

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

John Bowcott (Vice-Chair)

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: 20 April 2017

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

20 April 2017

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
- 4 Town Planning Applications - Covering Report 13 - 16
Officer Recommendation:
The recommendations for each individual application are detailed in the relevant section of the reports
- 5 260 Church Road, Mitcham, CR4 3BW 17 - 52
Application Number:16/P2971 Ward: Lavender Fields

Recommendation: GRANT Planning Permission subject to completion of a S106 agreement and conditions.
- 6 Crownall Works, Elm Grove, Wimbledon, SW19 53 - 70
Application Number:16/P2166 Ward: Hillside

Recommendation: GRANT Planning Permission subject to S106 agreement and conditions.
- 7 Merton Hall, 78 Kingston Road, Wimbledon, SW19 1LA 71 - 96
Application Number:16/P4748 Ward: Abbey

Recommendation: GRANT Planning Permission subject to conditions.
- 8 641 Kingston Road, Raynes Park, SW20 8SA 97 - 108
Application Number:16/P4741 Ward: Dundonald

Recommendation: GRANT Planning Permission subject to conditions.
- 9 27 Landgrove Road, Wimbledon SW19 7LL 109 - 118
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Recommendation: GRANT Planning Permission subject to completion of a S106 agreement and conditions
- 10 Oberon Pavilion, 19 Lindisfarne Road, West Wimbledon, SW20 0NW 119 - 130
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	Recommendation: GRANT Planning Permission subject to conditions.	
11	17 Merton Hall Road, SW19 3PP Application Number:16/P1092 Ward: Dundonald	131 - 138
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12	The Perseid Upper School, Middleton Road, Morden, SM4 6RU Application Number:17/P0148 Ward: St. Helier	139 - 150
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13	29 St Georges Road, Mitcham, CR4 1ED Application Number:17/P0588 Ward: Pollards Hill	151 - 158
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14	12 Waterside Way, Tooting, SW17 0HB Application Number:17/P0438 Ward: Wimbledon Park	159 - 194
	Recommendation: GRANT Planning Permission subject conditions.	
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15	21-23 Wimbledon Hill Road, Wimbledon, SW19 7NE Application Number:16/P3605 Ward: Hillside	195 - 206
	Recommendation: GRANT Planning Permission subject to S106 agreement and conditions.	
16	120 Windermere Road, Streatham, SW16 5HE Application Number:16/P3735 Ward: Longthornton	207 - 214
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17	Planning Appeal Decisions Officer Recommendation: That Members note the contents of the report.	215 - 218
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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

16 MARCH 2017

(7.15 pm - 0.30 am)

PRESENT Councillor Linda Kirby (Chair), Councillor John Bowcott, Councillor Philip Jones, Councillor Andrew Judge, Councillor Najeeb Latif, Councillor Peter Southgate, Councillor Geraldine Stanford and Councillor Imran Uddin
Councillor Steven Crowe and Councillor Laxmi Attawar

ALSO PRESENT Councillor Charlie Chirico, Councillor Danial Holden, Councillor Abdul Latif
Neil Milligan, Jonathan Lewis, Sue Wright, Christian Loveday, 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 pecuniary interest.

Councillor John Bowcott made a statement to inform the Committee that he Chaired the Design Review Panel meeting that considered Items 11 and 9 on this 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 9 February 2017 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:

Supplementary Agenda: A list of modifications for agenda items 5, 8, 9, 10 11, 12, 13, 14 and 15 were published as a supplementary agenda.

Items 6 and 16 was withdrawn from the Agenda prior to the meeting.

Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.

Order of the Agenda – The Chair amended to order of items to the following:
11, 5, 13, 8, 9, 14, 7, 10, 12, and 15

5 86 THE BROADWAY, WIMBLEDON, SW19 1QG (Agenda Item 5)

Proposal: Removal of condition 2 (restricting use of part of rear curtilage to staff parking only) attached to application 92/P0654 relating to the change of use of ground floor from shop to restaurant. Removal of condition 2 sought in order to allow use of rear curtilage as an external dining area in association with the existing ground floor A3 restaurant use.

The Committee noted the officer's report and presentation, additional information in the Supplementary agenda, verbal presentations from three objectors the agent for the application, and ward Councillor Charlie Chirico

The Objectors raised residents' concerns including:

- The acoustic survey is based on adults speaking and does not take into account laughing, or the voices of children
- Application has been refused previously and position of neighbours has not changed
- How will the restaurant be able to enforce all conditions placed on it, especially with regard to keeping the doors closed when these will be in constant use

The Agent to the application asked the committee to note points including:

- Unlike the previous applications, a full acoustic assessment had been undertaken
- an acoustic screen was proposed around the dining area
- Conditions had been agreed with officers, including a limit on numbers of diners, no music, no cooking, details of hard surfaces, control of lighting, doors to be kept closed, no bar
- The applicants wanted to focus on dining not drinking

Councillor Chirico made points including:

- Application was unacceptable for Wimbledon Broadway
- The noise produced by such a dining area would be unpredictable
- The acoustic screen had no roof
- The doors could not be kept closed
- There were no details of how the applicant would enforce the conditions

In response to Member Questions, the Planning Officer replied:

- The retention of parking space cannot be justified as there is no vehicular access, despite the photo showing a scooter parked there
- No other licensed premises in that section of the Broadway have an outside area.
- There is a residential flat on the 2nd floor of the property and on the first floor of the adjoining commercial unit with an outside amenity space in close proximity to the yard

A motion to refuse the application was proposed and seconded by members.

The reason for the refusal was that the proximity of the garden to residential properties in the area would have an unacceptable adverse impact on the living conditions of neighbouring residents, due to increased noise and disturbance contrary to Council Policies.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reason:

The variation of Condition 2 of planning permission 92/P0654 dated 01/09/1992 to allow outside customer seating for a temporary trial period of one year, by reason of the proximity of the garden to residential properties in the area would have an unacceptable adverse impact on the living conditions of neighbouring residents, due to increased noise and disturbance and would be contrary to Adopted Merton Unitary Development Plan (October 2003) policies BE15, BE23 and SE8.

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

6 96-98 THE BROADWAY, WIMBLEDON, SW19 1RH (Agenda Item 6)

WITHDRAWN FROM THIS AGENDA

7 POLKA THEATRE, 240 THE BROADWAY, SW19 1SB (Agenda Item 7)

Proposal: Erection of two-storey rear extension and first floor projecting front extension, removal of ground floor projecting shopfronts and replacement with new shopfronts with canopy over front forecourt. Internal alterations including amalgamation of café and restaurant at front of site and creation of outdoor play area.

The Committee noted the officer's report and presentation and a verbal presentation by Councillor Abdul Latif, Ward Councillor.

Members asked officers to add a condition regarding traffic flow on the Broadway during construction.

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to the conditions within the report and an additional condition regarding traffic flow on the Broadway during construction.

2. DELEGATE The exact wording of this additional condition to the Director of Environment and Regeneration

8 1-5 CARNEGIE PLACE, WIMBLEDON, SW19 5NG (Agenda Item 8)

Proposal: Demolition of 6 x houses and erection of 6 part two, part three storey townhouses with accommodation at basement level (existing pedestrian access linking Parkside to Heath Mead to be maintained)

The Committee noted the officer's report and presentation, additional information in the Supplementary Agenda, verbal presentations from two objectors to the application and the Agent to the applicant.

The Objectors made comments including:

- The path is very important to many local residents and must be kept open through the development phase
- Will there be a legal obligation to provide this footpath?
- Metropolitan Land needs to be protected
- This development is inappropriate in this area

The Agent said that they were committed to provide a 2m wide path at all times during and after development. The development would provide a mix of family sized homes

In answer to comments made by the objectors and Members the Planning Officer answered:

- The legal agreement would ensure that a 2m wide foot path would become a permissive route available to the public at all times and that the phasing condition was aimed at ensuring that any need to close the route during construction was obviated if at all possible
- A condition can be added to require this path to be suitably lit
- Any trees lost will be replaced by trees of a mature size.
- Permitted development rights have been removed from the proposed houses
- The design of the proposal does respect the Metropolitan Open Land

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to conditions within the published report and an additional condition requiring lighting to be provided on the new path.
2. DELEGATE the wording of the additional condition to the Director of Environment and Regeneration.

9 AELTCC, CHURCH RD, WIMBLEDON, SW19 (Agenda Item 9)

Proposal: Demolition of existing 5 x covered tennis courts and erection of a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor tennis courts, single storey basement for parking (up to 338 vehicle spaces and 60 cycle spaces), 9 external covered car parking spaces, relocation of chiller plant (which services centre court roof) and associated equipment, associated landscaping, hardstanding, access roads, boundary enclosures and amended access arrangements.

The Committee noted the officer's report and presentation, additional information provided in the supplementary agenda, verbal presentations by two objectors to the application and a verbal presentation by the applicant

The Objectors raised residents' concerns, particularly in relation to noise and possible health risks from the chillers and associated electrical plant and further noise generated by the proposed clay tennis courts 1 and 2.

In response to comments made by the objectors and questions from members regarding noise generated by the proposal, the Planning Officer responded:

- The Chiller Plant – is only in operation for the two weeks of the Championships per year, and is already in a position that has a similar proximity to residential properties
- The Electrical Sub-Station – will be set down within the landscaping, it will be enclosed and have a green roof. Noise levels of the chiller plant and associated plant are to be monitored by condition.
- Use of Courts 1 and 2 – Environmental Health Officers have agreed that by limiting the hours of use, and implementing, by condition, a court management strategy that favours the use of courts 3,4,5 and 6, noise from these courts will be within acceptable limits.

RESOLVED

The Committee agreed that subject to no direction to the contrary following GLA stage 2 referral, GRANT planning permission subject to s.106 agreement and conditions.

10 122 COPSE HILL, WEST WIMBLEDON, SW20 0NL (Agenda Item 10)

Proposal: Demolition of existing residential dwelling and the erection of 2 x 5 bed dwellinghouses

The Committee noted the officer's report and presentation.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

11 25 HIGH PATH, WIMBLEDON, SW19 2JL (Agenda Item 11)

Proposal: Land to the north and east of Marsh Court, Pincott Road, bound by High Path, Pincott Road, Nelson Grove Road and Rodney Place inclusive of garages, Marsh Court Play area and The Old Lamp Works, 25 High Path, London, SW19 2JL

The Committee noted the officers report and presentation. The Planning Officer asked the Committee to note the additional information in the Supplementary Agenda, and explained that these were effectively a fine-tuning of the conditions and an amplification of certain planning matters. The Chair allowed Committee members a five minute break to read this additional information.

The Committee received verbal representations from three objectors and the applicant.

The objectors raised residents concerns including:

- Concerns about the developer's record on building maintenance
- Fails to meet Mayor of London's standards
- New development will cause overlooking, noise pollution and emissions above standard

The Agent raised points including:

- The proposed development would contain 134 homes, all would be offered to current residents. 60% would be socially rented.
- The new homes would be matched to the needs of residents, including adaptations for residents with disabilities

Members thoroughly discussed the application and asked questions of the Planning Officer and Transport Planning Officer based on the information in the report and in the Supplementary Agenda. The discussion followed the Planning Considerations from the officers report:

Principle of redevelopment

- The Old Lampworks part of the site is identified in the Sites and Policy plan for residential use or for non-residential institution uses such as a clinic/nursery. The application does not have to protect scattered employment sites. There is no planning policy protection afforded to garage sites on housing estates.

Demolition of existing buildings and loss of existing uses

- The site currently provides lock up garages which are not protected by policy

Affordable Housing

- Members welcomed the high level of socially rented and family sized housing in the proposed development, and the fact that this was for existing tenants.
- Members noted that in subsequent applications for this estate as a whole, the affordable housing and unit size mix will be different

Layout

- Members asked about the comments of the Design Review Panel and noted that the applicant had made changes to the routes through the estate and the landscaping that tackle the concerns of the DRP.

Scale, bulk and massing and impact on locality

- The Planning Officer explained that the proposals provided a number of housing typologies that related well to the surrounding context of the various elements of the site and picked up on the townscape objectives in the Council's draft local plan.
- One member expressed frustration that the developer had not provided adequate presentation materials to show this application and future developments on the estate as a whole
- Another Member commented that from the elevations provided, the north-south path and landscaping was a very attractive concept.

Children's Playspace

- Members were keen to ensure that adequate playspace was constantly available during all phases of the development
- Members noted that the condition requiring the improvements to the open spaces on the estate did not have a trigger for implementing the works and asked that this was somehow integrated into the condition.

Daylight, Sunlight and Overshadowing

- Members noted that 11% of the units proposed fall below BRE standards for sunlight, but that Officers recommended that in this urban setting this figure was acceptable.

Construction phase

- Members noted that there were very strong conditions in place to prevent disturbance to residents during the construction phase.

RESOLVED

The Committee

1. voted to GRANT Permission subject to any direction from the Mayor of London, the completion of a section 106 agreement and conditions

2. requested that the relevant condition was amended to ensure that there is a constant provision of playspace.

12 LAND ADJ TO BRIDGE, 314 KINGSTON RD, SW20 (Agenda Item 12)

Proposal: Installation of two charge points with feeder pillar and two designated electric vehicle parking spaces (Retrospective application).

The Committee noted the officers report and presentation, and that other parking spaces were still available in the area.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

13 8 LAKE RD, WIMBLEDON, SW19 7EL (Agenda Item 13)

Proposal: Demolition of existing buildings and erection of two blocks of flats comprising 26 residential units, together with associated parking and landscaping.

The Committee noted the officers report and presentation, the additional information in the Supplementary agenda, verbal representations from three objectors, a verbal presentation from the agent, and a verbal representation from Ward Councillor Daniel Holden

The Objector raised residents' concerns including:

- Overlooking and loss of privacy, caused by proposal, to neighbours
- Would prefer family homes to be built on the site
- Excessive and dominating bulk and massing of the proposed development

The Agent raised point including:

- High quality sustainable design
- Neighbours were consulted
- Separation distances are suitable and obscure glazing will be provided to protect neighbour privacy

Ward Councillor Daniel Holden commented that he thought that the design was poor and inappropriate for a site on the boundary of the conservation area.

The Planning Officer made the following points in response to Members questions:

- The plot is spacious and the separation distance are considered appropriate. Most rooms are forward facing and all side rooms are secondary rooms with obscure glazing

- Current government advice is that a review of viability at the point of sale for a development such as this application, would not be appropriate.
- There is a mix of housing in the area, with some Victorian villas but also some 1960s and 1970s housing
- The application site is not in a Conservation Area but is at the Boundary of one.
- There is a need for housing of all types in the borough and so the lack of family sized units was not a concern for Planning Officers

Members commented that the design of the application was not appropriate for the site adjacent to a Conservation Area, and in between two heritage assets. This was proposed and seconded as a reason for refusal.

RESOLVED

The Committee agreed to:

1. REFUSE the application because it is of a design inappropriate for its setting adjacent to a Conservation Area and between two heritage assets
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

14 183 STREATHAM RD, MITCHAM, CR4 2AG (Agenda Item 14)

Proposal: Part change of use of ground floor from Class A2 (financial and professional services) to residential use with retention of part of ground floor for continued use within Class A2 (financial and professional services); basement extension including covered lightwell under forecourt onto Streatham Road; ground floor rear extension in connection with the formation of an enlarged residential unit; rebuilding of garage to rear and alterations to ground floor frontage.

Councillor Kirby informed the Committee that she had called-in this item. Accordingly she left the Chair and the dais for the duration of this item and joined members on the floor. The Vice Chair, Councillor Bowcott, took the Chair for the duration of this item.

The Committee noted the officers report and presentation, the additional information in the Supplementary Agenda, a verbal presentation by an objector to the application and by the applicant.

In answer to members questions, Officers explained that:

- The proposed basement would extend under the full floor area of the building, under the forecourt and also under the proposed single storey extension to the rear.
- There are no restrictions on the size of basement extensions, but that spaces have to be suitably conditioned
- There was a clear distinction between the forecourt and the public path.

Members asked officers to add additional conditions (or amend existing conditions) regarding:

- To protect pedestrians using the path and nearby road crossing refuge during the construction phase, and to minimise disruption to them
- To specify low vibration piling.

RESOLVED

1. The Committee voted unanimously to GRANT Planning Permission subject to published conditions and additional conditions regarding the type of piling to be used, and conditions to protect pedestrians and minimise any disruption to them during construction.
2. DELEGATE the wording of the additional conditions to the Director of Environment and Regeneration

15 225-227 STREATHAM RD, STREATHAM, SW16 6NZ (Agenda Item 15)

Proposal: Demolition of existing single storey buildings on site, comprising retail floorspace, a workshop, and a storage yard with associated office, and redevelopment of the site to provide a part three, part four and part five storey mixed-use building, comprising retail use at ground floor and 25 residential units above.

The Committee noted the officers report and presentation, and additional information in the Supplementary Agenda.

In response to questions from members, the Transport Planning Officer explained that the two disabled parking bays are part of the development but are for general use

In response to questions from members, the Planning Officer answered:

- Calculations for affordable housing provision are not done on a pound for pound equivalent basis.
- Green screening on the balconies will be provided by shrubs and trellises
- The Scheme has evolved since submission; the frontage has changed. The developer will need to discuss the feedback from Network Rail, directly with Network Rail

Members made comments including:

- Attractive design, but high density
- Disappointed at lack of family sized units and affordable units
- Condition to be added requesting that Chair and Vice Chair approve materials and landscaping
- Condition to be added requesting a review mechanism to be added at the point of sale

RESOLVED

1. The Committee voted to GRANT Planning Permission subject to a s106 agreement, conditions published in the officers report and the following additional conditions to be added:
 - I. For the Chair and Vice Chair to approve the materials and landscaping
 - II. For a review mechanism of the financial contributions at the point of sale to be established
2. DELEGATE the wording of the additional conditions to the Director of Environment and Regeneration.

16 3 TABOR GROVE, WIMBLEDON, SW19 4EB (Agenda Item 16)

WITHDRAWN FROM THIS AGENDA

17 PLANNING APPEAL DECISIONS (Agenda Item 17)

The Committee noted the report on recent Planning Appeal Decisions

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

The Committee noted the report on recent Planning Enforcement

19 PUBLIC SPEAKING AT PLANNING APPLICATIONS COMMITTEE (Agenda Item 19)

Members noted the report on proposed changes to public speaking at Planning Committee. Some members of the committee spoke against the proposed changes. The Chair spoke in support of the proposed changes and proposed an amendment to the recommendation asking for a vote to be taken on these proposed changes. This amendment was seconded and voted on.

RESOLVED

That the Planning Application Committee:

1. note and comment on the proposed changes to the Public Speaking Procedure and standard agenda items
2. voted to accept the changes proposed

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 20th April 2017

Wards: ALL

Subject: TOWN PLANNING APPLICATIONS – Covering Report

Lead officer: James McGinlay - Head of Sustainable Communities

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

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

Recommendations:

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

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY.

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

2. DETAILS

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

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

- 2.3 In Merton the Development Plan comprises: The London Plan (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
20th April 2017

APPLICATION NO.
16/P2971

DATE VALID
21.07.2016

Address/Site 260 Church Road, Mitcham, CR4 3BW

Ward Lavender Fields

Proposal: DEMOLITION OF EXISTING BUILDING AND THE
ERECTION OF A PART 3 STOREY, PART 4 STOREY
(WITH SETBACK) RESIDENTIAL BLOCK
COMPRISING 14 X RESIDENTIAL UNITS,
PROVISION OF 8 ON-STREET CAR PARKING
SPACES (SUBJECT TO TRAFFIC MANAGEMENT
ORDER) AND 20 CYCLE PARKING SPACES

Drawing No's: D1000 REV 00; D1100 REV 00; D1700 REV00; D4100
REV19; D4101 REV10; D4103 REV 11; D4104 REV02;
D4500 REV 02; D4700 REV 13; D4701 REV 28; D4702
REV 00

Documents: Design & Access Statement; Affordable Housing
Viability Assessment; Community Involvement
Statement; Marketing Report; Letter dated 24th March
2016; Letter dated 26th May 2016; Local Community
Infrastructure Report; Pre-Demolition Ground
Investigation Report; Daylight/Sunlight and
Overshadowing Report; Planning Statement; Transport
Statement;

Addendum Plans/Documents: Existing & Additional Revised Car Parking –
Figure 3.1 REVD; CGI; CGI 02

Contact Officer: John Vale (020 8545 3296)

RECOMMENDATION

GRANT PERMISSION SUBJECT TO THE COMPLETION OF A 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 – 101

- Press notice – Yes
 - Site notice – Yes
 - External consultations: Metropolitan Police, Thames Water
 - Number of jobs created – n/a
 - Public Transport Accessibility Level (PTAL): Level 2 TFL Information Database (On a scale of 1a, 1b, and 2-5, 6a, 6b where zone 6b has the greatest accessibility)
 - Flood Risk Zone 1
-

1. INTRODUCTION

- 1.1 The application is brought before PAC due to the level of objection to the proposal and for authority to enter into a section 106 agreement.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located at 260 Church Road, which is on the north east corner of the junction of Church Road and Hawthorne Avenue. The site has approximately a 32m frontage along Church Road and an 18m frontage along Hawthorne Avenue.
- 2.2 The site is regular in shape and has an area of approximately 575sq.m. The site is currently occupied by a single storey light industrial factory building (Use Class B1(c)), that contains 8 x industrial units and ancillary offices; one of the units is in active use. The factory building is characterised by a series of pitched roofs with a central flat section of roof linking them. The existing building occupies the majority of the site, with a small gap retained on its northern boundary adjoining 272 Church Road. A 1.2m gap exists between the eastern site boundary and the western boundary of properties on Hawthorne Avenue. The building has existing vehicle access from a vehicle crossover on Hawthorne Avenue. An existing loading bay and 8.9m long parking bay are situated to the front of the site on Church Road.
- 2.3 The area is largely characterised by residential development with a parade of ground floor shops immediately to the south of the site with residential above. To the north of the site is a pair of semi-detached residential dwellings. To the east of the site are terraces of two storey buildings with pitched roofs. To the west of the site, on the opposite side of Church Road, are modern three storey blocks of flats with steep sided pitched roofs.
- 2.4 The closest bus stop to the site is Mount Road/Church Road (approximately 140m to the north) which offers a single regular service (route no. 200). Additional bus stops are located approximately 1.1km to the north and 1.3km to the south of the site. In terms of railway accessibility, the nearest Tramlink service is Phipps Bridge Tramlink approximately 850m to the west. Colliers Wood underground station is approximately 1.1km to the north and national rail station Mitcham Eastfields station is approximately 1.9km to the southeast of the site.

Given this the site has a public transport accessibility level (PTAL) of 2 which is defined as a poor level of access to local public transport infrastructure.

- 2.5 The site is not located within a Conservation Area. The site lies in Flood Zone 1 as defined by the Environment Agency. The site is located within the Wandle Valley Regional Park 400m buffer.

3. PROPOSAL

- 3.1 Planning permission is sought for the redevelopment of the site to include the demolition of 260 Church Road and the erection of 14 residential units in one block. The following table provides the breakdown of units:

Type	No. of bedrooms per unit	
	1-bed	2-bed
Private flats	5	6
Affordable rent		
Intermediate		3
TOTAL	5	9

- 3.2 The single block on Church Road/Hawthorne Avenue would read as part three/part four stories in height (maximum height of approximately 13.1m to the lift overrun). The block would be set back from its northern boundary by 1.4m and eastern boundary by a maximum of 5 m.
- 3.3 Private amenity space for each unit would be provided in the form of balconies and private terraces. The private amenity spaces to the ground floor will be surrounded by an approximately 2.2m high boundary wall. At first and second floor levels, it is proposed that windows on the rear elevation would be obscured glazed, this would be secured by condition. The first, second and third floor units would be accessed via the central core with an open walkway providing access to individual units. In response to the position of the walkway, part of the rear elevation would consist of cast glass privacy screens. The detailing of the privacy screens on the rear elevation would be secured by condition. The third floor units would have access to private terraces. It is proposed that the terrace serving unit 3.1 (top floor flat nearest to the northern boundary) will incorporate a privacy screen on its north and east facing sides.
- 3.4 The scheme would involve the demolition of the existing building and its replacement with a building with street frontage onto Church Road and Hawthorne Avenue. The main entrance into the residential units would be provided from Hawthorne Avenue. A secure, dedicated residential refuse and recycling storage area would be provided with key fob access direct from Hawthorne Avenue, the detailing of which would be secured by condition.

- 3.5 The front elevation would consist of metal railings screening views into the flats from Church Road. At ground floor level, the metal railings would be divided by metal gates. The metal gates would provide a secondary form of access into the ground floor flats.
- 3.6 The block would be of a modern design. The proposed material palette would be a mixture of red and dark brick interspersed with aluminium framed windows and private amenity spaces framed by metal cladding. The roof would be flat and finished in metal cladding and would incorporate solar panels into the roof.
- 3.7 The proposals have no on-site parking. However, the scheme proposes 9 (7 new) on street parking bays on Church Road and Hawthorne Avenue. The parking bays would be delivered by altering the existing parking arrangements around the site, to be for the use of all, delivered as follows:
- Four spaces outside the development on Church Road achieved by removing the existing loading bay and altering the curb;
 - Four spaces on the southern side of Hawthorne Road achieved by removing the waiting restriction (this would be subject of public consultation); and,
 - An existing parking bay on Church Road at the junction with Hawthorne Road extended to provide an additional parking bay.
- 3.8 As detailed in the supporting Transport Statement, twenty six cycle spaces would be provided at ground floor level within the site. Four visitor cycle spaces would be required at ground floor level on Church Road, the details of which would be secured by condition.
- 3.9 The applicant has submitted a statement of community involvement to accompany the application which, following a mail shot to 223 neighbouring addresses, elicited concerns regarding views, height and parking.

The submitted Local Community Infrastructure Report (July 2016) is considered to have demonstrated that the existing community facilities and services surrounding the site are capable of sustaining the current population and potential future demand (including from the application site).

The applicant has provided evidence of marketing of the site for over twelve months and shows no interest in the site for continued employment or community uses.

4. RELEVANT PLANNING HISTORY

- 4.1.1 MER117/71: USE FOR PANEL BEATING, SPAYING, AND LIGHT ENGINEERING – Planning Permission Refused.

- 4.1.2 MIT312/71: EXTENSION TO FACTORY – Planning Permission Refused.
- 4.1.3 MER1132/71: SECTION 43 DETERMINATION FOR USE FOR LIGHT INDUSTRIAL PURPOSES WITHIN CLASS III OF T AND C – Planning Permission not required.
- 4.1.4 MER65/72: ALTERATIONS TO ELEVATIONS TO EXISTING FACTORY PREMISES – Planning Permission Granted.
- 4.2 The above are various historic decisions relating to the current light industrial use of the site.
- 4.3 **PREAPPLICATION**
- 4.3.1 15/P3945 – PREAPPLICATION ADVICE FOR THE DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF 12 X RESIDENTIAL UNITS COMPRISING OF 5 X 1 BEDROOM FLATS, 6 X 2 BEDROOM FLATS AND 1 X 3 BEDROOM FLAT. ADVICE PROVIDED MAY 2016.

5. CONSULTATIONS

- 5.1. The planning application was publicised by means of site and press notices, together with individual letters to 101 nearby addresses. One consultation and a reconsultation was undertaken following receipt of amended plans. In all 43 responses were received and a petition signed by 157 signatories. The letters and petition received raised the following issues:
- Concern that proposal would have a detrimental impact on number and quality of employment opportunities in the area;
 - The proposal would be overdevelopment/over intensification
 - Amended scheme did not mention affordable housing.
 - Concern that the scheme does not include 3 bedroom units.
 - Height, mass, scale, density of the proposed development is excessive and out of character with the nature of surrounding development and street patterns.
 - The overall appearance and orientation is out of character.
 - Lack of amenity space in the amended scheme designs.
 - Proposal will lead to loss of daylight and sunlight and overshadow neighbouring properties.
 - Proposal will result in an unacceptable loss of privacy and overlooking, and will create an unacceptable sense of enclosure to neighbouring residential property and existing private amenity spaces.

- Concern regarding impact of construction works on surrounding properties from noise, dust, vibration, traffic management, visual unsightliness and to pedestrians who use nearby pedestrian crossing.
- Errors in the submitted Daylight and Sunlight Report
- Concern about lack of car parking spaces as part of the proposal and that proposal will exacerbate lack of on street and off street car parking in the area.
- Proposal will result in an overall increase traffic and parking demands. The car parking survey is inadequate and concerns raised that there is no ability to limit car ownership of new residents.
- Proposed new parking spaces will affect visibility of crossing pedestrians.
- No contamination report submitted with the planning application.
- Lack of adequate consultation by the developer.

External consultees.

- 5.2. Metropolitan Police (Designing out crime unit): Advised that the following matters should be considered: Installation of lockable gate to the front elevation; installation of dividing fences between front gardens; passive surveillance through positioning of active rooms on the front elevation; communal entrance video access controlled; cycle storage details; position of refuse door re-orientated; all lighting should be to British Standards. All of the matters raised have been addressed by the applicant.
- 5.3 Environment Agency: The site is in Flood Risk Zone 1 and no requirement to consult the Environment Agency.
- 5.4 Thames Water: No objection. Advised conditions required relating to piling.

Internal Consultees

- 5.5 Transport/Highways officers: The highway proposals (for on street parking bays) will mitigate the future impact of over spill parking generated by the development. Subject to the provision of 9 on street parking bays, the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users. Refuse storage is appropriately located (both for residents and Council). Advised the parking provisions represent an increase in parking opportunities. Cycle parking provision in line with London Plan minimum levels.
- 5.6 Flood Risk Engineer: No objection. Advised that the site is at low risk of flooding, however surrounding roads are at medium risk of surface water flooding. The application was submitted with a drainage strategy that identifies sustainable drainage system (SuDS) measures. The final

drainage scheme, identifying SuDS measures, should be secured by planning condition.

5.7 Environmental Health Officer: No objection. Advised conditions to mitigate the impact of noise, light spill/pollution, odours, impacts during construction and highlighted the need for contamination investigations and remediation strategies.

5.8 Urban Design Officer: The following comments were made on the original design: , the officer comments in bold respond to amended drawings submitted by the applicant:

- i) The main amenity space for ground floor units at the front elevation would be improved if it was moved to the rear. Associated raised planter requires further consideration.
- ii) Design and appearance of the southern and northern elevations requires further consideration.

consider that whilst there could be improvements to the appearance of the southern elevation, the overall design is supported.

- iii) The building has a top-heavy appearance. The ground floor front elevation appears squat and the second floor too tall. The key is the weak definition between the changes in brick colour from ground to first floors.
- iv) The rear of the building is suitable for a form of deck access in order to create dual aspect units, however needs to be balanced with this site's particular overlooking issues.

5.9 Waste Management (refuse): No objection.

5.10 Climate Change Officer: No objection. Advised the proposed development should achieve a 35.7% improvement on CO2 emissions on Part L 2013 requirements which meets relevant policy requirements. Recommended a condition requiring evidence that the proposed improvements, along with relevant water consumption standards, are achieved prior to occupation. The scheme was validated prior to 1st October and therefore Zero Carbon target (introduced by the London Plan on major application received after that date) is not applicable.

6. POLICY CONTEXT

6.1 National Planning Policy Framework (2012)

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

- 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;

- The NPPF states that local authorities should act to boost significantly the supply of housing and use their evidence base to ensure that Local Plan documents meet the full, objectively assessed needs for market and affordable housing;
- 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;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- 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 approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Planning should not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives
- Good design is a key aspect of sustainable development and it should contribute positively to making places better for people

Others sections of NPPF of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design.
10. Meeting the challenge of climate change/flooding

6.2 London Plan (2016) relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments

- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.4 Managing industrial land and premises
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 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
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 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 8 Housing choice
- CS 9 Housing provision
- CS 12 Economic development
- CS 13 Open space, leisure and nature conservation
- CS 14 Design
- CS 15 Climate change
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP) relevant policies include:

- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM D1 Urban Design
- DM D2 Design considerations

DM E1 Employment areas in Merton
DM E3 Protection of scattered employment sites
DM E4 Local employment opportunities
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 guidance.
DCLG Technical Housing Standards - 2015
London Housing SPG – 2016
Merton Design SPG – 2004
New Residential Development - 1999

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations include assessing the following:

- Loss of existing scattered employment site
- Principle of redevelopment for residential land use
- Affordable housing
- Standard of accommodation
- Design, including layout, scale and massing and impact on locality and neighbouring amenity
- Housing Mix
- Access
- Transport
- Sustainable design and construction and energy
- Technical issues including flooding, air quality, and contamination.
- Planning obligations

Demolition of existing building and loss of existing scattered employment site

7.2 SPP policy DM E3 is concerned with the protection of scattered employment sites. The policy defines those employment uses to be those with Use Class B1 (a), (b) & (c) B2 & B8 as well as appropriate sui generis uses. The light industrial use of the site, being B1 (c) would therefore fall within this policy.

7.3 Sites and Policies Plan policy DM E3 Protection of scattered employment sites seeks to ensure that there is a diverse mix of size, type, tenure and location of employment facilities which can support a range of employment opportunities within the borough.

- 7.4 Applications proposing a loss of a scattered employment site will have to show that full and proper marketing has been undertaken to demonstrate that employment uses are no longer viable on the site. Applicants will have to demonstrate that:
- the site has been marketed for 30 months unless otherwise agreed with the council;
 - Site is in a predominantly residential area;
 - Size, configuration and access make it unsuitable and financially unviable for whole site employment use;
 - the site has been marketed using new (on the internet) and traditional marketing tools available; and
 - the site has been marketed at a price which is considered reasonable (based on recent and similar deals or transactions).
- 7.5 The site applicant has provided the following information to demonstrate that they have been marketing the site on their website, via open days and an advertising board since April 2016 for a commercial use (ongoing):
- Marketing Report – Goodsir Commercial
 - Market Analysis - Goodsir Commercial
 - Marketing Report – Hubert Rex & Partners
- 7.6 The supporting information also documents that the site was marketed prior to 2008. Since April 2016, despite limited interest (75 enquiries) there have been no offers for the site for a commercial use.
- 7.7 In addition, the applicant has assessed existing supply and demand for community uses to ascertain whether an alternative use of the site for a community use is a realistic prospect. The submitted Local Community Infrastructure Report (July 2016) is considered to have demonstrated that the existing community facilities and services surrounding the site are capable of sustaining the current population and potential future demand (including from the application site).
- 7.8 Officers therefore consider that on the basis of the information submitted they have complied with policy DM E3. Furthermore, the existing building has no statutory or local protection and is considered to be of little architectural merit or worthy of retention. The principle of the loss of this scattered employment site is therefore consistent with the Council's planning policies.

Principle of redevelopment for housing

- 7.9 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. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable

neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.

- 7.10 The site has a PTAL rating of 2 which is considered to be poor; however, the site is a 6 minute bus trip or a 13 minute walk from Colliers Wood Underground Station, thus the rating may not be representative of the true accessibility level at this location. The site is an underutilised brownfield site which is considered to be suitable for redevelopment. It is further noted that the site is surrounded by residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.

Residential density

- 7.11 The area has a public transport accessibility level (PTAL) of 2 which is considered to be a poor level of accessibility. It is considered that the site is located within an urban area.

- 7.12 The resultant density is calculated to be as follows:

Units per hectare:

$1/0.06 \text{ ha (site area)} \times 14 \text{ (number of units)} = 241 \text{ units per hectare.}$

Habitable rooms per hectare:

$1/0.06 \text{ ha (site area)} \times 38 \text{ (assumed No. of habitable rooms)} = 633 \text{ habitable rooms per hectare.}$

- 7.13 Table 3.2 of the London Plan 2016 advises that sites with a PTAL rating of 2 within a suburban setting should provide for a density range of between 50-95 units/ha and 150-250 habitable rooms/ha.

- 7.14 The figures above illustrate that the proposed development would provide for a density that far exceeds the recommended density range provided in the London Plan, for both units and habitable rooms. However, in terms of PTAL, the closest bus stop to the site is Mount Road/Church Road (approximately 140m to the north) which offers a single regular service. Additional bus stops are located approximately 1.1km to the north and 1.3km to the south of the site. In terms of railway accessibility, the nearest Tramlink service is Phipps Bridge Tramlink approximately 850m to the west. Colliers Wood underground station is approximately 1.1km to the north and national rail station Mitcham Eastfields station is approximately 1.9km to the southeast of the site. Thus the rating may not be representative of the true accessibility of this location.

- 7.15 In addition, while density is a material consideration, it is not the

overriding factor as to whether a development is acceptable. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.

Design and impact upon the character and appearance of the area

- 7.16 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings.

Massing and height.

- 7.17 It is considered that a suitable approach to massing has been proposed which responds well to the surrounding context. The massing of the building would be focussed toward the western side of the site (Church Road), away from residential properties on Hawthorne Avenue, with similar heights to the buildings directly opposite the site, taking advantage of the wide streetscape, corner position, no established building line and the meeting point of two distinct street frontages. The applicant was advised at the pre-application stage that the distinct site characteristics provide a degree of flexibility in the footprint and orientation of the building; however they were also advised to include setbacks from the northeast and southeast corners (setback from the rear elevation), to ensure sense of enclosure as viewed from the rear of No. 2 Hawthorne Avenue is reduced and to reduce the apparent bulk when travelling westward along Hawthorne Avenue.
- 7.18 The approach to the massing of the building results in a building that has a maximum height in alignment with the height of buildings immediately opposite the site (No. 261 Church Road – Noble Court) (existing height of 12.7m vs proposed 12.3m or 13.1m if lift overrun is included) that are three storeys with steeply pitched roofs.
- 7.19 The fourth floor of the proposal has been specifically designed to lessen the visual impact of the bulk by setting it back from the front and both sides, using a different type of material and colour to appear subordinate, break up the bulk and more readily blend in with the sky. Given the separation distance between the buildings on Church Road and the reduced bulk of the recessed fourth floor, it is considered that the development constitutes an appropriate addition to the street scene and reflects the height of No. 261 Church Road (Noble Court) immediately to the west. Indeed, the proposal is approximately 0.6m lower in height (excluding lift overrun). It is noted that the lift overrun is located centrally within the site, set well back from the street elevations, and would not be visible from the street level.

- 7.20 The building would provide a suitable transition in height from four storeys (with setback) to the neighbouring two storey residential development on Hawthorne Avenue and Church Road by reinforcing the separation between buildings. The proposed building would have a maximum separation distance of approximately 6.3m from the eastern boundary with Nos. 2a and 2b Hawthorne Avenue and terrace beyond, a distance of 4.8m to the side elevation of No. 262 Church Road and 12.8m to the side elevation of properties on the corner of Church Road and Hawthorne Avenue. In conjunction with the separation distance the height is considered to be acceptable.
- 7.21 Given the under-utilised nature of the site, the presence of 3 storey buildings with steep sided pitched roofs directly opposite the site on Church Road, the width of Church Road, recessed fourth floor, and separation from residential properties to the east of the site, it is considered that the maximum height of the building would be acceptable in townscape terms..

Layout

- 7.22 The footprint is considered to make effective use of the site, utilising the ground floor level whilst retaining appropriate separation distances to adjoining boundaries. The proposal takes a perimeter block approach and provides generous active frontage to Church Road and Hawthorne Avenue. Whilst there is no consistent building line, the footprint is an opportunity to introduce a new building footprint that introduces direct overlooking onto Church Road from recessed balconies and overlooking from secondary windows and active frontage from the communal entrance on Hawthorne Avenue.
- 7.23 The main entrance into all of the residential units is provided from the communal entrance on Hawthorne Avenue, near the junction with Church Road. The placement ensures the entrance is positioned away from traffic of Church Road, while still being highly visible.
- 7.24 The ground floor units have secondary access direct from Church Road via gates. The ground floor units would incorporate a suitable setback providing defensible space, which creates an important delineation between public realm and private property; this would be further enforced by the presence of a metal gate and railing. The entrance doors into units 1.1, 1.2, 2.1, 2.2, 3.1 and 3.2 on the first, second and third floors respectively, are accessed from a 1.7m wide corridor on the eastern side of the building, open on one side. To ensure that there is no direct overlooking into neighbouring gardens from the corridor, the open side would be screened by glass privacy screens, the details of which would be secured by condition.
- 7.25 It is considered that the proposed layout is well thought out and based on sound urban design principles, the layout provides an inclusive design and promotes natural surveillance; when compared the current

extensive length of inactive frontage along Church Road and Hawthorne Avenue it is considered the approach will enhance the character and vitality of the area.

Design and appearance

- 7.26 The proportions of the façade are such that the building has a strong horizontal emphasis and while officers have encouraged the design to be amended so as to modify what might appear as a somewhat top heavy appearance the applicant wishes the scheme to be determined on the basis of the current plans. Given the diverse architectural forms in the locality it is considered that on balance delaying determination or refusing the scheme on this basis alone would be unreasonable.
- 7.27 Concerns have been raised by officers in respect of the appearance of the northern and southern elevations. The applicant has made minor changes to the northern elevation and officers consider that the changes are an improvement and can be supported. In terms of the southern elevation, the applicant has made minor changes to the appearance by moving the refuse and plant away from the corner of Church Road/Hawthorne Avenue. The introduction of blue tiling is welcomed, however the introduction of a semi-open brick grille to the amenity space serving the ground floor unit is a poor design. Officers consider that this is an important corner and have encouraged the appearance to be amended the applicant wishes the scheme to be determined on the basis of the current plans. Given the diverse appearance of buildings in the locality it is considered that on balance delaying determination or refusing the scheme on this basis alone would be unreasonable.
- 7.28 The design approach to the external appearance of the development, which includes the use of a pallet of materials influenced in part by the character of the wider area is supported, although as has been identified, the appearance of the ground floor front and side (southern) elevations could be improved. The use of textured and coloured bricks, textured metal, glass privacy screens, recesses and horizontal separation between floors, and false windows have improved the appearance of individual facades. However, the success would be very much dependant on the exact materials used; therefore, a condition is recommended requiring samples of materials to be submitted for approval prior to the commencement of the development.
- 7.29 It is considered that whilst the development would introduce a modern design, the replacement of a dilapidated industrial building is supported, and would successfully harmonise with, and enhance the character of the surrounding area.

Unit size, mix and affordable housing

- 7.30 The development proposed 14 residential units with the following size mix: 5 x 1 bed 2 person, 1 x 2 bed 3 person and 8 x 2 bed 4 person which equates to 36% 1 bed and 64% 2 beds. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range to dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.31 2011 Census data for the Merton area identifies the following unit size mix 7.1% 1 bed, 14.4% 2 bed and 78% 3 bed. There is a very high proportion of larger dwellings in Merton, thus the proposal would contribute to balancing the housing choice in Merton as a whole.
- 7.32 Policies 3.5 and 3.8 of the London Plan 2015 state that housing developments are to be suitably accessible and should be of the highest quality internally and externally and should ensure that new development 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). Policy DM D2 of the Adopted Sites and Policies Plan (2014) states that developments should provide for suitable levels of privacy, sunlight and daylight and quality of living conditions for future occupants.

Unit Number	GIA Floorspace (sqm)	Policy Standard	Amenity Space (sqm)	Policy Standard	Compliant
G.1 (WA)	79	70	40	7	Yes
G.2 (WA)	91	70	16	7	Yes
G.3	74	61	32	6	Yes
1.1	75	70	8	7	Yes
1.2	51	50	5	5	Yes
1.3	51	50	5	5	Yes
1.4	75	70	8	7	Yes
2.1	75	70	8	7	Yes
2.2	51	50	5	5	Yes
2.3	51	50	5	5	Yes
2.4	75	70	8	7	Yes
3.1	72	70	34	7	Yes
3.2	51	50	12	5	Yes
3.3	72	70	34	7	Yes

- 7.33 As demonstrated by the table above, all units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants.
- 7.34 Dual aspect units are encouraged given the higher standard of living they offer, which includes better ventilation, increased daylight, increased sunlight hours and the ability to choose which side of the unit

to open windows (when noise, odour or other nuisance is being generated on a particular side). Ten of the 14 units would offer dual aspect units. This is a very high proportion of dual aspect units for a scheme of this size. Of the remaining four units, two units (G.2 and 3.2) would offer private amenity space in excess of the minimum standards.

- 7.35 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which all meet or exceed the relevant standards. The scheme does not provide communal amenity space. Following negotiation with the applicant, it was considered that the location was more appropriate for 1 and 2 bedroom flats, as opposed to family sized accommodation. As such, it was not felt necessary to provide on-site amenity space. Rather, officers have secured the provision of generous private amenity space for the ground floor, shared ownership units.
- 7.36 It is noted that a lift serves all floors providing step free access and that 10% of units meet M4(3) of the building regulations in accordance with London Plan policy 3.8. The two wheelchair accessible units will be provided at ground floor level (units G.1 and G.2).
- 7.37 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.
- 7.38 London Plan policy 3.12 requires that in making planning decisions a maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. Decision makers are required to have regard to factors including current and future requirements for affordable housing at local and regional levels and affordable housing targets adopted in line with policy.
- 7.39 The London Plan requires that negotiation on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for reappraising the viability of schemes prior to implementation and other scheme requirements.
- 7.40 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site. The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.

7.41 The developer has provided a financial viability appraisal (FVA) with the application which finds that the scheme as proposed would be unable to deliver both the target (40%) affordable housing contribution and a reasonable profit margin. An independent assessment of the FVA was undertaken which agreed that the scheme could not support an onsite affordable housing provision of 40% while achieving a suitable profit margin, albeit it found that the scheme could provide 3 x on-site shared ownership units (21% affordable housing) if the developer accepted a small loss. The developer has confirmed that they will accept a small loss and officers welcome the offer of the provision of 3 x on-site shared ownership units.

Impact upon neighbouring amenity

7.42 London Plan policies 7.14 and 7.15 along with SPP policy DM D2 state 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 light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.

Light spill

7.43 Light spill from the proposal is not expected to be significant given the scheme is residential. However, there are external amenity spaces at ground floor which would likely require lighting, this space is adjacent to the rear gardens of the dwellings to the east and could impact upon their rear windows. As such, it is recommended to include a condition which would require details of external lighting to be submitted to, and approved prior to occupation.

Visual intrusion and loss of light

7.44 Given the building would be a maximum of four storeys in height (with setback) and would be replacing single storey structures, visual intrusion and loss of light are of particular concern. To mitigate these affects, the proposal has been designed to shift the massing toward Church Road, away from the dwellings to the east and north.

7.45 The developer has provided a detailed daylight/sunlight and overshadowing report in support of the proposal which has been undertaken in accordance with BRE guidelines; the methodology used is the vertical sky component (VSC) and no sky line (NSL) for daylight and annual probable sunlight hours (APSH) for sunlight. In addition a sun on the ground analysis has been undertaken in accordance with BRE guidelines. Habitable rooms from all immediately surrounding dwellings have been assessed, including Nos. 2 and 2A Hawthorne Avenue, No.262 Church Road, and Noble Court (No. 261 Church Road), the blocks of flats located opposite the site.

7.46 The daylight and sunlight assessment finds the following:

- In relation to the daylight assessment, the effect on VSC is within the 80% guidance value in 99% of cases (159 out of 160 windows assessed), thus the impact will be minimal. In terms of the No

Skyline form of daylight assessment 100% of the rooms assessed meet the BRE guidelines recommendations.

- In relation to sunlight 100% (99 out of 99) of the individual windows relevant for sunlight assessment meet the BRE guidelines recommendations.
- The impact on the amenity space of surrounding properties will be negligible.

7.47 As identified above, following a VSC daylight analysis only one window, a ground floor, south facing window of No.262 Church Road demonstrates a technical breach of the BRE guidelines. However, the analysis presented considers that the window is a secondary window in a room that retains very good daylight potential. The sunlight analysis for this property also shows compliance with the guidelines recommendations.

7.49 In conclusion, the daylight and sunlight assessment is considered to be robust and reasonable; as such, it is not considered the proposal would unduly impact upon neighbouring amenity in terms of loss of light.

7.50 In addition to the above, particular attention should be paid to No.2a Hawthorne Avenue and 262 Church Road in terms of overshadowing as these are the dwellings closest to the development.

No. 2a Hawthorne Avenue

7.51 In accordance with BRE guidelines, at least 50% of any amenity area should receive at least two hours of sunlight on 21st March. In respect of No. 2a Hawthorne Avenue, the analysis shows that 50% of the garden will receive at least two hours of sunlight, and would meet the BRE guidelines.

7.52 The existing garden of Nos. 2a and 2b Hawthorne Avenue has a separation distance of 1.2m from the existing one storey building. Where the rear garden runs parallel with the proposal building, an increase in the separation distance to 6.3m is proposed. This separation distance is maintained along the shared boundary for approximately 14m. At fourth floor (setback) level, the building has been setback on the north eastern and south eastern corners and this has reduced the height to 9.7 m. Officers consider that these mitigation measures, set against a proposed building height of 12.3m (including set back) along the shared boundary, would ensure the proposal is not unduly visually intrusive.

No. 262 Church Road

7.53 In accordance with BRE guidelines, at least 50% of any amenity area should receive at least two hours of sunlight on 21st March. In respect of No. 262 Church Road the analysis shows that 6.23% of the garden will receive at least two hours of sunlight, and would meet the BRE guidelines.

7.54 As the building approaches No. 262 Church Road from the south it steps down in height from four to three storeys and the whole building would set back from the shared boundary by approximately 1.5m. A 2.2m high boundary fence would be positioned along the shared boundary. The stepped massing of the building and setback from the shared boundary is such that officers consider the proposals would not appear unduly intrusive.

Privacy

7.55 The Merton SPG New Residential Development (1999) states that the design and layout of residential development should ensure that adequate privacy is provided for the residents of the new development and for the residents or occupiers of existing properties adjoining the site. In order to achieve satisfactory privacy between the windows of habitable rooms and all kitchens, it is normal to rely on distance separation. The minimum distance required for this purpose is 20 metres for two-storey dwellings. Where either or both dwellings facing each other are three or more storeys, the distance separation should be greater.

7.56 The front (western) elevation is directed towards the eastern elevation of Noble Court (261 Church Road). There is a separation distance of approximately 21 m between the windows and this meets Merton's separation distance standards.

7.57 The side elevation (northern) is directed towards part of the side elevation of 262 Church Road, there would be no direct overlooking into the rear garden. There are no windows in the ground floor units on the northern elevation. At second and third floor levels, the proposed windows serve bedrooms and provide a secondary window to living room. At setback roof level, overlooking from the proposed outdoor amenity space would be addressed by the introduction of a privacy screen, the details of which have not been supplied. As such, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.

7.58 The rear elevation (eastern) is directed towards the rear gardens of properties on Hawthorne Avenue. The applicant has considered the potential for overlooking from this elevation and has set back the northeast corner of the building at third floor level. At setback roof level, overlooking from the proposed outdoor amenity space would be addressed by the introduction of a privacy screen, the details of which have not been supplied. It is considered that the proposed methods could suitably address any overlooking concerns. As such, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.

7.59 Open walkways have been proposed to facilitate dual aspect units in the middle of the building on the eastern elevation. This part of the building has been set back from the shared boundary with Nos. 2a and 2b Hawthorne Avenue by a maximum of 6.3m. The applicant has proposed the use of cast glass privacy screens at all levels to ensure that overlooking is addressed. Furthermore, the two windows serving the halls of flats 1.1 and 2.1 will be obscure glazed. It is considered that the proposed methods could suitably address any overlooking concerns. To ensure compliance, it is recommended to include a condition which would require details of screening to be submitted to, approved and implemented prior to first occupation.

7.60 It is not considered the proposal would unduly impact upon the privacy of neighbouring properties.

Noise

7.61 There is the potential for noise from construction and it is recommended to include a suitable condition. It is considered that the impact of noise from the residential use is expected to be comparable to the surrounding development and as such can be suitably addressed by way of conditions.

Construction phase

7.62 The development has the potential to adversely impact neighbouring residents during the construction phase in terms of noise, dust and other pollutants. As such, it is recommended to include conditions which would require a detailed method statement to be submitted to, and approved by, Merton Council prior to the commencement of the development.

Transport, highway network, parking and sustainable travel

7.63 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management; in addition, there is a requirement to submit a Transport Assessment and associated Travel Plan for major developments. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.

Vehicle parking provisions

7.64 No off street parking is proposed in connection with the development. However, the applicant proposes that by altering the existing parking arrangements around the site a maximum of 9 on street parking bays can be provided which will be for the use of all.

- 7.65 Four of the nine on street parking bays can be achieved by removing the existing loading bay and altering the curb outside the development on Church Road. The works to alter the existing curb will be the subject of a condition and an agreement under the Highways Act.
- 7.66 It is considered that by altering the waiting restrictions on the southern side of Hawthorne Road a further 4 on street parking bays could be provided. Finally, an additional on street parking bay could be provided by extending the existing parking bay to the south of the site on the western side of Church Road at its junction with Hawthorne Avenue. The altering of the waiting restrictions would be the subject of public consultation. The costs of the public consultation and altering of waiting restrictions will be paid for by the applicant via a condition and an agreement under the Highways Act.
- 7.67 Officers acknowledge that while there is some capacity locally to accommodate extra parking pressure any parking pressure generated by the proposals is likely to be displaced into neighbouring roads thereby impacting on existing residents. Officers therefore consider that it would be prudent given the major nature of the scheme to secure measures to increase on street capacity in the immediate vicinity of the site so as not to increase pressure that might impact more noticeably on existing parking in side roads.
- 7.68 In terms of further initiatives to improve parking stress in the area, typically free car club membership would be requested for a development of this nature to reduce the likelihood of car ownership by future residents. However the nearest car club bay is approximately 1100m away and it is considered unreasonable to request a contribution from the developer on this basis.

Delivery, servicing and the highway network

- 7.69 The Transport Assessment suggests that in terms of service and refuse generation, there would be 1 vehicle movements associated with the residential component these would be predominantly light goods vehicles. It is considered that the highway network can comfortably accommodate these vehicles. Where possible, deliveries for the residential component would take place via the kerbside around the site. Refuse stores are considered to be suitably located to allow collection.
- 7.70 Given the above, it is considered the development would be acceptable in terms of its impact upon the highway network.

Sustainable Travel

- 7.71 In accordance with London Plan policy 6.9 and table 6.3, 26 long term cycle storage spaces have been proposed for the residential component, as confirmed in the submitted Transport Statement. Four short term visitor cycle spaces are also required to ensure compliance with London Plan minimum standards. The provision of visitor cycle

spaces (although not identified on plan), in addition to details of short term cycle spaces shall be secured by condition.

Refuse storage

- 7.72 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the CS.
- 7.73 The location of the refuse storage is considered to be appropriate and easily accessible by residents and Council (for collection). The developer has confirmed that the storage area proposed for refuse can accommodate the storage capacity requirements of Merton Council. As such, it is considered the a condition could reasonably be added requiring details of refuse storage to be submitted to, and approved by, Merton Council prior to occupation.

Sustainability

- 7.74 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, whereas non-residential development remains at a 35% improvement on Part L of the Building Regulations 2013.
- 7.75 The developer has submitted an Energy and Sustainability Statement (revised and dated December 2016) in support of the application which states the development could achieve a 35.7% improvement on Part L 2013, incorporating SUDS and solar panels, which is compliant with policies 5.2 of the London Plan and CS15; the statement is considered to be robust and reasonable.
- 7.76 It is recommended to include a condition which would require evidence to be submitted to, and agreed by, Merton Council which confirms that water consumption standards will not exceed 105 litres per person per day. Subject to compliance with the above condition, it is considered the proposal would be policy compliant in terms of sustainability.

Other matters

Flooding and sustainable urban drainage

- 7.77 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.78 The site is not considered to be at risk of flooding; however Hawthorne Avenue and part of Church Road is at medium risk of surface water

flooding. The scheme proposes to limit runoff rates to no more than 4.02 l/s, which is acceptable.

- 7.79 It is recommended to include a condition which requires details of drainage, attenuation and management to be submitted to, and approved by Merton Council prior to the commencement of development.

Site contamination

- 7.80 London Plan Policy 5.21 and SPP policy DM EP4 state that developments should seek to minimise pollutants, reduce concentrations to levels that have minimal adverse effects on human or environment health and to ensure contamination is not spread.
- 7.81 In light of the former commercial uses on the application site, there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

Landscaping/Open Space

- 7.82 NPPF section 11, London Plan polices 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity, where appropriate within the Wandle Valley Regional Park, to incorporate physical connections that will encourage pedestrian and cycle accessibility, and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.83 The application proposal includes the provision of private balconies /terraces at all levels and defensible space on the ground floor that would include space for planting. Furthermore, the application includes the provision of 26 cycle parking spaces and 4 visitor cycle spaces on Church Road (not shown on plan). It is considered that this will encourage the use of bicycles thereby improving cycle accessibility.
- 7.84 The works to extend the existing parking bay and repositioning /extension of the kerb in front of the site on Church Road will be in close proximity to the existing tree at the southern end of the site on the pedestrian footway. It is recommended that street tree protection measures are covered under the condition requiring changes to existing parking bays under the Highways Act.

Developer contributions

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

- 7.86 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.
- 7.87 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.
- 7.88 In this instance the delivery of affordable housing would be secured via a S106 agreement.
- 7.89 The developer has agreed to meet the Council's reasonable costs of preparing and monitoring the Section 106 Obligations. S106 monitoring fees would be calculated on the basis of the advice in the Council's adopted Supplementary Planning Guidance (2006) and legal fees would need to be agreed at a later date.
- 7.90 Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) restricts the use of planning obligations for infrastructure that will be funded in whole or in part by Merton's Community Infrastructure Levy.

8. CONCLUSION

- 8.1 The proposals have been developed reflecting both engagement by the applicant with local residents and from discussions between the applicant and Council officers. The application presents opportunities in the form of the delivery of much needed housing and affordable housing on a site where evidence would suggest little interest in continued use for employment generating purposes.
- 8.2 Overall it is considered that the scheme responds positively to the surrounding context in terms of massing, heights and layout, although officers consider that the design of the southern and western elevations could be improved upon. This does not amount to a reason for refusal on its own however and it is considered that the proposal makes a positive contribution to the streetscene.
- 8.3 The financial viability appraisal determined that the development would generate a marginal deficit but that a developer would still proceed with the development on this basis. The developer has offered approximately 21% of units as affordable housing units, which would be delivered on the basis of the developer conceding a reduced profit margin; this offer is welcomed by officers as is the delivery of 14 residential units.

- 8.4 The proposal has been sensitively designed to ensure it would not unduly impact upon neighbouring amenity. The proposal would offer good living standards for prospective occupants. The proposal would not unduly impact upon the highway network and it would promote and facilitate sustainable travel. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate levels of sustainability. The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.
- 8.5 The application is therefore recommended for approval subject to appropriate conditions and s106 agreement.

RECOMMENDATION

Grant planning permission subject to s106 agreement and the following conditions.

S106 legal agreement:

1. The provision of 3 (2 x 2 bed and 1 x 1 bed) 'shared ownership' affordable housing units on-site;
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

And the following conditions:

Time Limits

- 1 The development to which this permission relates must be begun not later than the expiration of three years beginning from the date of this decision notice. Reason: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 and Section 51 of the Town and Country Planning Compulsory Purchase Act 2004.

Approved Plans

- 2 The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission. Reason: For the avoidance of doubt and in the interests of proper planning

Design

- 3 Standard condition [materials to be approved]: No development shall take place until details of particulars and samples of the materials to be

used on all external faces of the development hereby permitted, including window frames and doors (notwithstanding any materials specified in the application form and/or the approved drawings), have been submitted to the Local Planning Authority for approval. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall be carried out in full accordance with the approved details.

Reason: 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.

- 4 No development above ground shall take place until drawings to a scale of not less than 1:20 and samples and/or manufacturer's specifications of the design and construction details listed below have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out solely in accordance with the approved details.
- i) metal, glass and wood work including private amenity spaces, balustrades to balconies showing glass to flats;
 - ii) all external window and door systems (including technical details, elevations, plans and cross sections showing cills and reveal depths);
 - iii) copings and soffits and junctions of external materials;
 - iv) rain water goods (including locations, fixings, material and colour)

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.

- 5 Non-standard condition [Security measures]: Prior to first occupation of any part of the development details of 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.

Highways

- 6 Standard condition [Timing of construction]: No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

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

- 7 Amended standard condition [Working method statement]: Prior to the commencement of development [including demolition] a working method statement shall be submitted to and approved in writing by the Local Planning Authority that shall include measures to accommodate: the parking of vehicles of site workers and visitors; loading and unloading of plant and materials; storage of construction plant and materials; wheel cleaning facilities; control of dust, smell and other effluvia; control of surface water run-off. No development shall be take place that is not in full accordance with the approved method statement.

Reason: In the interests of vehicle and pedestrian safety and the amenities of neighbouring occupiers and to comply with policy CS20 of the Adopted Merton Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan.

- 8 Standard condition [Construction logistic plan]: 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 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: 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.

- 9 No development shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and thereafter retained for use at all times.

Reason: To ensure satisfactory facilities for cycle parking are provided and to safeguard the existing retained trees to comply with the following Development Plan policies for Merton: policies 6.13 and 7.21 of the London Plan 2015, policies CS18 and CS13 of Merton's Core Planning Strategy 2011 and policies DM T1 and DM O2 of Merton's Sites and Policies Plan 2014.

- 10 No flat shall be occupied until the applicant has entered into an agreement under the relevant provisions of the Highways Act in order to provide for changes to loading and unloading restrictions and parking restrictions on Church Road and Hawthorne Avenue and to provide 4 x visitor cycle parking spaces on Church Road, including any traffic management orders and any associated highways works to reinstate and/or remodel kerbs, along with street tree protection measures. No flat shall be occupied until the changes as may be provided for under such an agreement are implemented, unless otherwise agreed in writing by the Local Planning Authority.

Reason. In order to ensure that the implementation of the development does not give rise to additional parking pressure and a harmful impact on the operation of the surrounding highway and to ensure the safety of pedestrians, cyclists, vehicles and others using the highway and to comply with policy CS.20 of the Merton LDF Core Planning Strategy (2011) and policy DM.T2 of the Merton Sites and Policies Plan (2104).

Amenity

- 11 Non-standard condition [Details of external lighting]: Prior to first occupation of the development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 12 Amended standard condition [Screening]: Before the development hereby permitted is first occupied, details of screening of the balconies, windows, terraces and walkways shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

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

- 13 Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the windows and balconies on the north and east facing elevations to be obscure glazed

as shown on the approved plans 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.

- 14 Prior to the commencement of the development details of noise attenuation and noise management methods to mitigate against the likely impact of the existing noise environment on the development shall be submitted to and approved by the local planning authority. The approved methods shall be implemented in strict accordance with the approved details prior to the first occupation of the development

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 CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

Refuse and Recycling

- 15 Amended standard condition [Details of refuse]: Prior to first occupation of the development a scheme for the storage of refuse and recycling shall be submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme has been approved and has been carried out in full. Those facilities and measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling material and to comply with the following Development Plan policies for Merton: policy 5.17 of the London Plan 2015, policy CS17 of Merton's Core Planning Strategy 2011 and policy DM D2 of Merton's Sites and Policies Plan 2014.

Surface Water/Drainage/Contamination

- 16 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 to no more than 4.02l/s and 19m³ of attenuation. 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.

- 17 Non-standard condition [Contamination investigations]: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 18 Non-standard condition [Contamination construction phase]: If, during development, contamination not previously identified is found to be

present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 19 Non-standard condition [Contamination verification]: Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 20 Non-standard condition [Piling] Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: In order to protect controlled waters and the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

INFORMATIVES

- 1 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).
- 2 The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.
- 3 The applicant is advised to contact the Council's Highways team on 020 8545 3151 before undertaking any works within the Public Highway in order to obtain the necessary approvals and/or licences.
- 4 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses 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 groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.
- 6 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can

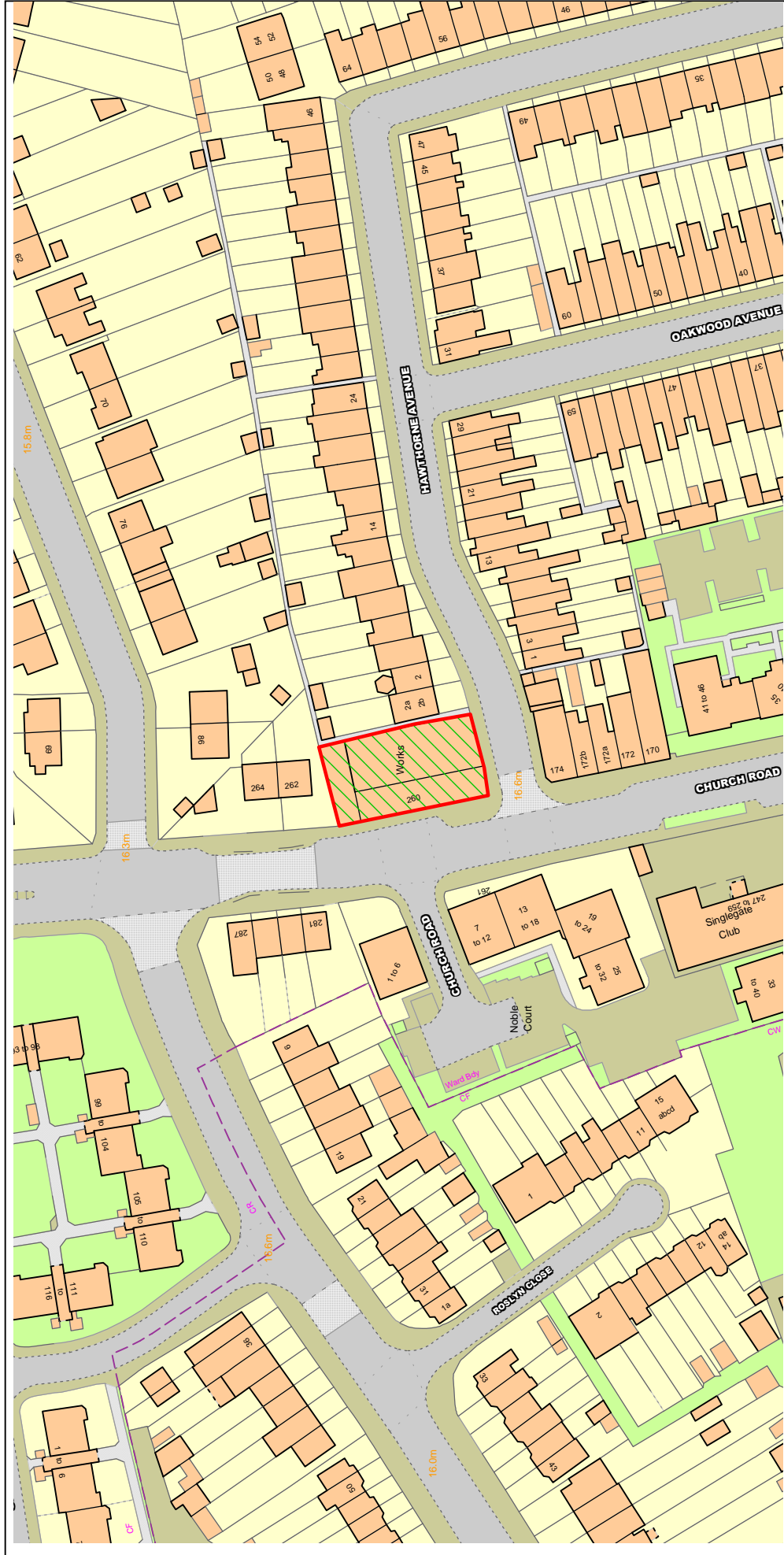
gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover.

- 7 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 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).
- 10 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

[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 20th April 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
	16/P2166 25/08/2016
Address/Site:	Crownwall Works, Elm Grove, Wimbledon, London
Ward	Hillside
Proposal:	Demolition of existing office and warehouse buildings and erection of a building comprising 924.8 sqm of office floorspace (Use Class B1) and 6 x 3 bed houses (Use Class C3)
Drawing Nos:	4547 3 50 A, 54 B, 55 G, 56 B, 57 B, 58 B, 59 B, 60 A, 61 B, 62 B, 63 A & 64
Contact Officer:	David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Permit free, Trees and landscaping, Affordable Housing
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 127
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two-storey building comprising 310.9sqm of office floor space (Class B1 use) and two single storey warehouse buildings (Class B8 use (Storage and distribution)) comprising a total of 613.9sqm of floorspace. The site forms part of the Cromwell Works Industrial Park, which comprises a number of commercial units.

- 2.2 The industrial park is located at the southern end of Elm Grove, a cul-de-sac which is accessed from Worple Road, Wimbledon. A public footpath, which is located between the main railway line to London and the application site, abuts the sites southern boundary.
- 2.3 A number of mature trees are located to the side of this footpath against one of the single storey warehouse buildings. Commercial buildings forming part of the industrial park are located immediately to the north and west of the site, whilst a mixed use 4/5 storey commercial/residential development is located to the east. A public footpath separates this development and the application site.
- 2.4 The site is not located in a conservation area but is within a controlled parking zone (Zone W1). The site also has a PTAL rating of 2 (Low).

3. CURRENT PROPOSAL

- 3.1 The applicant seeks planning permission to demolish the current office and warehouse buildings and erect a building comprising office use (Class B1 use) and 6 x 3 bedroom (6 person) houses.
- 3.2 The current two-storey office building comprises 310.9sqm of floor space whilst the warehouse buildings comprise a total of 613.9sqm of floor space, which means the site accommodates a total of 924.8sqm of commercial floor space. The proposal would result in the loss of the Class B8 (Storage and distribution) use however a total of 924.8sqm of office space is proposed. There would be a reduction in the amount of employment land to accommodate the proposed houses however there would not be a net loss of overall commercial floor space given the proposed office building would comprise 4 floors. The site currently employs 48 full time employees and it is anticipated that the proposed office building would employ approx. 109 full time employees.
- 3.3 The office element would be arranged over four floors and is located in the linear shaped southern element of the building fronting the railway line. The six proposed houses are also arranged over four floors and are grouped together in pairs. The houses are located on the north side of the development. The office element, which features higher floor to ceiling heights than the houses, features a flat roof and would have a maximum height of 14m.
- 3.4 The houses are arranged in pairs and also comprise four floors. The houses would each have an internal spiral staircase with garage and a bedroom at ground floor level, 2 bedrooms at first floor level, lounge, dining and kitchen at second and third floor levels leading to the amenity space of a terrace and roof top garden. The houses would have a maximum height of 14.4m (roof of spiral staircase) although the top of the main roof of each house would be 12.1m. Wind catchers would be located on the tops of the house stair towers to improve ventilation.

- 3.5 The ground floor of the building will feature a glazed brick plinth with blue engineering bricks. Above this, the façade will feature red brick with the corners and central section of the railway elevation for example enhanced by the use of a projecting section of contrasting brick. The windows would be metal framed and have a grid like appearance. The north facing flank walls of the houses would also feature timber feature door panels.
- 3.6 The proposed houses would each incorporate an integral car port, whilst two disabled parking spaces, which are located to the north of the proposed building, would serve the office element of the development. The proposed office development would incorporate 16 long stay cycle spaces and 2 short stay cycle spaces. The houses would each incorporate two cycle parking spaces.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 WIM7028 - Outline - Application to reconstruct part of the factory buildings on this site, together with the erection of a warehouse and accommodation over. Granted - 04/02/1964;
- 4.2 WIM7669 - The erection of a single storey building comprising workshop store, office and toilet accommodation in replacement of a similar structure. Granted - 26/08/1964;
- 4.3 MER654/66 - Rebuilding of the existing factory buildings into a partly 1 storey and partly 2 storey building comprising factory warehouse & ancillary office space. Granted - 08/03/1967;
- 4.4 14/P4055 - Prior approval in relation to the change of use of ground and first floors from office use class B1(a) to residential use class C3. Granted - 22/12/2014
- 4.5 15/P0948 - Erection of perimeter fence. Granted - 01/09/2015

5. POLICY CONTEXT

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):
DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM E3 (Employment Areas in Merton), DM E3 (Protection of Scattered Employment Sites), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM H2 (Housing mix), DM H3 (Support for affordable housing)
DM O2 (Nature conservation, trees, hedges and landscape features), DM EP2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Core Strategy (July 2011):

CS.8 (Housing Choice), CS.9 (Housing Provision), CS.12 (Economic Development), CS.13 (Open space, nature conservation, leisure and culture) CS.14 (Design), CS.20 (Parking, Servicing and Delivery)

- 5.3 London Plan March 2015 (as amended March 2016):
3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 6.13 (Parking)
- 5.4 Mayor of London Housing Supplementary Planning Guidance (March 2016)
- 5.5 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.6 National Planning Policy Framework (NPPF)
- 5.7 The following Supplementary Planning Guidance (SPG) is also relevant:
New Residential Development (September 1999)

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, 6 letters of objection and one letter of support were received. The letters of objection were on the following grounds:
- Loss of daylight/sunlight and privacy
 - Office scheme would only be temporary until such a time that a residential scheme would be eligible through permitted development
 - Too dense and tall, towers over the neighbouring properties, not in keeping and build to plot size is out of sync, no graduation of building on the street corner, vents would result in height precedent, out of character with street
 - The houses have poor outlook and lack privacy because of the office block
 - Poor vehicle access with little room to manoeuvre, impact on traffic and parking, office lacks any vehicle access for deliveries, commercial traffic into the estate has been given inadequate consideration, disabled parking spaces located off-site and a long distance from the development
 - Poor location for new houses
Having an overbearing office building attached to the new houses would put off prospective purchasers
- 6.2 The letter of support considers that the development would improve the quality of the lower half of Elm Grove and that the loss of the existing commercial uses would significantly reduce the amount of large delivery vehicles which use the industrial estate.
- 6.3 Wimbledon Society
Objects to loss of buildings designated for light industrial use as they make a valuable contribution to the area. There are also concerns regarding the living standards of future residents due to overlooking of courtyards from the office,

the constant flow of industrial vehicles, loss of privacy, noise and security risk due to office employees passing the ground floor bedroom windows of houses 1 to 4. The courtyard outside the entrance could also be a venue for office smokers. There is also no visitor parking and it would be inappropriate to locate a development so close to the railway given this land maybe required for Crossrail 2. The scheme would also give limited access to people with mobility difficulties.

6.4 Future Merton - Transport Planning

6.4.1 No objections subject to appropriate conditions.

6.5 Future Merton - Climate Change

6.5.1 Satisfied that the proposed energy approach for both the residential and commercial elements are policy compliant. Appropriate conditions should be attached.

6.6 Environmental Health Officer

6.6.1 No objections subject to appropriate conditions

6.7 Crossrail 2

6.7.1 Crossrail 2 has confirmed that the application relates to land which sits outside the limits of the land subject to consultation by the Crossrail 2 Safeguarding Direction. No comment has therefore been made.

6.8 Network Rail

6.8.1 No objections

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

7.1.1 The application site is classed as a scattered employment site and as such it will have to comply with policy DM E3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014). Part A of this policy states that proposals that result in the loss of scattered employment sites will be resisted except where:

- i) The site is located in a predominately residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity;
- ii) The size, configuration, access arrangements and other characteristics of the site makes it unsuitable and financially unviable for whole-site employment use; and,
- iii) It has been demonstrated to the council's satisfaction that there is no realistic prospect of employment or community use on this site in the

future. This may be demonstrated by full and proper marketing of the site at reasonable prices for a period of 30 months.

7.1.2 Policy DM E3 goes on to state that in circumstances where proposals for mixed use development are considered, proposal must be designed to ensure the future occupation and function of employment uses, upon completion. The premises/sites retained for employment uses must:

- Be of an attractive size and character for occupation by employment and community uses and flexible to accommodate alternative uses
- Be compatible with the character and appearance of the area
- Be designed to accommodate the proposed use
- Not be harmed by way of noise, disturbance, loss of light or privacy
- Allow adequate safe vehicle access to and from the highway, provide adequate car parking facilities (both cycling and car parking) and there should be links to modes of transport and other private vehicle; and,
- The site must be built out in full before proposals for change of use from employment to alternative uses will be considered by the council.

7.1.3 The proposal is a mixed use scheme and would result in a reduction in the amount of employment land. However, it is considered that the development would accord with policy DM E3 given the site is located in a predominately residential area where its operation significantly impacts residential amenity with a high number of commercial vehicle movements taking place. The majority of the noise and disturbance currently experienced in the estate is caused by the occupiers of the application site. Currently, the warehouse and part of the office space is occupied by a recycling packaging supplier which generates circa 20 to 25 vehicle deliveries/collections per day including 15 deliveries/collections by a 3.5 tonne vehicle and 2 to 3 deliveries/collections by an articulated vehicle. This activity which is amplified by the fact that Elm Grove is a cul-de-sac meaning vehicles have to enter and exit at the junction with Worple Road whilst turning at the bottom of Elm Grove creates a significant amount of disturbance through noise and pollution. It is anticipated that the proposed development would generate only an average 3 to 4 delivery/collection and servicing trips per day. In addition, there would be some car movements from the proposed houses however it is considered that overall the development would result in a significant reduction in vehicle movements reducing the impact on residential amenity.

7.1.4 It should also be noted that although the development would result in a reduction in employment land there would not actually be a net loss in the overall amount of commercial floorspace. The application site currently comprises 310.9sqm of office space in a two-storey building and 613.9sqm of warehousing in two single storey buildings (total: 924.8sqm). The development is for a mixed use scheme comprising office accommodation arranged over four floors also totalling 924.8sqm of floorspace and six, three bedroom (6 person) houses. Although the office element is located on a smaller part of the site it is considered that it is of an attractive size and character for occupation. The applicant has provided a letter from a local chartered surveyor which states that there is a significant shortage of office

premises of between 1,000 and 50,000 sq ft in Wimbledon. It also states that new premises based at The Broadway or in Wimbledon Village will command premium rental levels which are not affordable to all businesses and as such it is considered that there would be a strong demand for a scheme at Elm Grove which would be more affordable. The proposed office would also result in a material uplift in employee numbers at the site with the number increasing from 48 to 109.

- 7.1.5 The proposal would also result in the provision of six, three bedroom houses and is supported by Policy CS.9 of the Core Planning Strategy 2011 which states that the Council will work with housing providers to facilitate the provision of a minimum of 4,800 additional homes for the period 2011-2026 including 500-600 for Wimbledon. In addition, policy CS.8 of the core planning strategy supports the provision of three bedroom family sized houses stating that Merton's 2010 Strategic Housing Market Assessment Study (Merton SHMA) has identified that there is a need for more housing types and sizes throughout the borough and that assessment of historical provision to date in the borough indicates a disproportionately greater delivery of smaller housing units of 1 to 2 bedrooms.

7.2 Design and Appearance

- 7.2.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.
- 7.2.2 The height, bulk and massing of the proposed development is considered to be acceptable given it would be very similar to that of the adjacent recent development at No.7 Elm Grove. The proposed office element would have a maximum height of approx. 14m whilst the proposed houses would have a height of 12.1m to the top of the main roof, although the roof of the spiral staircase would be taller with a height of 14.4m. It is also considered that given the sites location at the bottom of Elm Grove abutting the railway line combined with the fact that there is a significant gap to the nearest houses to the north of the site, means that there is scope for a development of this scale which is not visually overbearing or dominates the existing buildings along the road. The mass of the main elevation to the railway would be broken down through the use of different materials whilst the mass of the houses would be broken down by introducing curved stair towers and by cutting away the corners at third floor level.
- 7.2.3. In terms of the proposals design approach, it should be noted that there is an eclectic mix of architectural styles along Elm Grove, however all of the buildings apart from No.7 Elm Grove feature red brickwork on their elevations. It is considered that the proposal is acceptable in terms of its design with the appearance of the building developed so that it is distinctive but also reflects the materials used in the road for example through the use of red brick on its

facades. The proposal has also been clearly influenced by the fact that it is located in an industrial location abutting a railway and would have a warehouse style appearance which incorporates large grid like metal windows and spiral staircase to each of the houses which resemble industrial chimneys.

- 7.2.4 The current site is untidy whilst the commercial buildings are poor quality which has a negative impact on the appearance of this part of Elm Grove. It is considered that the proposal would result in a high quality development that would therefore enhance the Elm Grove street scene and its wider setting.

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 Commercial units are located immediately to the southwest and northwest of the application site whilst the railway line is located immediately to the southeast of the site. It should be noted that on the other side of the commercial units located to the northwest of the site are Nos. 9 to 11 Elm Grove, which are residential houses. On the opposite side of the footpath linking the bottom of Elm Grove with the pedestrian footbridge over the Railway is No. 7 Elm Grove a four-storey mixed use development comprising a mixture of commercial and residential uses. It should be noted that the commercial element of this building is located closest to the application site. To the north of No.7 is Nos. 3 and 5 Elm Grove which are residential flats.
- 7.3.3 No residential properties located to the south or southwest of the application site would be affected by the development. Occupiers of No.5 would be able to view the development through the front windows of their flats. It is however considered that the development would not be visually intrusive or overbearing when viewed from No.5 given it is located approx. 25m from the front elevation of this building and would also be viewed from an oblique angle. It is also considered that the development would be visually intrusive or overbearing when viewed from Nos. 9 to 11 Elm Grove given the front or rear elevations of these properties would not directly face the development. The development would also be located a minimum 16.5m from the side boundary of No.9 and the current single storey commercial building would help screen the development when viewed from this property. Nevertheless, it should be noted that the houses do not feature any windows on their side elevations other than to the stair towers and a condition will be attached requiring a 1.7m high screen is provided on the north elevation of the terraces of houses 1, 3 & 5 to protect privacy. The applicant has provided a daylight/sunlight assessment which shows that Nos. 5 and 9 would continue to receive acceptable levels of daylight/sunlight. The applicant has also carried out a

shadow path analysis which demonstrates that there would be no adverse overshadowing impact to any existing amenity areas adjacent to the site.

- 7.3.4 The site is located in a predominately residential area and it is considered that its current operation significantly impacts residential amenity with a high number of commercial vehicle movements taking place. Currently, the warehouse and part of the office space generates circa 20 to 25 vehicle deliveries/collections per day including deliveries from articulated vehicles and this creates a significant amount of disturbance through noise and pollution. It is anticipated that the proposed development would generate significantly fewer vehicle movements therefore reducing the impact on residential amenity. This is discussed in more detail in paragraph 7.1.3.

7.4 Standard of Accommodation

- 7.4.1 The London Plan 2015, as updated by the Minor Alterations, March 2016 (Housing Standards) sets out a minimum gross internal area standard for new homes as part of policy 3.5. It provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.4.2 All six of the proposed houses with each being more than 200sqm in size would exceed the minimum space standards for a three bedroom (six person) house (110.5sqm) set out in the London Plan 2015, as updated by the Minor Alterations, March 2016 (Housing Standards). The proposed houses are considered to be generally well laid out with the bedrooms located on the lower two floors and the living/kitchen and lounge located on the upper two floors. The houses are intended to be 'loft' style dwellings with the interiors having exposed brickwork, visible structure and timber floors. The proposed amenity space (50sqm) will be located at second and third floor levels and is policy compliant. Although this isn't one single amenity space it is considered this alone would not warrant a refusal of the application in this instance.
- 7.4.3 The houses are arranged so that each pair would be located only 8m apart. This would not normally be considered to be acceptable as it is well below the minimum separation distances set out in the SPG on New Residential Development which requires 15m for a three bedroom house (there isn't a separation distance given for a four storey house). However, in this instance it is considered that the separation distance is acceptable given the rather unusual design of the houses which sees the living accommodation turned upside down. The houses have been designed so that the living/dining/kitchen areas where occupants would spend most of the daytime are located on the

upper two floors with the bedrooms, where occupants would generally sleep at night located on the lower two floors. This means the rooms which are likely to require more daylight are best positioned for this. The houses would also feature very large glazed windows with the living/dining area also featuring a double height ceiling which would be double aspect maximising the amount of available daylight. It should also be noted that the applicant has submitted a daylight/sunlight report which states that the ADF (Average Daylight Factor) results show that all the proposed habitable rooms would meet or exceed the BRE recommendations for their room type. It is also considered that the arrangement of the floors improves the outlook of each house with the rooms requiring better outlook located on the upper floors.

- 7.4.4 In terms of privacy the houses have been designed so that windows to utility rooms, en-suites or secondary windows to habitable rooms face the main habitable room windows of facing houses. These windows can therefore be obscure glazed to protect privacy without impacting on the amenity of occupiers. The north facing windows as well as the proposed roof terrace to the office element would also need to be obscure glazed or screened to prevent occupiers of this part of the development overlooking the windows roof terraces of the residential units. Landscaping is also proposed for in front of the bedroom windows at ground level to further protect privacy.

7.5 Parking and Traffic

- 7.5.1 Policy CS.18 of the Core Planning Strategy states that the Council will promote active transport by supporting schemes that prioritise the access and safety of pedestrian, cycle and other active transport modes. Policy CS.18 also encourages design that provides attractive, safe, covered cycle storage, cycle parking and other facilities (such as showers, bike cages and lockers). Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated.

- 7.5.2 Policy 6.13 Table 6.2 of the London Plan (March 2015) allows for up to 1.5 spaces per residential unit with 3 bedrooms where there is a PTAL rating of 2-4. The application site has a PTAL rating of 2, which means it technically has poor access to public transport. However, it is considered that in this instance the low PTAL rating does not truly reflect the good level of public transport accessibility with the site located only approx. 130m from Worple Road where a number of bus routes serving Wimbledon Town Centre, Kingston, Tooting etc. run. Nevertheless, the scheme proposes the provision of one off-street parking space per house located within an integral car port and as such is in accordance with London Plan policy. Given the site is located in a controlled parking zone (CPZ) the houses would be exempt from applying for parking permits in future.

- 7.5.3 No car parking spaces other than two blue badge spaces would be provided for the office element and these would be located on the access road. The

London Plan requires B1 use to provide a parking space for every 100-600sqm of office space in outer London, which means there would normally be a requirement to provide between circa 1 - 9 car parking spaces in this instance. However, this requirement is a maximum and given the site is well connected it is considered that this is acceptable in this instance given it promotes sustainable transport. It is considered that given the good public transport links that future occupiers of the building would however be exempt from applying for business parking permits.

7.5.4 As discussed in paragraphs 7.1.3 and 7.3.4 the sites current operation significantly impacts residential amenity with a high number of commercial vehicle movements taking place. Currently, the warehouse and part of the office space is occupied by a recycling packaging supplier which generates circa 20 to 25 vehicle deliveries/collections per day including 15 deliveries/collections by a 3.5 tonne vehicle and 2 to 3 deliveries/collections by an articulated vehicle. This activity which is amplified by the fact that Elm Grove is a cul-de-sac meaning vehicles have to enter and exit at the junction with Worple Road whilst turning at the bottom of Elm Grove creates a significant amount of disturbance through noise and pollution. It is anticipated that the proposed development would generate only an average 3 to 4 delivery/collection and servicing trips per day therefore significantly reducing this impact. Refuse bins would be stored at ground floor level with waste collected from Elm Grove in the same way as for other existing properties in the vicinity.

7.5.4 The London Plan expects offices in outer London to provide 1 long stay cycle space per 150sqm and 1 short stay cycle space per 500sqm. The proposed development would have a total ground floor area of approx. 924.8sqm and will provide 16 long stay cycle spaces and 2 short 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 is securely covered and other facilities such as showers would be provided.

7.6 Sustainability and Energy

7.6.1 Residential

The submitted sustainability and energy statement indicates that the domestic element of the proposed development should achieve a 21% improvement in CO2 emissions on Part L 2013. This exceeds 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 Code for Sustainable Homes Level 4. The internal water consumption calculations submitted for the development indicates that internal water consumption for the domestic units should be less than 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4.

7.6.2 Whilst the development is located in one of the wider district heat opportunity areas in the London Heat Map, it is outside of the key opportunity areas

identified in Merton's Sites and Policies Plan (2014) Policy DMEP1: Opportunities for decentralised energy networks. It is therefore accepted that the provision of a heat network or use of a site-wide CHP in this location is unlikely to be feasible due to the low density and size of the scheme.

7.6.3 It is considered 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 the domestic part of the development.

7.6.4 Commercial

The non-domestic element should achieve an 35% improvement in CO2 emissions on Part L 2013. This meets the minimum sustainability requirements of major development proposals under Policy 5.2 of the London Plan (2015). In addition, the BREEAM pre-assessment submitted for the development indicates that the non-domestic development should achieve a score of 57.70% under BREEAM (Shell and Core). This is equivalent to BREEAM 'Very Good' standard, in accordance with Policy CS15 Part e of Merton's Core Planning Strategy (2011). It is therefore content that the proposed development is policy compliant and suggest that Merton's BREEAM - Pre-Occupation (New build non-residential) Standard Condition is applied.

7.7 Trees and Landscaping

7.7.1 Policy DM O2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that development will only be permitted if it will not damage or destroy any tree which is protected by a tree preservation order, is within a conservation area; or, has significant amenity value.

7.7.2 There are a total of 8 trees located on a council owned strip of land between the application site and the footpath to the south of the site, whilst another 6 trees are located on either side of the footpath between the application site and No.7 Elm Grove. The applicant has provided a tree survey where the trees located on the strip of land to the south of the site have been classed as category 'C' which means they are of very limited merit or amenity value. Three of the trees on the footpath between the application site and No.7 have also been given a category 'C' rating. Three of the trees, which are located within the boundary of No.7, have been given a category 'B' rating. These trees are considered to be of moderate quality and amenity value.

7.7.3 The proposal would result in the loss of 9 trees and 1 tree group which are located on the strip of land to the south of the site. It is considered that this is acceptable given all of the trees to be removed are category 'C' trees which means it would have a minor impact on public amenity. These trees have regenerated naturally on this strip of land however now due to their mature size are in direct conflict with the existing building. It is considered that regardless of the proposed development their retention would not be sustainable. The council's Highways Team have confirmed that they have no

objection to the removal of the trees however it will be necessary for the applicant to enter into a legal agreement regarding replacement planting.

- 7.7.4 Landscaping, which includes the planting of new tree is proposed around much of the proposed houses. It is considered that this would offer a significant improvement on the existing site and as such this is supported. A condition will be attached requiring the submission of a more detailed planting scheme.

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).

10. SECTION 106 LEGAL AGREEMENT

10.1 Permit Free

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

- 10.1.2 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

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

10.2 Affordable Housing

- 10.2.1 As of Friday 28 November 2014, the Government amended National Planning Policy Guidance to state that planning obligations (section 106 planning obligations) requiring a financial contribution towards affordable housing should not be sought from small scale and self-build development. Following this change, the council could no longer seek financial contributions towards affordable housing on schemes of 1-9 units but can still seek financial contributions to on developments with a gross area of more than 1,000sqm. The proposed development comprises six new houses with a gross floor area exceeding 1,000sqm which means a financial contribution will be required in this instance. The affordable housing contribution is calculated based on a formula using the median open market valuation of the completed development based on three independent valuations. After applying the formula a figure of (£582,397) would be sought as a S106 planning obligation.

11. CONCLUSION

- 11.1 The proposed reduction in employment land is considered to be acceptable given the site is located in a predominately residential area where the existing operation due to the high volume of vehicle deliveries significantly impacts residential amenity. The proposal is also considered to be acceptable in terms of residential amenity, standard of accommodation and traffic and parking with its height, scale, bulk, massing and design also considered to be appropriate for its setting. Overall, it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

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

- 1) Permit free (Office and residential)
- 2) Legal agreement to be entered into with the highways department regarding the removal of the trees and subsequent landscaping of the strip of land to the south of the application site
- 3) Financial contribution for Affordable Housing (£582,397)
- 4) 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.1 (No Permitted Development (Extensions))
5. C2 (No Permitted development (Windows and Doors))
6. C.3 (Obscured Glazing (Fixed Windows))
7. C.7 (Refuse and Recycling (Implementation))
8. C.8 (No use of flat roof)
9. C.9 (Balcony/Terrace (Screening))
10. D.10 (External lighting)
11. D.11 (Construction Times)

12. F.1 (Landscaping/Planting Scheme)
13. F.2 (Landscaping (Implementation))
14. H.4 The two disabled parking spaces shown on the approved plan 4757 3 55 G shall be provided and demarcated as disabled parking spaces before first occupation of the 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.

15. H.7 The office use hereby permitted shall not be occupied until the cycle parking and washing facilities shown on the approved plan 4757 3 55 G 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

16. H.8 (Travel Plan)
17. H.12 (Delivery and Servicing Plan to be Submitted)
18. H.13 (Construction Logistics Plan to be Submitted)
19. No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO2 reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Evidence requirements are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).

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.

20. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 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.

21. 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. 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.

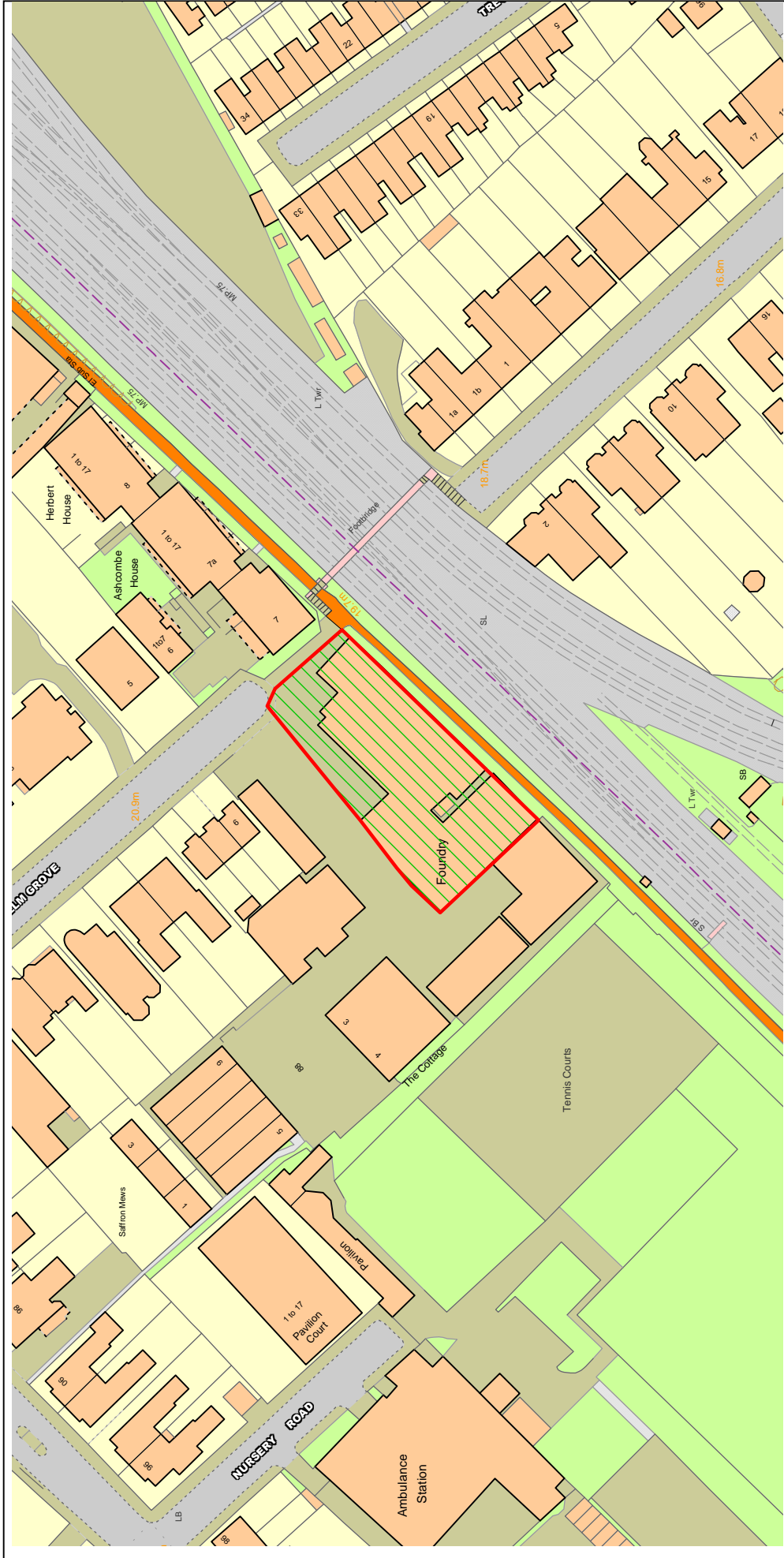
Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Polices Plan 2014.

22. No development shall commence until a scheme for the soundproofing of the building/s to prevent the transmission of noise and vibration has been submitted to and approved in writing by the Local Planning Authority. The measures as approved shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

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

[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

20th April, 2017

APPLICATION NO.	DATE VALID
16/P4748	31/01/2017
Address/Site:	Merton Hall, 78 Kingston Road, Wimbledon SW19 1LA
Ward	Abbey
Proposal	Alterations and extensions to Merton Hall including demolition of part of Merton Hall, and alterations and refurbishment of the retained two storey building and erection of a new worship hall, café, foyer and meeting/group rooms.
Drawing No's	'Site Location Plan 1000 P/0', 'Proposed Block Plan 2000 P/2', 'Proposed Ground Floor Plan 2001 P/1', 'Proposed First Floor Plan 2002 P/0', 'Proposed Roof Plan 2003 P/0', 'Proposed Elevations Sheet 1 3000 P/0', & 'Proposed Elevations Sheet 2 3001 P/0'
Contact Officer	Felicity Cox (020 8545 3119)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 29
- Press notice: No
- Site notice: Yes
- External consultations: No
- Controlled Parking Zone: Yes

1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination as it has been called in to committee at the request of Councillor David Dean, entails a development that is not considered to be minor in nature where the Council is the applicant, and from the level of local interest, thereby taking it outside the scope of the scheme of delegation to officers for determining planning applications.

2. SITE AND SURROUNDINGS

2.1 Merton Hall is a two storey building which is dated 1899 and has a floor area of 486m². The building is listed on Merton Council's 'Local (Non Statutory) List of Buildings of Historical or Architectural Interest. The building is constructed of red/brown brick, and has detailing of stone and moulded bricks. The roof is of red tiles. The main features of interest are the clock and curved roof within the roof tower, the stone detailing around the windows, the large curved bay window, the round headed arch feature above the notice board, the leaded windows, the stone tablet over the doorway, the moulded brick panels set out in chequer board pattern within the gable feature, the small roof vent on the apex of the roof, and the moulded brickwork which defines the sill level of the first floor windows.

2.2 The building has undergone numerous alterations and additions, including:

- Main hall roof recently overlaid with PV panels;
- A single storey flat roofed addition (east elevation);
- Main entrance doorway to west of front elevation disused and infilled with board and a glazed panel;
- Replacement windows;
- A lean-to entrance porch (east elevation)

2.3 Behind the hall building is a landscaping strip that has a grouping of mature trees along the rear boundary in addition to vegetable beds and two saplings (including a lime tree that was planted as part of the works approved under LBM Ref: 12/P0025). A former boiler house is also located to the rear of the hall.

2.4 The northern boundary of the site fronts Kingston Road. The front of the building is set back from the pavement by a narrow strip of tarmacked pavement. Two crossovers are located one either side of the building, providing access to two car parking areas that service the hall. A signalised pedestrian crossing is located immediately in front of the site.

2.5 To the east of the site is the Merton Manor Working Men's Club with a bowling green at the rear of the property. The building is currently vacant.

- 2.6 To the west, the site adjoins a parade of shops fronting Kingston Road. The two storey terrace parade has residential units above the ground level shops. A two storey dwelling is located behind the western car park of Merton Hall, which does not form part of this application.
- 2.7 The rear of the site borders a number of houses in Boscombe Road which are currently separated from the site via a small pedestrian accessway.
- 2.8 The site is not within a conservation area and the building is not listed.
- 2.9 The site is on a main road with busses and tram lines providing a Public Transport Accessibility Level (PTAL level 5) which is considered good. The site is within a Controlled Parking Zone.

3. CURRENT PROPOSAL

- 3.1 The Elim Pentecostal Church is relocating from their current location within a light warehouse unit located on High Path to Merton Hall. As part of the relocation to Merton Hall, the application proposes alterations and extensions to the Merton Hall including demolition of the single storey hall at the rear, and alterations and refurbishment of the retained two storey building and erection of a new worship hall, foyer and meeting/group rooms for use by the Elim Pentecostal Church.
- 3.2 Following demolition and the new construction works, the gross internal floor area of the building would be 998m². The intended hours of operation for the Church would be 7:00-22:00 Monday to Sunday.
- 3.3 At ground level the building will incorporate a foyer, café, and foodbank at the front of the building, with the main worship hall located in the south-eastern section of the building. Toilet facilities and two meeting/children's rooms will be located in the western section of the building. The first floor level will incorporate additional meeting rooms and office for the pastor, in addition to balcony seating for the main hall.
- 3.4 The two storey façade is to be retained and a new glazed side addition is proposed on the eastern side of the building. The side extension incorporates an apex with aluminum lettering for the church name, measuring 11.11m above ground level. The glazed addition will extend to the front boundary line of the site. A new café will be located at ground level within the new side extension, serving both the congregation and the general public. The proposed hours of opening for the café would be 7 am till 6pm Monday to Saturday and 12 noon till 4pm Sunday.
- 3.5 The middle bay window is to be partially demolished to facilitate a new front entrance to the building with glass doors. The original proposal was for the entrance to have a new glass lobby that extended in front of the new opening in the wall. Amended plans were provided that will set

the new glass doors in line with the front façade of the building and incorporate stone trim detailing to the sides. The original feature stonework above the bay window will be retained.

- 3.6 The panel board in the western archway will be removed and replaced with new glazing, behind which a foodbank will be located. A secondary access will be located on the western façade of the new building behind the foodbank, providing access from the car park to the main foyer.
- 3.7 The rear hall is to be demolished and replaced with a new two storey extension. The extension will be located over the footprint of the existing building and eastern car parking area. The building will extend 1 metre deeper than the current hall building (setback of 4 metres from rear boundary). The proposed building works incorporate a mixture of flat (low pitched) and pitched roofs. The bulk of the new extension to the rear will have a hipped roof with maximum building height of 9.04m and height to eaves of 7.4m.
- 3.8 Fire escape stairs will be located on the rear elevation for emergency exit from the first floor. The original plans proposed ground level bi-fold doors on the rear elevation. Amended plans have been submitted replacing these doors with a double set of doors with adjacent windows. The amended plans have also changed the ground level windows on the western elevation (adjacent to the adjoining dwelling) to be obscured glazed.
- 3.9 The proposed building works incorporate a mixture of flat (low pitched) and pitched roofs. The bulk of the new extension to the rear will have a hipped roof with maximum building height of 9.04m and height to eaves of 7.4m. The south-western corner of the building (adjacent to the flank wall of the dwelling in the rear corner of the site) will be single storey with a flat roof, and will measure 4.1m above ground level. In comparison, the existing section of hall to be demolished has an eaves height of 5m and maximum roof height of 8.6m (gable roof), while the front section of building to be retained has an eaves height of 6.2m and maximum roof height of 11.8m.
- 3.10 The proposed materials on the new build include frameless double glazing to the side extension, powder coated aluminum framed windows, mixed red brickwork and concrete interlocking roof tiles (old English Dark Red MA10480S). The amended plans propose the use of composite cladding with grey render behind to the front apex and the upper storey of the rear addition. The original plans proposed the use of Marley eternit cladding (Grey Mist) to the front apex and rear addition.
- 3.11 The existing group of trees at the rear of the site are to be retained and additional buffer planting would be provided along the rear boundary. Amended plans provided have proposed additional soft landscaping

along the site frontage, and have removed the proposed new fencing along the western side boundary (adjacent to the flank elevation of the dwelling at the rear).

- 3.12 The car parking area on the western side of the building will accommodate three standard parking spaces and one disabled bay. A bin store will also be located along the front boundary, to be concealed behind landscaping and within a timber bin enclosure.
- 3.13 Amended plans were submitted that locates the bicycle parking in the south-eastern corner at the rear of the site. The original plans proposed cycle parking adjacent to the bin store at the front of the site.
- 3.14 The site is not within a Conservation Area. The site is located within a Controlled Parking Zone.

4. PLANNING HISTORY

- 4.1 The relevant planning history pertaining to the site is as follows:

2012 - 12/P0025 - FORMATION OF HARDSURFACED AREA TO PROVIDE ADDITIONAL CAR AND CYCLE PARKING FACILITIES ON THE EAST SIDE OF THE BUILDING WITH ACCESS VIA THE EXISTING VEHICLE ACCESS FROM KINGSTON ROAD INCLUDING INSTALLATION OF NEW GATES AND FENCING - Grant Permission subject to conditions.

1972 - MER1028/72 - DISABLED PERSONS TOILET- Grant Permission subject to conditions.

1957 - M/M7526 - ALTERATIONS AND EXTENSION FOR NEW KITCHEN AND CLOAKROOM - Grant Permission subject to conditions

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 There were 21 objections from local residents raising concerns relating to:
 - Proposed design, materials, scale and siting of extension will negatively impact the appearance and character of the locally listed building by destroying its proportions and concealing the original building
 - Large scale demolition and loss of ground floor bay window would result in harm to heritage asset
 - Extension is obtrusive and overly large and would be overdevelopment of the site
 - Extension to rear would be visually overbearing on neighbours

- Extension would reduce extent of front pavement for pedestrian movement
- Glass extension would restrict daylight to the adjoining property
- No streetscape improvements or soft landscaping is proposed along the frontage or side of the building
- Insufficient parking provision and will result in severe parking stress in the area (no CPZ applies on a Sunday)
- Proposal would leave to excessive noise and disturbance that is not in keeping with residential amenity of the area
- Proposal would result in a loss of privacy with new windows, doors and fire escapes overlooking the gardens of Boscombe Road and first floor windows of these properties
- Would result in nursery with bi-folding doors and play area abutting neighbouring properties leading to noise, disturbance and overlooking
- Would result in loss of space that is a multi-purpose community hall into a building for use by a single religious group
- Proposal will be change use of the site by including a café accessible to the public, incorporating a nursery and is an intensification of existing community use
- Proposal should be considered a major application due to the floor area being created and change of use proposed
- Will result in loss of landscaped area at rear of site which was noted for protection in previous planning application – will lead to negative ecological impact as bats, hedgehogs and rare nesting birds are present
- Café would negatively impact on other local cafes
- Suitable lighting to glass extension is required so that use of building is neighborly and meets ecological recommendations
- Hours of use have not been defined
- Proposed fencing within proximity to kitchen windows 78 Kingston Road will restrict use of windows and access to rear garden
- Bin and bicycle store at front of property will restrict outlook and attract anti-social behavior
- Inconsistent information in supporting documentation and findings of the reports

5.3 Wimbledon Society:

- The form in which the new glass elements relate to the retained front elevation is of particular significance given the extent of demolition proposed at the rear of the site
- Demolishing the curved front bay and adding new glass pane across frontage of bay would compromise character of building;
- Height and setback of building will result in loss of sunlight and daylight to adjoining buildings and gardens;
- Detailed landscaping plan will need to be submitted and tree protection measures in place to protect trees at the rear;
- Existing cycle racks will need to be relocated;

- Access to existing house at rear of site will need to be safeguarded;
- Alternative facilities will need to be available for the South Wimbledon Community Association.

5.4 John Innes Society:

- There is room for improvement in relation to the proposed alterations to the front elevations of the locally listed building
- Height and setback of building will result in loss of sunlight and daylight to adjoining buildings and gardens
- Detailed landscaping plan will need to be submitted and tree protection measures in place to protect trees at the rear

5.5 The Victorian Society:

- Object to the proposal to the locally listed building which would seriously and unnecessarily erode its special interest;
- By virtue of their scale, materiality, detailing and crude interface with the historic structure, the extensions would seriously mar its character and appearance and undermine those elements of the building's special interest;
- Front glazing would conceal building;
- Loss of central curved bay window would be damaging;
- Proposed materials would result in loss of important historic fabric and erode character and architectural interest of the building;
- Scheme would diminish group value and harm the setting of Quartermain's neighbouring Manor Club.

5.6 Environmental Health No objection. Having regard to the Rock Tech acoustic report No. 0117/EPCW1 measures will be necessary to prevent noise break out during services/events especially as there will be an amplified sound system in operation. Proposed attenuation measures involving design of the building envelope as suggested on within the report should be employed or similar to provide a reduction of 45dBA at 63 Hz. Use of the building for services and events should be limited to 11pm. Recommend conditions in relation to soundproofing of building, soundproofing of plant and machinery, restrictions on external lighting and construction times.

5.7 Transport planning – Officers requested an additional parking survey be undertaken on Sundays to demonstrate the surrounding highway network has sufficient capacity to accommodate overflow parking during the peak use period of the hall. The additional parking survey was reviewed by officers who confirmed that there is sufficient space for vehicles associated with the development, while still protecting a level of parking amenity for existing residents. Given the development's PTAL rating and the ability of the surrounding network to cater for parked vehicles, officers consider that there would be no significant impact on the performance and safety of the surrounding highway network.

- 5.8 LBM Ecology/Biodiversity – Officers confirmed the methodology, findings and recommendations of the submitted Ecological Assessment (JFA Ref: LON 2070 December 2016) are considered acceptable. Suitably worded conditions will be required to secure the enhancement opportunities recommended in the report, in addition to conditions on tree protection works and timing of vegetation removal.
- 5.9 LBM Climate Change – Following submission of an Energy Strategy Report (dated April 2016) officers have advised that they are satisfied that the proposed energy approach to the development is acceptable. Officers have advised that in the absence of an existing heat network, and operating with the constraints imposed by the need to retain elements of the historic building fabric combined with the energy usage patterns typically expected in a place of worship, the applicants approach is compliant with the Mayor’s district heating objectives and policies. Officers have advised that the proposal is broadly compliant with Merton’s Sustainability objective and that there are sufficient justifications for the emissions reduction shortfall in this instance. It is recommended standard pre-commencement and pre-occupation sustainable design conditions are attached to any planning permission.
- 5.10 LBM Waste Services – LBM Waste Services have reviewed the proposal and have advised that the proposed bin store and collection method is acceptable.
- 5.11 Design Review Panel - The Panel were keenly aware of the locally listed status of the building as a no designated heritage asset, and that the NPPF required that a balanced judgement needed to be made between likely harm to the building and proposed benefits. Even removal of the less valuable parts of the building would require a justified benefit. In this regard, the Panel were happy in principle to see the loss of the rear hall and ancillary elements of the building, given that the retained main building at the front was improved and better than the current situation. Overall, the Panel were strongly of the opinion that proposed changes should be very sensitive to the original building.

The Panel were also clear that new interventions, in principle, should be of a contemporary design. Glass was considered an appropriate material in principle, though care should be taken not to use it in excess or simply to provide a screen that masks the original behind and new additions should be subservient to the original. The alteration as proposed, was compared to Holy Trinity Church in Wimbledon where the church feels hidden by the indistinct modern extension; and the recently removed frontage to Kings Cross station, which were cited as unsuccessful examples of intervention into heritage assets. The Panel recommended the creation of a catalogue of library images of modern additions to historic buildings to provide a source of inspiration. It was felt that the current proposal would be too weighty or heavy; principally the proposed horizontal element on the frontage.

The Panel were clear that the design of the new interventions to the front building must be informed by a thorough analysis and understanding of the character and qualities of the existing building in order for them to be successful and sit harmoniously as an integral part of the whole. They were also clear that they felt this was not the case at present, whilst recognising that the design is at an early stage.

This character needed to be understood at different levels. Firstly, it needed to be understood that this building formed part of what was once a small civic centre of locally important public and community buildings prior to the formation of Merton Council. Secondly the building needed to be understood in the context of its street elevation – for example a street scene of elevations should be provided as an analysis of this context.

Thirdly, the architectural character of the building itself needed to be understood far better. The Panel were clear that the frontage was a complex and well considered Edwardian building showing a sophisticated example of deliberate asymmetry in all its elements, from the three different bays at the larger scale to various smaller scale elements like the clock tower, windows and other decorative elements.

The applicant's design reference to the fire station extension opposite was not considered as an appropriate enough reference and should look to the proportions of the retained original building. The Panel felt that all of the three main vertical elements of the building should remain clearly evident, and that in order to manage a successful relationship between old and new, the new elements could include some use of brick. The Panel were also sceptical about the effect of building forward from the existing building elevation, both in terms of the effect on the original building and the effect on the public realm.

The Panel felt that the pavement is narrow outside the building, with a pelican crossing directly in front of it. The building currently has a private forecourt, but the proposal is to build on this to the pavement edge, to include the café and main church entrances. The Panel were concerned both about the quality of this space and the likelihood of overcrowding on the footway before and after events. Landscaping around the whole building – particularly the front, was also considered important, and it was not yet evident that this had been considered.

Internally, the Panel understood and supported the arrangement for assembling the congregation, providing a degree of permeability with the street, and the need to keep a degree of separation between a number of key user groups. They felt the layout was sensible and worked well. They were however, concerned about the design of the main hall. Whilst it understood the church's wishes, it felt that it would not be very environmentally sustainable to have a heavily sound-proofed, 'black box' with mechanical ventilation. The applicant needed

to look at this carefully and make sure they developed a compelling case for this approach as part of a clear environmental strategy.

The Panel were clearly supportive of the proposals in principle and felt that it was entirely possible to adapt the building successfully for use by the church in a way that maintained and enhanced the character of the retained front building and its context in the streetscape. They were also clear that a more thorough approach was needed in assessing the idiosyncrasies of the existing building to inform a design for alterations and interventions to the main building frontage as part of the ongoing design process.

VERDICT: AMBER

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2012):
 - Part 7 Requiring Good Design
 - Part 8 Promoting healthy communities
 - Part 12 Conserving and enhancing the historic environment

- 6.2 London Plan (2015)
 - 3.16 Protection and enhancement of social infrastructure
 - 5.3 Sustainable design and construction
 - 6.9 Cycling
 - 7.4 Local character
 - 7.6 Architecture
 - 7.8 Heritage assets and archaeology

- 6.3 Merton LDF Core Planning Strategy (2011)
 - CS11 (Infrastructure)
 - CS13 (Open Space, Nature Conservation, Leisure and Culture)
 - CS14 (Design)
 - CS15 (Climate Change)
 - CS18 (Active Transport)
 - CS19 (Public Transport)
 - CS20 (Parking, Servicing and Delivery)

- 6.4 Merton Sites and Policies Plan (2014)

The relevant policies in the Merton Sites and Policies Plan (2014) are:

 - CM C1 (Community Facilities)
 - DM D1 (Urban Design and the Public Realm)
 - DM D2 (Design considerations in all developments)
 - DM D3 (Alterations and extensions to buildings)
 - DM D4 (Managing heritage assets)
 - DM EP 2 (Reducing and mitigating against noise)
 - DM EP 4 (Pollutants)
 - DM O2 (Nature Conservation, Trees, Hedges and Landscape Features)
 - DM T2 (Transport impacts of Development)

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include assessing the principle of development, impact on the design and appearance of the locally listed building and surrounding area, biodiversity/ecology considerations, the impact on residential amenity and impact on car parking and traffic generation.
- 7.2 Principle of Development
Core Planning Strategy Policy CS11 and SPP Policy DM C1 encourages improvements to existing community facilities and places of worship, including encouraging services to be co-located where possible. The policies state that facilities should be provided in accessible locations with good links to public transport, should be adaptable and suitable to accommodate a range of services and should not have an undue adverse impact on the amenities of nearby residents or businesses.
- 7.3 The Elim Pentecostal Church is currently located within a light warehouse unit located on High Path adjacent to the A24 Merantun Way (PTAL Rating of 4). The present activities of the church include: Sunday morning services attended by circa 200-225 people, Mid-week services, the operation of the Wimbledon Foodbank including storage and distribution of food linked to a network of other churches, Bible study groups, Parent and child groups together with other community interest groups and twice weekly hosting of another church group 'Cathedral of Hope'.
- 7.4 The Merton Hall site has a PTAL rating of 5 which is considered to be good and the current lawful use of the site is Community Use (Use Class D1). In accordance with Policy CS11 and SPP Policy DM C1, the proposal will provide for improvements and expansion to a community facility in a location of greater public transport accessibility than the current location of the church. The proposal also provides for co-location of services by including ancillary community activities, such as a foodbank, café and parent and child groups.
- 7.5 Objections have been received opposing the introduction of a nursery on site. Notwithstanding that the applicants have stated the intent for the use of the 'meeting/nursery rooms' at present is to provide a space for child minding whilst church services are underway and other parent-child groups, Officers advise that a nursery use is a D1 use which is the same as the Church and existing hall. Therefore, the legal and lawful use allows for a nursery regardless of planning permission. Registration by Ofsted as a nursery would be a separate matter and outside of planning control. Given the arrangements likely to arise where a number of small children might be under the watch of a child minder/minders during a service, with characteristics similar to that of a nursery, it would appear unreasonable to formally restrict use as a nursery.

- 7.6 It is therefore considered that the principle of development for the relocation of Elim Pentecostal Church on site is acceptable and in accordance with Core Planning Strategy Policy CS11 and SPP Policy DM C1.
- 7.7 Impact on Design & Appearance of Locally Listed Building
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.
- 7.8 The building is on Merton Council's 'Local (Non Statutory) List of Buildings of Historical or Architectural Interest.' The citation for the building is as follows: *'This is a 2 storey building which is dated 1899. It is built of red/brown brick, and has detailing of stone and moulded bricks. The roof is of red tiles. The main features of interest are the clock and curved roof within the roof tower, the stone detailing around the windows, the large curved bay window, the round headed arch feature above the notice board, the leaded windows, the stone tablet over the doorway, the moulded brick panels set out in chequer board pattern within the gable feature, the small roof vent on the apex of the roof, and the moulded brickwork which defines the sill level of the first floor windows. The only evidence of adverse alteration is the notice board, which has been placed in what may at one time have been a doorway'*
- 7.9 Officers note that the Locally Listed building has no statutory protection and could be demolished without the need for planning permission. As part of this application, the rear hall of the building is to be demolished and the front two storey component is to be retained and enhanced. Due to the siting of adjoining buildings immediately adjacent to the front pavement of Merton Road, and the larger scale of the two storey front component of Merton Hall, the rear hall does not make a significant visual contribution to the streetscene. Rather it is the two storey front elevation to be retained that is observable on approach to the site.
- 7.10 The supporting Design and Access Statement details that the Elim Pentecostal Church requires a sound-proof building to ensure no adverse noise and disturbance to surrounding residents. The Design &

Access Statement details that the applicant's original concept was to utilize the existing hall and enlarge the hall with extensions. However, the resultant feasibility study found that the current hall was unable to achieve the required degree of noise insulation noise due to the sound leakage via the numerous windows on the flank elevations and the roof construction (plaster ceiling, access void and pitched clay tile roof) mass not suited to good acoustic break out resistance.

- 7.11 Furthermore, the Church requires that the worship space be a 'black box' theatre space with no windows or natural light so as to create the required artificially lit environment. The space will need mechanical ventilation and cooling/heating which will be served by significant external plant. Ideally to screen the plant noise from neighbours this will be located at roof level where it can be screened. It was considered that the existing roof structure would not be suitable for such an installation.
- 7.12 The Church also requires that the worship space be a completely open space with unrestricted views across the congregation areas and to the stage. The position of the external brick buttressing piers in between the windows forms part of the structural integrity of the wall/roof configuration. Removal would not be feasible so any openings into the hall extensions would be interrupted by substantial piers and low beams necessary to frame the openings.
- 7.13 The proposed works to the front of the building would be a modern addition to the locally listed hall that is considered to be sympathetic to the materials, proportions, massing and asymmetrical design and form of the locally listed building. In response to LBM Conservation/Design Officer and the Design Review Panel (DRP) feedback, the extent of glazing to the front of the building has been reduced, including removal of the glazing over the central doorway so that more of the locally listed building is unenclosed. The proposed glazed extension is considered to be subservient to the original building, and will maintain views to the original façade whilst clearly distinguishing between the new addition and the locally listed building.
- 7.14 The proposed use of brick and vertical composite cladding references the brick and stone used in the façade of the locally listed building, whilst also picking up on the varied textures of the building's façade. The change of materials from the Marley eternit cladding to a vertical cladding on the side elevations is also considered to reduce any perceived bulk and massing along the side elevations of the new hall extension. Stone coloured render is proposed in a small section of the front façade which is not considered to be acceptable due to its propensity to discolour and mould, and therefore a condition requiring the provision of samples for an alternative material is recommended. Furthermore, submission of samples for all proposed materials is to be conditioned to ensure the development achieves a high quality design and the final material detail is respectful of the locally listed building.

- 7.15 The design of the rear extensions has incorporated similar details to the existing hall, including the use of red brickwork with feature piers. The extension is considered to achieve an appropriate massing and form without being overbearing on the section of Merton Hall being retained.
- 7.16 Having regard to the need to ensure the building is sound-proof so to not adversely impact the amenity of neighbours, it is considered that the proposed demolition of the rear component of the locally listed building is acceptable in this instance. The new building works would be sympathetic to the design and character of the original building, and the proposal is considered to maintain and enhance the character of the retained front of the building and its presence in the streetscene.
- 7.17 Neighbour Amenity
London Plan Policy 7.6 (Architecture) requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. SPP policy DMD2 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 or noise.
- 7.18 The neighbouring property most likely to be affected is the dwelling located towards the rear of the site (registered as no. 78 Kingston Road). The proposed extensions maintain the existing western setback of the hall and the new design will be single storey for the majority of the depth of the flank wall of no. 78 Kingston Road. The proposed hall will not extend past the rear elevation of 78 Kingston Road. Recognising that the dwelling has primary outlook from its front and rear windows and the building will be lower in height than the existing hall building where adjacent to the house, it is not considered that the proposed extensions would result in undue loss of sunlight, daylight or outlook to the dwelling at 78 Kingston Road.
- 7.19 Representations have been received expressing concern with the potential for overlooking from the new windows of the hall. To ensure no overlooking results into 78 Kingston Road, the windows on the ground floor western elevation will be obscure glazed, and this will be secured by a suitably worded condition.
- 7.20 The proposal reduces the number of openings on the rear elevation of the building from the current scenario, with a single fire escape door proposed on the rear elevation closest to the boundaries with properties fronting Boscombe Road. As this fire escape is to be used for emergency purposes only, it is not considered that the proposal would compromise the privacy of adjoining residents. The rear facing windows to the meeting room on first floor will be 21 metres from the rear elevation of houses in Boscombe Avenue. This exceeds the

minimum separation distance of 20 metres recommended to maintain privacy between rear facing windows within the Merton SPG: New Residential Development. This proposed windows are therefore not considered to result in adverse overlooking, and it is noted that these windows will be recessed a further 5 metres behind the rear windows of 78 Kingston Road which currently overlooks the gardens in Boscombe Road.

- 7.21 Taking into consideration the hipped design of the roof, the siting of the hall and the separation distances between the properties, it is not considered that the proposal would be visually overbearing on neighbours or would result in undue loss of daylight to habitable rooms. The existing group of three trees along the rear boundary are to be retained in addition to new landscaping to provide a visual buffer and additional screening to adjoining residents. As the proposed hall extensions are located north of the gardens of dwellings on Boscombe Road, the proposal would not result in undue overshadowing into these gardens.
- 7.22 Multiple objections have been raised in relation to noise disturbance that could result from the proposal. The property will include an auditorium which will generate the primary source of noise. This source consists of an amplified PA system, acoustic instruments, congregational singing and plant noise. A Noise Impact Assessment prepared by ROCK-tech Acoustic Consulting (Ref: 0117/EPCW1) was submitted with the application detailing proposed noise attenuation.
- 7.23 The Council's Environmental Health Officers have reviewed the submitted Noise Assessment and advised that the recommended attenuation measures contained within the Noise Impact Assessment Report will be required to be implemented to ensure a reduction of 45dBA at 63 Hz. Subject to a suitably worded condition securing the noise attenuation measures within the building design and restriction on hours of operation, officers consider that the proposal would not result in undue noise intrusion on neighbouring properties.
- 7.24 Residents have been additionally concerned with the level of noise that may be generated from outside activities associated with the use. In response to resident concerns, the proposed ground level bi-fold doors on the rear elevation have been replaced with a single set of doors with adjacent windows to minimize noise breakout from the rear meeting/nursery room.
- 7.25 Officers consider that the anticipated noise from pedestrian sources, delivery sources and the car park should be no greater than the current use of the building. The Church has stated that many of the visitors to their existing Church congregate and 'chat' after the service in the foyer and exit gradually. The design of the building has therefore incorporated a foyer space which will provide a 'holding area' within the building from where occupants can then dissipate gradually out of the

building. It is therefore not anticipated that the proposal would result in harmful noise intrusion on surrounding businesses and residents.

7.26 Based on the above, it is not considered that the proposal as amended would be harmful to the amenities of adjoining occupiers in accordance with SPP policy DMD2.

7.27 Biodiversity/Ecology

Core Planning Strategy Policy CS13 and SPP Policy DM O2 seeks to protect and enhance biodiversity, in addition to seeking that new developments incorporate and maintain landscape features such as trees which make a positive contribution to the wider network of open space. London Plan polices 7.5 and 7.21, CS policy CS13 and SPP policies DM D2 and DM O2 also seek to ensure high quality landscaping to enhance the public realm.

7.28 The curtilage of the site is predominately hardstanding with only a small landscaped section at the rear of the site. Due to the siting of the existing building close to the front boundary of the site, there are limited opportunities for soft landscaping along the site frontage. However, amended plans have shown that some soft landscaping will be provided along the site frontage to soften the streetscene, and submission of a detailed landscaping proposal for the site would be secured by condition.

7.29 The extension of the building to the rear will be one metre closer to the rear boundary than existing, and consequently the landscaped buffer at the rear is to be changed to a combination of soft and hard landscaping to ensure safe access is possible around the rear of the building. Additional new planting is proposed along the rear boundary which would serve to reinstate a green barrier between the hall and residential gardens beyond.

7.30 The applicants submitted an Ecological Assessment (JFA Ref: LON 2070 December 2016) inclusive of a Habitat Survey confirming that no bats or evidence of bats was present on site and within the site's buildings. It is also confirmed that there was no evidence of other protected species including reptiles, newts, and badgers. LBM Ecology Officers have reviewed the Ecological Assessment and confirmed methodology, findings and recommendations of the submitted Ecological Assessment are considered acceptable.

7.31 In line with Chapter 11 of the NPPF, the planning authority is advised that "Opportunities to incorporate biodiversity in and around developments should be encouraged". The submitted ecological assessment has recommended multiple enhancement opportunities as follows:

- A bat sensitive lighting strategy is recommended along the rear boundary line to improve the community potential for bats

- Proposed landscaping should include a range of native flowering and berry bearing species in hedges to provide feeding opportunities for invertebrates and birds
- The provision of two bird and one bat box to provide additional nesting / roosting opportunities on site.
- A dead wood habitat pile within the southeast corner to provide additional habitat for a range of species including amphibians and reptiles, saproxylic invertebrates and small mammals.
- All trees and their root areas that may be affected by construction works to be protected using Tree Protection Fencing to BS 5837:2012.

7.32 In line with the LBM Ecology Officer advice, it is recommended that the above enhancement opportunities are implemented on site and this can be secured by way of suitably worded conditions. Conditions should include the submission of a detailed landscaping strategy for the site, tree protection measures to be in place during construction, and timing of vegetation removal.

7.33 Parking and Servicing

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.

7.34 The site has a PTAL of 5 being located in proximity to regular bus services and within walking distance to South Wimbledon Underground Station. Wimbledon Station is also located just over 1 kilometre from the site. The site is located within a controlled parking zone.

7.35 The application proposes the provision of four car spaces, inclusive of one disabled space. A Transport Statement was provided with the application and details the levels of existing and anticipated trip generation, taking into consideration the change in location and PTAL rating of the Church.

7.36 The statement included the results of a travel questionnaire which was undertaken by Church members. Based on the availability of public transport including bus, tram and underground services and the number of people living within walking distance of the church there is potential for reductions in car travel, and it is anticipated the percentage of members traveling by car to Church would reduce from 72% to 40%. The results found that there was a high level of car sharing amongst members, with average car occupancy of 3 people per car.

7.37 An analysis of this data has indicated that a total of 8 car drivers (27 people or 15%) live within 2km walking distance from the proposed site and therefore have the potential to change their mode of travel. In addition, 65% of the church members live within 5km of the proposed site. Of the people who use bus travel the relocation will still enable

them to use the same bus routes as most of the routes used at the existing site are present at the proposed site i.e. routes 93, 131, 152 and 200.

7.38 The peak activity period for the church would be Sundays and consequently LBM Transport Officers requested a Parking Survey be submitted assessing the level of available parking provision available on Sundays. The parking survey submitted shows that during the peak times of usage there is sufficient space to accommodate the predicted vehicles associated with the development whilst still protecting the level of parking amenity for existing residents.

7.39 Council Transport Officers have advised that based on the development site's PTAL rating and the ability of the surrounding network to cater for parked vehicles, there will be no significant impact on the performance and safety of the surrounding highway network. It is recommended that a robust travel plan is conditioned as part of the planning decision. It is therefore considered that the proposal is acceptable in accordance with Core Strategy policy CS20.

7.40 Cycle Storage

Core Strategy Policy CS18 and London Plan policy 6.9 call for proposals that will provide for cycle parking and storage. A D1 Use is required to provide 1 bicycle per 8 staff and 1 per 100 square metres of floor area for visitors.

7.41 The application proposes secure cycle parking within the south-eastern corner of the site with sufficient capacity to accommodate 20 bicycles in accordance with London Plan standards. It is suggested that additional Sheffield cycle stands should be provided adjacent to the site frontage for additional storage for visitors to the site, and it is considered that this can be secured by a suitably worded condition requiring the submission of cycle store details. The proposal is therefore considered to comply with the above policies.

7.42 Refuse Storage and Collection

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.

7.43 The proposed movement by delivery and service vehicles is to be undertaken on Kingston Road as is the current site situation of the site and the same arrangement for neighbouring properties. A dedicated refuse store is to be provided within the car park, and is to be designed as a timber enclosure (1.2m high) with surrounding soft landscaping to screen the store. The bin store is within the recommended distances for bin stores as outlined in the Manual for Streets and the LBM's Waste and Recycling Storage Requirements Guidance Note. LBM

Waste Services have reviewed the proposal and have advised that the proposed bin store and collection method is acceptable. The proposal is therefore considered to comply with the above policies.

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 current proposal would provide for the improvements and expansion to a community facility in a location of greater public transport accessibility in accordance with Policy CS11 and SPP Policy DM C1. It is considered that the extensions and alterations to Merton Hall are of an appropriate design, scale and massing to preserve and enhance the character and appearance of the locally listed Merton Hall. The proposal is not considered to result in adverse amenity impacts on neighbours subject to conditions, and is therefore recommended for approval.

RECOMMENDATION Grant planning permission subject to conditions.

Conditions

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Site Location Plan 1000 P/0', 'Proposed Block Plan 2000 P/2', 'Proposed Ground Floor Plan 2001 P/1', 'Proposed First Floor Plan 2002 P/0', 'Proposed Roof Plan 2003 P/0', 'Proposed Elevations Sheet 1 3000 P/0', & 'Proposed Elevations Sheet 2 3001 P/0'
- 3) B1 External Materials to be Approved
- 4) B4 Details of Walls/Fences
- 5) C04 Obscured Glazing

Before the development hereby permitted is first occupied, the ground floor windows in the western elevation to Rooms G06 & G07 (Meeting/Children's Rooms) shall be glazed with obscure glass and fixed shut to a height of 1.7m above floor level and shall permanently maintained as such thereafter.

- 6) C07 Refuse & Recycling (Implementation)
- 7) C08 No Use of Flat Roof

8) D01 Hours of Use

The use hereby permitted shall operate only between the hours of 7:00-22:00 Monday to Sunday, except for the café, which shall only be open to customers between the hours of 7:00-18:00 Monday to Saturday and 12:00 noon-16:00 on Sundays.

9) Non-Standard Condition

The proposed development shall be carried out in accordance with the noise insulation measures as detailed in the RockTech Acoustic Report No. 0117/EPCW1 dated 24/01/2017. The approved noise insulation measures shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers of 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.

10)D05 Soundproofing of Plan & Machinery

11)Non-Standard Condition

Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. Any lighting along the rear boundary line shall be designed to be sensitive to bats in accordance with the enhancement recommendations of the Ecological Assessment (JFA Ref: LON 2070 December 2016).

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties, and to protect and enhance biodiversity in accordance with Policy CS13 of Merton's Core Planning Strategy 2011 and Policy DM D2, DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

12)D11 Construction Times

13)F01 Landscaping/Planting Scheme

No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other

features to be retained, and measures for their protection during the course of development. The landscaping plan shall incorporate and include details of the enhancement recommendations stated on page 11 of the Ecological Assessment (JFA Ref: LON 2070 December 2016).

14) Non-Standard Condition

The trees along the rear boundary of the site identified on Site Survey Drawing No: 01 prepared by XYZ Land Surveyors and identified on the deposited plan numbered 2000 P/2 as to be retained, shall be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

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 policy O2 of Merton's Sites and Policies Plan 2014.

15) F05 Tree Protection

No development [including demolition] pursuant to this consent shall commence until an Arboricultural Method Statement and Tree Protection Plan, drafted in accordance with the recommendations and guidance set out in BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the approved details have been installed. The statement shall include details of the proposed design, materials and method of construction of the foundations of the building. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

The statement shall include details of the proposed design, materials and method of construction of the foundations of the building.

16) F07 Trees – Notification of Start

17) F08 – Site Supervision (Trees)

18) Non-Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until two bird boxes, one bat box and a dead wood habitat pile have been provided on site in accordance with the recommendations of the Ecological Assessment (JFA Ref: LON 2070 December 2016). The boxes and deadwood habitat pile shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity in accordance with Policy CS13 of Merton's Core Planning Strategy 2011 and Policy DM D2 and DM O2 of Merton's Sites and Policies Plan 2014.

19)H04 – Provision of Vehicle Parking

20)H06 – Cycle Parking – Details to be Submitted

21)H08 – Travel Plan

22)H13 – Construction Logistics Plan (to be submitted)

23)N09 – Safety and security of structure during partial demolition

24)Non-Standard Condition

Unless otherwise agreed in writing no part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development will achieve a CO2 reductions of not less than a 22% improvement on Part L Regulations 2013, BREEAM 'Very Good' and internal water usage rates of no greater than 105 litres per person per day.

Evidence requirements:

Carbon emissions evidence requirements for design stage assessments must provide:

- Detailed documentary evidence outlining the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Designed' BRUKL outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).

BREEAM evidence requirements for design stage assessments must provide:

- A letter from a person that is licensed with the Building Research Establishment (BRE) or other equivalent assessors as a BREEAM Assessor, that the development is registered with BRE; and
- A Design Stage Assessment Report showing that the development will achieve a BREEAM rating of not less than the standards equivalent to 'Very Good'.

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.

25) Non-Standard Informative

Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved not less than a 35% improvement in CO2 emissions reduction compared to Part L 2013 regulations, has been submitted to and acknowledged in writing by the Local Planning Authority.

Evidence requirements:

Carbon emissions evidence requirements for 'as built' assessments must provide:

- Detailed documentary evidence outlining the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Built' BRUKL outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).

BREEAM evidence requirements for design stage assessments must provide:

- 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'

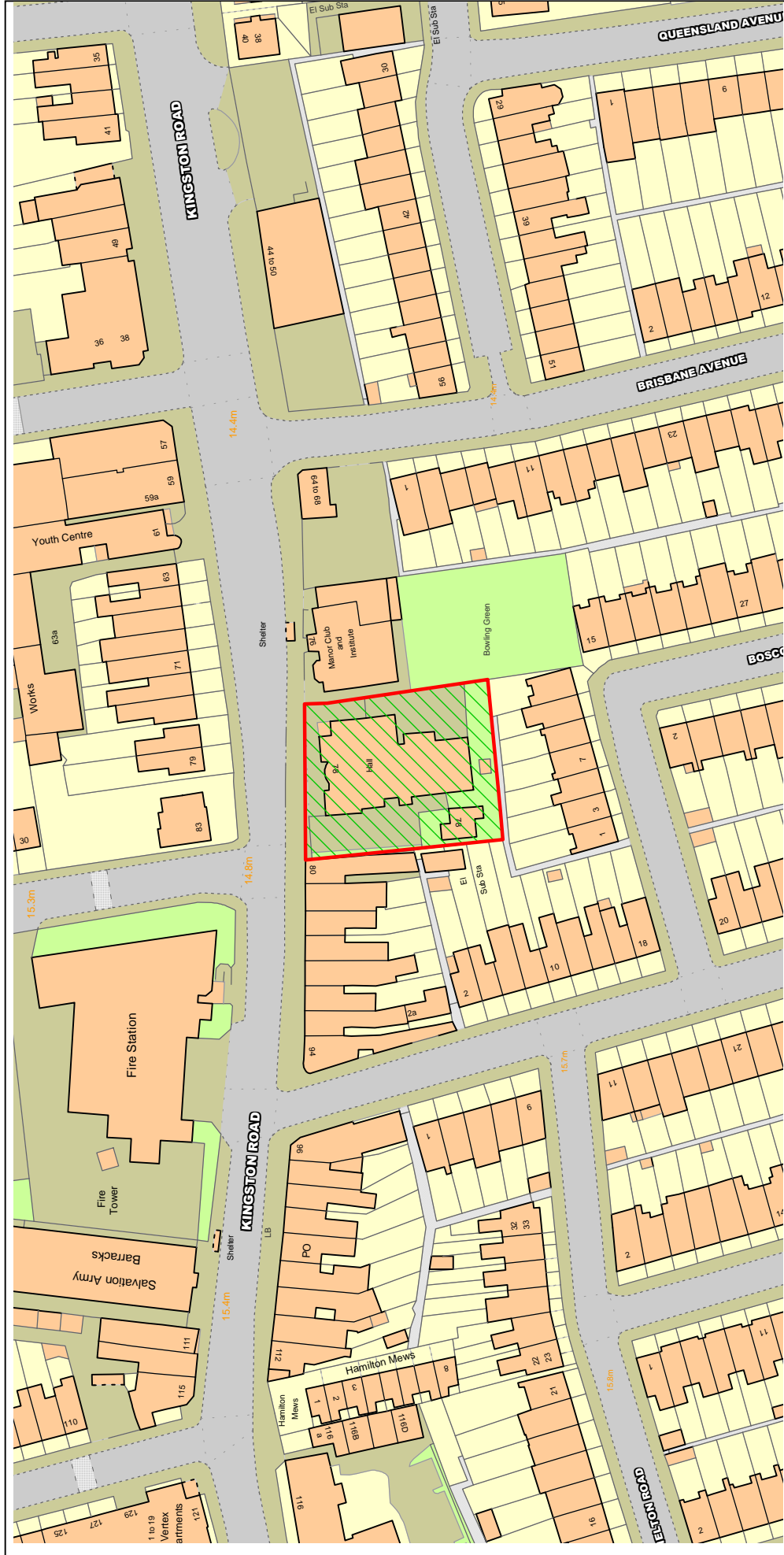
Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply the following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

26) NPPF Informative

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NORTHGATE SE GIS Print Template



Text Details **78 Kingston Rd**

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PLANNING APPLICATIONS COMMITTEE
20th April 2017

APPLICATION NO. **DATE VALID**

16/P4741 21/12/2016

Address/Site : 641 Kingston Road, Raynes Park, SW20 8SA

Ward Dundonald

Proposal Application for change of use from a Public House (Use Class A4) to a 21-room hotel (Use Class C1) including 1 x 1 bed (managers flat) dwelling and demolition of existing taxi business within curtilage.

Drawing No's Site location plan and drawings 2-GA 100 REV A, 2-GA 101 REV D, 2-GA 102 REV C, 2-GA 103 REV B,, 2-GA 104 REV B, 2-GA 201 REV B, 2-GA 202 REV B, 2-GA 301 REV A, 2-GA 302 REV A & 2-GA 303 Energy strategy (ACL-4101-03-02 – Energy Statement rev1.pdf, 07-02-2017) & Clement Acoustics, Noise Exposure Assessment Report 9157-NEA-01RevisionC 16 Feb 17

Contact Officer Leigh Harrington (020 8545 3836)

RECOMMENDATION:
GRANT PLANNING PERMISSION subject to conditions

CHECKLIST INFORMATION

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 318
- Press notice - No
- Site notice - Yes
- External consultations - No
- Density - N/A
- Number of jobs created 5/6

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a vacant public house, previously known as the Junction Tavern and now called the Railhouse. When in operation the pub had a large open plan saloon bar across the ground floor, with a small rear kitchen. A basement of 106 sqm provides ancillary storage whilst the two upper floors provide ancillary staff accommodation with up to 6 bedrooms, 2 lounges, 3 bathrooms and 3 kitchens.
- 2.2 The building is located adjacent to the 5m high railway embankment, close to Raynes Park Station. The site is approx. 70 m east of Skew Arch, one of the main pedestrian routes underneath the railway linking north and south sides of Raynes Park. The site lies at the end of a small terrace of buildings, with adjoining offices at 639 Kingston Road and residential flats at 637. A motor workshop is located at 631 Kingston Road. Properties on the opposite side of Kingston Road are a minimum of 20m away, with mostly commercial units at ground floor and either flats or offices at first and second floors. The nearest building on the other, (north) side of the railway is a five storey block of flats at Langham Court, approx. 55m distant.
- 2.3 The building is adjacent to land designated as SINC and Green Corridor on the railway embankment. There are no trees on the site.
- 2.4 The site is not within either an Archaeological Priority Zone (APZ) or Conservation Area and is not shown to be at significant risk of flooding. Kingston Road is a London Distributor Road carrying heavy traffic loads and a bus stand is located directly in front of the site. The site enjoys very good access to public transport (PTAL level 5/6) and whilst it is not in a controlled parking zone (CPZ), it is closely surrounded by 5 CPZs

3. CURRENT PROPOSAL

- 3.1 The proposal is for the change of use from public house (Use Class A4) to a 21-room hotel (Use Class C1) including 1 x ancillary 1 bed dwelling and demolition of existing taxi business within the site curtilage.
- 3.2 The change of use of the building to a hotel has been previously granted by members at a meeting of the Planning Applications Committee and subsequently under delegated powers but neither scheme was implemented. The proposed increased height on the eastern end as well as structural issues with implementing some features of the design of the extant permission were such that they could not be addressed by means of non-material amendments and consequently this proposal was submitted.

- 3.3 Externally, the small two storey mini cab office building would be demolished and the space used for a brick finished three storey rotunda style side extension to the west of the existing building and to provide space for a service vehicle manoeuvring area. A new mansard style third floor would be added across the top of the existing building.
- 3.4 For this application there would be no new building works to the existing basement.
- 3.5 The ground floor would provide the main entrance lobby for guests, staff facilities and office and residential accommodation for the hotel manager. A plant room that will accommodate a gas fired CHP unit would be situated at the rear between the main building and the railway line with refuse facilities situated at the rear and cycle store for staff and guests on the Kingston Road elevation. The manager's accommodation would be supplied with a small external amenity area to the rear and a cycle store on the front elevation.
- 3.6 The first floor would be given to provide seven guest rooms and linen facilities to the rear whilst the second and third floors would also provide seven bedrooms each.
- 3.7 Compared with the two previously approved schemes that were essentially identical to each other, the changes for this proposal are;
- The turret feature has been replaced by a flat roofed rotunda.
 - The three storeys run the full length of the building and do not drop down at the eastern end as before.
 - The existing building has been rendered entirely on the upper floors with exposed brickwork only on the rotunda.
 - Changes are required for the plant room and the emergency means of escape.
 - There will be no new basement element
 - There will not be a pub use.

4. PLANNING HISTORY

- 4.1 07/P0392 Planning permission granted for the formation of a vehicular crossover
- 4.2 10/P2578/NEW pre application submission for change of use and extension to existing A4 public house to a C1 hotel and A3 restaurant.
- 4.3 11/P0247 - Refurbishment of existing building, involving retention of public house (Class A4) at ground floor, with provision of new restaurant facility; change of use of upper floors from ancillary staff accommodation to a hotel with 21 rooms (Class C1). The proposal also involves a new external rear fire escape staircase, extensions to the side, rear and roof of the building and alterations to off street parking, involving new dropped kerbs.

This application was presented to a Planning Applications Committee on 19/05/2011 and permission was granted subject to the completion of a Section 106 obligation covering the provision of financial contribution towards public realm improvements in connection with the Raynes Park Local Centre Enhancement Plan to the sum of £10,000. The application was required to go to committee because of the requirement for a S106 obligation. This agreement was never signed and the application was subsequently withdrawn.

- 4.4 13/P3335 Planning permission granted for change of use of detached building (to the side of the main pub building) to provide a minicab office (sui generis) including alterations to elevations of building.
- 4.5 14/P0728 Planning permission granted for the refurbishment of existing building, involving the retention of the public house (A4) at ground floor and the retention of the first floor extension to the building, change of use of ground floor into two areas one public house and restaurant (A3) the other hotel reception lobby, change of use of upper floors into hotel (C1) with 21 rooms. Also involves a new external rear fire escape staircase, three storey side and rear extensions to the building and alterations to off street parking, involving removal of existing dropped kerbs.

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 17 letters of objection have been received from local residents and supported by Councillor Bull raising the following concerns:-
- The Transport Statement is misleading, guests will come by car and parking is unrestricted at weekends and evenings and therefore up to 21 extra cars will inconvenience local residents.
 - Raynes Park does not need another hotel.
 - Site is not fit for a hotel purpose.
 - Proposal does not like a hotel and will attract the wrong sort of people.
 - Site is ring fenced for Cross Rail 2.
 - The site should be used for car free residential use.
- 5.3 Highways officers raised no objection subject to conditions.
- 5.4 Transport planning advised that the refuse stores were suitably located, the cycle parking provision accorded with London plan standards, swept path analysis shows the site can be safely serviced by vehicles entering and leaving in forward gear and the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users. A recommendation for approval is supported.

- 5.5 Network Rail made no comment.
- 5.6 Metropolitan Police Designing out Crime Officer. Following initial comments from the officer to improve the security and safety of the building the details raised were satisfactorily addressed by the applicant with the submission of revised plans and no objections were raised.
- 5.7 Climate change officers were satisfied that the development should achieve BREEAM 'Very good' and that the CO₂ savings represented the maximum level of savings achievable on the site. Conditions relating to District Heat Networks and CHP Networks were recommended.
- 5.8 Environmental Health officers were consulted and as a result further information was provided relating to noise impacts. No objections were raised subject to conditions relating to noise and site contamination.

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)
DM D3 (Alterations and Extensions to Buildings)
DM EP2 (Reducing and mitigating noise)
DM R5 (Food and drink uses)
DM R6 (Culture, arts and tourism development)
DM T2 (Transport impacts of development)
- 6.2 London Plan 2015
4.5 (London's visitor infrastructure)
6.9 (Cycling)
6.13 (Parking)
7.4 (Local character)
- 6.3 Merton Core Strategy 2011
CS 4 Raynes Park Local Centre
CS 14 Design
CS 15 Climate change

7.0 PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include the principle of re-developing the building for hotel accommodation, design and impacts on streetscene, neighbour amenity, noise, car parking, servicing and highway safety
- 7.2 Principle of Development

The proposal for a hotel use, albeit with the retention of the existing pub use, has previously be granted by members in 2011 and subsequently under delegated powers in 2014 and therefore the principle of the change of use to a hotel has the endorsement of the Council. Planning policies have not changed since the last decision. SPP policy DM R5 seeks to restrict the loss of public houses unless it can be shown that they are not economically viable and that there are alternatives located within the local area. This proposal does not include the retention of the public house use and although the site has been a public house since the 1800s it ceased trading in June 2010, reopened for 18 months closing again in 2014 and the site has not been occupied since. It is noted that there are several other pubs/ bars within a short walk of the site including The Edward Rayne, The Raynes Park Tavern and The Cavern, all fronting Coombe Lane.

- 7.3 Notwithstanding objections to the effect that no further capacity was required, policy 4.5 of the London Plan seeks to achieve 40,000 net additional hotel bedrooms by 2036. As with the nearby Travelodge, the hotel use provides a service for visitors to both the locality and central London and additional customers for other local shops and services. With excellent mainline rail connections to central London, suburban hotels such as this one can increase the range of opportunities for visitors offering a lower cost option to central London hotels.
- 7.4 Design/Appearance and Impact on Streetscene
Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale bulk, proportions and character of the original building and its surroundings. The site and buildings are adjacent to a railway embankment and are on a busy main road, within a mixed use area where nearby buildings have a wide range of architectural styles and dates of build. Notwithstanding the loss of the distinct symmetrical form of the original building as a result of the proposals, the scheme nevertheless involves appropriate scale and massing with the raised mansard roof having a more subservient feel than simply adding an additional floor that followed the existing outline. As a matter of judgement officers consider that the extended building would not appear overbearing or unduly bulky in terms of the Kingston Road streetscene, particularly given its location adjacent to the high level railway embankment and in relation to the three storey buildings immediately opposite the site. Both end terrace buildings on the opposite side of Kingston Road, at the junction with Carlton Park Road, have turret style features at roof level and the rotunda element seeks to complement these. Demolition of the double height mini cab office building at the western end of the site is not considered an issue.
- 7.5 In relation to materials the existing rendered finish to the first and second floor would be retained but the mansard element would be finished in zinc whilst the new three storey element would be finished in exposed facing brickwork with glazed panels on the top floor of the rotunda element. It may be considered that the proposed redevelopment would make a positive contribution to the

streetscene, meeting the policy requirements to respond to and re-inforce locally distinctive patterns of development, whilst respecting siting, proportions and height of surrounding buildings.

7.6 Internally the layout has been amended to respond positively to the comments of the Police Designing Out Crime Officer so as to improve the security and safety of the hotel and its residents. The proposed hotel layout provides 21 en-suite bedrooms, over the three upper floors, all of them with good levels of daylight and natural ventilation. The bedrooms front Kingston Road and the internal facilities would provide both business visitors and tourists with suitable short stay accommodation with easy access to Central London. The layout and size of the manager's flat meets internal and external space standards and meets dedicated cycle storage standards.

7.7 Neighbour Amenity

A public house has occupied the site since the 19th century and the current scheme for the hotel use is not likely to result in increased noise levels that might harm neighbour amenity. The increased height of the building still raises no undue issues in terms of overlooking or privacy, given the separation of at least 20m between the application site and any flats on the upper floors on the opposite side of Kingston Road. Officers consider that the extended building results in minimum visual intrusion and impact for existing neighbouring occupiers, thus complying with the principles of policy DM D2 of the Adopted SPP 2014.

7.8 Noise

SPP policy DM EP 2 requires consideration with proposals for where new noise-sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are - or are expected to become -subject to unacceptably high levels of noise. Noise-sensitive development should not normally be permitted where high levels of noise will continue throughout the night; especially during the hours when people are normally sleeping (23.00 to 07.00). Residential and hotel uses are noise sensitive and in this case the bedrooms have been situated on the Kingston Road elevation furthest from the railway line.

7.10 Recognizing that the site is in a location that experiences high levels of railway noise, the scheme has been submitted with a Noise Assessment that has made various design recommendations to mitigate the impact of noise on residents from the railway, road and plant and machinery and conditions to ensure compliance with these measures are recommended. The report also investigated the impact of vibration but found that the results were "significantly below the 'low probability of adverse comment' limits. Therefore vibration levels measured would not be expected to constitute a concern for this development".

7.11 In addition to safeguarding measures for the occupiers of the hotel, it is

recommended that the premises should be subject to conditions restricting construction and delivery times. Officers are therefore satisfied that the scheme will provide an appropriate standard of accommodation for hotel visitors and would raise no undue issues in respect of neighbour amenity.

7.12 Traffic and Parking

Transport Planning Officers confirm the site has very good public transport accessibility and is not inside a CPZ, although it sits in the centre of a number of them. The quantum of accommodation, i.e. 21 hotel bedrooms remains the same as in the previously approved schemes and therefore there are no changes between the three applications that would justify a refusal of planning permission on the grounds of transport impacts. The hotel would not offer function or event facilities and therefore nothing to suggest that large numbers of people would attend events here. Those staying at the hotel would be aware that there would be no parking available in the locality and the site is very well provided for by train and bus links.

- 7.13 The new hotel use will continue to require regular deliveries for laundry and refuse collections etc and a new dedicated off street loading bay is therefore to be provided at the side of the building and this will improve the existing arrangement of just one off street car parking space. Proposed cycle parking spaces comply with minimum standards. The site is not located within a Cross Rail 2 safeguarded site.

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 proposals to redevelop the site are in accordance with adopted SPP policies, which seek to make more effective use of previously developed land and to ensure appropriate land uses are secured to meet the needs of communities. The redevelopment of the site to provide 21 hotel rooms has been approved previously and the principle differences between this proposal and those previously approved are that the proposal will not retain the pub use, provides a small unit residential for a manager and has some exterior design changes, none of which are considered to raise any policy issues that would warrant the refusal of a scheme that could help stimulate business on the south side of Raynes Park centre. The proposal is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

Grant planning permission subject to conditions

Conditions

1. A.1 Commencement of development for full application
2. A.7 In accordance with the approved plans Site location plan and drawings 2-GA 100 REV A, 2-GA 101 REV D, 2-GA 102 REV C, 2-GA 103 REV B,, 2-GA 104 REV B, 2-GA 201 REV B, 2-GA 202 REV B, 2-GA 301 REV A, 2-GA 302 REV A & 2-GA 303. Energy strategy (ACL-4101-03-02 – Energy Statement rev1.pdf, 07-02-2017) & Clement Acoustics, Noise Exposure Assessment Report 9157-NEA-01RevisionC 16 Feb 17
3. B.1 External materials to be approved
4. B.4 Details of site/surface treatment
5. B.5 Details of walls/ fences
6. C.6 Details of refuse storage
7. Non standard

'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than 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 deliver the carbon savings outlined with the approved energy strategy (ACL-4101-03-02 – Energy Statement rev1.pdf, 07-02-2017).' 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.

8. Non standard

'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on 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 (domestic and non-domestic) 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.

9. Non standard

'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: policy 5.2,5.5 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

10. D.5 Soundproofing of Plant and Machinery; 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.

11. Non standard;

Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the building as specified in the Clement Acoustics, Noise Exposure Assessment Report 9157-NEA-01RevisionC 16 Feb 17 shall be implemented as a minimum standard for all aspects included in the report prior to occupation of the development . Reason; To protect the amenity of occupiers from noise pollution in accordance with policy DM EP2 of the adopted Sites and Policies Plan 2014

12. D.8 Deliveries (between 8am and 8pm any day)

13. D. 11 Hours of construction

14. F.9 Hardstandings

15. H.1 New Vehicle Access

16. H.3 Redundant Crossovers

17. H.4 Provision of Vehicle servicing area

18. H.6 Cycle Parking

19. H.9 Construction Vehicles

20. H.12 Delivery and Servicing Plan (including details of the size of service vehicles and timing of deliveries)

21. M.1 Contaminated Land – Site investigation

22. M.2 Contaminated Land – Remedial measures

23 . M.3 Contaminated Land – Validation report

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**PLANNING APPLICATIONS COMMITTEE
20 APRIL 2017**

APPLICATION NO.

DATE VALID

17/P0612

30/01/2017

Address/Site

27 Landgrove Road, Wimbledon, London, SW19 7LL

Ward

Wimbledon Park

Proposal:

APPLICATION FOR VARIATION OF CONDITION 10 (USE OF GARAGE) ATTACHED TO LBM PLANNING APPLICATION 07/P1131 RELATING TO THE ERECTION OF A THREE STOREY BUILDING ON THE SITE OF 27 LANDGROVE ROAD CONTAINING 3 X 2 BEDROOM APARTMENTS INVOLVING CONVERSION OF SECOND LEVEL ROOF SPACE OF 25 LANDGROVE ROAD TO FORM ADDITIONAL ACCOMMODATION FOR NEW SECOND FLOOR APARTMENT AT NO.27. ENLARGEMENT OF EXISTING DETACHED GARAGE AT REAR OF PROPERTIES INCORPORATING A STORAGE AREA WITHIN THE ROOFSpace.

VARIATION TO REMOVE RESTRICTION OF USE OF GROUND FLOOR OF GARAGE TO PARKING ONLY TO ALLOW USE OF BOTH GROUND AND FIRST FLOOR AS A HOME OFFICE.

Drawing Nos

2712/10 Rev E, 2712/11 Rev E and 2712/12 Rev E.

Contact Officer:

Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: Not required.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 32
- External consultations: No
- Controlled Parking Zone: Yes P2(S)
- PTAL: 2 (poor)

- Conservation Area: Kenilworth Avenue
- Listed Building: No
- Protected trees: No

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received. In addition, the application has been brought before the Committee at the request of Councillor Moulton.

2. **SITE & SURROUNDINGS**

- 2.1 The application site comprises a recently built block of 3 flats and associated garage building on the corner of Landgrove Road and Strathearn Road. The modern flatted block is attached to the end of a terrace of houses and is accessed from Landgrove Road. The garage building is at the end of the gardens of 25 and 27 Landgrove Road and is set at right angles to Strathearn Road. The garage is accessed from Strathearn Road. Both the detached garage and flats were built under planning permission 07/P1131
- 2.2 The garage is a one and a half storey structure with the first floor level sitting under a pitched roof. It has 2 rooflights facing towards the rear of 25 and 27 Landgrove Road.
- 2.3 The surrounding area is residential in character. The railway line sits on the opposite side of Strathearn Road to the application site.
- 2.4 The site is within the Kenilworth Avenue Conservation Area.
- 2.5 The site is within Controlled Parking Zone P2(S).

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the variation of Condition 10 attached to planning permission 07/P1131, allowed on appeal on 26/11/2008.
- 3.2 Condition 10 in the original Inspector's decision letter is worded as follows:

"The garage shown on the approved drawings shall be provided before occupation of the approved dwellings and thereafter shall be retained for parking purposes for users of the dwellings and for no other purpose."

- 3.3 The approved plans showed the garage building to be a garage at ground floor with a staircase serving a first floor storage area. A subsequent application was approved to vary condition 10 to allow use of the first floor area as a home office, with the following wording:

"The garage building as completed shall be retained at ground floor level for parking purposes for users of the dwelling, with ancillary home office at first floor for the sole use of the occupiers of flat no.5, and for no other purposes."

- 3.4 The current application seeks a further variation of condition 10 to allow use of both ground and first floor as a home office, to be worded as follows:

“The garage building as completed shall be used as an ancillary home office for the sole use of the occupiers of flat No5, and for no other purpose”.

4. **RELEVANT PLANNING HISTORY**

- 4.1 07/P1131 - ERECTION OF A THREE STOREY BUILDING ON THE SITE OF 27 CONTAINING 3 X 2 BEDROOM APARTMENTS INVOLVING CONVERSION OF SECOND LEVEL ROOF SPACE OF 25 TO FORM ADDITIONAL ACCOMMODATION FOR NEW SECOND FLOOR APARTMENT AT 27. ENLARGEMENT OF EXISTING DETACHED GARAGE AT REAR OF PROPERTIES INCORPORATING A STORAGE AREA WITHIN THE ROOF SPACE. Refuse Permission 06-03-2008 - **Appeal Allowed 26-11-2008.**
- 4.2 08/P0946 - ERECTION OF TWO STOREY BUILDING (WITH ACCOMMODATION WITHIN THE ROOF SPACE) TO PROVIDE 2 X 2 BEDROOM FLATS, REFURBISHMENT OF EXISTING RESIDENTIAL ACCOMMODATION AT 25 LANDGROVE ROAD AND FORMATION OF ADDITIONAL 1 BEDROOM FLAT WITH IN THE ROOF SPACE OF BOTH 25 LANDGROVE ROAD AND THE ROOF SPACE OF THE PROPOSED NEW BUILDING AND THE ERECTION OF A DETACHED GARAGE WITHIN THE REAR GARDEN FRONTING STRATHEARN ROAD. Refuse Permission 05-11-2008.
- 4.3 16/P1180 - APPLICATION FOR VARIATION OF THE WORDING OF CONDITION 10 ATTACHED TO LBM PLANNING APPLICATION 07/P1131 DATED 06/03/2008 RELATING TO THE RETENTION OF THE GARAGE FOR PARKING AND FOR NO OTHER PURPOSES TO INCLUDE USE OF THE UPPER ROOFSpace LEVEL AS A HOME OFFICE. Grant Variation of Condition 10-05-2016.

5. **CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. Seven representations have been received objecting on the following grounds:
- Insufficient parking in the immediate vicinity. The need for the condition remains.
 - Concern that other future applications for change of use may be made for use as a dwelling, as the building has been constructed with additional windows and underfloor heating.
 - The floor area of the garage is as large as one of the flats – the use of the whole building could not be described as ancillary to the flat use.
 - An office of this size would likely have visiting customers, which would exacerbate the existing parking problem.
 - Concern over ‘planning creep’.
- 5.2 Transport Planner:

Given that the change of use from garage to office use in ancillary to the existing residential use, there is no reason to exempt it from the surrounding CPZ. Should the use of the garage/ office area separate from the adjoining residential property a CPZ exemption should be sought.

6. **POLICY CONTEXT**

6.1 The following policies are relevant to this proposal:

London Plan (2015) (amended by Minor Alterations March 2016):

- 6.13 Parking
- 7.4 Local character

Adopted Merton Core Planning Strategy (July 2011)

- CS14 Design
- CS20 Parking, Servicing and Delivery

Adopted Merton Sites and Policies Plan and Policies Map (July 2014)

- DM D2 Design considerations in all developments
- DM T3 Car parking and servicing standards

Other guidance:

Merton Council SPG - Residential Extensions, Alterations & Conversions (November 2001).
National Planning Policy Framework – 2012.

7. **PLANNING CONSIDERATIONS**

7.1 Principle of the Proposed Development

7.2 Section 73 of the Town and Country Planning Act 1990 allows applications to be made to remove or vary conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide that the original condition(s) should continue. (The original planning permission will continue to subsist whatever the outcome of the application under section 73).

7.3 The main planning considerations relate to the acceptability and impact of allowing the loss of parking at ground floor level and the use of both ground floor and first floor as a home office for the sole use of occupiers of flat 5.

7.4 Variation of Condition 10

7.5 Loss of parking space

7.6 In the Inspector's report for the appeal against the refusal of application ref. 07/P1131, the Inspector stated the following in relation to the need for a parking space:

“The existing garage car parking space would be retained in the proposed development, but no further car parking would be provided for the new dwellings. Page 112
The site is well located for access by foot to

modes of public transport and local facilities, and there are parking controls on the surrounding roads. From the evidence I have seen, I consider that there would be a marginal increase in parking pressure in the area which would not be prejudicial to highway safety or the free flow of traffic. The Highways Authority reached similar conclusions, which supports my view on this matter”.

“I see no need for the development to be ‘car-free’, as the Highways Authority have not suggested such a measure and, indeed, stated that there is sufficient on-street accommodation for vehicles, which is a view I share”.

- 7.7 Nevertheless, the Inspector carefully considered the necessity for each of the Council’s suggested conditions and chose to impose condition 10 to require that the proposed parking be both provided and thereafter retained for parking purposes for users of the dwellings. At the time of this decision, the Inspector had therefore concluded that the condition was both reasonable and necessary. The ground floor of the garage would accommodate a single off street car parking space.
- 7.8 The proposed variation of Condition 10 to allow the use of the whole building at both levels as a home office would not retain the single car parking space. The acceptability of the loss of off street parking provision is therefore a consideration.
- 7.9 The site is within PTAL 2 (PTAL ranges from 1, low to 6, high), which suggests a poor level of public transport accessibility. However, it should be noted that the PTAL 6 boundary is located just 100m to the south of the site.
- 7.10 The application is accompanied by a Car Parking Report containing a parking survey of nearby streets carried out at 5am on Wednesday 28th September and Thursday 29th September 2016. The report states that the maximum parking stress was 77% and 74% on the two days of the survey. It concludes that the loss of the single parking space would be “unlikely to present any adverse impact on the on-street car parking stress, given the negligible impact with regard to trip generation arising from the proposal and the available parking capacity in the local area”.
- 7.11 The Council’s Transport Planner has reviewed the report and concludes that there is sufficient parking capacity in the local area to accommodate an additional parked car. On the basis that the office will be ancillary to an existing flat, they have not requested a s106 agreement to restrict parking permits at the site, although they advise that this would have been considered necessary if the use had been separate.
- 7.12 Having regard to the views of the Council’s Transport Planner, it is considered that the application has reasonably demonstrated that there is no overriding requirement to retain the ground floor of the garage for parking purposes and that a s.106 agreement to restrict future parking permits is not warranted.
- 7.13 Provision of ancillary home office to ground floor of garage building
- 7.14 The garage as originally permitted under 07/P1131 had a floor area of 80sqm, over two floors. Under application 16/P1180 the first floor of the

garage, originally intended to be used as storage, was permitted to be used as ancillary office space.

- 7.15 The current application would increase the level of ancillary office space from 40sqm to 80sqm. There is no definition within planning legislation of what comprises an 'ancillary' use in planning terms.
- 7.16 The question of whether the office space could reasonably be considered to be ancillary to the use of flat no.5, or a material change of use, is a key consideration in this assessment.
- 7.17 The exact nature and use of the building will indicate whether the use could be described as ancillary. The application describes the proposed use of the ground floor of the building as an ancillary office for the occupiers of flat 5, which would facilitate home working and a sustainable pattern of development and would considerably improve the quality of accommodation and amenities available for the intended user. The agent has set out that the first floor of the building would be used as a studio design space for the occupant of flat 5, with a space for filing on the ground floor. There would be no visitors to the site for commercial purposes or any staff accessing the building.
- 7.18 Whilst the building as a whole would be large in comparison to the existing flat 5, this does not mean that it could not support an ancillary only use. The transport officer does not object to the loss of the ground floor for off street parking and therefore a low key, ancillary use of the garage is a suitable proposition. However, it is noted that it is unlikely that subsequent occupiers will have same requirements and therefore it is considered prudent to expand the suggested wording of the condition to allow for domestic storage and car parking, so the garage can be used for its originally intended purpose in the future without the need for further planning permission.
- 7.19 The garage building would be subject to conditions to ensure that it is used for ancillary purposes only and any self-contained, independent residential accommodation would require planning permission. Therefore, the Council would retain a reasonable degree of control over the future use of the building.
- 7.20 Impact on the character of the area
- 7.21 Policies DMD2 and DMD3 seek 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. Core Planning Policy CS14 supports these SPP Policies.
- 7.22 There would be no external changes as a result of the variation of condition and the use of the building for ancillary purposes would not result in any harm to the character of the area.
- 7.23 The proposal is considered to be acceptable in terms of visual amenity.
- 7.24 Impact on residential amenity

- 7.25 Policies DM D2 and DM D3 seek to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.26 The use of the ground floor of the building for ancillary purposes would not result in a significant impact on residential amenity as the use would be relatively low-key and would not result in significant disturbance.
- 7.27 The proposal is considered to be acceptable in terms of residential amenity.

8. **CONCLUSION**

8.1 Whilst the garage building is large in comparison to the existing flat 5, which it would serve, it is considered that the application has demonstrated that there would be insufficient grounds for refusal based on loss of off street parking and therefore a low key, ancillary use of the building is considered appropriate in planning terms.

8.2 In view of the above, it is considered that the condition can be varied to read:

“The garage building as completed shall be retained for ancillary home office use, general domestic storage or parking for the sole use of the occupiers of flat 5, and for no other purposes.”

8.3 The proposal is considered to be acceptable.

RECOMMENDATION:

Grant variation of condition.

Conditions

1. Condition 10 of 07/P1131 is varied to read as follows: The garage building as completed shall be retained for ancillary home office use, general domestic storage or parking for the sole use of the occupiers of flat 5, and for no other purposes.

Reason: To safeguard the amenities of neighbouring residents and to comply with Policy CS14 of the Core Planning Strategy 2011 and Policy DM D2 of the Sites and Policies Plan 2014.

Informatives:

1. **INFORMATIVE**
Please note that all other conditions attached to the substantive Planning Permission LBM Ref: 07/P1131 continue to apply.

[Click here](#) for full plans and documents related to this application.
Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



Text Details **27 Landgrove Rd**

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PLANNING APPLICATIONS COMMITTEE 20 April 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4644	09/12/2016
Address/Site	Oberon Pavilion 19 Lindisfarne Road, West Wimbledon SW20 0NW
Ward	Wimbledon Village
Proposal:	Formation of 2 single storey side extensions to existing bungalow; formation of roof extension to bungalow and infill between bungalow and pavilion; formation of roof extension over pavilion including 2 new dormers; improvements to hard and soft landscaping and provision of new netball court, erection of new fencing and gates to site boundary including formation of drop off area at Lindisfarne Road.
Drawing Nos	001 P3 (site location plan), 013 P6, 014 P7, 015 P4, 030 P6, SK25 P6, SK 26 P6, SK27 P5, SK 28 P6, SK29 P5, SK30 P3, SK31 P2
Contact Officer:	Arome Agamah (8545 3116)

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 – 8
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

1. INTRODUCTION

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

2. **SITE AND SURROUNDINGS**

2.1 The application site comprises a detached purpose built pavilion with an incorporated residential bungalow dating from the 1930s, located on the south side Lindisfarne Road in West Wimbledon. The surrounding context of Lindisfarne Road is predominantly residential and characterised by large detached residential dwellings.

2.2 The buildings were formerly in council ownership but are currently leased by the Hall School Wimbledon. The pavilion serves the Oberon Playing fields to the south of the site and provides a hall and changing rooms. The attached bungalow is occasionally occupied by a member of school staff and currently provides two bedrooms, a living area and kitchen. Although the buildings are in regular use, the buildings and frontage are in a general state of disrepair and in need of refurbishment.

2.3 The site is not within a conservation area but the playing fields lie within the Copse Hill conservation area. The site and playing fields are designated as Metropolitan Open Land (MOL). The building is not statutory listed or locally listed.

3. **CURRENT PROPOSAL**

3.1 The stated aims of the proposed scheme are to improve the quality of residential accommodation on the site, improve the usability of the site as a sporting ground, provide additional teaching space and improve the frontage, setting and site security.

3.2 The scheme comprises of the formation of 2 single storey side extensions to the existing bungalow, the formation of roof extensions to the bungalow and pavilion in the form of flat roofed dormers to the front, rear and side roof slopes and the erection of an infill between the bungalow and pavilion. The educational spaces at ground floor level would comprise of male and female changing rooms, a teaching/assembly hall and utility room. At first floor there would be two classrooms. The residential accommodation would comprise of living and dining areas, kitchen, gym and study on the ground floor, and 2 ensuite bedrooms at first floor level.

3.3 The scheme involves changes to the boundary treatments, comprising of the installation of railings at 2 metres height along the front boundary and the installation of electronic gates.

There are also proposed improvements to the hard and soft landscaping on the site, including planting around the site and improved privacy of the front lawn/garden serving the living quarters. The proposed scheme also involves improvements to the hard and soft landscaping, refurbishment of the front boundary fence and refurbishment of the adjoining hard court.

- 3.4 A secure private entrance to the hard court will be formed, and the front garden will be made more private by the planting of a hedge at the front boundary, and the erection of a timber fence perpendicular to the front railing to prevent side on views.
- 3.5 A number of amendments have been made to the proposals following feedback from council officers, and in response to some of the objections raised by the residents of neighbouring properties as follows:
- The timber fencing and gates forming a solid barrier between the pavilion building and eastern boundary, formerly visible on the north elevation have been removed. Instead a higher railing on the northern boundary is proposed in order to allow as much of an unimpeded view to the MOL beyond as possible. The amended layout also allows for improved on site vehicle manoeuvrability and parking spaces.
 - The bin storage has been repositioned to an enclosed storage area away from the boundary with number 23 Lindisfarne Road and nearer the pavilion building to reduce its visibility from Lindisfarne Road.
 - The green roof balconies on the east and west elevations have been excluded from the scheme and the French doors to the adjoining dormers replaced with Crittal windows. The railings have also been removed.

4. **PLANNING HISTORY**

- 4.1 08/P0774 - Application for a certificate of lawfulness in respect of the proposed use of sports pavilion for the provision of Judo classes between the hours of 9am and 9pm. Granted 15/05/2008.
- 4.2 MER20/75 – Garage for storage. Granted 24/02/1975.

5. **CONSULTATION**

- 5.1 The proposal has been publicised by means of Conservation site and press notice procedure and individual letters of notification to adjoining properties.

Fifteen objections to the proposals have been received on the following grounds:

- Development is out of scale and excessive for the setting
- Design of additions is out of keeping and with no precedents in the Lindisfarne Road area
- Overlooking and intrusion on privacy of neighbours from dormer windows and from proposed flat roofs at the front elevation.
- Inappropriate boundary treatments and fencing that are out of character with the building and preventing views through to the MOL beyond
- Inadequate onsite parking

- Increased traffic and parking pressures on Lindisfarne Road resulting from anticipated increase use of the site
- Inappropriate location for bin storage
- Inadequate separation between residence and classrooms
- Inadequate disabled access to veranda and main hall

Following amendments to the scheme a reconsultation was carried out, with an additional representation from a neighbour raising the following concerns:

- Large residential extension proposal
- Intensification of use and change of prevailing use by the creation of classrooms and large hall with bar
- Solid security fence
- Intensification of parking use and circulation of road traffic
- Absence of proposed solutions with respect to access and maintenance of private road.

5.2 Following the reconsultation a representation was received from The Residents Association of West Wimbledon (RAWW). While welcoming the proposed improvements to the playing field and pavilion, there were the following areas of concern:

- Arrangements for Traffic Management and Parking
- Overlooking and loss of privacy and safety
- Visual impact of proposed side dormers
- Impact of proposed expanded residential accommodation on the MOL
- Detailing of boundary treatment
- Access from private dwelling into the school pavilion

5.3 Ecology Officer comments:

- 1) It is noted that the application site is designated as Metropolitan Open Land - Copse Hill and Open Space - Oberon Playing Fields (Raynes Park High) and Green Chains in the London Borough of Merton Core Strategy (2011) and Sites and policies Plan and Policies Map (2014).
- 2) Four national BAP species has been recorded at the site, namely Dunnock, Soprano Pipistrelle, Noctule and brown long-eared bat. Other relevant or potentially relevant National BAP species are House Sparrow, Song Thrush, Hedgehog, Common Toad and Stag Beetle, along with potentially common reptile species Slow Worm, Common Lizard and Grass Snake.
- 3) The methodology, findings and recommendations of the submitted Ecological Appraisal are considered acceptable. Conditions will be added to this permission requiring adherence to the findings and recommendations in the submitted Ecological reports and to ensure the safeguards for native animal species.

5.4 Tree Officer Comments:

- The submitted plan titled 'Existing Tree Site plan' which corresponds to the Tree Survey (dated 19 December 2014) which was carried out by the Kew Innovation Unit, indicates that 10 trees and two groups of Sycamores are to be removed. Two trees numbered 601 & 599 are not listed in the Tree Survey, so the exact reason(s) for their proposed removal is unknown at this time. Other tree work is proposed to bring the trees under good arboricultural management;
- The loss of so many trees will create gaps in the tree cover which should be remedied by the planting of replacement trees, which should be made up of purely native species of trees.

The applicant has indicated that the two trees to be removed are in poor health and their removal was recommended by their consultant arboriculturalist. Conditions will be attached to this permission with respect to the implementation of the landscape scheme and site supervision with respect to tree protection.

5.5 Transport planning officer comments:

Transport planning officers have liaised with the applicant seeking clarification with respect to the likely level of vehicular trip generation, the protection of pedestrians during the construction phase, and the level of proposed use if any of the facility outside of school hours. They are satisfied that the travel of children to the site is managed and the impact on their safety has been addressed. Vehicles associated with this application will not use Lindisfarne Road and accessed via the southern gates which area accessible from Cottenham Park and Oakwood Road.

Transport planning officers are also satisfied that the level of trip generation will not differ from the level associated with the typical use. Peak times of usage of the site by the school will shift from weekends to week day inter peak hours, as such the perceived impact of the pavilion/sports pitches will be reduced. It is noted that the school has an exclusive lease for the usage of the sports facilities on site, there for the school using the pavilion does not represent an intensification of use.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users; as such a recommendation for approval is supported.

- There will be no increase in trip generation associated with the above application
- The application does not represent an intensification of use
- The safety of children traveling to and from the site has been considered and addressed.

A condition will be attached to this permission requiring the submission and approval of a travel management plan prior to the commencement of works.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

The relevant policies with the Adopted Core Strategy (July 2011) are CS13 (Open space, nature conservation, leisure and culture) and CS14 (Design).

6.2 Sites and Policies Plan (July 2014)

The relevant policies contained within the adopted Merton Sites and Policies Plan (July 2014) are DM D2 (Design Considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D4 (Managing Heritage Assets) and DM O1 (Open Space).

7. **PLANNING CONSIDERATIONS**

7.1 The principal planning considerations related to this application are design, the impact on the adjoining conservation area, impact on the MOL and the impact on neighbouring amenity

7.2 Design and Impact on Streetscape

The scheme involves infilling spaces between the pavilion and bungalow and the erection of dormers to all sides. There is necessarily an increase in the massing, however it is considered that the increases would be in proportion with the existing built form and the additions will be subordinate in scale to the buildings. There would also not be an overall increase in the existing footprint. Although the rear dormers are large in size, they are considered to be acceptable in this context as a result of their location facing onto the playing fields, and as their scale is proportionate to other building elements on that elevation such as the raised walkway, rear doors and pillars.

In terms of their design the additions will be sympathetic and complimentary with the original 1930s architectural styling of the building. The associated works in the scheme comprising of the refurbishment of the hard surface court, installation of railings to the Lindisfarne Road frontage and the proposed landscaping would result in a positive improvement to the character and appearance of the grounds.

With respect to the surrounding context the proposed scheme is considered to be in keeping with the existing character of the area and its design is not deemed to be an incongruous addition that will detract from the quality of the adjoining conservation area or MOL.

The signage currently in the front garden/lawn will be repositioned to a location adjacent to the proposed entrance gate to improve the visual appearance of the front boundary.

The scheme originally included a connecting corridor between the residential accommodation and teaching spaces on the upper floors. The plans have been amended to exclude this.

7.3 Boundary Treatments

The amendments to the scheme are considered to have addressed concerns with respect to the visual connection to the MOL to the rear of the site, and retained a key element of the local character.

The proposed features to increase the level of privacy and amenity of the residential occupant comprising of the front hedge planting, timber fence to the side of the front lawn are considered to be consistent with the design of the buildings and would not detract from the quality of the streetscene or create an undue visual barrier.

The proposed boundary treatments are deemed to be in keeping with the character of Lindisfarne Road and are considered to be an enhancement to the installations already in place. The applicant has indicated that the new railings to the front boundary of the site will replicate the existing lower railing detailing and a condition will be attached to this permission requiring details to be submitted and approved prior to the commencement of works.

7.4 Impact on Neighbour Amenity

The site is well set back from Lindisfarne Road and its orientation with respect to the neighbours is such that the pavilion buildings are behind the rear building line of the adjoining properties. The neighbouring property most likely to be impacted is number 23 Lindisfarne Road, which has a separation distance of 18.5 metres from its boundary fence to the east facing dormer. The neighbouring plot at number 17 has a greater setback, and is further separated by the tennis court and a screen of trees.

Although a direct line of sight from the dormers to the rear of the property may be reduced by the existing fence and planting on the boundary, it is determined that an impact may arise from the perception of overlooking as much as it may from actual overlooking.

Following the comments of neighbours, the balconies originally proposed have been excluded and the French doors to the dormers have been replaced with Crittall windows, in order to mitigate the use of the flat roof as an amenity space. A condition will be attached to this permission prohibiting amenity usage of the flat roof, and a further condition will be attached requiring the glazing to the Crittall windows to be obscured and fixed up to a minimum height of 1.7 metres in order to preclude actual and perceived overlooking onto neighbouring properties.

The existing rear balcony faces the playing fields and serves as a viewing platform with 2 external staircases running up the sides of the building. The proposal removes the existing staircases and puts them on the rear elevation to also access the 2 classrooms. Given the likely intensified use, although the staircases are further away, a condition will be added to this permission requiring details of screening to the ends of the existing balcony to improve privacy to adjoining occupiers.

The premises do not have an appropriate licence for the sale/provision of alcohol and the applicant has indicated that there is no intention to obtain one. For clarity the plans have been amended to indicate that the space shown as a bar is a servery intended for teas etc. The applicant has further reiterated that the use of the building outside normal school hours is regulated by the lease agreement which prohibits anything other than the permitted uses.

7.5 Acceptability of the expanded residential use in relation to MOL Designation

The NPPF policy with respect to protecting Metropolitan Open Land, reflected in Policies CS13 of Merton's Core Planning Strategy and DM O1 Open Space of Merton's Sites and Policies plan, requires the preservation of the open character MOL and to avoid inappropriate development that is harmful due to over intensification of use or the proposal of an inappropriate use.

Extensions or alterations of a building are acceptable provided that it does not result in disproportionate additions over and above the size of the original building.

The existing residential floorspace in the building is 85 m² and the proposed additional floorspace is 230 m². Although this is a marked increase, the expansion has been achieved by making use of the internal spaces within the roof volume and by amendments to the layout to create a link to the existing ground floor living area. The additional massing is from the dormers and ground floor addition and they are considered to be physically and visually subordinate to the overall building. As such it is not considered that the proposed scheme would comprise of disproportionate additions to the original building and taken together with the other elements in the scheme would not result in a significantly adverse impact on the openness of the MOL.

The residential accommodation as proposed is an improvement in the quality of accommodation comprising of an additional bedroom, amenity, living and bathroom spaces. In this setting the additional facilities are considered to be modest and not to comprise of an over-intensification of use that would detract from the quality and character of the MOL.

The improvements are not considered to detract from the supportive role that the accommodation would serve in allowing for a continuous caretaker presence onsite to ensure the security and upkeep of the premises.

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 proposed alterations and additions to the building, and the alterations and refurbishment to the grounds are considered to be acceptable in design terms, and would be a welcome enhancement to the visual character of the building and the grounds. A number of amendments to the original scheme with respect to boundary treatments are considered to safeguard the visual character of the

9.2 The scheme is not considered to detract from the character of Lindisfarne Road, or to be an appropriate development in the context of the nearby conservation area. Following amendments to the scheme with respect to the boundary treatments, the views to the MOL beyond the site have been adequately preserved to retain the visual character of Lindisfarne Road.

9.3 The concerns of the neighbours have been noted and it is considered that the amendments to the proposal in response have adequately addressed the potential impacts on the immediate neighbours' amenity with regards to overlooking or intrusion on privacy.

9.4 Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.3 (External Materials as Specified)
4. B.5 (Boundary Treatment)
5. C.1 (No Permitted Development – Extensions)
6. C.2 (No Permitted Development Doors/Windows)
7. C.7 (Refuse & Recycling - Implementation)
8. C.3 (Obscured Glazing)

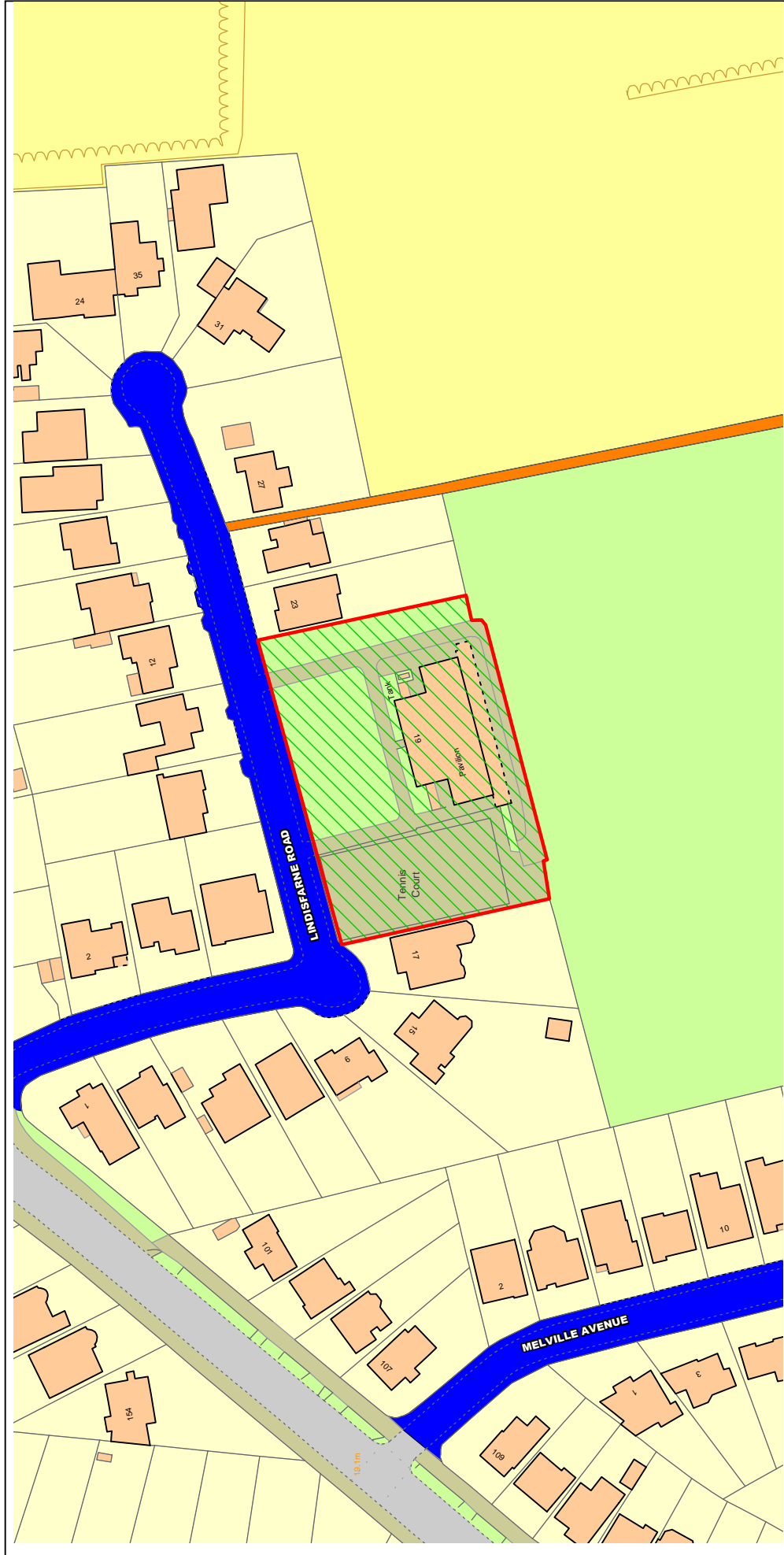
9. C.8 (No Use of Flat Roof)
10. C.10 (Details of Balcony Screening)
11. D.11. (Construction Times)
12. F.1. (Landscaping)
13. F.2. (Landscaping – Implementation)
14. F.5. (Tree Protection)
15. F.8. (Site supervision (Trees))
16. H.4 (Provision of vehicle parking)
17. H.8 (Travel Plan)
18. H.09 (Construction Vehicles)
19. H.12 (Delivery and Servicing Plan)
20. H.14 (Garage Doors/Gates)
21. Non Standard Condition (Badgers)
22. Non Standard Condition (Vegetation Clearance – Breeding Birds)
23. Non Standard Condition (Vegetation Clearance – Reptiles)
24. Non Standard Condition (Vegetation Clearance – Insects)
25. Non Standard Condition (Invasive Species)

Informatives

1. Note to Applicant – Scheme Amended During Application Life Cycle
2. Non Standard Informative (Additional Tree Removal)
3. Non Standard Informative (Invasive Species)

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Text Details **Oberon Pavillion**

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PLANNING APPLICATIONS COMMITTEE
20 April 2017

APPLICATION NO. **DATE VALID**
16/P1092 11/03/2016

Address/Site: 17 Merton Hall Road, Wimbledon SW19 1BQ

Ward Dundonald

Proposal Retention of an outbuilding for use as a summerhouse

Drawing No's 1305/20, 1305.P2.01

Contact Officer Isaac Liu (020 8545 4805)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- " Head of agreement: No
- " Is a screening opinion required: No
- " Is an Environmental Statement required: No
- " Has an Environmental Impact Assessment been submitted: No
- " Design Review Panel consulted - No
- " Number of neighbours consulted - 4
- " Press notice - No
- " Site notice - Yes
- " External consultations: Nil
- " Density - N/A
- " Number of jobs created N/A

1. INTRODUCTION

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

- 1.2 The application was submitted as a result of a planning enforcement investigation regarding the erection of an outbuilding at the end of the rear garden at 17 Merton Hall Road, Wimbledon which is not in compliance with the given permission (11/P1412).
- 1.3 Planning permission had been granted in July 2011 for the outbuilding but it was erected with roof lights and positioned closer to the boundary shared between 96 Dundonald Road. The roof light was to improve the level of light into the building and the repositioning of the outbuilding was to improve the use of garden space at the property. Furthermore no green roof has been installed alongside stone capping details at the rear of the outbuilding.
- 1.4 The current outbuilding does not qualify under permitted development due to its height.

2 SITE AND SURROUNDINGS

- 2.1 The application building is a semi-detached two-storey dwellinghouse, which is located on the northeast side of Merton Hall Road, close to the junction with Dundonald Road. The rear garden of the property abuts the rear side boundary of No.96 Dundonald Road. The bottom of the garden abuts the boundary of No.96a Dundonald Road, a two storey yellow brick building hosting a Building Business. The property has been extended with a loft conversion and rear single storey extensions both with planning permission.
- 2.2 The application site is located within the Dundonald ward of the London Borough of Merton and the site is not in a conservation area.

3. CURRENT PROPOSAL

- 3.1 The current proposal is for the retention of an outbuilding for use as a summerhouse. The structure is 4.8 metres deep and 10 metres wide. The structure has a parapet wall height at 3.2 metres and roof lights at 3.6 metres in height. The structure covers less than 50% of the garden area and is located over 10 metres from the main house. The rear walls of the structure is built parallel to the boundaries of 96 Dundonald Road separated away from the boundary by a range of 0.62 to 0.67 metres. Three roof lights (0.4 in height) are installed protruding on top of the flat roof of the outbuilding. The roof is wrapped by a parapet wall.
- 3.2 The structure is currently used as a summerhouse incidental to enjoyment of the main house at 17 Merton Hall Road.

4. PLANNING HISTORY

- 4.1 99/P0746 - Application for the erection of a single storey rear extension was granted.

11/P1409 – Full application for the erection of a single storey rear extension and rear roof extension was refused permission on 15/7/11.

11/P1412 – Full application for the provision of a single storey summer house in the rear garden was granted permission on 15/7/11.

11/P2093 – Full application for the erection of a single storey rear extension and roof extension was granted permission on 27/09/11.

13/P0602 – Full application for single storey rear extension was granted permission on 18/04/13.

ENFORCEMENT HISTORY

The current application has resulted from an enforcement investigation following a neighbour complaint regarding the size, positioning and rooflights installation of the outbuilding as this appears to be different from the planning permission (11/P1412) originally approved.

5. CONSULTATION

- 5.1 The application was advertised by sending letters to adjoining neighbours in Merton Hall Road and Dundonald Road.

Six objections were received all from the same property and address as a result of the consultation. The main concerns were;

- Materials
- Inappropriate Closeness of outbuilding to boundary
- Overlooking
- The loss of light
- The design (stone capping details at rear)
- Overbearing cause by height
- Loss of foliage (Green Roof)

6. POLICY CONTEXT

- 6.1 The relevant polices are:

Sites and Policies Plans 2014

DM D2:- Design considerations in all developments

DM D3:- Alterations and extensions to existing buildings

- 6.2 Merton Core Strategy 2011 policy
CS 14 Design

7.0 PLANNING CONSIDERATIONS

- 7.1 The principal planning consideration in relation to this application is the effect of the retention of the structure as an outbuilding and its impact upon visual and residential amenity of the adjoining neighbours.
- 7.2 The principle of the development has been considered acceptable with the grant of permission for an outbuilding of a similar structure at the location. The structure has a flat roof at 3.2 metres and roof lights at 3.6 metres in height. The structure is a standard garden outbuilding design constructed with bricks matching that of the main house.
- 7.3 SPP policy DM D2 and CS 14 require well designed proposals to respect the siting, rhythm, scale, proportions, height, materials and massing of surrounding buildings. The height and bulk are considered to be relatively modest. The roof lights located at the rear of the outbuilding do not cover the entire roof and therefore the ridge height should be considered as peak height. The main consideration therefore is the potential harm caused by the additional 0.725 metres in ridge height. Indeed, were the roof to be lowered by a 0.725 metres the structure would be allowable under permitted development. It is considered that the slight increase in height of the structure and installation of additional of rear roof lights does not obstruct views, is not visually intrusive and does not cause sufficient harm to neighbour amenity to warrant a refusal of planning permission.
- 7.4 SPP policy DM D2 and DMEP2 require proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy, visual intrusion. It is considered that the design of the outbuilding is appropriate in terms of form and scale and would not detract from the character of the existing dwelling or the area. Given the size, siting and distance between neighbouring properties it is considered that there would be no adverse impact upon neighbouring amenity. This is a single storey structure and there are no external windows at the side and rear to allow overlooking. The distance of the boundary shared between 96 Dundonald Road to the outbuilding varies between 0.62m to 0.67 metres, which are well over half a metre. It should be noted the property at 96 Dundonald Road has a large garden.
- 7.5 The approved outbuilding in application ref 11/P1412 would be located approximately 6m from the nearest facing windows at No.96. The current outbuilding positioned closer to the boundary away from the windows of No. 96 by around 5 metres. The main property and any garden structures

at 96 Dundonald Road are located some distance from the shared boundary with 17 Merton Hall Road.

- 7.6 Concerns from consultees relating to the close location of the outbuilding to the boundary, the appropriateness fencing materials and the potential for overlooking and loss of light have been considered. The location is considered to be acceptable as this is almost similar to the previously approved scheme. There is no rear or a side window to allow overlooking and the height is not too high to adversely affect light to the adjoining properties. Further concerns state as the outbuilding is closer by to the boundary, foliage cannot grow. However green foliage can be found provided from the garden of 96 Dundonald Road. Unlike application ref 11/P1412 with rear stone capping details and foliage on the roof, these are not included in this application and cannot be the reasons to refuse the application.
- 7.7 A Consultee has given a number of applications and reasons for refusals in support for the refusal of this application. Each development is considered under their own merits including its height, depth, location and use. It should be noted in each of the application the height of the structures are different, with two applications ref 15/P3175 and 16/P0594 having a taller height of 4 metres, 0.4 metres taller the height of the current application at 3.6 metres to the roof lights or 0.8 metres to the roof ridge. In one application 15/P1007 the structure covered close to the whole depth of the garden compared to 17 Merton Hall Road where the structure is located at the bottom of the garden. One application ref 15/P3175 quoted was located in Streatham rather than Wimbledon where the application structure is located. Different areas have different characteristics. The garden in this application is much smaller than 17 Merton Hall Road. In another application ref 15/P4307 located in Morden, the structure was refused to prevent the future use of it as a self-contained flat. Floorplans indicate the structure having components of a self-contained flat, unlike floorplans for 17 Merton Hall Road which does not indicate this. To prevent the future use of the structure as a self-contained accommodation the application will be protected with a condition. The applications listed are different in terms of dimensions, location and use than the current application at 17 Merton Hall Road and cannot be the reason to refuse the application.
- 7.8 The outbuilding is built with brick materials similar to the main house. The same material were approved in ref 11/P1412. The use of brick material is therefore considered to be in keeping with the area and does not cause visual intrusion.

8. **CONCLUSION**

8.1.1 The proposed retention of the garden outbuilding as a summerhouse will not result in harm to the amenities of neighbouring residents, as it will not cause overshadowing, loss of light or outlook.

8.1.2 The application is recommended for approval.

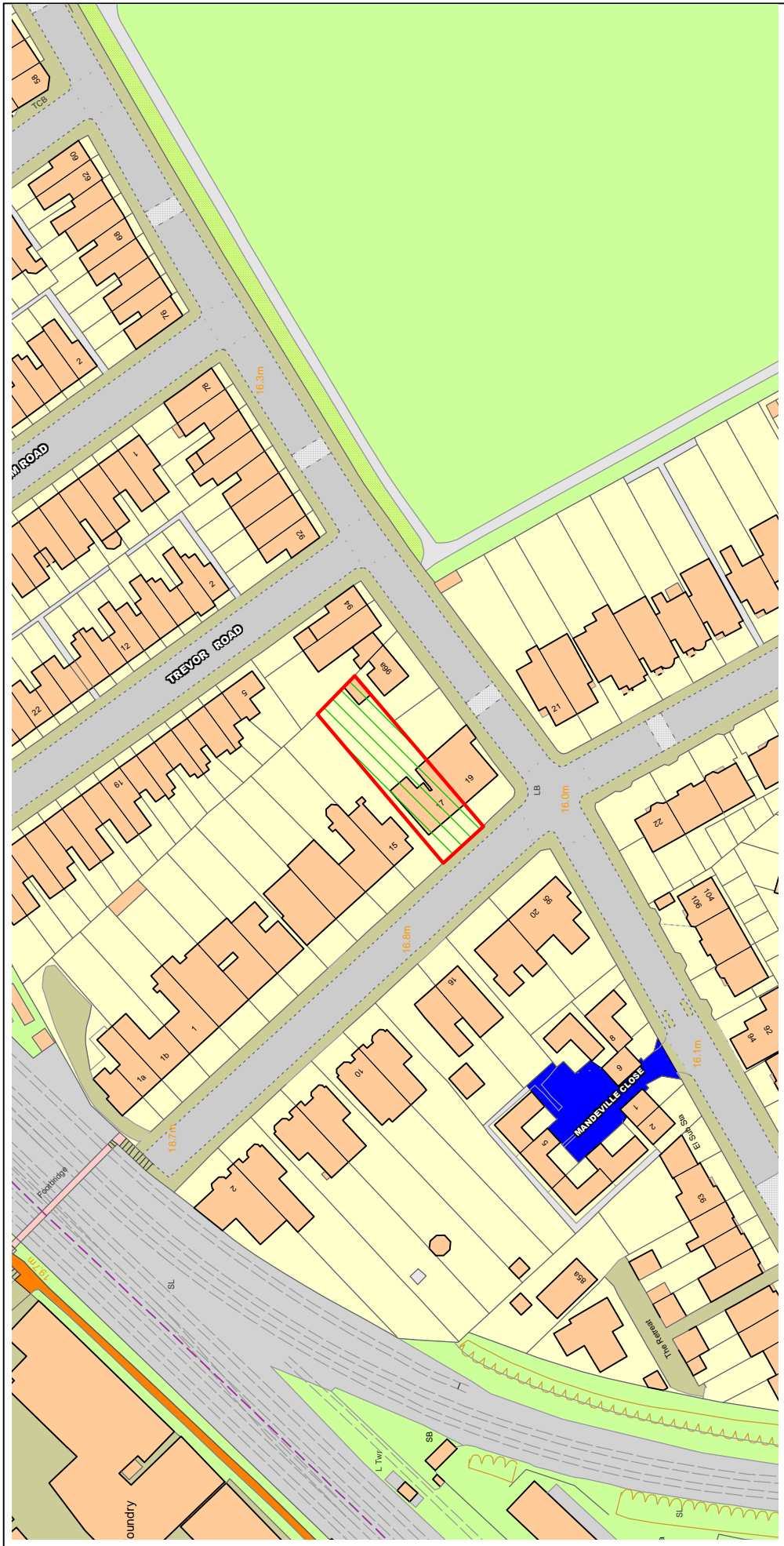
RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning condition

1. A7 According to plans drawing 1305/20 dated 6th July 2016.
2. E06 Ancillary Residential Accommodation - The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17 Merton Hall Road SW19 3PP.

[Click here](#) for full plans and documents related to this application.
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NORTHGATE SE GIS Print Template



Text Details **17 Merton Hall Rd**

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PLANNING APPLICATIONS COMMITTEE 20 April 2017

APPLICATION NO.

DATE VALID

17/P0148

25/01/2017

Address/Site: The Perseid Upper School, Middleton Road, Morden, SM4 6RU

Ward: St. Helier

Proposal: Erection of a single storey north-west extension, a two storey rear central extension and 2 x single storey south east extensions

Drawing No.'s: 2000 (Rev: P1), 2100 (Rev: P1), 2110 (Rev: P0), 2150 (Rev: P0), 3000 (Rev: P1), 3001 (Rev: P1), 4000 (Rev: T0), 4001 (Rev: T0), E2004 and Design & Access Statement (received 23/02/2017).

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (major application)
- Site notice: Yes (major application)
- Design Review Panel consulted: No
- Number of neighbours consulted: 8
- External consultations: 0
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled parking zone: No
- Site of importance for nature conservation (SINC) – Yes (to the western portion of the site)
- Green corridor – Yes (to the western portion of the site)
- Flood risk zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination as it falls outside the scheme of delegation to officers, being a major Council application and given it is a departure from the adopted development plan.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a back land site which is located on the north western side of Middleton Road. The site is occupied by Perseid Upper School, a special educational facility for children with severe and complex learning difficulties, aged from 11 – 19. The site is not readily visible from the street, being largely surrounded by buildings and open space. The site is bordered by a three storey (with high pitched roofs) terrace building to the south west (fronting Green Lane); a 2 to 3 storey block of flats to the south east (fronting Middleton Road); designated open space which is a SINC (Sutton line south of Wimbledon SINC) and Green Corridor to the west, which is intersected by a railway line; a multi-use games area (including a pitch constructed to Sports England standards) to the north, beyond which is Morden Recreation Ground (designated open space).
- 2.2 The site was formerly known as Risley Playing Fields; however, in 2009 permission was granted for the redevelopment of the site to provide a school, with construction being completed in 2010. The existing building is located centrally within the site, spanning from east to west roughly in an ‘S’ shape, the building is part single, part two storeys in height and has a floor area of approximately 3,300sq.m. Access to the site is from Middleton Road. The southern portion of the site is used as a carpark while the northern portion is used as a play area. The site has an area of approximately 1.5ha.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for 4 (3 x single storey and 1 x two storey) separate extensions to the school.
- 3.2 The proposed extension to the north west would be single storey with a flat roof and would roughly match the width of the existing building at that point. The proposed central extension would be two storeys with a flat roof and would roughly match the height of the building at that point. The central-south east extension would be single storey with a flat roof. The south east extension would be single storey with a flat roof. All proposed materials would match those existing.
- 3.3 The proposed extensions would have the following dimensions:
- North west extension: 8m deep, 27m wide and 4m in height.
 - Central extension: 5.1m deep, 14.5m wide and 7.4m in height.
 - Central-south east extension: 5.6m deep, 4m wide and 3.7m in height.
 - South east extension: 8.9m deep, 9.4 wide and 3.7m in height.

The proposed extensions would increase the floor area of the building by 495sq.m to 3,795sq.m.

- 3.4 This application is a departure from the development plan given it proposes to build part of the development (the north west extension) on designated open space, with no equivalent provision offered in return. The applicant has provided a statement in support of the application which outlines the necessity of the proposed expansion to the school along with the need to extend into the designated open space, the statement advises the following:
- 3.5 Perseid Upper School caters for special educational needs students between ages 11 – 19; whereas Perseid Lower School caters for special educational need students up to the age of 11. Organisationally, Perseid School (both upper and lower) is one school under a single governing body and Headteacher.
- 3.6 The London Borough of Merton has a legal obligation to secure the provision of sufficient school places for its area. There has been a significant increase in demand

for school accommodation in Merton, with more children entering school age, fuelled by the number of live births that has risen by approximately 39% in the last ten years, which is now flowing into secondary school age. This rise in demand for school accommodation has also impacted upon the provision for pupils with special educational needs. This was confirmed in the recent paper which was presented to Councils Children and Young People Overview and Scrutiny Panel on 11 October 2016; the paper highlighted the shortfall in places for children with special educational needs and in particular the need to expand Perseid Upper School to keep up with demand in the borough and those students coming from Perseid Lower School.

- 3.7 Perseid Upper School was originally designed for 56 pupils. However, due to the increase in demand, the lower school has already expanded within the past two years to accommodate an additional 28 students. As the lower school is a feeder for the upper school and as these are specialised facilities providing for the entire borough (no readily available alternatives), the upper school needs to be expanded in turn to ensure these students will still have a school to attend when they reach 11 years. It is proposed to increase the capacity from 56 pupils to 84, which would also result in an additional 15 members of staff.
- 3.8 Developing the existing building is severely constrained at the front and rear by essential car, van and coach parking and playground space respectively (due to the special needs of the children, the majority arrive by taxi or mini bus). Development to the East is prevented by the sport pitch (constructed to Sport England standards). The only way to avoid building on either the front area or open space is to build up. However, this is problematic due to the nature of the existing building where the ventilation comes from the roof, and the nature of the pupil disabilities, teaching methods and special needs circumstances requiring the extra classrooms to be required in specific areas at ground level. Where possible, extensions have been accommodated within the site on first floor and within the playground area, it has also been necessary to expand onto an area of the designated open space/SINC. The area of SINC to be built upon constitutes approximately 0.4% of the total SINC.

4. PLANNING HISTORY

- 4.1 There is extensive planning history associated with the site formerly known as Risley Playing Fields; however, the summary below will relate solely to the site now occupied by Perseid Upper School:
- 4.2 08/P1509: Construction of a part single, part double storey building for a new special needs centre, providing secondary education, with a new football pitch and games area, incorporating 8 floodlighting columns to a height of 8m, car parking with access from Middleton Road – Planning permission granted.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices which identified the application as a departure from the adopted development plan; in addition, letters were sent to neighbouring properties which were considered to be potentially affected – no representations were received.
- 5.2 LBM Transport/Highways officers: No objection. It is not considered the proposal would have a significant impact upon the highway network. Recommended conditions requiring an updated travel plan.
- 5.3 LBM Tree Officer: No objection.

- 5.4 LBM Climate Change Officer: No objection.
- 5.5 LBM Green Spaces: No objection. With regard to the affected open space/SINC land: the methodology, findings and recommendations in the submitted Ecological Appraisal along with the proposed Site Management Plan are considered to be acceptable. The loss of the area of SINC is considered to be acceptable subject to the implementation of the management plan and to conditions to protect biodiversity during and post construction. The scheme would include a 10 year maintenance schedule which would be funded by the applicant who would appoint contractors experienced in habitat creation; any works would be undertaken in consultation with LBM Green Spaces. Advised that a 10 year maintenance schedule is acceptable as it is considered to be a maximum reasonable time the developer should be liable for maintenance costs.

6. POLICY CONTEXT

- 6.1 NPPF - National Planning Policy Framework (2012):
11. Conserving and enhancing the natural environment
- 6.2 London Plan Consolidated 2015:
2.6 Outer London: vision and strategy
2.18 Green infrastructure: the multi-functional network of green and open spaces
3.1 Ensuring equal life chances for all
3.18 Education facilities
5.3 Sustainable design and construction
5.10 Urban greening
6.3 Assessing effects of development on transport capacity
6.9 Cycling
6.13 Parking
7.4 Local character
7.5 Public realm
7.6 Architecture
7.18 Protecting open space and addressing deficiency
7.19 Biodiversity and access to nature
7.21 Trees and woodlands
- 6.3 Merton Core Strategy 2011 policy (CS):
CS11 Infrastructure
CS13 Open space, nature conservation, Leisure and culture
CS14 Design
CS18 Active transport
CS19 Public transport
CS20 Parking, servicing and delivery
- 6.4 Merton Sites and Policies Plan July 2014 policies (SPP):
DMC1 Community facilities
DMC2 Education for children and young people
DMO1 Open space
DMO2 Nature conservation, trees, hedges and landscape features
DMD1 Urban design and the public realm
DMD2 Design considerations in all development
DMT2 Transport impact of development
DMT3 Car parking and Servicing Standards
DMT5 Access to the road network

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

The key issues in the assessment of this planning application are:

- Principle of development;
- Design and impact upon the character and appearance of the area;
- Impact upon neighbouring amenity;
- Impact upon transport, road safety, parking & sustainable transport;
- Nature conservation and impact upon SINC.

Principle of development

- 7.2 The principle of development should be considered in the context of the site's designation as open space. London Plan policy 7.18 states that the loss of open space must be resisted unless an equivalent or better provision is made in the same catchment to offset the loss, and that any re-provision must be supported by an up to date needs assessment. Policy CS13 of the CS states that the Council must protect and enhance the boroughs open space. Policy DMO1 of the SPP states that open space will be protected from inappropriate development and that in accordance with the NPPF, open space should not be built upon unless: an assessment clearly demonstrates the open space is surplus to requirement; or, a suitable re-provision offsets the loss; or, the development is for sports and recreation where the need clearly outweighs the loss.
- 7.3 The proposal is unable to meet the criteria for development on open space in accordance with London Plan policy 7.18 or SPP policy DMO1 given the open space is not surplus to requirement, a suitable re-provision to offset the loss has not been identified and the proposal is not for sports and recreation purposes. Therefore, this application constitutes a departure from the adopted development management plan. It is therefore considered necessary to assess this application on the balance of the need for additional accommodation for children with special educational needs, any practical alternatives to developing on the open space and the harm which would arise as a result of the loss of open space.
- 7.4 London Plan policy 3.18 states that development which would enhance education and skills provision will be supported including the expansion of existing facilities and those that address the current and projected shortage of primary and secondary schools will be particularly encouraged. Policy DMC2 aims to ensure there are sufficient school places of sufficient standard to meet statutory requirements and that proposals to improve education facilities will be encouraged particularly where new facilities are required in an area to meet an identified shortfall.
- 7.5 As discussed in section 3 of this report, there is a clearly demonstrated need for additional school accommodation for children with special educational needs between ages 11 - 19, which, in practice, could only reasonably be provided at Perseid Upper School. In addition, given the constraints of the site along with the special requirements of the students, part of the extensions would need to be built upon open space, resulting in the loss of 414sq.m of open space.
- 7.6 To assess the harm which would arise as a result of the loss of open space the applicant has reviewed the loss against Merton's Open Space Study 2010-2011. The study finds that the borough has a sufficient amount of accessible open space and SINC's based on the Mayor's biodiversity strategy criteria of built up areas. The Sutton Line South of Wimbledon SINC is referenced in the study as Grade 2 which is of the lowest importance; in addition, when officer's visited the site it was confirmed that the SINC has been neglected and used for dumping rubbish. The Sutton Line South of Wimbledon SINC is an extremely small SINC in the context of Borough wide SINC's and of this the proposal would reduce the SINC by approximately 0.4%.

While the proposal would result in the loss of some open space/SINC , the proposal would also include a SINC management plan which would serve to enhance the remaining area of SINC (this is discussed in more detail in the assessment below).

- 7.7 The proposal is unable to accord with London Plan policy 7.18 or SPP policy DMO1 which seek to protect open space; however, it is in full accordance with London Plan policy 3.18 and SPP policy DMC2 which seek to provide a suitable level of educational facilities. The applicant has investigated alternatives to avoid the loss of open space and where they have found that there is no practical alternative, they have minimised the loss as far as practicable by positioning 3 of the 4 extensions within the existing site. The SINC is Grade 2 which is of the lowest importance and the amount of open space lost is not considered to materially reduce the borough wide provision. In addition, to somewhat offset the loss of open space, it is proposed to increase the quality of the remaining space through the implementation of a management plan. Given the above, it is considered that on balance, the unique nature of the use and the associated extensions which would result in the loss of open space are considered to be acceptable, in principle, in this specific instance.

Design and impact upon the character and appearance of the area

- 7.8 The NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM D2 & DM D3 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of the existing building and their surroundings. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.9 The existing school buildings are predominantly single storey with a central two storey element. While the building has a flat roof, given the large lantern style rooflights and the ventilation extending from the roof, a varied roof form is created. The façade of the building is largely a combination orange/red brick and pre-fabricated cladding. The architectural elements vary across the building; however, when viewed holistically the individual elements work well together and it reads as one building.
- 7.10 The proposed extensions would continue the architectural style of the existing building, being sympathetic in terms of scale and form and incorporating matching materials. It is considered that the proposed extensions would respect the existing building along with the surrounding open space and the wider area.
- Impact upon neighbouring amenity
- 7.11 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 light spill/pollution, loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.12 Given the positioning, scale and form of the proposed extensions along with the placement of windows, it is not considered the proposed extensions would unduly impact upon neighbouring amenity in terms of loss of light, visual intrusion or loss of privacy.
- 7.13 Given the nature of the school, having a very high ratio of teachers to students and as only small groups of students would be outside at a time, it is not considered that the proposal would generate significant levels of noise. In addition, the play area of

the school would remain on the northern side of the building, meaning there would be a minimum separation distance from the play area to the nearest residential premises of approximately 48m and the building would provide screening from the residential properties. In addition, school is in attendance from Monday to Friday between the hours of 09:00 and 15:15, thus any noise generated would occur outside of sensitive times.

7.14 The proposal would include some external lighting which could impact upon neighbouring amenity. It is therefore recommended to include a condition to ensure external lights are directed away from residential properties.

7.15 Given the above, it is not considered the proposed development would unduly impact upon neighbouring amenity.

Impact upon transport, road safety, parking & sustainable transport

7.16 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.

7.17 Merton's Transport Planners have reviewed the application and advised that the proposal would not generate a significant negative impact upon the surrounding highway network. It is noted that the main access and parking provisions would remain unchanged. In addition, it is recommended to include a condition which would require a travel plan to be compiled and/or updated to accommodate the additional staff. Furthermore, it is noted that the school already has a significant provision of cycle parking.

7.18 Given the above, it is considered that the proposal would be acceptable in terms of its impact upon highway matters.

Nature conversation and impact upon SINC

7.19 NPPF section 11, London Plan policy 7.19 and SPP policy DM O2 seek to protect and enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.

7.20 The applicant submitted a Preliminary Ecological Appraisal which included a Phase 1 habitat survey, protected species assessment and ecological evaluation of land at Perseid Upper School. The survey found the SINC has suitable habitat for breeding birds, reptiles, badgers, hedgehogs and it found that invasive plants were present.

7.21 The applicant also submitted a proposed Site Management Plan for the SINC which would include habitat creation to compensate for the loss of approximately 0.04ha of species-poor semi-improved grassland and scattered scrub within the SINC. The management of the SINC would include clearance of nuisance plants; planting of woodland wildflower species; planting of native hedgegrows; the creation of habitat through planting, log piles (for invertebrates, amphibians, widespread reptiles and small mammals) and bat boxes; the repair and replacement of boundary fencing and paths to be cut through the SINC to ensure public access and benefit. The scheme would include a 10 year maintenance schedule which would be funded by the

applicant whom would appoint contractors experienced in habitat creation; any works would be undertaken in consultation with LBM Green Spaces. The LBM Green Spaces team have advised that a 10 year maintenance schedule is acceptable as it is considered to be a maximum reasonable time the developer should be liable for maintenance costs.

- 7.22 The methodology, findings and recommendations of the submitted Ecological Appraisal and the proposed Site Management Plan are considered to be acceptable. It is considered that the implementation of the management plan would significantly enhance the SINC. In addition, conditions are recommended to minimise disturbance of the SINC by ensuring materials are stored on existing hardstanding and to prohibit vehicles entering the SINC, to avoid works in breeding and hibernation seasons of protected species, avoid disturbance to reptiles and badgers and to ensure nuisance plants are removed from the SINC.

8. CONCLUSION

- 8.1 The principle of development is considered to be acceptable given there is a clear and overriding need for the proposed school expansion, there are no practical alternatives and as the harm to the open space and SINC are considered minimal. The proposed extensions are considered to be sympathetic to the existing building along with the wider area. It is not considered the proposal would unduly impact upon the amenity of neighbouring properties. It is not considered the proposal would unduly impact upon the highway network. Despite the scheme resulting in a loss of area to the SINC, it is considered that suitably conditioned the scheme would enhance the SINC through the implementation of the management plan.

- 8.2 The application is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Standard condition [Commencement of development]: The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. Standard condition [Approved plans]: The development hereby permitted shall be carried out in accordance with the following approved plans: [Refer to the schedule on page 1 of this report].

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Standard condition [Materials]: 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.

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

4. Amended standard condition [Travel plan]: Prior to the commencement of the use of the development hereby permitted, a new Travel Plan or an update to the

existing 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 on-going 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.

5. Standard condition [construction times]: No demolition, construction work or deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays.

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

6. Amended standard condition [External lighting direction]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundaries shared with residential properties.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policies DM D2 and DM EP4 of Merton's Sites and Policies Plan 2014.

7. Non-standard condition [External lighting lux levels]: All external lighting shall be designed in accordance with, and shall not exceed to the levels specified in, the SINC Isoplot drawing No: E2004.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

8. Non-standard condition [SINC management plan]: The details and measures proposed in Appendix D (SINC Management Plan v4) of the 'Design and Access Statement' received 23/02/2017 shall be implemented in accordance with, and follow the sequence of events specified in, the document.

Reason: To mitigate and offset the impact of the development hereby approved and to ensure a net gain in biodiversity in accordance with NPPF section 11 and Merton's Sites and Policies Plan 2014 policy DM O2.

9. Non-standard condition [Working method around SINC]: The storage of any materials and vehicles shall be confined to existing hardstanding areas and no vehicle movements shall be permitted on land which is outside of the footprint of the proposed extension and where those movements would occur on land designated as a Site of Importance for Nature Conservation (SINC).

Reason: To protect and enhance biodiversity, in accordance with policy DM O2 of Merton's Sites and Policies Plan 2014.

10. Non-standard condition [Bird breeding season]: The removal of any vegetation within the SINC with the potential to support breeding birds must be carried out between the months of September to February inclusive; unless, a suitably qualified ecologist is appointed to undertake a nest survey which lists the nests and proposed mitigation measures to ensure the proposed works do not adversely affect birds nesting on site. If works which are the subject of this condition are intended to take place outside of September to February (inclusive), no works shall be carried out until the details of the nest survey are approved by the Local Planning Authority; any vegetation clearance shall then be undertaken in accordance with the approved details.

Reason: To protect and enhance biodiversity, namely breeding birds, in accordance with policy DM O2 of Merton's Sites and Policies Plan 2014.

11. Non-standard condition [Reptiles]: The clearance of any low lying vegetation or ground works within the SINC shall only be carried out between the months of April and September (inclusive) when reptiles on site are active. Any removal of low lying vegetation and/or ground works on site shall be carried out in accordance with the instructions in the submitted Preliminary Ecological Appraisal dated 3.11.2016.

Reason: To protect and enhance biodiversity, namely reptiles, in accordance with policy DM O2 of Merton's Sites and Policies Plan 2014.

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PLANNING APPLICATIONS COMMITTEE

20th April, 2017

APPLICATION NO.	DATE VALID
17/P0588	06/02/2017
Address/Site:	29 St George's Road, Mitcham CR4 1ED
Ward	Pollards Hill
Proposal	Erection of a front porch
Drawing No's	'Site Location Plan', 'Floor Plans THALAM/29/01', & 'Elevations THALAM/29/01'
Contact Officer	Felicity Cox (020 8545 3119)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to planning conditions.

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 2
- Press notice: No
- Site notice: Yes
- External consultations: No
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee as it has been called in to committee at the request of Councillor Martin Whelton (Cabinet Member for Regeneration, Environment and Housing).

2. SITE AND SURROUNDINGS

- 2.1 The application site is two-storey semi-detached house located on the northern side of St George's Road.

2.2 On the northern side of the site, the house abuts a shared access drive.

2.3 The application site is not located within a conservation area.

3. CURRENT PROPOSAL

3.1 The application is for the erection of a front porch with dimensions 2m deep and 2.7m wide, covering a ground area of 5.4 square metres. The porch would have a maximum height of 3.3m and a height of 2.5m to eaves (hipped roof).

3.2 The porch would be finished with a brick layer finishing and tile roof to match the existing house.

4. PLANNING HISTORY

4.1 The relevant planning history pertaining to the site is as follows:

14/P0406 - PRIOR APPROVAL IN RELATION TO THE ERECTION OF A SINGLE STOREY REAR EXTENSION WITH THE FOLLOWING DIMENSIONS: EXTENDS BEYOND THE REAR WALL OF THE ORIGINAL DWELLINGHOUSE BY 6 METRES; THE MAXIMUM HEIGHT OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3 METRES; THE HEIGHT OF THE EAVES OF THE ENLARGED PART OF THE DWELLINGHOUSE WILL BE 3 METRES - Prior Approval Not Required

5. CONSULTATION

5.1 The application was advertised by means of neighbour notification letters and a site notice.

5.2 There were five objections from local residents raising concerns relating to:

- Insufficient neighbours notified by post and site notice poorly displayed.
- Site has already been overdeveloped.
- Rear garage is above permitted height and boundary.
- Rear extension is largest permitted and intrusive, not consistent with scale of extensions undertake in street.
- Porch is out of keeping with front presentation of any other property on this road. Porch would result in a loss of character to the whole road.
- Extent to which porch would project further than the sight line of all houses on road would cause an obstruction to the view of the street and reduce light and outlook.

- Front porch extension could lead to first floor extension.
- Construction works will lead to skips and rubbish in streets.

5.3 Councillor Martin Whelton – has objected to the proposal on the basis that the porch is out of keeping with character of housing in the street.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):
Part 7 Requiring Good Design

6.2 London Plan (2015)
7.4 Local character
7.6 Architecture

6.3 Merton LDF Core Planning Strategy (2011)
CS14 (Design)

6.4 Merton Sites and Policies Plan (2014)
The relevant policies in the Merton Sites and Policies Plan (2014) are:
DM D2 (Design considerations in all developments)
DM D3 (Alterations and extensions to buildings)

7. PLANNING CONSIDERATIONS

7.1 The main issues to consider are the impact of the proposal upon the character of the building and surrounding area and impact on the residential amenities of adjoining occupiers.

7.2 Design and Appearance
London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings. It continues to state that appropriate materials should be used which would complement and enhance the character of the wider setting.

7.3 The property is a semi-detached house with an existing front porch that is not currently enclosed, but has a roof extending over the doorway that is in line with the front bay window of the dwelling. A large number of the houses in the street have already enclosed their front porches in line with the gable window.

7.4 Whilst no other dwellings in the street have extended their porch forward of the front gable windows, these dwellings have deep front gardens and the plans show that the porch will only protrude 1.3m past the front bay window of the house. Taking into consideration the setback from the highway and the scale and siting of the front porch, it is not considered that the proposal would have a harmful impact on the visual amenities of the streetscene.

7.5 The porch is a subservient addition to the dwelling that is of a design that is sympathetic to the character and scale of the host dwelling. The use of materials is also sympathetic to the original house. It is noted that other additions have been undertaken at the rear of the property; however the scale of the subject proposal is not considered to be overdevelopment of the site. It is therefore considered that the proposed front porch would be acceptable and in accordance with Policy DM D2 and DM D3 in street scene terms.

7.6 Neighbour Amenity

London Plan Policy 7.6 (Architecture) requires that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. SPP policy DMD2 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 or noise.

7.7 Due to the modest scale of the porch and position on the site, the proposed porch is not considered to result in adverse amenity impacts on the adjoining dwellings in accordance with Policy DM D2 and DM D3. The porch will be located adjacent to a shared access drive, and therefore will not result in loss of sunlight or daylight to any adjoining property.

7.8 A number of other concerns have been raised as a result of neighbour consultation including the height of a garage to the rear, the erection of a single storey rear extension and the potential for a first floor extension. None of these concerns is relevant to the assessment of the current application. Concerns have also been raised to the level of consultation. The extent of neighbour notification is entirely consistent with publicity for an application of this nature and fully complies with statutory requirements.

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 proposal is for a porch that is considered to be sympathetic to the character and scale of the host dwelling, is not considered to adversely impact the amenities of adjoining properties and would not detract from the appearance of the St George's Road streetscene.

RECOMMENDATION Grant planning permission subject to conditions.

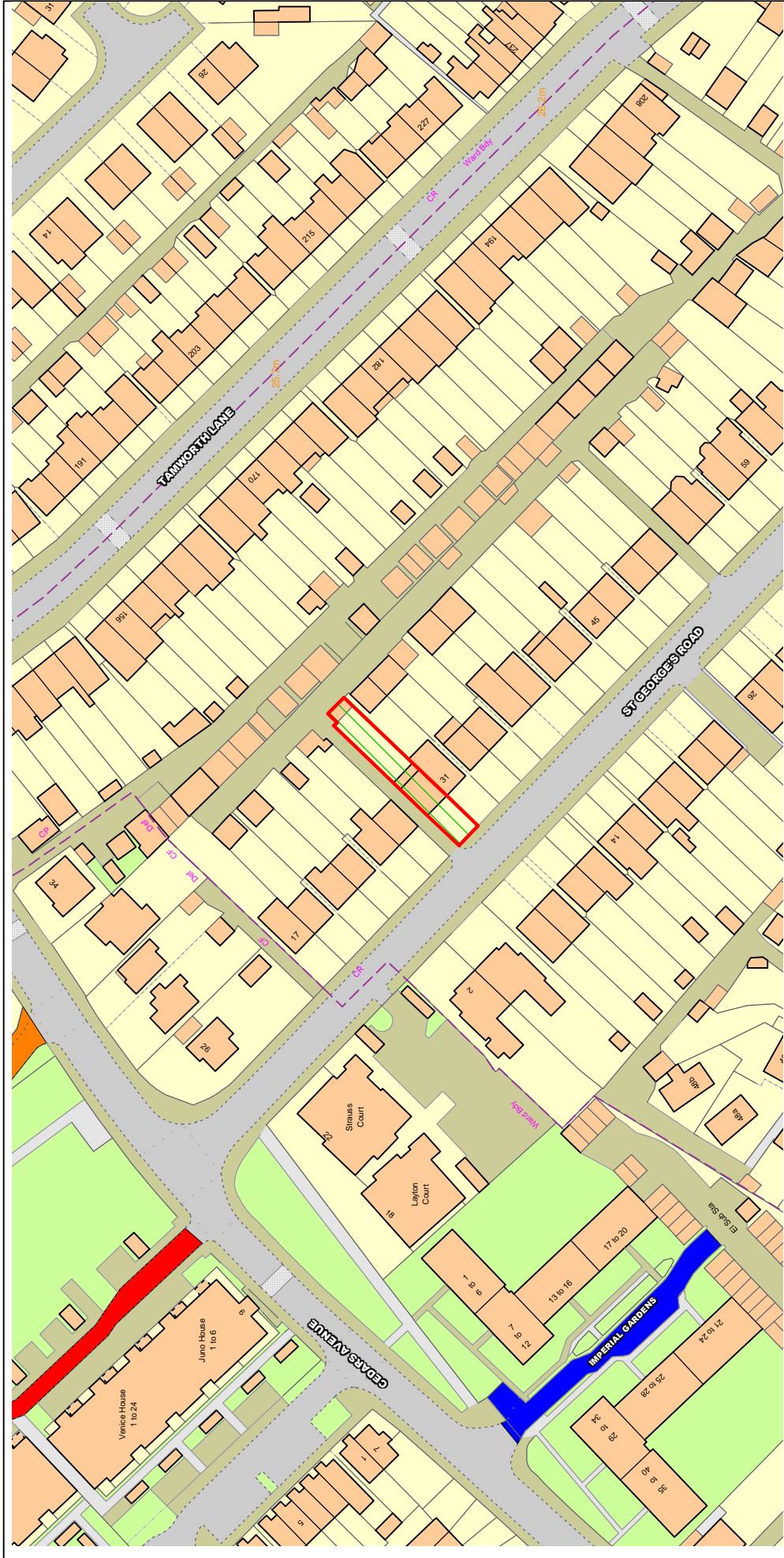
Conditions

- 1) A1 Commencement of works
- 2) A7 Built according to plans; 'Site Location Plan', 'Floor Plans THALAM/29/01', & 'Elevations THALAM/29/01'
- 3) B3 External Materials as specified
- 4) NPPF Informative

[Click here](#) for full plans and documents related to this application.
Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



Text Details **29 St Georges Rd**

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**PLANNING APPLICATIONS COMMITTEE
20 APRIL 2017**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P0438	30/01/2017
Address/Site	12 Waterside Way, Tooting, SW17 0HB
Ward	Wimbledon Park
Proposal:	ERECTION OF A CONCRETE BATCHING PLANT WITH ASSOCIATED STOCK BAYS, BATCH CONTROL CABIN, CAR & CYCLE PARKING AND ANCILLARY STRUCTURES
Drawing Nos	2712/10 Rev E, 2712/11 Rev E and 2712/12 Rev E.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: Not required.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 15
- External consultations: Yes (Environment Agency)
- Controlled Parking Zone: No
- PTAL: 1b (poor)
- Flood Zone: Flood Zone 3a (high probability)
- Conservation Area: No
- Listed Building: No
- Protected trees: No

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the number of objections received. In addition, the application has been brought before the Committee at the request of Councillor Latif.

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises a plot of 0.2ha within an existing industrial area. The site is located towards the eastern end of the industrial area to the southern side of Waterside Way. The site is operated by Cappagh Public Works Ltd.
- 2.2 The site is currently laid to hardstanding. The site is currently being used for storage of materials, parking and storage of machinery, including storage of a cement silo which has previously been used temporarily on site.
- 2.3 The site is enclosed by metal palisade security fencing.
- 2.4 There are two double width vehicular accesses leading on to Waterside Way from the site.
- 2.5 The southern boundary of the site is demarcated by a line of mature trees with a railway line beyond. There is an electricity pylon to the immediate southeast of the site.
- 2.6 To the immediate west of the site is a part three storey, part two storey office building which is operated by Cappagh also but does not form part of the site area (Cappagh Head Office). Beyond this, to the west, is a plot accommodating 'Richard Wolf Uk Ltd', a medical supplies company. Beyond Richard Wold UK Ltd is 'Abel & Cole', an organic food supplier accommodated within a warehouse with offices at first floor level.
- 2.7 Opposite the site is another industrial plot, operated by Cappagh also. Further to the west, on the north-eastern side of Waterside Way is 'Waterside Way Garage', a bus depot managed by 'Go Ahead London'.
- 2.8 To the immediate east is 'Prentice Glass Ltd' a glass merchants and glazing contractors company based in the end plot of the industrial estate, contained with a warehouse building. Premier Scaffolding Specialists Ltd is also located to the eastern end of the industrial estate.

- 2.9 The application relates to the eastern part of the plot only, with the existing part three storey, part two storey building not forming part of the area to be developed.
- 2.10 The closest residential properties are located at Caxton Road, approximately 125m from the site, to the southwest, beyond the River Wandle and the railway line. There are also residential dwellings at Chaucer Way, approximately 165m away from the site, to the southeast. To the west, are residential properties at Havelock Road, approximately 145m from the site. Garfield Primary School is located approximately 160m from the application site, to the south.
- 2.11 The site is subject to the following planning constraints:
- Archaeological Priority Zone
 - Strategic Industrial Location
 - Flood Zone 3A
 - Wandle Valley 400 buffer zone

To the immediate west and south of the site is:

- Green chain
- Metropolitan Open Land
- Wandle Valley Regional Park
- Site of Importance for Nature Conservation (SINC)

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of a concrete mixing batch with associated stock bays, batch control cabin, car and cycle parking, and ancillary structures.
- 3.2 The machinery would be located along the southern part of the site. There would be a ground feed hopper, aggregate feed conveyor (15.1m in height), wedge pit, water tanks, mixer house and loading point (16.2m in height), batch control cabin (3.8m in height with a GIA of 26sqm) and covered overhead storage bins (17.1m in height) and three integral cement silos.
- 3.3 Four bulk material bays would be located to the northern part of the site. Three car parking spaces, two motorcycle parking spaces and 4 covered cycle parking spaces are proposed.
- 3.4 The existing vehicular access to the east would be widened from 5m to 7m. New sliding gates would be provided to both accesses.

- 3.5 Four new floodlights would be installed, rather than using the existing lights on the southern boundary. These lights would be directed to the north and east, fitted with LED or low pressure sodium bulbs and would be operational
- 3.6 The plant/site will be operated as follows:
- Aggregate will be delivered to the site by road and tipped into the ground level aggregate receiving hoppers.
 - Aggregate will then be transferred by covered conveyor to the overhead aggregate storage bins;
 - There will also be ground aggregate storage bays for any aggregate overflow;
 - Cement will be delivered by road to the site by cement tanker and discharged by a sealed pipe system under pressure into the cement silos;
 - Cement will be transferred from the cement silos into the batching plant by sealed pipes;
 - The mixing and loading of concrete is computer controlled and undertaken within the integral batching plant and controlled with the batching cabin;
 - Aggregate, cement and water are mixed within the plant mixer and then discharged into the waiting truck mixer within the mixer loading point beneath the batching plant.
- 3.7 Concrete would not be crushed on site.
- 3.8 The application sets out that the following HGV movements are anticipated:
- Aggregate in – 14 loads per day equating to 28 daily movements;
Cement in – 4 loads per day equating to 8 daily movements;
Concrete out – 25 loads per day equating to 50 daily movements.
- 3.9 The application states that 35% of the total amount of aggregate used in the concrete production at the site would be recycled material from Cappagh's recycling facility at Riverside Road (approximately 1 mile away).
- 3.10 The operating hours of the site would be 0700 to 1900 Monday to Friday, 0700 to 1300 Saturdays and No Sunday or Bank Holiday working.
- 3.11 The agent anticipates that the proposed concrete mixing bath would employ 5 drivers, 2 plant staff and 2 office staff. The office staff would

be based at the offices housed on the adjoining site.

4. **PLANNING HISTORY**

- 4.1 81/S/1991 – Outline – construction of an estate road. Refuse Permission 12/12/2000.
- 4.2 82/S/1234 – Formation of estate road and associated footpath to serve industrial/warehouse development on adjoining site with London Borough of Merton (land was under control of London Borough of Merton as from April 1994). Grant permission subject to conditions 21/12/2000.
- 4.3 82/S/1293 – Erection of industrial/warehouse units with ancillary office servicing and car parking areas (land now under the control of London Borough of Merton as from April 1994). Grant permission subject to conditions 20/12/2000.
- 4.4 91/P0602 – Outline application for use of land for storage or distribution purposes (Class B8) (Council application). Grant Section 316 permission 12/07/1991.
- 4.5 91/P0606 – Outline application for use of land for general industrial purposes (Class B2) (Council application). Grant Section 316 permission 12/07/1991.
- 4.6 93/P0296 – Erection of new building with associated car parking for B2 general industrial use as manufacturing of water treatment equipment water bottling and importation/exportation. Grant permission subject to conditions 28/07/1993.
- 4.7 93/P1480 – Erection of new building with associated car and cycle parking for B2 general industrial use as manufacturing of water treatment equipment, water bottling and importation/exportation (modification to planning permission 93/P0296 dated 28/07/93). Grant permission subject to conditions 04/02/1994.
- 4.8 94/P0828 – Erection of electrical sub-station and switch room. Grant permission subject to conditions. 04/11/1994.
- 4.9 02/P0515 – Application for a certificate of lawfulness for a first floor window at rear of unit. Issue Certificate of Lawfulness 18/06/2002.
- 4.10 04/P0826 – Alterations involving the formation of 4 new windows on the front elevation of the existing building in connection with the partial

conversion of the mezzanine storage area to provide ancillary office. Grant permission subject to conditions 09/07/2004.

4.11 Other relevant history:

8 Waterside Way:

94/P0132 – Use of land for the open storage of building materials, storage of plant and equipment relating to the construction industry and the recycling of concrete by the use of a concrete recycling plant. Refused on 21/07/1994 for the following reason:

- “1. The proposed concrete crushing plant by reason of noise and dust, would be an unacceptable use for this very small site, detrimental to the amenities of the occupiers of nearby industrial units, to visitors to the adjacent cemetery and to the occupiers of nearby residential properties to the west of the River Wandle, contrary to policy EP2 and EP3 of the Unitary Development Plan Deposit Draft.”

5. **CONSULTATION**

5.1 Standard 21-day site notice procedure and individual letters to 15 neighbouring occupiers. 21 letters of representation has been received, including nearby businesses and residential properties, objecting on the following grounds:

- Noise and dust/air pollution – affecting residential properties, Garfield Primary School, offices nearby and nearby glass manufacturers.
- This type of development is not welcome in this location. There is no pre-established designation for this type of development.
- The area is already congested and polluted. There is no air monitoring in place and the application should not even be considered until pollution monitoring is put in place.
- Concern that road would not be kept clean and spillages/debris cleared.
- Increase in traffic flow and congestion.
- Displacement, additional on-street parking as site currently accommodates parked vehicles.
- Query whether the staff parking proposed would be sufficient.
- There is no pre-established designation for a concrete plant at this site and there is sufficient supply of ready-mix concrete currently. There is no need for the proposal.
- The site is not big enough to accommodate 5 truck-mixers,

tankers and general deliveries.

- Query where truck-mixers would be parked overnight.
- Query whether the number of truck-mixers would be limited by condition if permission granted.
- Query whether any permission would ensure 35% recycled aggregate, if not, there would be significantly more traffic movements.
- The starting time is too early, the finishing time is too late – causing increased and unreasonable distress and disruption to local residents.
- Adverse impact on wildlife and amenity of adjacent River Wandle corridor. A full assessment of the social impact of this increase in noise levels and usage of the nature park during the day should be required.
- The hours of operation are clearly unacceptable and should be more in line with normal business hours.
- The visual impact is unacceptable.
- Concern that residential properties in the area have not been notified, as they were for the waste incinerator proposal.
- Cappagh's Waterside Way plant is due to be closed as a result of Crossrail. Therefore the assertion that 35% of aggregate will be from local sources will be incorrect.
- The Hanson concrete plant already billows out cement dust not far away – we do not want another operator in the area.
- These operations should be rail-fed to minimise HGV movements.
- Concern that any hours of working condition would be breached.

5.2 Environment Agency:

Not yet received – to be addressed in Supplementary Agenda.

5.3 Flood Risk Officer:

Site is within Flood Zone 3A as shown on the Environment Agency flood risk maps. The proposed use is classified as being 'less vulnerable' use class as per the NPPF definitions. Topographic levels on the site vary between 10.2m and 10.6m AOD and it is relatively flat.

The existing site is 100% impermeable. It is unknown if the existing site is served by positive drainage, although it is assumed that the site drains to the sewer in Waterside Way. In the post development scenario, the site will remain 100% hardstanding.

Some flood defences are present offering a level of protection to the

site, thought to be in order a 1 in 50 year standard of protection but the site it is still at risk from events greater than this magnitude. Flood depths across the site in the order of 0.2-0.6m for a 1-in-100 year storm event and 0.4-0.8m for a 1-in-1000 year flood event.

The Environment Agency take the lead on main river flood risk and they will need consulted as a statutory body. The Environment Agency will need to be satisfied with regards to river flood risk, climate changes allowances and whether the proposal has the ability to increase offsite flood risk, including floodplain compensation measures.

The EA's flood mapping shows the majority of the application site to have a 'low' susceptibility of surface water flooding, considered to have between a 1-in-100 and 1-in-1000 annual probability of flooding. The EA maps also show that flood depths are expected to be between 0.3m and 0.9m deep and flow velocities less than 0.25m/s.

The operation of the concrete batching plant facility requires the use of significant volumes of water for various uses. It is proposed to reuse all surface water runoff from within the application site as part of the on-site operational processes. A 45m³ above ground recycled water tank would be used and it is anticipated that all rainwater collected within this tank would be reused daily on-site. To ensure operation on-site is able to continue unaffected during periods of dry weather, a back-up fresh water tank, supplied by Thames Water mains water, is also proposed as part of the proposed development.

The recycled water tank, wedge and sump pit and hopper pit will provide a total volume of 281m³ available storage for surface water runoff on Site. This is greater than the 136m³ total volume of rainfall to be accommodated within the Site for the 1-in-100 year 6 hour storm, including allowances for climate change over the lifetime of the development.

The design life of the development is considered to be 25 years. Buildings proposed as part of the new development in relation to operation of the concrete batching facility would be designed to be floodable. The FRA states that 'although operation of the application site would need to cease during a flood event, it is not anticipated that ingress/ egress of flooding water to these parts of the application site would have any significant long term detrimental impacts on the operation of the application site'.

We would expect further detail on the measures to address water quality and pollution control to be submitted to the satisfaction of the

Environment Agency and of our Environmental Health department.

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 and the method employed to attenuate flows to sewer or main river. 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;

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.

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 Flood Risk Assessment document included 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 CS16 and policy DM F1 and the London Plan policy 5.12.

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).

5.3 Transport Planning:

The PTAL is 1b (poor) with bus available as the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied.

This development proposes four secure covered cycle parking stands which is in line with London plan minimum levels and is welcomed. Three on site car parking spaces have been provided it is thought that this provision in off street parking will not generate a significant level of over spill parking.

Trip generation by the proposal will be a significant decrease in trip generation the present site produces 238 vehicle movements, of which 182 are HGVs, currently the site has an office and repair use associated with it. The proposed batching plan will generate 96 total vehicle movements a day of those 86 are HGVs. The reduction in movements reduces vehicular movements at the junction of Watermill Way and Plough lane by 3%.

The TA states that there may be further reductions in HGV movements on the surrounding highway network given linked trip between the two sites (the owner has another site nearby). This may be true however for the purpose of this assessment a worst case scenario has been assumed which is the uplift in movements between those associated with the current use that those associated with the proposed batching plan.

It is thought that the circulation of the site is suitable to accommodate vehicles, it's unlikely that all associated vehicles will be on site during the course of the day, at the start and finish of the day multiple vehicles may be stored on site, which currently happens, the

management of these vehicles during this time can be dealt with by the operators of the site.

The proposal is likely to significantly improve the performance and safety of the immediately surrounding highway network, as such a recommendation for approval is supported.

5.3 Highways:

Highways comments are H9, H10, H12, H13, INF9 and INF12

We do not have any objections to the proposal.

5.4 Crossrail

Transport for London administers the Crossrail 2 Safeguarding Direction made by the Secretary of State for Transport on 24 March 2015.

I confirm that this application relates to land within the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. If the Council, in its capacity as Local Planning Authority, is minded to grant planning permission, please apply the following conditions on the Notice of Permission:

C1 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

(i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.

Informative:

Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures.

It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

5.5 Sustainability:

There are a number of Merton Policies that do not apply to this application. The development does not include any office space or ancillary buildings that would be assessed under Part L of the building regulations or that would be suitable for assessment under BREEAM, and so for these reasons policy CS15.f. is not applicable. The applicant has not included a section on sustainability in their design and access statement, and whilst a number of the boroughs sustainability policies are not applicable the applicant may wish to add a small paragraph relating to sustainability to their design and access statement in order to highlight how elements of the developments design have taken account of the boroughs sustainability policies (e.g. the specification of LED lighting etc.), however this would simply be for clarity and to help counter act opposition to the application grounds on the basis of pollution.

5.6 Environmental Health:

Further to your consultation in relation to the above planning application. Should you be minded to approve the application I would recommend the following conditions:

- Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any plant/machinery associated with premises shall not exceed LA90-10dB at the boundary with the closest residential property.
- Prior to the commencement for the use of the site, an application shall be 'duly made' for a Permit to meet the requirements of the Pollution Prevention and Control Act 1999 and associated Regulations.

With regards to dust, the legislation to control this is the Pollution Prevention and Control Act 1999 and associated accompanying Regulations. Specifically unloading of bulk cement into storage and cement batching is regulated under this legislation, the aim of this legislation is the control of emissions to air, i.e. dust. The site will require a formal Permit containing conditions regarding dust emissions thus the negating reason to duplicate dust control planning conditions.

Aggregates are delivered to site for use in their individual product size, they are not crushed on site.

As far as I am aware this location already has heavy vehicle plant movements.

Suggest vehicle movements should be restricted to 7am-7pm Monday-Friday and 8am-1pm on Saturdays.

5.7 Biodiversity Officer:

The Site:

The site is designated within the WVRP_Buffer_400m - Brangwyn Crescent and Green chain (ID 7) runs through the site and the southern boundary of the site is designated as SINC - Wandle Trail Nature Park and Lower River Wandle with Wandle Valley MOL adjacent to the southern boundary.

GiGL data shows bats, mice, birds, foxes and a number of notable aquatic/wetland plant species within a 2km radius of the site.

Preliminary Ecological Appraisal:

The applicant has submitted a Preliminary Ecological Appraisal January 2017 and the site survey was carried out on site survey 6 December 2016.

The methodology, findings and recommendations of the submitted Preliminary Ecological Appraisal are considered acceptable.

Key report recommendations:

As confirmed in the report it is considered that the boundary tree line running along the Wandle river corridor is likely to act as a commuting or foraging corridor for bats. This report also confirms that several trees in the boundary tree line would be considered to support features of low value for roosting bats. No further survey are therefore recommended, however if any trees are subject to direct disturbance a precautionary approach should be taken, with works overseen by a licenced bat ecologist.

Potential nesting value was noted associated with the boundary tree line.

Should any vegetation clearance be required it should be timed to fall outside of the nesting bird season, taken to conservatively run March and September, unless an ecologist confirms the absence of nesting birds. Please see proposed condition 3 below.

Records for key species of conservation concern were found for the local area however. No further surveys are recommended for these species', however proposals should consider their presence in the local area and provide appropriate enhancement measures.

Value for other key protected species such as reptiles, great crested newt, badger, dormouse, water vole and otter was deemed negligible given the location of the site, and nature of the existing habitats.

Recommended that the provision of an improved lighting regime along boundary vegetation – existing lighting (which uses high pressure sodium bulbs) be replaced by LED or low pressure sodium bulbs; these bulbs have reduced levels of light in the UV, and narrower light bandwidth ranges resulting in reduced attractiveness to invertebrates, when compared with other widely used bulbs. The former floodlights columns, located on the boundary itself, will stay in place however will not be used. New units will be located on the plant structure, away from the boundary. The lighting units will be directional, facing away from the boundary vegetation towards the entrance and exit gates, ensuring a dark corridor is maintained outside of operational hours, which will be 0700 – 1900; no lighting should be on outside of these hours; and

The design and access statement page 11 states the following re lighting proposed:

The application proposes to install 4no. flood lights some 10m away from the boundary, towards the centre of the site, attached to the new plant itself. The lights would be directed towards the north and east, fitted with LED or low pressure sodium bulbs and will only be used within the operational hours of the plant (07:00 – 19:00). The proposed lighting is considered appropriate to ensure safe operation of the plant, whilst not creating conflict or light pollution in respect of the Green Corridor and SINC designation of the land to the south, as confirmed within the Ecology Appraisal.

I also note that the report notes that enhancements could be achieved through the provision of bird and bat boxes in the tree line. However the applicant has not provided details of bird and bat boxes. Policy CS13 (g Nature Conservation) of the Core Strategy instructs Council to "Require, where appropriate, development to integrate new or

enhanced habitat or design and landscaping which encourages biodiversity ..". In this case it is considered that there is an opportunity to enhance the biodiversity value of the site through the provision of bird and bat boxes in the tree line adjacent to the River Wandle. As such I advise that the planner request the applicant submit details of bird and bat boxes to be provided as noted in the submitted report.

At this stage should you be minded to approve this application, in accordance with the recommendations section of the report I propose the following conditions:

A suitably worded condition requiring the applicant to submit a construction and environmental management plan detailing dust and pollutant spillage controls. The management plan should demonstrate that dust associated with the processing site is minimised to mitigate any potential impacts upon the Wandle River Corridor. This is required to ensure that no net increase in air or liquid/waterborne pollutants from the site, such as oil spillage are generated and to ensure the protection of the ecological integrity of the adjacent Wandle River corridor.

A suitably worded condition requiring the applicant to protect trees on site in accordance with standard BS5837: 2012 – Trees in relation to design, demolition and construction-Recommendations. This will ensure that trees on site are suitably protected during the construction and operational phase of development on site.

A suitably worded condition instructing the applicant that should any trees located along the tree boundary require removal a precautionary approach and any works must be overseen by a licenced bat ecologist.

A suitably worded condition instructing the applicant that the removal of any vegetation with the potential to support breeding birds should be carried out between the months of September to February inclusive. Should any vegetation clearance be undertaken during the breeding season the applicant must appoint a suitably qualified ecologist to undertake a nest survey and submit a report to the Local Planning Authority for approval prior to works being undertaken. This report shall list the nests and proposed mitigation measures to ensure the proposed works do not adversely affect birds nesting on site. This is to ensure there are no adverse effects on bird nesting on site during the breeding season and to ensure compliance with bird breeding protection rights under the Wildlife and Countryside

Act 1981.

6. **POLICY CONTEXT**

6.1 The following policies are relevant to this proposal:

Sites and Policies Plan and Policies Map (July 2014)

DM E1	Employment Areas in Merton
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D2	Design considerations in all developments
DM EP2	Reducing and mitigating noise
DM EP4	Pollutants
DM F1	Support for flood risk management
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
DM T5	Access to the Road Network

LDF Core Planning Strategy (July 2011)

CS12	Economic Development
CS13	Open space, nature conservation, leisure and culture
CS14	Design
CS15	Climate Change
CS16	Flood Risk Management
CS17	Waste Management
CS18	Active Transport
CS20	Parking, Servicing and Delivery

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

2.17	Strategic Industrial Locations
5.1	Developing London's Economy
4.4	Managing Industrial Land and Premises
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.12	Flood Risk Management
5.13	Sustainable drainage
6.3	Assessing effects of development on transport capacity
6.9	Cycling
6.10	Walking
6.13	Parking
7.2	An inclusive environment

- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

Other guidance:

National Planning Policy Framework (2012)
National Planning Policy Guidance (2014)
Process Guidance Note 3/01(12) - Statutory guidance for blending, packing, loading, unloading and use of cement – DEFRA 2012

7. PLANNING CONSIDERATIONS

- 7.1 Principle of the Proposed Development
- 7.2 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.
- 7.3 The site is located within a Strategic Industrial Location wherein Policy DM E1 supports redevelopment of vacant or underused existing employment land for employment uses (B Use Classes). The policy states that all proposals for developments should:
 - i. Have layout, access, parking, landscaping and facilities that are secure and appropriate to the site and its surroundings;
 - ii. Not unacceptably affect the operation of neighbouring businesses; and
 - iii. Not adversely affect traffic movement, road safety or local amenity.
- 7.4 The principle of development is acceptable, having regard to the above policy and other policies of the Development Plan.
- 7.5 As the site is within a Strategic Industrial Location there is no requirement to justify the proposal by demonstrating a 'need' for the proposed concrete mixing batch. Therefore, it would not be

appropriate to refuse permission on the basis of lack of need for a concrete mixing batch, as this is not a requirement of the policy.

7.6 Compliance with Policy DM E1

7.7 The existing use of the site is for B2 and B8 uses. The proposed use as a concrete mixing batch would be a B2 use and as such there is no material change of use. The operational development would, however, require planning permission.

7.8 The plans show a layout, access, parking and facilities that are secure and appropriate to the site and surroundings. The equipment would be located to the southern and eastern peripheries of the site, against a backdrop of substantial trees and an electricity pylon.

7.9 Subject to overall traffic movements, which would result in a reduction over the existing situation, the proposed development would not have an unacceptable impact on the operation of neighbouring businesses or adversely affect traffic movement, road safety or local amenity.

7.10 Therefore, it is considered that the proposal would comply with the requirements of Policy DM E1.

7.11 Visual impact

7.12 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.

7.13 Policy DMD2 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. Core Planning Policy CS14 supports this SPP Policy.

7.14 The proposed development would be viewed against a backdrop of trees, the majority of which appear to be over 15m in height, and a substantial electricity pylon. Having regard to the location within an established industrial area and the backdrop mentioned above, it is

considered that the proposed development would not appear out of context or harmful in its setting.

7.15 The proposed structures are indicated to be goose wing grey in colour and this is considered to be a suitable external finish.

7.16 No objection is raised in relation to the visual impact of the proposed development.

7.17 Neighbouring Amenity

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

7.19 There is intervening woodland, a railway and the River Wandle between the site and the majority of neighbouring residential properties.

7.20 The closest residential properties are located at Caxton Road, approximately 125m from the site, to the southwest. There are also residential dwellings at Chaucer Way, approximately 145m away from the site, to the southeast. To the west, are residential properties at Havelock Road, approximately 145m from the site. Garfield Primary School is located approximately 160m from the application site, to the south. There is intervening woodland, a railway and the River Wandle between the site and the neighbouring residential properties (other than the properties at Havelock Road).

7.21 Noise impact

7.22 Noise pollution is identified in paragraph 109 of the NPPF as an environmental risk factor to both new and existing development. Paragraph 123 states that:

“Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*”

7.23 The Noise Policy Statement for England (NPSE – DEFRA 2010) has three aims in respect of environmental, neighbour and neighbourhood noise and its impact on health and quality of life:

- 1) Avoid significant adverse impacts;
- 2) Mitigate and minimise adverse impacts; and ,
- 3) Where possible, contribute to the improvement of health and quality of life through effective management and control of noise.

7.24 The Statement explains that the terms “significant adverse” and “adverse” are based on established concepts from toxicology that are being applied to noise impacts by the World Health Organisation. Lowest Observed Adverse Effect Level (LOAEL) is defined as the level of noise above which adverse effects on health and quality of life can be detected. The Statement extends this concept to create a Significant Observed Adverse Effect Level (SOAEL) which is the level of noise above which significant adverse effects on health and quality of life would occur.

7.25 Policy DM EP2 states that development proposals will be expected to meet the following criteria:

- i. Noise-generating developments should be appropriately located so as to minimise its impacts on noise sensitive land uses; and
- ii. Noise-sensitive developments should be located away from noise priority locations and noise generating land uses; and
- iii. Where relevant, the council will require the submission of a Noise Impact Assessment; and
- iv. That where applicable suitable mitigation measures will be sought by planning obligation or condition.

7.26 The application is accompanied by a Noise Assessment which concludes that the assessment against the World Health Organisation (WHO) guidelines indicates a “no observed effect level”. The BS4142 initial assessment would not indicate an adverse impact. Government policy is to avoid “significant” observed adverse effects/impacts and to mitigate and minimise “adverse” effects/impacts.

7.27 The Council’s Environmental Health Officer (EHO) has commented on the scheme and raises no objection in terms of noise generation. The EHO has recommended a condition to limit noise generation, when measured at the boundary of the nearest residential property. (The

nearest residential dwellings are approximately 125m away, with Garfield Primary School being approximately 160m away).

- 7.28 Subject to compliance with this noise limit condition, which the Council's Environmental Health Officer has recommended, it is considered that there would not be a materially harmful effect on residential properties or the nearby primary school.
- 7.29 A number of objections have raised concern regarding the impact on adjacent offices. However, it is important to note that these offices are within the Strategic Industrial Location and are ancillary to other industrial/commercial primary uses. Industrial type development is guided towards Strategic Industrial Locations as an appropriate use. Therefore, whilst there may be some transient disturbance to office workers when windows are open, this is not considered to warrant a reasonable reason for refusal for this suitable form of development in a Strategic Industrial Location.
- 7.30 It is of note that an application for a mobile concrete crushing unit on a nearby site in the Strategic Industrial Location was refused under application ref. 94/P0132. However, the current proposal is not comparable to this scheme as it does not involve the crushing of blocks of concrete, which is an inherently noisy and dust generating activity.
- 7.31 Air pollution
- 7.32 Policy DM EP4 states that to minimise pollutants, development:
- a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.
 - b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.
- 7.33 The site is within an area of poor air quality currently and the entirety of the borough is classified as an Air Quality Management Area.
- 7.34 The application is accompanied by an Air Quality Assessment which concludes that the proposal would reduce the number of vehicle movements, thus improving air quality. The Assessment goes on to conclude that dust emissions would be very low and unlikely to have a significant adverse impact on residential properties.
- 7.35 The proposed use as a concrete mixing batch would be required to obtain an Environmental Permit, which would require mitigation measures to ensure that there are no significant releases to air. This

Environmental Permit is specific to the unloading of bulk cement into storage and cement batching and, as such, relates specifically to this process/activity. The precise mitigation measures would be determined by the Environmental Permit. However, the applicant has outlined that all plant machinery would be electric, thus negating the need for any combustion plant. In addition, cement dust would be transferred into the batching plant by way of a sealed pipe, thus further minimising discharges to the air. Also, the applicant has confirmed that the site would be operated in accordance with the best practice measures as defined in the Defra publication: "Process Guidance Note 3/01 (12) – Statutory guidance for blending, packing, loading, unloading and use of cement" (2012). This document includes the following potential mitigation measures:

Table 5.1 - Summary of control techniques

Sources of dust	Control techniques
Loading and unloading processes <ul style="list-style-type: none"> • transfer of aggregate to bins • transfer of dry batch to mixer • transfer of dry batch to lorry 	Containment Suppression <ul style="list-style-type: none"> • use of ring spray bars Reduced drop heights <ul style="list-style-type: none"> • use of variable height conveyors • use of chutes Dust arrestment (loading area) <ul style="list-style-type: none"> • bag filters • cartridge filters
Double handling transfer points	Site and process design
Delivery from road tanker to silo Overcharging of silos can cause the pressure relief valve to lift, thereby causing an unacceptable emission	Various techniques
Silos	Dust arrestment <ul style="list-style-type: none"> • bag filters • cartridge filters
Aggregate stockpiles	Wind dynamics management <ul style="list-style-type: none"> • use of fencing, bunding, profiling etc Reduced drop heights Suppression <ul style="list-style-type: none"> • water and/or suppressants • well positioned spray guns • sufficient coverage by sprays Covering <ul style="list-style-type: none"> • below ground or covered stock bins • dust covers • housing

Conveyors, conveyor transfer points	Containment <ul style="list-style-type: none"> • wind boards Reduced drop heights Appropriate siting away from site boundary especially if near residential or other sensitive receptors
Blending, packing processes etc.	Containment Reduced drop heights Dust arrestment <ul style="list-style-type: none"> • bag filters / cartridge filters
Roadways including haulage roads	Suppression <ul style="list-style-type: none"> • site and process design
External operations <ul style="list-style-type: none"> • conveyors • stockpiles • roadways 	Appropriate siting <ul style="list-style-type: none"> • away from site boundary especially if near residential or other sensitive receptors Wind dynamics management <ul style="list-style-type: none"> • use of fencing, bunding, profiling etc.
Vehicles - bodies and wheels	Wheel-wash and vehicle washing facilities Exhausts that do not point vertically down

7.36 Subject to mitigation measures which will be required to gain the Environmental Permit, it is considered that the impact on air quality would be acceptable.

7.37 Lighting

7.38 The separation distance to neighbouring properties is such that there would not be disturbance by way of lighting.

7.39 The impact of the lighting on the Wandle Valley Regional Park is addressed below in this report.

7.40 Any proposed external lighting should be shown on the plans and minimised where possible.

7.41 Flooding and Runoff

7.42 Site is within Flood Zone 3A as shown on the Environment Agency flood risk maps and is in close proximity to the River Wandle. The

- proposed use is classified as being 'less vulnerable' use class as per the NPPF definitions. Topographic levels on the site vary between 10.2m and 10.6m AOD and it is relatively flat.
- 7.43 The existing site is 100% impermeable. In the post development scenario, the site will remain 100% hardstanding.
- 7.44 The EA's flood mapping shows the majority of the application site to have a 'low' susceptibility of surface water flooding, considered to have between a 1-in-100 and 1-in-1000 annual probability of flooding. The EA maps also show that flood depths are expected to be between 0.3m and 0.9m deep and flow velocities less than 0.25m/s.
- 7.45 The operation of the concrete batching plant facility requires the use of significant volumes of water for various uses. It is proposed to reuse all surface water runoff from within the application site as part of the on-site operational processes. A 45m³ above ground recycled water tank would be used and it is anticipated that all rainwater collected within this tank would be reused daily on-site. To ensure operation on-site is able to continue unaffected during periods of dry weather, a back-up fresh water tank, supplied by Thames Water mains water, is also proposed as part of the proposed development.
- 7.46 The recycled water tank, wedge and sump pit and hopper pit will provide a total volume of 281m³ available storage for surface water runoff on Site. This is greater than the 136m³ total volume of rainfall to be accommodated within the Site for the 1-in-100 year 6 hour storm, including allowances for climate change over the lifetime of the development.
- 7.47 The design life of the development is considered to be 25 years. Buildings proposed as part of the new development in relation to operation of the concrete batching facility would be designed to be floodable. The FRA states that 'although operation of the application site would need to cease during a flood event, it is not anticipated that ingress/ egress of flooding water to these parts of the application site would have any significant long term detrimental impacts on the operation of the application site'.
- 7.48 Comments from the Environment Agency are awaited, however, it is not envisaged that significant concerns would be raised due to the less vulnerable classification of the proposed activity. This matter will be addressed in the supplementary agenda.
- 7.49 Impact on Wandle Valley Regional Park

- 7.50 In line with Chapter 15 'Wandle Valley Sub-Area - Policy 5' of the Core Planning Strategy 2011, in creating a linked green infrastructure network, development within 400 m of the Wandle Valley Regional Park boundary will be required to consider its relationship to the park in terms of visual, physical and landscape links, to ensure that new development enhances the accessibility and attractiveness of the park. The Council's aspiration is to ensure the arrangement of buildings within new developments complement the existing green corridors and prevent disjointed pedestrian and cycle accessibility, removing physical barriers such as railings and built form that disrupt continuity and access into and around the park.
- 7.51 The site is laid to hardstanding and does not have a significant bio-diversity value in and of itself. However, it is adjacent to land which does have a high biodiversity value, with the following designations:
- Green chain
 - Metropolitan Open Land
 - Wandle Valley Regional Park
- 7.52 The proposed structures and use has the potential to adversely impact on this adjacent land and therefore it is important that necessary mitigation measures are incorporated.
- 7.53 The treeline adjacent to the site has the potential to accommodate foraging bats. No works to these trees are proposed. However, if pruning work need to be carried out for overhanging branches, a condition is recommended to ensure that this does not adversely impact on bats or nesting birds.
- 7.54 The submitted Design and Access Statement sets out that there are four existing lighting columns which would remain on site but would not be used. Instead, new lighting columns would be located further into the site, 10m away from the boundary. These lights would be fitted with LED or low pressure sodium bulbs to reduce light pollution to the adjacent land. The lighting would only be used throughout hours of operation (7am to 7pm Monday to Friday and Saturday 8am to 1pm). The Council's Bio-diversity Officer raises no objection subject to the lighting being controlled by way of condition.
- 7.55 A condition is recommended to ensure that lighting is angled and designed to maintain a 'dark corridor' to ensure that wildlife and general amenity is not adversely affected. It is not possible to impose a condition for the provision of bird and bat boxes as the wooded area is outside of the site area and the ownership of the applicant.

- 7.56 Further conditions are recommended in relation to the control of dust to ensure that a construction and environmental management plan is submitted to minimise any impact on the adjacent Wandle Valley Regional Park. It is noted that dust emissions would be governed by the Environmental Permit, however, the additional condition is intended to deal with the potential effects of dust on the adjacent land with high biodiversity value, as opposed to minimising dust emissions with a view to maintaining neighbouring amenity.
- 7.57 There are no opportunities to improve connectivity across the Regional Park as a result of this scheme as the site would be fully enclosed by fencing due to the industrial nature of the use.
- 7.58 The proposal would be separate from the Wandle Valley Regional Park and would not encroach onto the area. To the immediate south of the site is woodland, beyond this is the railway line on a raised embankment, beyond this is further woodland. Therefore, there is both a visual and physical separation from the Regional Park which would minimise the impact of the proposal. The closest path in the Regional Park is some 60m away from the site, with intervening trees and raised embankment between. The proposal is considered to not have an adverse impact on the adjacent Wandle Valley Regional Park, subject to conditions.
- 7.59 Parking/Highways
- 7.60 The PTAL is 1b (poor) with bus available as the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied. The access route into the site (Waterside Way) is heavily parked. The length of Waterside Way has unrestricted parking.
- 7.61 There is a current intensive industrial use on site, which is likely to generate a significant amount of vehicular trip generation in the AM and PM peaks.
- 7.62 Trip generation by the proposal will be a significant decrease, as at present site produces 238 vehicle movements, of which 182 are HGVs, currently the site has an office and repair use associated with it. The proposed batching plan would generate 96 total vehicle movements a day of those 86 would be HGVs. The reduction in movements reduces vehicular movements at the junction of Watermill Way and Plough lane by 3%.

- 7.63 The Transport Assessment states that there may be further reductions in HGV movements on the surrounding highway network given linked trip between the two sites (the owner has another site nearby). This may be true however for the purpose of this assessment a worst case scenario has been assumed which is the uplift in movements between those associated with the current use that those associated with the proposed batching plan.
- 7.64 It is thought that the circulation of the site is suitable to accommodate vehicles, it's unlikely that all associated vehicles will be on site during the course of the day, at the start and finish of the day multiple vehicles may be stored on site, which currently happens, the management of these vehicles during this time can be dealt with by the operators of the site.
- 7.65 The site would likely accommodate nine members of staff, although two would be based at the adjacent offices operated by Cappagh. The provision of three car parking spaces, two motorcycle parking spaces and four covered cycle parking spaces is considered to be sufficient for the intended use.
- 7.66 The agent has confirmed that the mixer trucks would park on the site overnight, or on the adjacent Cappagh owned site (within the blue line area on the site location plan), as opposed to being parked on the highway network.
- 7.67 The proposal is likely to significantly improve the performance and safety of the immediately surrounding highway network, as such no objection is raised on this basis.
- 7.68 Crossrail 2
- 7.69 The site is within the Crossrail 2 Safeguarding Area. The safeguarding team has been consulted as future works are potentially proposed in close proximity to the site, including the access road.
- 7.70 The Crossrail safeguarding team has not raised objection subject to a condition to ensure details of construction are submitted, so as to avoid interference with future Crossrail projects.
- 7.71 No objection is raised on this basis.

8. Conclusion

- 8.1 The proposed development would utilise a site for employment purposes in an established Strategic Industrial Location and is considered to be acceptable in principle.
- 8.2 The application is considered to have satisfactorily demonstrated that traffic movements would not increase, that parking would be adequate and that issues of noise and dust would be sufficiently mitigated by way of condition and requirements in order to gain an Environmental Permit to avoid material harm to residential amenity.
- 8.3 The proposal has demonstrated that the proposed use as a concrete batching plant would be a 'less vulnerable' use and not at significant risk in terms of flooding. However, further comments are awaited from the Environment Agency and these will be addressed in the supplementary agenda.
- 8.4 The proposal is considered to be acceptable subject to conditions.

RECOMMENDATION

Grant planning permission subject to the following conditions:

Conditions

1. The development to which this permission relates shall be commenced not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2712/10 Rev E, 2712/11 Rev E and 2712/12 Rev E.

Reason: For the avoidance of doubt and in the interests of proper planning

3. The facing materials to be used for the development hereby permitted shall be those specified in the application form unless otherwise agreed in writing by the Local Planning Authority.

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.

4. The use hereby permitted shall operate only between the hours of 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays.

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 CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

5. Prior to the first use of the cement batching plant hereby approved, the external lighting, shown on the approved plans, shall be installed and operational. The existing lighting columns shall not be used for lighting purposes following the first use of the cement batching plant. The lighting shall be LED or low Pressure sodium bulbs. No other external lighting shall be installed on the site without the prior approval in writing of the Local Planning Authority. The lighting shall only be used between the hours of 7am to 7pm Monday to Friday and 8am to 1pm on Saturdays.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and having regard to the ecological value of land adjacent to the site and to ensure compliance with the following Development Plan policies for Merton: policies DM D2, DM O2 and DM EP4 of Merton's Sites and Policies Plan 2014.

6. Development shall not commence until a working method statement has been submitted to and approved in writing by the Local Planning Authority to accommodate:
 - (i) Parking of vehicles of site workers and visitors;
 - (ii) Loading and unloading of plant and materials;
 - (iii) Storage of construction plant and materials;
 - (iv) Wheel cleaning facilities
 - (v) Control of dust, smell and other effluvia;
 - (vi) Control of surface water run-off.

No development shall be carried out except in full accordance with the approved method statement.

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.

7. 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 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.

8. None of the development hereby permitted shall be commenced until detailed design and construction method statements for all the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- (i) Accommodate the proposed location of the Crossrail 2 structures including tunnels, shafts and temporary works.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.

Reason: Having regard to the potential for future conflict with Crossrail 2 and to comply with Policies DM T2 of the Sites and Policies Plan 2014.

9. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any plant/machinery associated with premises shall not exceed LA90-10dB at the boundary with the closest residential property.

Reason: Having regard to the impact on neighbouring amenity and to accord with Policies DM D2, DM EP2 and DM EP4 of the Sites and Policies Plan 2014 and Policy 7.15 of the London Plan 2015.

10. 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 and the method employed to attenuate flows to sewer or main river. 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;

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.

11. 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 Flood Risk Assessment document included 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 CS16 and policy DM F1 and the London Plan policy 5.12.

12. No development shall commence until a Construction and Environmental Management Plan detailing dust and pollutant spillage controls has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved plan.

Reason: To ensure that no net increase in air or liquid/waterborne pollutants from the site, such as oil spillage are generated and to ensure the protection of the ecological integrity of the adjacent Wandle River corridor and to comply with Policy DM O2 of the Sites and Policies Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy 7.19 of the London Plan 2015.

13. No pruning works or other works shall be carried out to trees overhanging the boundary unless it takes place outside of the bird nesting season (the bird nesting season is March to August) and is overseen by a licenced bat ecologist.

Reason: To ensure the protection of the ecological integrity of the adjacent Wandle River corridor and to comply with Policy DM O2 of the Sites and Policies Plan 2014, Policy CS13 of the Core Planning Strategy 2011 and Policy 7.19 of the London Plan 2015.

INFORMATIVES

1. **INFORMATIVE**
An Environmental Permit is required for the proposed development. Therefore, the applicant is advised that an application must be 'duly made' for a Permit to meet the requirements of the Pollution Prevention and Control Act 1999 and associated Regulations.
2. **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.
3. **INFORMATIVE**
Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take

place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

4. INFORMATIVE

Transport for London is prepared to provide information about the proposed location of the Crossrail 2 tunnels and structures. It will supply guidelines about the design and location of third party structures in relation to the proposed tunnels, ground movement arising from the construction and use of the tunnels. Applicants are encouraged to discuss these guidelines with the Crossrail 2 engineer in the course of preparing detailed design and method statements.

5. 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. INFORMATIVE

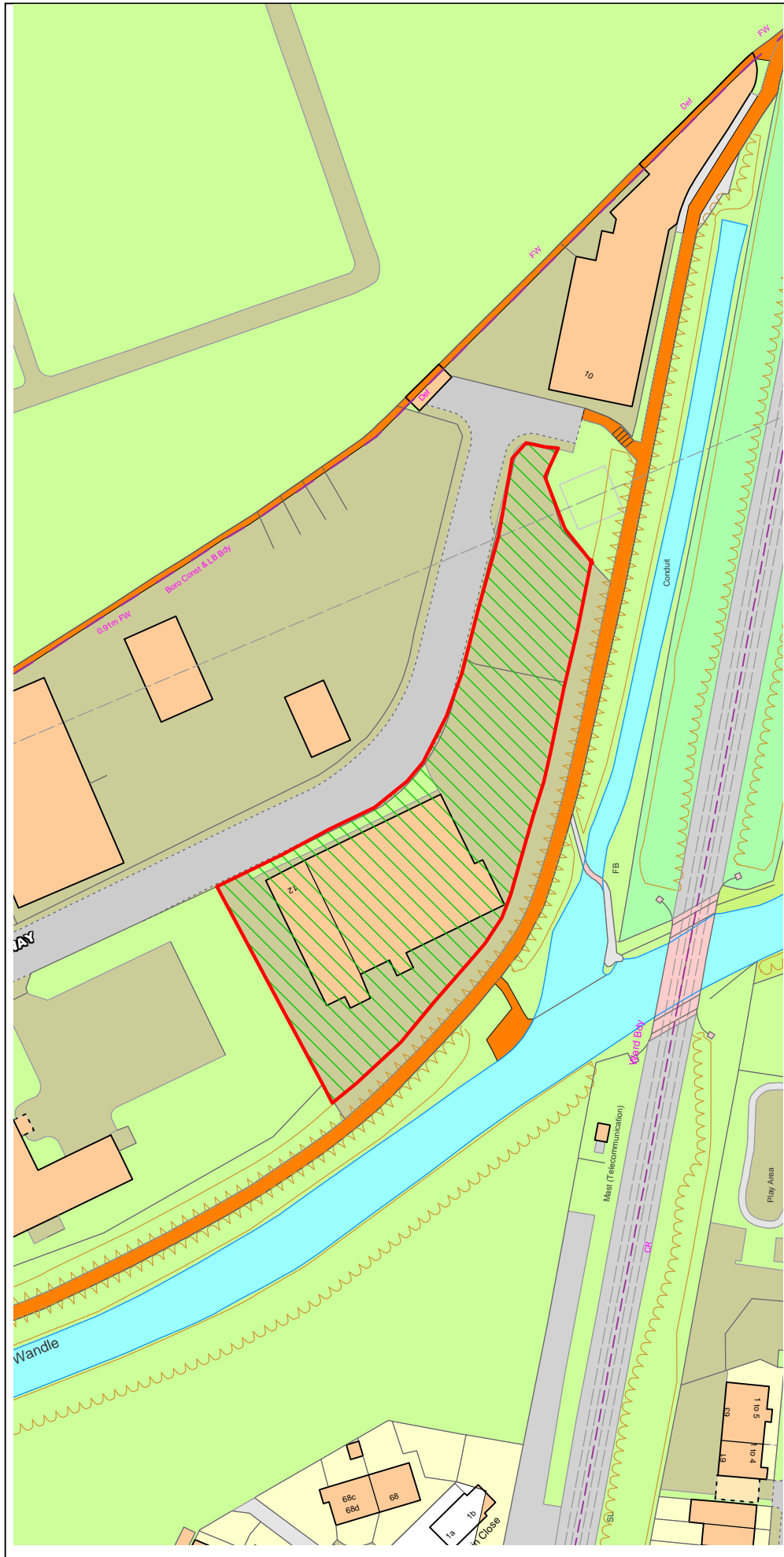
The construction and environmental management plan should demonstrate that dust associated with the processing site is minimised to mitigate any potential impacts upon the Wandle River Corridor.

7. 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.

[Click here](#) for full plans and documents related to this application.
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PLANNING APPLICATIONS COMMITTEE
20th April 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P3605	20/09/2016
Address/Site:	21-23 Wimbledon Hill Road, Wimbledon, SW19 7NE
Ward	Hillside
Proposal:	Erection of first and second storey rear extension and rear roof extensions in connection with the conversion of the first, second and third floors of the building from beauty salon (Class Sui Generis) to Class A1 use (part first floor) and five 3x1 bed and 2x 2 bed self-contained flats (part first, second and third floor).
Drawing Nos:	A000 Location Plan, A102(C), A103(C), A104(C), A105(C) A106(C), A110(C), A111(C), A112(C) & Amended design and access statement received 9 th March 2017
Contact Officer:	David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions and S106 Agreement

CHECKLIST INFORMATION

- Heads of agreement: Car free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 10
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a three storey plus roofspace mid-terrace building, which is located on the northeast side of Wimbledon Hill Road in Wimbledon Town Centre, close to the Wimbledon railway, tram and tube station. The building currently accommodates Gina Conway Lifestyle Salon and Spa comprising a Class A1 hair salon use with a shopfront display at ground floor level with beauty treatments (Use Class Sui Generis) at first, second and third floor.
- 2.2 The site is located in a designated core shopping frontage within the adopted Merton Sites and Policies Plan (July 2014). The Argos catalogue store sits to the right of the application site shop frontage with the Hand and Racquet pub on the northwest side to the left. The site is currently serviced at the rear from Alexandra Mews which is accessed from Alexandra Road.
- 2.3 The immediate area comprises an eclectic mix of building styles and sizes with the application site forming part of a Victorian terrace. There are also a number of examples of more modern buildings in the immediate context including the Argos Catalogue store next door and the four-storey Barclays building located behind the site. The site is not located in a conservation area but is located in a controlled parking zone (Zone W2). The site also has a PTAL rating of 6b (Excellent).

3. CURRENT PROPOSAL

- 3.1 The proposal is to erect a first and second floor rear extension and rear dormer roof extensions in connection with the conversion of the first, second and third floors of the building from beauty salon (sui generis use) to Class A1 use and five self-contained flats (1 x 1 bed (1person), 2 x 1 bed (2 person) and 2 x 2 bed (4 person)). Three flats would be located in the converted element whilst two flats would be located in the rear extension. 90 sq m of the existing first floor sui generis beauty salon floorspace would become A1 floorspace. The existing ground floor A1 shop would be retained and the first floor A1 floorspace would form part of a single ground and part first floor retail unit. It should be noted that as originally submitted, the proposal was for the retail unit to be retained at ground floor with 6 residential units on the floors above but was amended to remove one first floor residential unit and replace it with 90sqm of A1 floor space.
- 3.2 The first and second floor rear extension would have a contemporary design, featuring a flat roof. Facing materials would include light coloured brick with the fenestration to be bronze coloured. A green roof would be located on the roof of the extension as well as the roof of the current ground floor rear addition which would not be extended. The extension would be 9.7m in height when measured from ground floor level.
- 3.3 All of the flats apart from the 1 bed 1 person studio flat would have access to a 5sqm minimum private terrace or balcony.

- 3.4 The ground floor layout would be reconfigured slightly. The rear access to the upper floors from Alexandra Mews would be moved from one side to the other and provision would be made at ground floor level inside the entrance to the flats for a total of 8 secure cycle parking spaces. Separate refuse storage provision is shown for the commercial and residential units. No car parking would be provided.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 97/P1115 - Installation of new shop front and alterations to existing sales area, rear store and first floor staff area. Granted - 28/11/1997
- 4.2 97/P1116 - Display of externally illuminated fascia sign and externally illuminated projecting hanging sign. Granted - 31/12/1997
- 4.3 08/P1647 - Display of fascia sign and internally illuminated projecting sign. Granted - 08/08/2008
- 4.4 08/P1640 - Installation of fully glazed shopfront & installation of external condenser (for air conditioning system) in connection with use at the premises as a hair salon & spa. Granted - 08/08/2008
- 4.5 08/P2988 - Installation of new shopfront & external condenser (for air conditioning system) in connection with use of the premises as a hair salon & spa (amendment to planning permission LBM Ref 08/P1640). Granted - 22/12/2008
- 4.6 08/P2965 - Advertisement consent to display a fret-cut applied fascia sign plus internally illuminated projecting sign, and four external stalk lighting. Granted - 22/12/2008

5. POLICY CONTEXT

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):
DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM E1 (Employment areas in Merton), 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 T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)
- 5.2 Adopted Core Strategy (July 2011):
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 London Plan March 2015 (as amended March 2016):

4.6 (Support for and enhancement of arts, culture, sport and entertainment)
5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable Design and Construction), 5.9 (Overheating and cooling), 6.3 (Assessing effects of development on transport capacity), 6.13 (Parking), 7.2 (An inclusive environment), 7.4 (Local character), 7.6 (Architecture)

- 5.4 Mayor of London Housing Supplementary Planning Guidance (March 2016)
- 5.5 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.6 National Planning Policy Framework (NPPF)

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, 6 letters of objection and one letter of comment were received. The letters of objection were on the following grounds:

- Loss of employment land and impact on economic vitality of Wimbledon Town Centre
- Reduction in the number of jobs
- The current business occupies all floors of the building and development would mean it would have to move out
- Would set a harmful precedent

6.2 Following the amendments to the application a further re-consultation was undertaken in which no further representations were received.

6.3 Future Merton - Transport Planning

6.3.1 No objections

6.4 Future Merton - Climate Change

6.4.1 No objections subject to appropriate conditions.

6.5 Future Merton – Planning Policy

6.5.1 Do not object and consider that the size of proposed retail unit I acceptable following amendments to the proposal.

7. PLANNING CONSIDERATIONS

7.1 Principle of Development

7.1.1 The site is located within Wimbledon Town Centre and also sits within a core shopping frontage where planning policy strongly supports retail uses to encourage greater footfall. Policy CS 6 (Wimbledon Town Centre) for example

states that the council will ensure that Wimbledon continues to develop and maintain its position as a diverse Major Centre offering excellent shopping, business and cultural facilities by maintaining and enhancing the retail core of the centre, especially within the Primary Shopping Area. Given Wimbledon is the principal shopping destination in Merton, a Major town centre in London's retail hierarchy, policy CS 7 (Centres) also aims to increase Wimbledon's competitiveness by increasing the range and quality of the existing town's retail offer and capitalising on the 'Wimbledon' brand therefore attracting more people to Wimbledon. In addition, policy DM R1 seeks to maintain and enhance the range of unit sizes in Wimbledon.

7.1.2 The building currently accommodates Gina Conway Lifestyle Salon and Spa comprising a Class A1 hair salon use with a shopfront display at ground floor level with beauty treatments (Use Class Sui Generis) at first, second and third floor. The existing unit measures approx. 491sqm gross internal floor area (GIA). The proposal as originally submitted sought to change the use of the first, second and third floors to residential and therefore reduce the size of the retail unit to 185sqm. It is noted that the upper floors are poorly configured (for example the third floor is in the roof space) however it was considered that the reduction in floor space was not acceptable given the characteristics of the Wimbledon Hill Road core shopping frontage parade is for premises occupying large sized commercial units including ground and upper floors (i.e. above 280sqm as defined by policy CS.7 of Merton's Core Planning Strategy and policy DM R1 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014)). Following further discussions with planning officers including the policy section, which were keen to see a large unit retained on site the plans were amended with part of the first floor retained for Class A1 use (this resulted in the loss of a residential unit). This is now considered acceptable as the proposal would now provide a single retail unit of 280sqm which is also considered to be better configured, at first floor level with a number of internal walls removed. A condition will be attached requiring the erection of an internal staircase so that both the ground and first floors are internally connected. The council's planning policy section have confirmed that they raise no objections and it is considered that the proposal would now comply with policies CS 6, CS 7 and DM R1 by incorporating a large retail unit which helps maintain the quality of the retail offer in Wimbledon.

7.1.3 The proposal would also result in the provision of five self-contained residential units and is supported by Policy CS.9 of the Core Planning Strategy 2011 which states that the Council will work with housing providers to facilitate the provision of a minimum of 4,800 additional homes for the period 2011-2026 including 500-600 for Wimbledon.

7.2 Visual amenity

7.2.1 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to relate positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings, whilst using

appropriate architectural forms, language, detailing and materials which complement and enhance the character of the wider setting.

- 7.2.2 It is considered that the proposed extensions are acceptable in terms of their appearance. The first and second floor rear extension looking from Alexandra Road would adjoin and would not project beyond the rear brick elevation of the Argos building at 13-19 Wimbledon Hill Road and would be lower in height. The extension would have a simple contemporary appearance and is considered to be high quality featuring light coloured facing brickwork and bronze fenestration. The surrounding buildings in Alexandra Road in close proximity to the proposed rear extension are predominantly of contemporary appearance in either buff or red brick and as such it is considered that it would fit in well with the local context. The proposed rear dormers are also not considered to be overly large as they would be set back 1.9m behind the rear wall (not including balconies) and set in approx. 65cm to 1.05m from the side walls .
- 7.2.3 The proposed green roofs with a minimum depth of 250mm would provide both biodiversity and surface water attenuation.

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 The southeast side of the site abuts Argos at 13-19 Wimbledon Hill Road, a three-storey building in Class A1 use. There would be no adverse impact on this property. No.25-27 Wimbledon Hill Road abuts the northwest side of the site and comprises the Hand and Racquet pub at ground floor level with ancillary staff accommodation and office above. It appears from planning records that the dining room, kitchen, bathroom and lounge are located at first floor level with four bedrooms located at second floor level. It is considered that the rear extension would not be visually intrusive or overbearing when viewed from this property. The first floor of No.25-27 extends along the entire boundary with the application site, which means the rear extension would only be visible from the second and third floor windows at the rear. The applicant has submitted a daylight/sunlight report which shows that the impact of the extension on all windows at No-25-27 would be within BRE guidelines. In terms of privacy, the second floor terrace to Unit D would feature a screen which would prevent overlooking.

7.4 Standard of Accommodation

- 7.4.1 The London Plan 2015, as updated by the Minor Alterations, March 2016 (Housing Standards) sets out a minimum gross internal area standard for new homes as part of policy 3.5. It provides the most up to date and appropriate

minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

- 7.4.2 All five of the proposed flats would exceed the minimum space standards set out in the London Plan 2015, as updated by the Minor Alterations, March 2016 (Housing Standards). The proposed flats are considered to be generally well laid out comprising well proportioned rooms. The two bedroom flats located in the proposed extension would be north-east facing single aspect. Although this is not ideal it is not considered to warrant refusal given that the daylight/sunlight report indicates that these units would enjoy good levels of daylight. No private amenity space is proposed for the studio flat (Unit E) – this is considered to be acceptable given the constraints of the site and the fact that this unit is only a single person flat. The remaining flats would all provide private terraces which comply with the minimum space standards set out in Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014). To protect occupiers from noise associated with surrounding uses the proposed flats would feature triple glazed windows and a combined supply and extract with heat recovery unit will supply filtered fresh air to each of the habitable rooms.

7.5 Parking and Traffic

- 7.5.1 The application site has very good level of accessibility to public transport with a PTAL rating of 6b. Wimbledon Hill Road is also a busy road and is located within Controlled Parking Zone (CPZ) – W2, an area of the borough subject to high parking stress, therefore, the development would be subject to a Section 106 'permit free' Agreement in accordance with policy CS.20 of the Core Strategy, which supports permit-free developments in areas within CPZ's benefiting from good access to public transport (PTAL 4 - 6), with good access to facilities and services and/or in a town centre location. This would also avoid any over spill parking on the surrounding roads.
- 7.5.2 Cycle provision is located inside the rear entrance to the building with 8 spaces provided. This is considered to be acceptable and complies with London Plan policies, which requires 1 space per 1 bedroom unit and 2 spaces per all other dwellings (7 spaces in total).

7.5 Sustainability and Energy

- 7.5.1 It is considered that the proposed energy approach is acceptable and the development complies with policy. The submitted SAP calculation / energy statement indicates that the proposed development should achieve a 20.4%

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 Code for Sustainable Homes Level 4. In addition 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.

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).

10. SECTION 106 LEGAL AGREEMENT

10.1 Permit Free

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

- 10.1.2 Further information in respect of the above, including details of supplementary research carried out in justification of the S106 requirements, can be viewed here:

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

11. CONCLUSION

- 11.1 It is considered that the proposed loss of commercial floorspace and its conversion to residential is acceptable given a large single Class A1 retail unit would still be retained in this important core shopping frontage in Wimbledon Town Centre. In terms of appearance, it is considered that the proposed extensions are acceptable in terms of their size and design and would integrate well with the surrounding townscape. It is also considered that the proposal would be acceptable in terms of its impact on residential amenity and standard of accommodation. In terms of parking and traffic impact it is noted that the application site has excellent access to public transport and is in a controlled parking zone which means the flats would be 'permit free' in line with policy requirements. Overall, it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

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

- 1) Permit free
- 2) 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.7 (Refuse & Recycling (Implementation))
5. C.8 (No Use of Flat Roof)
6. C.9 (Balcony/Terrace (Screening))
7. D.11 (Construction Times)
8. H.7 (Cycle Parking to be Implemented)
9. H.9 (Construction Vehicles)
10. 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.
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. 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).

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.

12. Prior to first occupation of the proposed flats the triple glazed windows and combined supply and extract with heat recovery unit to the proposed flats as detailed in the amended design and access statement received 9th March 2017 shall be installed and maintained permanently thereafter.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with the following Development Plan Policies for Merton: policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014)

13. 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 and the method employed to attenuate flows to sewer. 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;

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.

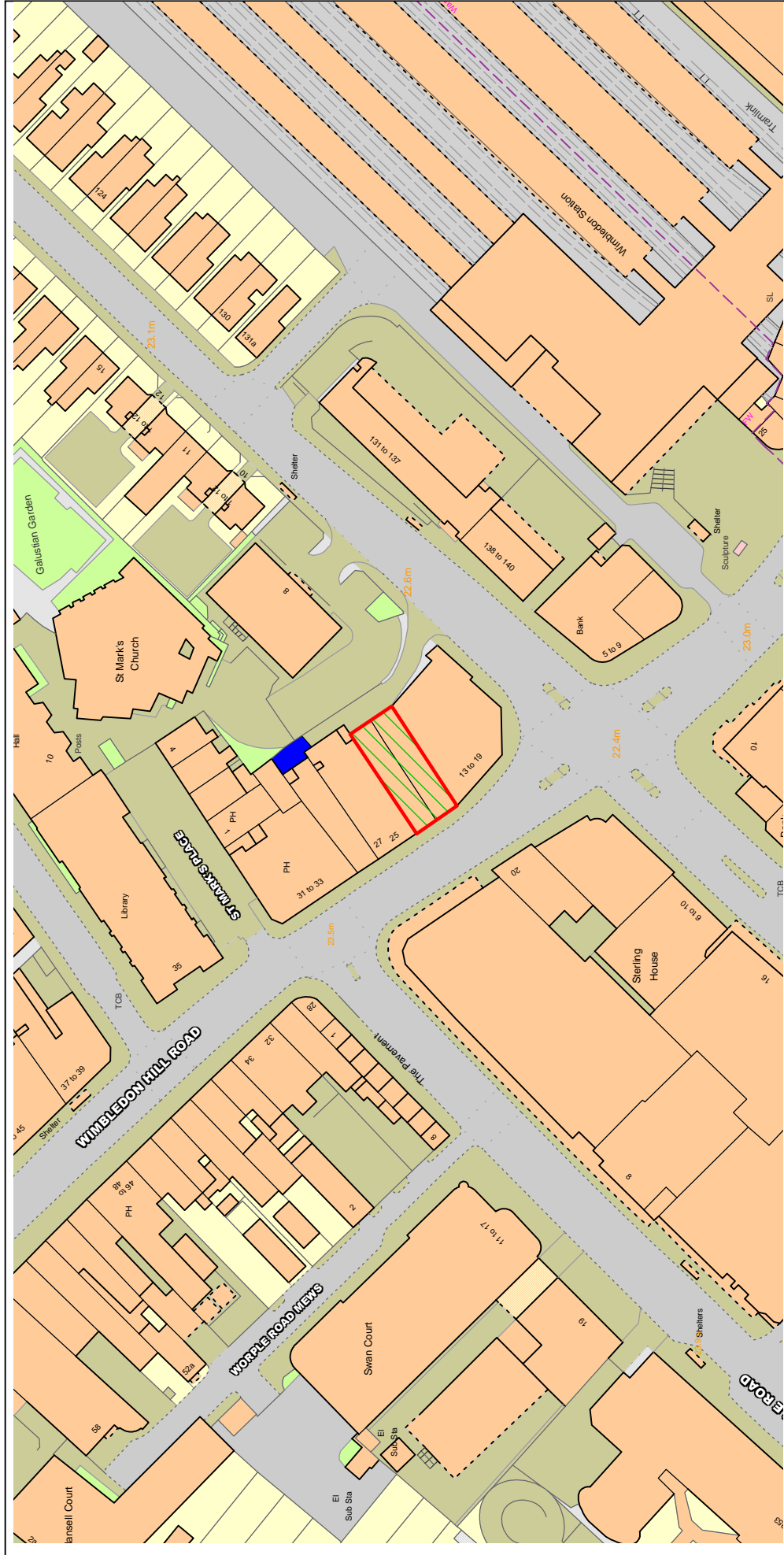
14. Prior to first occupation of the residential flats the internal staircase linking the ground and first floor of the retail unit shall be installed and maintained permanently thereafter.

Reason: To ensure the retention of a large single retail unit and to comply with policies CS 6 and CS 7 of the Core Planning Strategy (July 2011) and DM R1 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014)

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

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PLANNING APPLICATIONS COMMITTEE 20th April 2017

APPLICATION NO. DATE VALID

16/P3735 23/09/2016

Address/Site : 120 Windermere Road, Streatham, SW16 5HE

Ward Longthornton

Proposal Erection of an outbuilding in the rear garden to be used as a garage

Drawing No's Site location plan, proposed block plan and drawings marked 'Site plan' and proposed plans & elevations (amended 28.3.17).

Contact Officer Leigh Harrington (020 8545 3836)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to 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 - 2
- Press notice - No
- Site notice - Yes
- External consultations - No
- Density - N/A
- 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.

2. SITE AND SURROUNDINGS

2.1 The application site is a mid-terrace house located on the south west side of Windermere Road in Streatham. The rear garden leads out to a gated vehicle accessway which has its main entrance on Stanford Way. The vehicle accessway services the rear garages of a number of neighbouring properties.

2.2 The site is not within a conservation area

3. CURRENT PROPOSAL

3.1 The proposal is for the erection of an outbuilding in the rear garden to be used as a garage.

3.2 The design and scale of the garage has been revised and the height lowered from the originally submitted design and this has undergone a further re-consultation with neighbours. The garage would now have a larger footprint than originally submitted with a width across the garden, of 5.7m, compared to a 5.5m width and have a length of 8m compared to the original 7m. The height has been lowered such that the height above the door opening onto the vehicle accessway would now be 3m rising to a ridge height of 3.3m before dropping to a height at eaves level in the rear garden of 2.5m. The application initially proposed a ridge height of 3.99m and a eaves height along the site boundaries of 2.99m. A standard garage door would allow for a vehicle to access the garage from the rear vehicle accessway. The garden facing elevation would either be sliding doors or a standard door and window. The applicant has since amended the facing materials to painted render with a tiled roof.

3.3 The proposal follows a recently refused application for a 7.5m long garage with a 4m ridge height and 3.5m side eaves.

4. PLANNING HISTORY

4.1 15/E0224 Enforcement complaint regrading repairs and spraying of commercial vehicles. This complaint was closed after no evidence of a breach was found.

4.2 16/E0223 Enforcement complaint received regarding scrap cars in the front garden. No breach was found with two vehicles on the front drive and no evidence of vehicle spraying.

4.2 16/P0594 Planning permission refused for the erection of a single storey outbuilding at the rear of the garden. **Reason; The proposed outbuilding, by reason of size, siting and design would be both visually prominent and unduly dominant to the detriment of the visual amenities of and spoiling the enjoyment of the garden of neighbouring occupiers; contrary to policy DM D2 of the SPP and CS 14 of the CPS**

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 A petition signed by 25 local residents and 2 letters of objection have been received raising the following concerns:-
- This is a quiet residential area and the use is in direct conflict with the character and nature of the existing neighbourhood.
 - Increased vehicle traffic along the accessway would increase risk of burglary.
 - Most neighbouring garages are domestic and don't need planning permission.
 - Applicant runs a business from the site and his vehicles take up a lot of space on the streets, 6 different vans parked on the street, 3 on his front garden and 3 in his back garden.
 - This is a Limited Company (06946236), London Campers Ltd and not a hobby.
 - The company website offers deliveries from this site.
 - If the vehicles were privately owned they would be properly stored and not owned by a Ltd company which depreciates them.
 - Applicant previously ran the business from an address in Sherwood Avenue until he was forced to move following objections from neighbours to his business.
 - No other residents run businesses from their properties.
 - The use for car repairs would be a change of use to light industrial use.
 - Applicant repairs, changes the oil and sprays his vehicles in the rear garden causing toxic pollution.
 - The desire for a vehicle ramp to repair vehicles is meant to support the development of increased activities and proposing to expand the business.
 - The side door in the garage would compromise the privacy of the adjoining neighbour.
 - If permission is granted it should be conditioned to domestic use only.

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)
DM D3 (Alterations and Extensions to Buildings)
DM EP2 Reducing and mitigating noise
- 6.2 London Plan 2015
7.4 (Local character)
7.15 (Reducing and managing noise).
- 6.3 Merton Core Strategy 2011
CS 14 (Design)

7.0 PLANNING CONSIDERATIONS

- 7.1 The planning considerations in this case relate to the scale, design and use of the proposed garage outbuilding and the impact on neighbour amenity and the appearance of the area.
- 7.2 Scale and design.
SPP policy DM D2 and Core Strategy Policy CS 14 require well designed proposals to respect the siting, rhythm, scale, proportions, height, materials and massing of surrounding buildings. The proposal has been reduced in height from the previously refused scheme and whilst the depth is longer, the height would now be of a comparable size with other garages in the immediate vicinity of the site. The use of a tiled roof and white painted rendered walls would be considered appropriate and characteristic of garages in the locality.
- 7.3 Neighbour amenity
SPP policy DM D2 and DM EP2 and London Plan policy 7.15 require proposals not to impact on neighbour amenity in terms of loss of light, outlook, privacy, visual intrusion and protection from noise and disturbance. The garage would be located at the far end of the garden and therefore loss of light to habitable rooms is not considered an issue. With regards to visual intrusion the overall height and the height of the eaves on the garden elevation have been reduced and given the proximity of other similar structures the proposals are not considered to be any more visually intrusive than those other garages.
- 7.4 A number of the objections related to issues of noise, disturbance and possible pollution from the use of the garage for the repair of the applicants vehicles. The applicant does run a camper van company and owns a number of vehicles in apparent need of repair. While there is the potential for the existing garage to be used in a manner that might be harmful to the amenity of neighbours investigations have to date not revealed a breach of planning control or warranted further action.
- 7.5 The application is for a garage that will allow the applicant to store his own campervans. Neighbour concerns have been lodged because the applicant also runs a small business renting out campervans belonging to that company. By imposing conditions that restrict the use of the new garage to purposes ancillary to the dwelling officers consider that a reasonable level of control could be exercised over the use so as to ensure it was not harmful to the amenity of local residents.
- 7.6 SPP policy DM D2 also requires that developments provide layouts that are safe and secure and take account of crime prevention. Objections have suggested that the applicant's use of the garage would leave the alley gates unlocked and therefore increase the risk of burglary and theft for other residents. On an unannounced site visit officers found the gates locked and have no evidence to

support the assertion regarding the use being a source of increased risk to burglary or theft.

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 use of the garage for the storage of the applicant's private vehicles is considered acceptable. The amended proposals are for a building that has been reduced in scale to reflect the garages at neighbouring properties within the area is considered acceptable. Suitably conditioned the development would provide the applicant with space to store his private vehicles without having a harmful impact on the amenity of neighbours. The proposals are recommended for approval.

RECOMMENDATION

Grant planning permission subject to conditions

Conditions

A1 - Commencement of Development

A7 - Construction in accordance with plans; Site location plan and drawings marked 'Site plan', 'Proposed plans & Elevations Amended 28.3.17

B1 - Materials to be approved

D9 - No external lighting

E4 – Ancillary residential use; The vehicular use of the garage hereby approved shall only be for the ancillary storage and maintenance of private motor vehicles belonging to the occupiers of 120 Windermere Road and does not include vehicle repairs, panel beating, paint spaying or the use of power tools and machinery. Reason; To protect the amenity of neighbouring residents in accordance with the following development plan policies for Merton; Policy DM D2 and DM EP2 of the Merton Sites and Policies Plan 2014

[Click here](#) for full plans and documents related to this application.
Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



Text Details **120 Windermere Rd**

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Committee: Planning Applications

Date: 20 April 2017

:

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: **16/P0735**
Site: 1 York Road, South Wimbledon SW19 8TP
Development: Erection of 1 x three storey block providing commercial space and 4 x flats and 1 x two storey block providing 3 x duplex flats
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 29 March 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092619/16P0735_Appeal%20Decision.pdf

Application Number: 16/P3122
Site: 7 Thornton Hill, Wimbledon SW19 4HU
Development: Erection of new boundary wall and gate
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 09 March 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094870/16P3122_Appeal%20Decision.pdf

Application Number: 16/P3692
Site: 153 Revelstoke Road, Wimbledon Park SW18 5NN
Development: Raising ridge height to create additional storey
Recommendation: Refuse (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 28th March 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095419/16P3692_Appeal%20Decision.pdf

Application Number: 16/P3790
Site: Land SO 390 Church Road, Colliers Wood SW19 2QF
Development: Replacement of 48 sheet advertisement with internally illuminated 48 sheet display
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22 March 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095513/16P3790_Appeal%20Decision.pdf

Application Number: 16/P4367
Site: 10 Fleming Mead, Mitcham CR4 3LU
Development: Prior approval for a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 29 March 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000096000/1000096052/16P4367_Appeal%20Decision.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: 20th April 2017

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 Ray Littlefield: 0208 545 3911
Ray.Littlefield@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:	542	¹ (538)	New Appeals:	1	(3)
New Complaints	42	(38)	Instructions to Legal	0	
Cases Closed	28	(31)	Existing Appeals	2	(2)
No Breach:	20		<hr/>		
Breach Ceased:	8		TREE ISSUES		
NFA ² (see below):	-		Tree Applications Received	54	(53)
Total	28	(38)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	1	(0)
New Enforcement Notice issued	2		Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0				
Total	2	(3)			
Prosecutions: (instructed)	0	(0)			

Note (*figures are for the period (8th March 2017 – 7th April 2017)*). 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

- **12A Commonside West.** On 06/03/17 the council issued an enforcement notice against the unauthorised erection of a single storey rear outbuilding. The notice will come into effect on 15/4/17 unless an appeal is made prior to that. The compliance period is one month. No appeal has been made at the time of compiling this report.
- **36 Biggins Avenue, Mitcham, CR4 3HN.** The Council issued an enforcement notice on the 18th January 2017 for 'the single storey front extension and the created balcony on the first floor of the property. The notice requires the structures to be demolished and took effect on 1st March 2017, as no appeal had been submitted. Prosecution proceedings are under consideration.
- **18 Warminster Way, Mitcham, CR4 1AD.** The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would take effective on 27th April 2017. Unless an appeal is made before this date.

Some Recent Enforcement Actions

- **55-61 Manor Road, Mitcham** An enforcement notice was issued 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 no notification of an appeal was 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. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner has now confirmed that the Notice will be complied with by 21st April 2017, in which case the prosecution will be withdrawn, but if the Notice is not complied with the prosecution will proceed.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement 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. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to re-possess the remaining two flats.
- **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 Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

- **14 Nelson Road, SW19.** On 20/12/16 the Council issued an enforcement notice against the unauthorised erection of a single storey rear extension. The notice would have come into effect on 1/2/17 unless an appeal was made prior to that. The compliance period was one month. No appeal was made. The development was modified and is now permitted development.
- **1 Flaxley Road Morden SM4 6LJ.** The Council issued an enforcement notice on 5th December 2016 against the erection of a single storey rear extension at the property. The notice requires the structure to be demolished. No appeal was made, the compliance date with the Notice is 16th March 2017. The extension has now been demolished, the Enforcement Notice has been complied with.
- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the above options to be carried out. An Appeal against this Notice has now been made, but a start letter has yet to be received.
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice takes effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. No appeal has been submitted, prosecution proceedings are under consideration. Prosecution proceedings to now be taken.
- **14 Tudor Drive SM4.** An Enforcement Notice was issued on the 9th February 2017 to cease the use of the land (outbuilding and garden) from residential (Class C3) to storage (Class B8). The Notice took effect on the 15th February 2017, no appeal was made. Compliance with the Notice is expected at the end of March 2017. Site visit to be undertaken to check for compliance.

25 Craven Gardens SW19. An Enforcement Notice was issued on 3/05/16 for the erection of a front bike shed. An appeal was received on 13/06/16. The appeal's decision was received on 02/03/17. The appeal was dismissed. A letter was sent to the owners on 03/03/17 giving a month to remove the bike shed as stated in the Enforcement Notice. The bike shed has now been removed, and the Enforcement Notice complied with.

3.00 New 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 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.
- **2 and 2A Elms Gardens, Mitcham.** An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement is to be submitted.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice has now been submitted. We are awaiting Start Letter.

3.1 Existing 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 was notified of an appeal. The compliance period is two calendar months. We are awaiting the outcome of this appeal.
- **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 meters to 8.4 metres. The notice with a 3-month compliance period would have taken effect on 18/10/16 but an appeal has been received. The start date of the appeal was confirmed as the 18th January 2017. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.

- **Land at 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. The Council's statement has now been submitted. Awaiting the Decision of this appeal.
- **44 Homefield Gardens, Mitcham CR4 3BY.** An enforcement notice was issued on 3rd August 2016 against the erection of a single covering structure at the front of the property. The notice would have come into effect on the 7th September 2016 but an appeal was submitted. The appeal was dismissed on 13/03/17 and the owners have to demolish the single covered structure by 13/04/17. Structure removed.

3.2 Appeals determined

- **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. The appeal was dismissed on 1/12/16 and the owners have to demolish the extension by 1/1/17. Case to be re-allocated to a new officer. Structure still present.

- **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. Appeal dismissed. Structure removed, Case closed.

- **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. The appeal was dismissed on 29/12/16 and the new compliance date by which to demolish the front gates is 29th March 2017. The notice has now been complied with, case to be closed.

- **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. The appeal was dismissed on 10/1/17 and the appellant had three months to comply. Date of compliance not yet reached, however the owner confirmed removal.

3.3 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. This case is to be re-allocated to a new officer.
- **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 to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.

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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