaurant uses are located along this part of Wimbledon Hill Road which means that it is a suitable location for a restaurant use. It should also be noted that the proposed change of use would not result in the loss of an A2 unit and not a retail unit.

7.7 Green Space Improvement on Wimbledon Hill Road

7.7.1 There is limited open space in the near vicinity for office workers to use and as such the applicant has agreed to make an £8,000 financial contribution for enhancements to the green space on Wimbledon Hill Road at the junction with Woodside. It is possible to make up to three project specific financial contributions without falling foul of Community Infrastructure Levy regulations and a clawback mechanism would be put in place requiring the council refunds the payment to the developer if it has not been spent within three years of the date of the permission.

8. ENVIRONMENTAL IMPACT ASSESSMENT

8.1 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 proposal would result in a net gain in gross floor space and as such will be liable to pay a Community Infrastructure Levy (CIL). The funds will be spent on the Crossrail project, with the remainder spent on strategic infrastructure and neighbourhood projects.

10. CONCLUSION

10.1 Wellington House is located in Wimbledon Town centre and has excellent transport links (PTAL rating of 6b), which means it is a highly suitable location for a major office development. The proposal would provide an enlarged, modernised and highly sustainable office building with well designed large floorplates commensurate with Wimbledon's status as a major centre. Wimbledon is also the borough's largest town centre, identified as a major centre in the London Plan, which also makes it a sustainable location for a tall building. It is considered that the proposal will respect its context, in terms of its height, scale and massing and would be a very high quality and significant improvement in design terms compared to the tired and dated existing building. The impact on residential amenity and transport and highways is considered to be acceptable subject to the imposition of suitable conditions. It is therefore recommended that planning permission be granted subject to the conditions and heads of terms set out below.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the completion of a S106 agreement covering the following heads of terms:

- 1) Carbon emissions offset contribution (£24,966)
- 2) S278 agreement to be entered into covering the following:
 - Footway reconstruction;
 - Relocation of access to basement area;
 - Modification to existing waiting restrictions/parking bay layout on Mansel Road including traffic management order and access area
- 3) Financial contribution for cycle parking in the local vicinity (£2,700)
- 4) Financial contribution for improvements to green space along Wimbledon Hill Road (£8,000)
- 5) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

And subject to the following conditions:

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. C.3 (Obscured Glazing (Fixed Windows))
5. C.7 (Refuse and Recycling (Implementation))
6. C.8 (No use of flat roof)
7. C.9 (Balcony/Terrace (Screening))
8. D.10 (No external lighting)
9. D.11 (Construction Times)
10. H.4 The disabled parking space shown on the approved plan 064-A-11-09(E) shall be provided and demarcated as disabled parking spaces before first occupation of the extended office building and shall be retained for disabled parking purposes for occupiers and users of the development and for no other purpose.

Reason: In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to the provision of satisfactory

access to buildings for people with disabilities and to ensure compliance with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

11. H.7 The development hereby permitted shall not be occupied until the cycle parking, washing and locker facilities shown on the approved plan 064-A-11-10(H) have been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times.

Reason: To ensure the provision of satisfactory facilities to promote sustainable modes of transport and to comply with Policy CS18 (Active Transport) of the Adopted Merton's Core Planning Strategy 2011

12. H.8 (Travel Plan)

13. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. The Plan shall include details of loading and unloading arrangements which includes limiting delivery/service vehicles to no more than 7.5 tonnes in weight. The plan shall also include any necessary works to the highway to be carried out prior to occupation of the extended building. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

14. Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures which shall include the retention of the two traffic islands on Mansel Road shall be implemented prior to the first occupation of the development hereby permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

15. Unless otherwise agreed in writing by the Local Planning Authority, a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority within six months of the occupation

of the developer '. The submission shall also include confirmation that the development will meet the London Plan C02 reduction targets.'

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply 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.

16. No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development has achieved not less than a 35% improvement on Part L2B and an 11% saving on Part L2A for the refurbished and new build elements respectively.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply 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

17. Before the commencement of the development, details of the proposed green/brown roofs (including: species, planting density, substrate, a section drawing at scale 1:20 demonstrating the adequate depth availability for a viable green/brown; and a maintenance plan) shall be submitted to an approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and be permanently retained as such.

Reason: In order to conserve and enhance biodiversity and wildlife habitats in accordance with the provisions of policy CS.13 of Merton's Core Planning Strategy 2011.

18. No external windows and doors shall be installed until detailed drawings at 1:20 scale of all external windows and doors including materials, set back within the opening, finishes and method of opening have been submitted to and approved by the local planning authority. Only the approved details shall be used in the development hereby permitted.

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.

19. The A3 use hereby permitted shall operate only between the hours of 08:00 and 23:30 on any day and no staff shall be present at the premises one hour before the opening time or one hour after the closing time.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

20. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

Reason: 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 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.

21. All deliveries, loading, unloading or other servicing activities shall take place outside the hours of 8am and 9.30am, and 3pm to 5pm Monday to Fridays.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area and to comply with the following Development Plan policies for Merton: policies 6.3 and 6.14 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

22. The plant and machinery shown on the approved plans shall not be installed unless or until details of sound insulation/attenuation measures have been submitted to and approved by the local planning authority which ensure that any noise from the plant and machinery (expressed as the equivalent continuous sound level) LAeq (10 minutes), from shall not exceed LA90-10dB at the boundary with the closest residential property. The plant shall be installed in strict accordance with the approved sound insulation/attenuation measures prior to first occupation of any of the residential units hereby approved and shall thereafter be retained. No plant other than that shown on the approved plans shall be installed without the prior written approval of the local planning authority.

Reason: To safeguard the amenities of the area and the occupiers of neighboring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

23. D.6 (Kitchen Ventilation Extract Systems (New Build/Conversions))
-

[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



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Planning Applications Committee 8 December 2016

Wards: Longthornton Ward

Subject: Tree Preservation Order (No.698) at 11 Lymington Close,
Streatham, SW16 4QL

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

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

Recommendation:

That the Merton (No.698) Tree Preservation Order 2016 be confirmed, without modification.

1. Purpose of report and executive summary

This report considers the objections that have been made to the making of this tree preservation order. Members must take the objections into account before deciding whether or not to confirm the Order, without modification.

2. Details

2.1 In March 2016, the council received a request from the property owner for a tree preservation order to be placed on a large mature Oak tree located in an access road to the rear of 11 Lymington Close, Streatham, SW16. The reasons for the request are as follows:

- The tree has been threatened with removal (by others and not the landowner);
- The tree provides a natural habitat for wildlife;
- It has a great value for the community;
- The tree plays a vital role in the health of those who live around it;
- It is the only mature tree in the immediate area.

2.2 The Oak tree is a large mature specimen, and can be easily seen from Stanford Way. However, this the only clear view of the tree. Elsewhere, the tree can only be glimpsed in the gaps between the houses fronting Lymington Close and Longthornton Road.

2.3 The Tree Officer took the view that the view of the tree from Stanford Way was of sufficient significance to show that the tree had a visual amenity value that is worthy of protection. In order to protect the tree a tree preservation order was made, and this is known as the Merton (No.698) Tree Preservation Order 2016. The Order took effect on the 4 July 2016. A copy of the tree preservation order plan is appended to this report.

3. Legislative Background

3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular tree has a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.

3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the tree has been protected by a tree preservation order. In this particular case 8 reasons were given that include references to the visual amenity value of the tree in the area; that the Oak tree has an intrinsic beauty; that it is clearly visible to the public view; that the Oak tree makes a significant contribution to the local landscape; that it forms part of our collective heritage for present and future generations; that it is an integral part of the urban forest; that it contributes to the local bio-diversity; and that it protects against climate change.

3.3 This Order is effective for a period of 6 months. If the Order is not confirmed within that period, then the provisional protection afforded by Section 201 ceases to have effect. Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

4. Objection to the Order

4.1 On the 27 July and the 4 August 2016, the Council received two objections to the Order. One objection to the Order came from a neighbour, and the second objector withheld their address.

4.2 The objections to the Order are summarised as follows:

- That the tree does not provide significant amenity benefit to the local area;
- That the local residents do not want this tree preservation order;
- That view of the tree are obstructed by the terraced houses in Longthornton Road and Lymington Close;
- The canopy of the tree overhangs the gardens of 86 – 92 Longthornton Road;
- That animal droppings fall from the tree and this is not hygienic for children;
- That a large amount of leaves and acorns fall from the tree in autumn, and the acorns may block the drains;

- The owner has never managed the tree, despite requests from neighbours to do so.

5. Planning Considerations

5.1 The Tree Officer would respond to each respective point as follows:

- The Oak tree is a large mature tree that can be easily seen from Stanford Way;
- This Order has received 2 objections. The tree can be seen by a large number of local residents, and there is no other evidence to prove that this tree preservation order is rejected by the wider community;
- This is accepted. However, it is the view of the tree from any public location that needs to be assessed, and for that to show the tree provides a significant visual amenity to the area;
- Prior to the tree preservation order, the overhanging canopy could have been pruned back by the neighbours under 'Common Law' The tree preservation order has changed this in that the neighbours would now have to submit a tree works application form. There is no legal requirement either under 'Common Law' or a tree preservation order for the owner of the tree to manage any parts of a tree that overhang a neighbouring property;
- Bird droppings and suchlike are an act of nature and should not be seen as a justification to destroy a tree;
- Leaves and acorns are part of a natural seasonal process and are not a reason to remove a tree. No further information has been provided with respect to the drains. However, it is likely that some form of management could be put in place to overcome this problem;
- This has been commented on above.

6. Officer Recommendations

6.1 The Merton (No.698) Tree Preservation Order 2016 should be confirmed, without modification.

7. Consultation undertaken or proposed

None required for the purposes of this report

8. Timetable

N/A

9. Financial, resource and property implications

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

10. Legal and statutory implications

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

11. Human rights, equalities and community cohesion implications

N/A

12. Crime and disorder implications

N/A

13. Risk Management and Health and Safety implications.

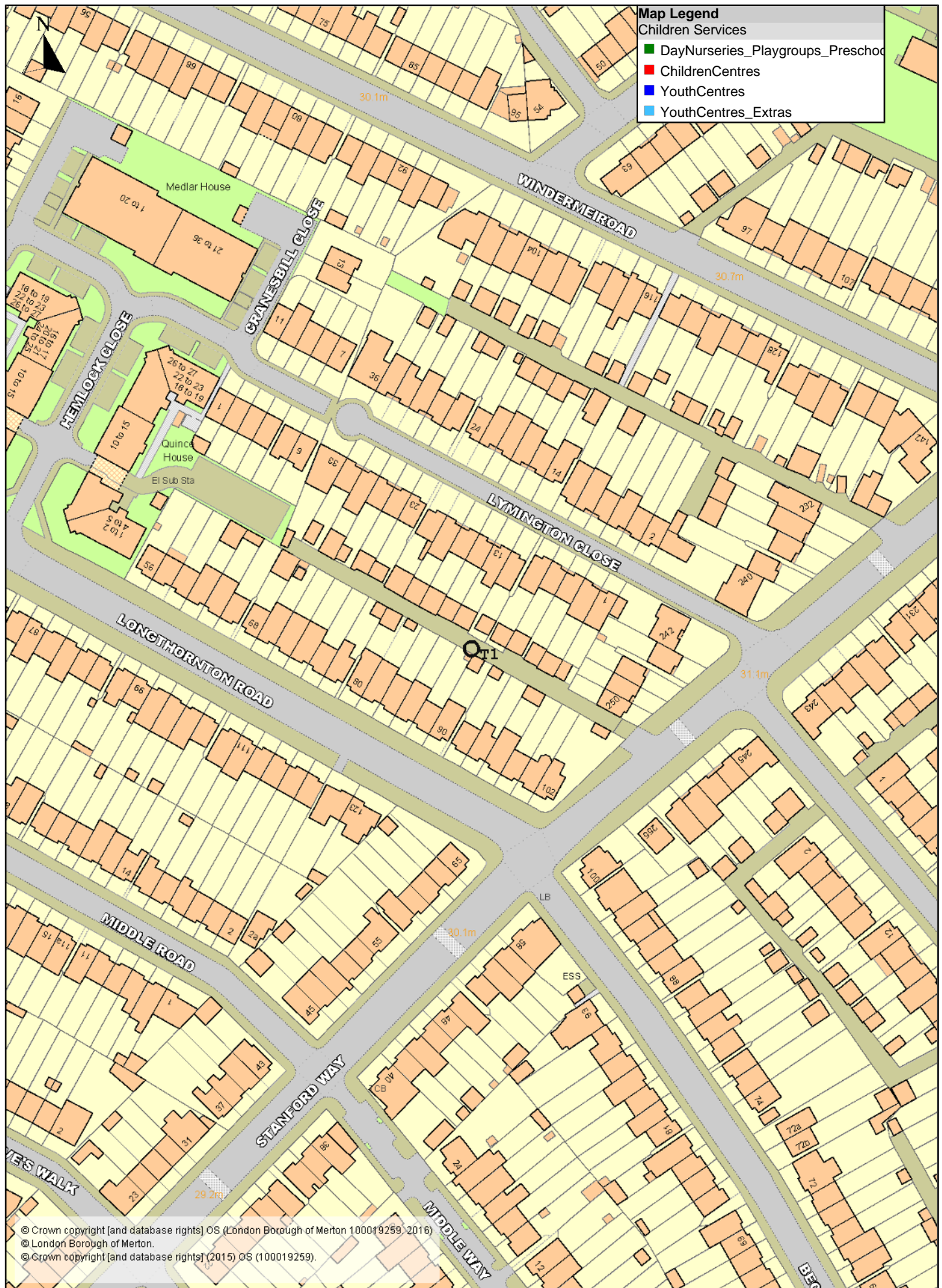
N/A

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

Tree Preservation Order plan

15. Background Papers

The file on the Merton (No.698) Tree Preservation Order 2016
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



Map Legend

- Children Services
- Day Nurseries_Playgroups_Preschool
- Children Centres
- Youth Centres
- Youth Centres Extras

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Merton (No.698) Tree Preservation Order 2016 - 11 Lymington Close

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Committee: Planning Applications

Date: 8th December 2016

:

Wards: All

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

Contact officer: Stuart Humphryes

Recommendation:

That Members note the contents of the report.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

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

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

DETAILS

Application Numbers: **15/P0036**
Site: Butcher's Shop, 157 Arthur Road, Wimbledon SW19 8AD
Development: Listed building consent for variation of condition 4 relating to replication of period tiles
Recommendation: Allow Permission (refused at committee)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 18th November 2016

Link to Appeal Decision

<http://planning.20Decision.pdf>

Application Number: 15/P3424
Site: Land at 135 Clarence Road SW19 8QB
Development: Lawful development certificate for a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 23rd November 2016

Link to Appeal Decision

<http://planning.merton.gov.uk/.pdf>

Application Number: 15/P4001
Site: Land to the rear of 34 Coombe Lane, Raynes Park SW20 0LA
Development: Retention of existing alterations to secure bin, cycle store and car parking
Recommendation: Non-Determination
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 15th November 2016

Link to Appeal Decision

<http://planning.mertecision.pdf>

Link to COSTS

<http://planning.20Decision.pdf>

Application Number: 15/P4493
Site: 35 Borough Road, Mitcham CR4 3DX
Development: Erection of two storey dwellinghosue
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 23rd November 2016

Link to Appeal Decision

<http://planning..pdf>

Application Number: 16/P1645
Site: 23 Pearce Close, Mitcham CR4 2GP
Development: Erection of a rear roof extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 22nd November 2016

Link to Appeal Decision

<http://planning.merton.gov.uk/>.pdf

Alternative options

- 3.1 The appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for re-determination. It does not follow necessarily that the original appeal decision will be reversed when it is re-determined.
- 3.2 The Council may wish to consider taking legal advice before embarking on a challenge. The following applies: Under the provision of Section 288 of the Town & Country Planning Act 1990, or Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person or an establishment who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the following grounds: -
 1. That the decision is not within the powers of the Act; or
 2. That any of the relevant requirements have not been complied with; (relevant requirements means any requirements of the 1990 Act or of the Tribunal's Land Enquiries Act 1992, or of any Order, Regulation or Rule made under those Acts).

1 CONSULTATION UNDERTAKEN OR PROPOSED

- 1.1. None required for the purposes of this report.

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.1. There are financial implications for the Council in respect of appeal decisions where costs are awarded against the Council.

4 LEGAL AND STATUTORY IMPLICATIONS

- 4.1. An Inspector's decision may be challenged in the High Court, within 6 weeks of the date of the decision letter (see above).

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

8.1. The papers used to compile this report are the Council's Development Control service's Town Planning files relating to the sites referred to above and the agendas and minutes of the Planning Applications Committee where relevant.

Committee: Planning Applications Committee

Date: 8th December 2016

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

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

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

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

Current Enforcement Cases:	538	¹ (547)	New Appeals:	1	(1)
New Complaints	42	(61)	Instructions to Legal	2	
Cases Closed	53	(46)	Existing Appeals	6	(6)
No Breach:	30		<hr/>		
Breach Ceased:	23		TREE ISSUES		
NFA ² (see below):	-		Tree Applications Received	35	(83)
Total	53	(46)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	0	(3)
New Enforcement Notice issued	0		Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0				
Total	1	(1)			
Prosecutions: (instructed)	0	(0)			

Note (**figures are for the period (8th – 28th November 2016)**). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

None.

Some Recent Enforcement Actions

- 2.01 55-61 Manor Road, Mitcham** An enforcement notice was issued an enforcement notice on 3rd August 2016 against the unauthorised change of use of the land from a builder's yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16.
- 2.02 117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. **Property appears to be vacant at the moment and an inspection of the property is to be arranged with the owners.**

2.03 Burn Bullock, 315 London Road, Mitcham CR4. A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3rd March 2015 to cover the required works which include the roof, rainwater goods, masonry, chimney render repairs, woodwork, and glazing. An inspection of the building on Friday 29th April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The owners have advised Officers that the archaeological survey of the Tudor part of the building has now been carried out. Officers are still waiting for a copy of the report with recommendations in order to consider the next steps. **The owners have been contacted but the report is still not ready.**

3.0 New Enforcement Appeals

18 Morton Road Morden SM4 the council issued an enforcement notice on 3rd October 2016 against the unauthorised change of use of an outbuilding to self-contained residential use. The notice would have taken effect on 10/11/16 but the Council has been notified of an appeal. The compliance period would be two calendar months.

3.1 Existing enforcement appeals

- **34 St Barnabas Road, Mitcham** On 30th August 2016, the council issued an enforcement notice against the unauthorised increase in depth of the single storey rear extension from 5 to 8.4 metre. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received.
- **21 Merton Hall Road, Morden** The Council issued an enforcement notice on 9/8/16 against the unauthorised erection of a wooden bike shelter. The notice would have come into effect on 15th September 2016 but the Council has been notified of an appeal. The requirement is to remove the shed within a month. **Council statement has been submitted.**
- **Wyke Road, Raynes Park SW20** The Council issued an enforcement notice on 4th July 2016 against the unauthorised material change in the use of the land for car parking. The notice would have come into effect on 10/08/16 but an appeal has been submitted. **Council statement has now been submitted.**
- **Swinburn Court, 32 The Downs SW19** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date of 30/4/16 but for the appeal which was registered with a start date 29/6/16 and is by written representation. **An Inspector site visit date has been set for Tuesday 22/11/16.**

- **32 Cedars Avenue, Mitcham CR4 1EA** The Council issued an enforcement notice on 25th April 2016 against the unauthorised erection of a front garden wall, pillars and gates. An appeal by written representation is proceeding on ground 'A' – that planning permission should be granted for the development. Council's statement has been submitted.
- **3 Aberconway Road Morden SM4** - The Council served an enforcement notice on 4th February 2016 against the erection of a single storey side extension to the property following a refusal of retrospective planning permission to retain the structure. The owner is required to remove the extension and associated debris within one month of the effective date. An appeal has been registered to proceed under ground 'A' only – that planning permission should be granted for the development. **Final statements have been submitted. We are now awaiting an inspector site visit date.**

3.2 Appeals determined –

39 Borough Road Mitcham CR4 3DX The Council served an enforcement notice on 15th April 2016 against the erection of a boundary timber fence with a requirement to demolish the structure within three months of the effective date. The appeal was dismissed on 27/10/16 and the owner has to demolish the structure by 27th January 2017.

Prosecution cases.

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. **A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action.**
- **Land, at 93 Rowan Crescent Streatham, SW16 5JA** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. **As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings.**

3.4 Requested update from PAC

None

4. **Consultation undertaken or proposed**

None required for the purposes of this report

- 5 Timetable**
N/A
- 6. Financial, resource and property implications**
N/A
- 7. Legal and statutory implications**
N/A
- 8. Human rights, equalities and community cohesion implications**
N/A
- 9. Crime and disorder implications**
N/A
- 10. Risk Management and Health and Safety implications.**
N/A
- 11. Appendices – the following documents are to be published with this report and form part of the report Background Papers**
N/A
- 12. Background Papers**

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