

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

Judy Saunders

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

Date: 16 March 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 3356

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Planning Applications Committee

16 March 2017

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Recommendation: Grant temporary planning permission for a period of one year subject to
- 6 96-98 The Broadway, Wimbledon, SW19 1RH 33 - 42
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- 7 Polka Theatre, 240 The Broadway, SW19 1SB 43 - 56
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Recommendation: GRANT Planning Permission Subject to Conditions
- 8 1-5 Carnegie Place, Wimbledon, SW19 5NG 57 - 78
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- 9 AELTCC, Church Rd, Wimbledon, SW19 79 - 128
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- 10 122 Copse Hill, West Wimbledon, SW20 0NL 129 - 140
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11	25 High Path, Wimbledon, SW19 2JL Application Number:16/P3738 Ward: Abbey Recommendation: Grant permission subject to any direction from the Mayor of London, the completion of a section 106 agreement and conditions	141 - 194
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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).

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

9 FEBRUARY 2017

(7.15 pm - 10.05 pm)

PRESENT Councillors: Linda Kirby (in the Chair), John Bowcott, Philip Jones, Andrew Judge, Najeeb Latif, Peter Southgate, Geraldine Stanford, Imran Uddin, Judy Saunders, and Stephen Crowe

ALSO PRESENT Councillors: Abdul Latif and Daniel Holden
Officers: Neil Milligan, Jonathan Lewis, Tim Lipscomb, Christian Loveday, and 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.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 19 January 2017 were agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

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

- a. Supplementary Agenda: A list of modifications for agenda items 10, 11 and 13 were published as a supplementary agenda.
- b. Item 6 was withdrawn from the Agenda prior to the meeting.
- c. Verbal Representations: The Committee received verbal representations detailed in the minutes for the relevant item.
- d. Order of the Agenda – The Chair amended to order of items to the following: 10, 8, 11, 12, 13, 14, 5, 7, 9, 15, and 16

5 26 BAKERS END, WEST WIMBLEDON SW20 9ER (Agenda Item 5)

Proposal: Conversion of single family dwellinghouse into 2 x self-contained flats

The Committee noted the officer's report and presentation.

RESOLVED

The Planning Applications Committee agreed to Grant Planning Permission subject to conditions

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

This item was withdrawn from the Agenda prior to the meeting.

7 29 CARLINGFORD GARDENS, MITCHAM CR4 2AT (Agenda Item 7)

Proposal: Two storey side extension

The Committee noted the officer's report and presentation.

RESOLVED

The Planning Application Committee agreed to Grant Planning Permission subject to conditions

8 44A DENMARK ROAD, WIMBLEDON, SW19 4PQ (Agenda Item 8)

Proposal: Erection of a single storey extension and replacement roof involving increasing the height of the roof and excavation of the existing floor level by 350mm to accommodate mezzanine level accommodation.

The Committee noted the officer's report and presentation. The Committee received verbal presentations from an agent representing objectors, from the applicant, and from ward councillor Daniel Holden.

In response to Councillor Holden's comments The Planning Officer suggested that an informative be added regarding rain water run-off

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions and the addition of an informative regarding rainwater run-off.

9 LAND ADJ TO 5 HILLVIEW, WEST WIMBLEDON, SW20 0TA (Agenda Item 9)

Proposal: Variation of condition No.2 (proposed drawings) attached to LBM Ref: 15/P3760 regarding the erection of a two-storey end of terrace building to create two self-contained two bedroom flats.

The Committee noted the officer's report and presentation.

RESOLVED

The Planning Applications Committee granted the variation of Condition 2.

10 134 MERTON ROAD, SW19 1EH (Agenda Item 10)

Proposal: Demolition of existing two storey rear outbuilding and covered workshop area and two storey outrigger attached to main building. Change of use of ground floor to flexible uses including A1/A2/B1a. Rebuilding of outrigger at a greater width and addition of mansard roof extensions to the main roof and to part of the outrigger to enlarge the existing residential unit. Alterations to existing pedestrian access points.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda - Modifications. The Committee received verbal presentations from three objectors to the application, and from ward councillor Abdul Latif

The Objectors commented that this application was the same as the previously refused by the Committee in November 2016. However, the Planning Officer asked members to note that the changes made to the ground floor, with the removal of the residential unit, meant the development was now fully compliant with Policy DM E3 on which it had previously been refused. In this application there was no loss of employment land, and the change of use class was not against policy.

The Committee noted the particular concern of objectors relating to the loss the current business, Top Gear Ltd, but noted that the relationship between tenant and landlord was not a planning issue

Members commented that they were sorry to see the current business tenant lose his premises, but that they could see no reason to refuse this application under Planning Legislation.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

11 3 PINCOTT ROAD, SOUTH WIMBLEDON, SW19 2XF (Agenda Item 11)

Proposal: Change of use from a former Metropolitan Police Safer Neighbourhood unit (B1a Business Use Class) to a Community Centre (D1 Non Residential Institute Use Class).

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

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

- A full noise assessment had been undertaken and noise mitigation measures were imposed by condition 3. LBM Environmental Health Officer was satisfied with these measures.
- The provision of sound limiters could be added by condition
- The hours of opening, 8am – 10pm every day, are one hour less in the morning and one less in the evening than the authorised hours of the former Police community office which was 7am to 11pm
- Officers will relay back to the property management team that when setting the leasing arrangements for the premises that 'good neighbourliness' should be included. This would involve discouraging users from congregating outside of the adjoining residents properties.

Members commented that it was important for the local residents to communicate their concerns to the management committee of the proposed community centre.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to the published conditions with the addition of a condition regarding the fitting of sound limiters.

12 7 RIDGWAY PLACE, WIMBLEDON, SW19 4EW (Agenda Item 12)

Proposal: Erection of a single storey side & rear extension first floor side extension and excavation of basement

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

Members commented that they welcomed the changes made to the previous application particularly the non-demolition of the house, the new roofline and the further technical information relating to the basement.

Members requested that permitted development rights be removed from the property so that if further extensions to the house were applied for the decision would have to come back to the Committee. This was proposed as a recommendation and agreed before the voting on the recommendation to grant planning permission.

RESOLVED

That the Committee:

1. Agreed that in allowing planning permission they required permitted development rights to be withdrawn from this property

2. GRANTED Planning Permission subject to conditions

13 223 STREATHAM RD & 1 RIDGE RD, MITCHAM CR4 2AJ (Agenda Item 13)

Proposal: Demolition of all buildings and redevelopment of the site to provide 36 residential units (C3 Use Class) within a residential block of 2, 3, and 4 storeys with a 5th storey set back and 246sq.m of non-residential floor space on ground floor for use within classes A1 (retail) and/or B1 (business) and/or D2 (assembly & leisure) together with associated access, car and cycle parking, landscaping and associated works.

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

The Objectors raised residents' concerns that included:

- the poor design of the proposal,
- parking and local traffic congestion would be made worse by the proposal,
- the offer of affordable homes was less than the target of 40%
- the potential for the proposal to make localised flooding worse

The agent reminded the committee that given the independent assessment of the financial viability appraisal the developers offer to deliver 14% affordable housing is more than they are required to offer. He also explained that the developer would be required to add a sustainable urban drainage system (SUDS) so that the risk of surface and foul water flooding was reduced.

Members made comments including:

- they were concerned about the high proportion of single bedded units
- they did not see need for commercial ground floor when there were lots of empty units in the area already
- the proposed design does not fit in with Edwardian streetscene
- the proposed design is overbearing, too tall, and un-neighbourly to Caithness Road and Ridge Road
- a member said that he liked the design but that it was too tall by one storey

In reply to comments made by the objectors and Councillors the planning officer made the following points:

- The Officers Report shows evidence that parking would not be made worse by the development, particularly with its commitment to a car club

- The mix of unit sizes in the development is not considered to be an issue in this type of development
- Commercial use is included in the proposal to meet the Council's Policy requirements for employment generating use of land
- Officers are satisfied that the height, bulk and massing of the development is suitable for the site.

The Committee discussed further and decided that they could not refuse on parking issues. But a refusal was proposed and seconded on the grounds of the height, bulk and massing being too great. This refusal was voted on and agreed.

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
The Height, Bulk and Massing of the proposal are all too great, contrary to LBM policies
 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 TREE PRESERVATION ORDER (TPO 706) 5-6 ALT GROVE, WIMBLEDON, SW19 4DZ (Agenda Item 14)

The Committee noted the Officer's Report and presentation, and a verbal representation by an objector to the confirmation of the TPO, and ward councillor Daniel Holden.

RESOLVED

That the Merton (No.706) Tree Preservation Order 2016 be confirmed, without modification.

- 15 PLANNING APPEAL DECISIONS (Agenda Item 15)

The Committee noted the report on recent appeal decisions.

- 16 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 16)

The Committee noted the report on recent Enforcement cases.

Agenda Item 4

Committee: PLANNING APPLICATIONS COMMITTEE

Date: 16th March 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.

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.
- 2.8 Members will be aware that certain types of development are classed as "Permitted Development" and do not require planning permission.
- 2.9 The Council's Scheme of Management provides for officers to determine generally routine, applications, including householder applications, applications for new housing that have not been the subject of local interest at consultation stage and with which there is an associated S106 undertaking, 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 16 MARCH 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P3406	18/08/2016
Address/Site	86 The Broadway, Wimbledon, SW19 1QG
Ward	Trinity
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.
Drawing Nos	Site Location Plan, 238_SHG_W101, Planning Statement, Acoustic Assessment (Amended Feb 2017).
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant temporary planning permission for a period of one year subject to planning conditions.

CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 84
- External consultations: No
- Controlled Parking Zone: Yes (W3)
- Flood Zone: Flood Zone 1 (Low risk)

- Conservation Area: No
- Listed Building: No
- Protected trees: No
- Public Transport Access Level: 6b

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 Chirico.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is on the ground floor of a three storey mid-terrace property within a commercial parade on the north side of The Broadway near to the junction with Kings Road and Gladstone Road. It is in use as a restaurant at ground floor level (Use Class A3). The current occupier is 'Chicken Shop and Dirty Burger'. There are toilets serving the restaurant at first floor level. The remainder of the first floor and the second floor accommodates a self-contained flat (No.86a, accessed from the west elevation of the building).
- 2.2 There is a deep single storey rear extension at the rear beyond which is a yard area (a previously unauthorised use as a beer garden ceased in 2007 following enforcement action). The yard has an imitation grass covering and there is a single storey timber building located adjacent to the rear boundary. Two trees are located on the western boundary. The yard is bounded by timber fencing.
- 2.3 The neighbouring buildings on The Broadway are generally comprised of commercial uses at ground floor, with residential flats above. The neighbouring property at no 88 to the east is in use as a restaurant (Use Class A3), currently occupied by Gourmet Burger Kitchen. To the west, no 90 is a charity shop (Use Class A1) with flats above.
- 2.4 The western side boundary of the yard adjoins the rear elevation and rear boundary of Kings House, a three-storey commercial building in use as massage treatment rooms and alternative therapy centre, with a frontage onto Kings Road. The northern rear boundary of the yard and the existing timber outbuilding abuts the side garden boundary of 1, Kings Road, a residential dwelling, with other residential dwellings beyond.
- 2.5 To the eastern boundary of the yard is a parcel of land to the rear of and forming part of No.88 The Broadway. This area is open and laid to hardstanding. Vehicular access can be obtained from the alleyway to the

east. This alleyway has a vehicular access onto The Broadway running between no's 88 and 92.

- 2.6 The alleyway also serves Cobden Mews, a two-storey office building located to the rear of the main Broadway frontage buildings, beyond the yard area belonging to no 88..
- 2.7 There is a continuous side boundary fence between the rear yard at the application site and the adjoining area of hardstanding at no. 88, which is in separate ownership. Hence, there is no vehicular access available to the rear of the application site.
- 2.7 The application site is designated as lying within Wimbledon Major Centre in a Secondary Shopping Frontage in the adopted Merton Sites and Policies Plan July 2014. It is located within a Controlled Parking Zone.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the removal of Condition 2 attached to planning permission 92/P0654, granted on 8 December 1992. This planning permission allowed the change of use of the ground floor from shop to restaurant, along with the erection of extensions.
- 3.2 Condition 2 of 92/P0654 states:

'The garage(s) and/or car parking space(s) shown on the approved drawing 0792/4A shall be provided before commencement of the use of the land or building(s) hereby permitted and thereafter shall be kept free from obstruction and shall not be used for purposes other than the parking of vehicles in conjunction with the development hereby permitted.'

Reason for Condition:

To ensure the provision of adequate off-street parking in order to prevent additional parking in surrounding streets which could be detrimental to amenity and prejudicial to highway safety.'

The approved drawing showed two car parking spaces occupying part of the rear yard area.

- 3.3 The application proposes the removal of the condition and use of part of the rear yard area for external dining, in connection with the existing A3 restaurant use. The rear portion of the yard area adjoining the garden of 1, Kings Road would not form part of the dining area.
- 3.4 The applicant has suggested the following conditions:

- The area at the rear of the Property shown on approved Drawing no.238_SHG_101 shall only be used by seated restaurant customers in accordance with the A3 use.
- The area to the rear of the Property shall not be used after 20.00.
- No music shall be played in the external area to the rear of the Property.
- The maximum number of customers permitted in the external area to the rear of the Property shall be no more than 26 at any one time.
- No cooking is permitted in the external area to the rear of the Property.
- No bar shall be installed in the external area to the rear of the Property.
- An acoustic barrier, as shown on Drawing no.238_SHG_101 shall be installed and maintained prior to the development commencing.

3.5 In addition the applicant suggests that an Operational Management Plan be employed, which seeks to ensure that the use of the external area is properly maintained and managed in accordance with the above restrictions.

3.6 The submitted plan shows a fence with integrated planters would be erected 5.7m from the rear boundary with No.1 Kings Road and along the 2 side boundaries of the proposed eating area. The fence would be 2.5m in height to the rear facing King's Road properties and 1.8m in height to the sides of the outside space. The accompanying planning statement advises that this will be an acoustic timber fence. The acoustic assessment recommends that the acoustic barriers should provide minimum sound reduction index of Rw 20 dB, which equates to a timber barrier formed from solid laths at least 20mm thick, well-sealed and with no gaps between.

3.7 The planning statement advises that the existing flooring to the yard area would be made good (although details of materials for the floor covering are not specified in the application). Moveable tables and chairs would be placed in the dining area.

3.8 The existing trees on site would be retained.

4. **PLANNING HISTORY**

4.1 **92/P0654 - CHANGE OF USE OF GROUND FLOOR FROM SHOP TO RESTAURANT, ERECTION OF SINGLE STOREY REAR EXTENSION INVOLVING DEMOLITION OF EXISTING ADDITION ERECTION OF REAR EXTENSION TO MAISONETTE AT SECOND FLOOR LEVEL AND INSTALLATION OF VENTILATION DUCTING ON SIDE**

ELEVATION. Grant Permission (subject to conditions) 08-12-1992.

- 4.2 94/P0464 - ERECTION OF EXTRACT DUCTING ON REAR ELEVATION OF PROPERTY. Grant Permission subject to Conditions 22-07-1994.
- 4.3 94/P0477 - DISPLAY OF EXTERNALLY ILLUMINATED FASCIA SIGN AND A NON- ILLUMINATED DOUBLED SIDED HANGING SIGN. Grant Advertisement Consent 21-07-1994.
- 4.4 99/P1066 - INSTALLATION OF A NEW SHOPFRONT INCLUDING 'CONCERTINA' WINDOWS AND A CANOPY. Grant Permission subject to Conditions 06-08-1999.
- 4.5 01/P2586 - INSTALLATION OF A NEW SHOPFRONT INCORPORATING A RETRACTABLE AWNING AND SLIDING/FOLDING GLASS DOORS. Grant Permission subject to Conditions 14-01-2002.
- 4.6 02/P0127 - DISPLAY OF AN ILLUMINATED FASCIA SIGN. Grant Advertisement Consent 20-02-2002.
- 4.7 **03/P1484 - CHANGE OF USE OF REAR YARD TO OUTDOOR BAR GRILL, INCLUDING RETENTION OF SHELTER (RETROSPECTIVE PLANNING APPLICATION). Refuse Permission 21-08-2003.**

Reasons for refusal –

- 1) The use of the rear yard as an outdoor bar grill by virtue of its proximity to residential properties represents an inappropriate form of development, detrimental to the amenity of the area, contrary to policies EP.2 and S.16 of the Adopted Unitary Development Plan (April 1996), policies BE.24, PE.3 and S.8 of the Second Deposit Draft Unitary Development Plan (Oct 2000) and Policy BE21 of the Proposed Modifications (June 2003).
 - 2) The use of the rear yard as an outdoor bar grill results in the loss of residential amenity space for the upper floors of the property to the detriment of residential amenity and contrary to policy H.14 of the Adopted Unitary Development Plan (April 1996) and policy HS.1 of the proposed modifications Unitary Development Plan (June 2003).
- 4.8 05/P2550 - ADVERTISEMENT CONSENT FOR DISPLAY OF EXTERNALLY ILLUMINATED PROJECTING SIGN & FACIA SIGN. Grant Advertisement Consent 09-01-2006.
 - 4.9 05/P2734 - INSTALLATION OF RESTAURANT KITCHEN VENTILATION AND EXTRACTION SYSTEM INCLUDING DUCTING. Withdrawn Decision 06-01-2006.

- 4.10 06/P0396 - MODIFICATIONS TO EXISTING RESTAURANT KITCHEN VENTILATION AND EXTRACTION SYSTEM INCLUDING DUCTING. Grant Permission subject to Conditions 16-05-2006.
- 4.11 **Enforcement Notice – 29/08/2007: Breach of planning control – unauthorised change of use of the rear yard of 86 The Broadway as an outdoor seating/bar grill area.**
- 4.12 07/P2379 - ALTERATIONS TO EXISTING RESTAURANT KITCHEN VENTILATION AND EXTRACTION SYSTEM INCLUDING FAN AND DUCTWORK. Grant Permission subject to Conditions 28-11-2012.
- 4.13 13/P0763 - APPLICATION FOR ADVERTISEMENT CONSENT FOR THE DISPLAY OF AN INTERNALLY ILLUMINATED FASCIA SIGN AND PROJECTING BOX SIGN. Withdrawn Decision 20-04-2016.
- 4.14 13/P1773 - APPLICATION FOR ADVERTISEMENT CONSENT FOR THE DISPLAY OF EXTERNALLY ILLUMINATED FASCIA SIGN, 1 x EXTERNALLY ILLUMINATED HANGING SIGN, AND 1 x INTERNALLY ILLUMINATED BRONZE EFFECT MENU CASE. Grant Advertisement Consent 01-08-2013.
- 4.15 **13/P2298 - VARIATION OF CONDITION 2 (PARKING SPACES) ATTACHED TO LBM PLANNING PERMISSION 92/P0654 (01/09/1992) TO ALLOW FOR OUTSIDE CUSTOMER SEATING IN REAR GARDEN. Refused Permission 13-06-2014.**
Reason for refusal:
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.
- 4.16 16/P1017 - APPLICATION FOR ADVERTISEMENT CONSENT FOR THE DISPLAY OF AN EXTERNALLY ILLUMINATED FASCIA SIGN AND INTERNALLY ILLUMINATED PROJECTING SIGN. Grant Advertisement Consent 27-04-2016.
- 4.17 16/P1018 - ALTERATIONS TO SHOP FRONT. Grant Permission subject to Conditions 27-04-2016.

5. **CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to 84

neighbouring occupiers. 64 letters of representation has been received from 26 different addresses, objecting on the following grounds:

- Noise, odour, smoke disturbance, excessive rubbish and general nuisances caused by customers.
- Removal of this condition would negate the Enforcement Notice and there would then be no control over the use of the rear yard.
- Do not accept findings of Acoustic Assessment, as it is based on estimations and assumptions and is not robust.
- Suggestion that acoustic assessment is flawed. (numbers of people talking or laughing simultaneously is unrealistic, noise levels and effect of peaks is understated, people will talk louder to overcome the background noise, not all customers would be seated, report has misidentified 4 Kings Road, the area is not large enough for 26 seated diners etc).
- The site is surrounded on three sides and creates an echo effect, which is not taken into account in the Acoustic Assessment.
- The space could be used as a beer garden as there is no condition to ensure customers have to buy food.
- There is a plan to have breakfast with bottomless drinks, meaning that patrons will be inebriated and loud from 10am onwards.
- Acoustic barrier would not be sufficient to block noise, particularly to upper floors windows to neighbouring properties.
- The Acoustic Barrier is already in place and does not alleviate noise.
- Proposal would breach World Health Organisation Noise limits.
- Suggestion that roof be added to the dining area.
- Continuous noise disturbance for 10 hours a day.
- Concerns over successful implementation of management plan – will standing customers be told to be seated by staff? Etc. (Unenforceability of management plan).
- The serving of alcohol will increase noise levels.
- Daytime noise is a concern as well as noise in the evening.
- If permitted, in the future there may be bar and grill use outside also.
- Light pollution.
- Waste management and disposal – 26 additional customers will create additional waste.
- Vermin infestation.
- Impact on local parking/parking shortage.
- The reduction in numbers of customers, by 6, since the previous proposal, would not make any difference to the overall noise disturbance.
- This proposal should be refused for the same reasons as the previous proposal.
- Loud music is already played at the site causing disturbance. If doors are open it would be significantly worse.
- There is no business case for the proposal – there are already sufficient burger restaurants in the area.

- Anti-social behaviour.
- Assertion that the occupiers of No.88 The Broadway have no right to block access and the area could be used for parking.
- Setting of a precedent.

5.2 Transport Planning:

No vehicles can access the site as future residents will have no right of way over the open area to the rear of 90 The Broadway. At present this area reads as an open area for parking however it is privately owned.

Given that the site has a PTAL of 6b with bus, train, tube and tram available within the PTAL calculation area and located within a designated town centre area as such no objection is raised in relation to the potential increase in patrons using the restaurant.

We have no objection to the above proposals as it will not generate a significant negative impact on the performance and safety of the surrounding highway network.

5.3 Highways:

Highways have no objection to the removal of Condition 2 on this application.

5.4 Environmental Health (Noise):

Further to your consultation in relation to the above planning application and having considered the information submitted, should you be minded to approve the application then I would recommend the following planning conditions:-

- The noise level increase arising from the use of the external area shall not be more than those supplied in the ACAAcoustics report 160714-002E dated December 2016.
- The area at the rear of the property shown on the documents submitted shall only be used by patrons for seated dining meals.
- The external area relating to the application shall not be used after 20:00 hours.
- No music shall be played in the external area to the rear of the property and the rear doors shall not be kept open to facilitate music being audible outside.
- The maximum number of customers permitted in the external area to the rear of the property shall be no more 26 at any time.
- No cooking is permitted in the external area to the rear of the property.

- No bar shall be installed in the external area to the rear of the property.
- Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- The acoustic barrier, shown on drawing no 238_SHG_101 shall be installed prior to the development use commencing and maintained thereafter.

6. **POLICY CONTEXT**

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

- | | |
|------|---|
| 4.7 | Retail and town centre development |
| 6.3 | Assessing effects of development on transport capacity |
| 7.2 | An inclusive environment |
| 7.3 | Designing out crime |
| 7.15 | Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes |

6.2 LDF Core Planning Strategy (July 2011)

- | | |
|------|--|
| CS6 | Wimbledon Sub-Area |
| CS7 | Centres |
| CS8 | Housing Choice |
| CS14 | Design |
| CS20 | Parking, Servicing and Delivery |
| CS21 | Open Space, Nature Conservation, Leisure and Culture |

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

- | | |
|--------|--|
| DM R1 | Location and scale of development in Merton's town centres and neighbourhood parades |
| DM R5 | Food and drink / leisure and entertainment uses |
| DM D2 | Design considerations in all developments |
| DM D3 | Alterations and extensions to existing buildings |
| DM EP2 | Reducing and mitigating noise |
| DM EP4 | Pollutants |
| DM T2 | Transport impacts of development |
| DM T3 | Car parking and servicing standards |

6.4 Other guidance:

- SPG: Food and Drink (A3 Uses) 1999
- National Planning Policy Framework (2012)
- National Planning Policy Guidance (2014)

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the impact on neighbouring amenity.

7.2 The principle of development is acceptable, subject to the impact on neighbouring amenity.

7.3 Background to proposals

7.4 The premises have been in A3 use since planning permission was granted for a change of use from a retail shop (A1) in 1992. In 2002 the site was occupied by a new A3 user known as 'Reds Bar and Grill'. A condition of the 1992 planning permission for the change of use restricted the land at the rear of the site to a staff parking area:

'The garage(s) and/or car parking space(s) shown on the approved drawing 0792/4A shall be provided before commencement of the use of the land or building(s) hereby permitted and thereafter shall be kept free from obstruction and shall not be used for purposes other than the parking of vehicles in conjunction with the development hereby permitted.'

Reason for Condition:

To ensure the provision of adequate off-street parking in order to prevent additional parking in surrounding streets which could be detrimental to amenity and prejudicial to highway safety.'

7.5 However, it subsequently transpired that access to the land could only be gained via the rear of the adjoining site at 88 The Broadway and that the owners of the application site have no right of access over it. Therefore, the land was rendered as dead space. Whilst in the ownership of 'Reds Bar and Grill' the land began to be used as a beer garden and a complaint was made to the Council's planning enforcement section that noise and disturbance was taking place until late at night. Following an investigation by enforcement officers, a retrospective planning application was made for the change of use of the yard to an outdoor bar grill and this was refused in 2003 under delegated powers for the following reasons:

1. The use of the rear yard as an outdoor bar grill by virtue of its proximity to residential properties represents an inappropriate form of development, detrimental to the amenity of the area, contrary to policies EP2 and S16 of the Adopted Unitary Development Plan (April 1996), policies BE24, PE3 and S8 of the Second Deposit Draft Unitary Development Plan (October 2000) and policy BE21 of the Proposed Modifications (June 2003).

2. The use of the rear yard as an outdoor bar grill results in the loss of residential amenity space for the upper floors of the property to the detriment of residential amenity and contrary to policy H14 of the Adopted Unitary Development Plan (April 1996) and policy HS1 of the proposed modifications Unitary Development Plan (June 2003).
- 7.6 An Enforcement Notice was served in August 2007 requiring that the use of the yard as an outdoor seating/bar grill area cease. This Enforcement Notice was subsequently complied with.
- 7.7 Under application ref. 13/P2298 permission was refused for the variation of Condition 2 of the 1992 permission at the Planning Applications Committee, the officer recommendation to grant a temporary planning permission of one year was overturned by the Committee, for the following reason:
1. 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, that would be contrary to Adopted Merton Unitary Development Plan (October 2003) policies BE15, BE23 and SE8
- 7.8 The key differences between the current proposal and the refusal under 13/P2298 are as follows:

	13/P2298	16/P3406
Acoustic Assessment	No	Yes
Closing time of garden	8pm	8pm
Music	No	No
Maximum number of customers	32	26
Cooking	No	No
Bar	No	No
Acoustic Barrier	Yes, details to be submitted by condition	Yes, included in the proposal.
Separation distance to the rear of the site	4m	5.7m

- 7.9 In addition, the current application is accompanied by an Acoustic Assessment, whereas the previous application was not. The Acoustic Assessment has been carried out in accordance with BS 8233:2014 and has measured background noise levels at the site. A computer model has been set up to calculate noise emissions to nearby residential properties. The Assessment concludes that the noise impacts to nearby residential properties would be within World Health Organisation levels (Guidelines for Community Noise 1999). The Assessment concludes that the noise levels would result in an imperceptible change in loudness and an impact description of 'Slight'.
- 7.10 Neighbouring Amenity
- 7.11 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.12 Policy DM R5 aims to ensure that food and drink uses are located in a suitable location for customers, but do not cause unacceptable environmental or social impacts.
- 7.13 Policy DM EP2 seeks to ensure that development which has the potential to adversely impact on local amenity by way of noise or vibration is not permitted unless the potential noise problems can be overcome by suitable mitigation measures.
- 7.14 The application site is within the Town Centre, within a secondary shopping frontage. Food and drink uses feature predominantly in this part of the town centre. However, the neighbouring food and drink uses do not have external rear terraces which are used for dining or drinking to the rear. Although it is noted that there is a roof terrace at Nos.80 and 82 The Broadway, towards the frontage of the buildings.
- 7.15 To the immediate rear of the site is the garden of 1 King's Road, a semi-detached, two-storey dwellinghouse. No.1 King's Road would be separated from the proposed dining area by 5.7m, with an acoustic fence up to a height of 2.5m and the existing timber outbuilding to the rear part of the site standing between the terrace and the boundary of No. 1 King's Road, which is demarcated by a close board timber fence (beyond No.1 Kings Road and to the rear of Cobden Mews are residential properties with rear gardens).
- 7.16 To the immediate side of the site (west), is Kings House, a three-storey building in use as massage treatment rooms and alternative therapy centre, fronting on to Kings Road. There are windows to the east elevation, facing on to the application site. These windows are obscurely glazed and serve WCs, shower rooms and kitchens at ground floor level

- and stairways and printer rooms at first floor level and a staff restroom at second floor level.
- 7.17 To the east is Cobden mews, an office building, with no windows facing on to the application site.
- 7.18 There are also residential flats above the main frontage buildings facing onto The Broadway. These flats have rear facing windows which could be affected by the proposed use of the yard as a seating/dining area.
- 7.20 There are residential properties in close proximity to the site, most notably, the residential properties to the rear of the site and flatted units above main frontage buildings.
- 7.21 The use of the yard area as a dining/seating area would create noise and the key consideration is whether the resulting noise would result in material harm to neighbouring amenity.
- 7.22 The application is accompanied by an Acoustic Assessment, whereas the previous refused application was not supported by a technical acoustic assessment. The submitted assessment has been amended following the identification of discrepancies by officers and neighbours and has also been amended to show the rear part of the acoustic barrier to be 2.5m in height.
- 7.23 It is noted that there is a substantial amount of objections to the proposal based on noise disturbance. Objectors have cited potential flaws in the methodology of the Acoustic Assessment. Concerns include:
- numbers of people talking or laughing simultaneously is unrealistic,
 - noise levels and effect of peaks is understated,
 - people will talk louder to overcome the background noise,
 - not all customers would be seated,
 - report has misidentified 4 Kings Road (Fig. 4 photograph),
 - the area is not large enough for 26 seated diners.
- 7.24 For clarity, the application has been amended to rectify some errors in the Acoustic Assessment and Figure 4 is now correct (whereas previously the photograph at Figure 4 was incorrectly annotated). In addition, the site layout plan is accurate and to scale and demonstrates that the tables and chairs could be accommodated. In addition, it should be noted that whilst there is a fence with planters at the site currently, this is not the acoustic fence that the application refers to. Therefore, the acoustic fence is not already in place as asserted in some of the objection letters. Any future introduction of a bar or grill outside would require permission as conditions would stipulate that no bar or grill is allowed in the external dining area.

7.25 The Council's Environmental Health Officer has reviewed the submitted Acoustic Assessment and raises no objection subject to the following conditions:

- The noise level increase arising from the use of the external area shall not be more than those supplied in the ACAAcoustics report 160714-002E dated December 2016.
- The area at the rear of the property shown on the documents submitted shall only be used by patrons for seated dining meals.
- The external area relating to the application shall not be used after 20:00 hours.
- No music shall be played in the external area to the rear of the property and the rear doors shall not be kept open to facilitate music being audible outside.
- The maximum number of customers permitted in the external area to the rear of the property shall be no more 26 at any time.
- No cooking is permitted in the external area to the rear of the property.
- No bar shall be installed in the external area to the rear of the property.
- Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
- The acoustic barrier, shown on drawing no 238_SHG_101 shall be installed prior to the development use commencing and maintained thereafter.

7.26 The mitigation measures proposed will rely on on-going management to ensure that the measures are adhered to. It would appear that the noise impact to neighbouring properties would be within reasonable tolerances.

7.27 Any conditions imposed to minimise the impact of the proposal must pass the 6 tests set out in the National Planning Policy Guidance 2014 (NPPG):

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

7.28 In this case it is critical that any conditions are enforceable. The measures put forward will rely on careful on-going management. In order to ensure that guests do not use the area after 8pm, it is considered necessary to impose a condition that no bookings or table reservations in this external dining area are permitted after 7pm. Also, a condition to secure details of

- the types of tables and chairs and hard surfacing intended is recommended, to ensure that noise from tables and chairs scraping is minimised.
- 7.29 In addition, a condition to secure details of any lighting is recommended.
- 7.30 However, the conditions will ultimately rely on careful on-going management in practice and if it transpires that the conditions have not been complied with, an Enforcement Notice could be served to ensure that any unauthorised activity ceases. As mentioned above, any such breaches would have a strong bearing on any future application for a permanent permission for the rear yard area when the temporary permission expires.
- 7.31 Whilst it cannot be guaranteed that there would not be any disturbance to surrounding occupiers, the raft of mitigation measures put forward will minimise the impact as far as reasonably practicable.
- 7.32 The NPPG states that temporary planning permissions can be appropriate to allow a trial run in order to assess the effect of the development on the area. In this case, whereby the resultant impact cannot be predicted to a definitive degree, it is considered that a temporary planning permission only would be reasonable.
- 7.33 The raft of mitigation measures proposed, if implemented properly, should ensure that disturbance is minimised. However, in recognition of the history of the site and its sensitive nature, it is recommended that a temporary planning permission for a one year trial period is recommended, on the strict understanding that should any of the conditions that are recommended be breached, it will have a strong bearing on any future application for a permanent permission for the rear yard area when the temporary permission expires.
- 7.34 Highway, traffic and parking considerations
- 7.35 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.
- 7.36 It has been established that the use of the rear yard as a car park has not occurred for the past ten years. It would appear that the condition cannot be complied with due to rights of access issues, as in order to use this rear area for parking, access across the rear of No.88 (outside of the control of the applicant) would be required.

- 7.37 The Council's Transport Planner raises no objection to the use of the yard for non-parking purposes as the site is in an accessible, high PTAL area, wherein public transport options are available, and in any event, the use of the rear area for staff parking is not possible.
- 7.38 The site has not been used for parking for several years. The site is within the Town Centre with a high PTAL rating. Therefore, it is considered that the increase in customers that the proposal would yield would be accommodated for by the existing transport network and no additional parking is considered to be necessary.
- 7.39 The proposal is considered to be acceptable in highway and transport terms.
- 7.40 Refuse and recycling
- 7.41 Concerns have been raised by neighbours regarding existing problems with litter and refuse storage. The increase in customers would mean an increase in waste. However, there is ample space on site to provide refuse/recycling storage and details of refuse/recycling storage can be secured by way of condition to ensure that it is sufficient and not harmful to amenity.
- 7.42 Issues of vermin cannot form a reasonable reason for refusal as preventative measure can be taken. This would be a matter for Environmental Health legislation.

8 CONCLUSION

- 8.1 The principle of development is considered to be acceptable. Although the Acoustic Assessment indicates that there is unlikely to be a noise nuisance (the Council's Environmental Health Officer raises no objection subject to conditions), much is dependent on adherence to conditions and how the space is managed. Therefore, it is considered that a temporary planning permission for a period of one year to allow for a trial run to test the impact of the proposal would be reasonable.
- 8.2 Following the expiry of this period the applicant would need to apply for full planning permission if the use of the outside area as a dining area were to continue, at which point the impact on neighbouring amenity would be re-assessed.

RECOMMENDATION

Grant planning permission for the removal of Condition 2 of application ref. 92/P0654 subject to the following conditions:

1. The use of the land as an outside dining area hereby permitted shall be discontinued and the tables and chairs permanently removed on or before 1 year from the date of this planning permission.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2 and DM R5 of the Council's adopted Sites and Policies Plan 2014.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 238_SHG_W101.

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

3. The external dining area shown on the approved plans shall only be used by seated restaurant customers in accordance with the authorised A3 (restaurants and cafes) Use Class of the premises.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

4. The use of the area as an external dining area shall not commence until details of tables and chairs to be used, along with details of hard surfacing in the external dining area, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. The agreed hard surfacing shall be carried out prior to the first use of the external dining area.

Reason: In order to minimise noise disturbance and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

5. The external dining area, shown on drawing 238_SHG_W101, shall not be used by customers before 10:00 hours or after 20:00 hours.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

6. No reservations or table bookings shall be taken for customers using the outside dining area after 7pm.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

7. No music shall be played in the external area to the rear of the property and the rear doors shall not be kept open to facilitate music being audible outside.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

8. The maximum number of customers permitted in the external area to the rear of the property shall be no more 26 at any time.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

9. No cooking or other food preparation shall take place in the external area to the rear of the property.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

10. No bar shall be installed in the external area to the rear of the property.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

11. Prior to the commencement of development, details (to include materials and elevational drawings) of the proposed acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details. The agreed acoustic barrier shall be erected prior to the first use of the external dining area.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

12. D09 No External Lighting: No external lighting shall be installed without the prior approval in writing of the Local Planning Authority.

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.

13. The noise level increase arising from the use of the external area shall not be more than those supplied in the ACAAcoustics report 160714-002D dated February 2016.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 D3 of the Council's adopted Sites and Policies Plan 2014.

14. The use of the external dining area shall take place strictly in accordance with the submitted Operational Management Plan.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 D3 of the Council's adopted Sites and Policies Plan 2014.

15. The external dining area shall not be used/occupied by staff between the hours of 20.30 to 09.00 hours.

Reason: Having regard to the impact on neighbouring amenity and to comply with Policies DM D2, DM R5 and DM EP2 of the Council's adopted Sites and Policies Plan 2014.

16. No development shall take place until a scheme for the storage of refuse and recycling has been submitted in writing 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.

Informatives:

1. In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:
 - i) Offering a pre-application advice and duty desk service.
 - ii) Where possible, suggesting solutions to secure a successful outcome.
 - iii) As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

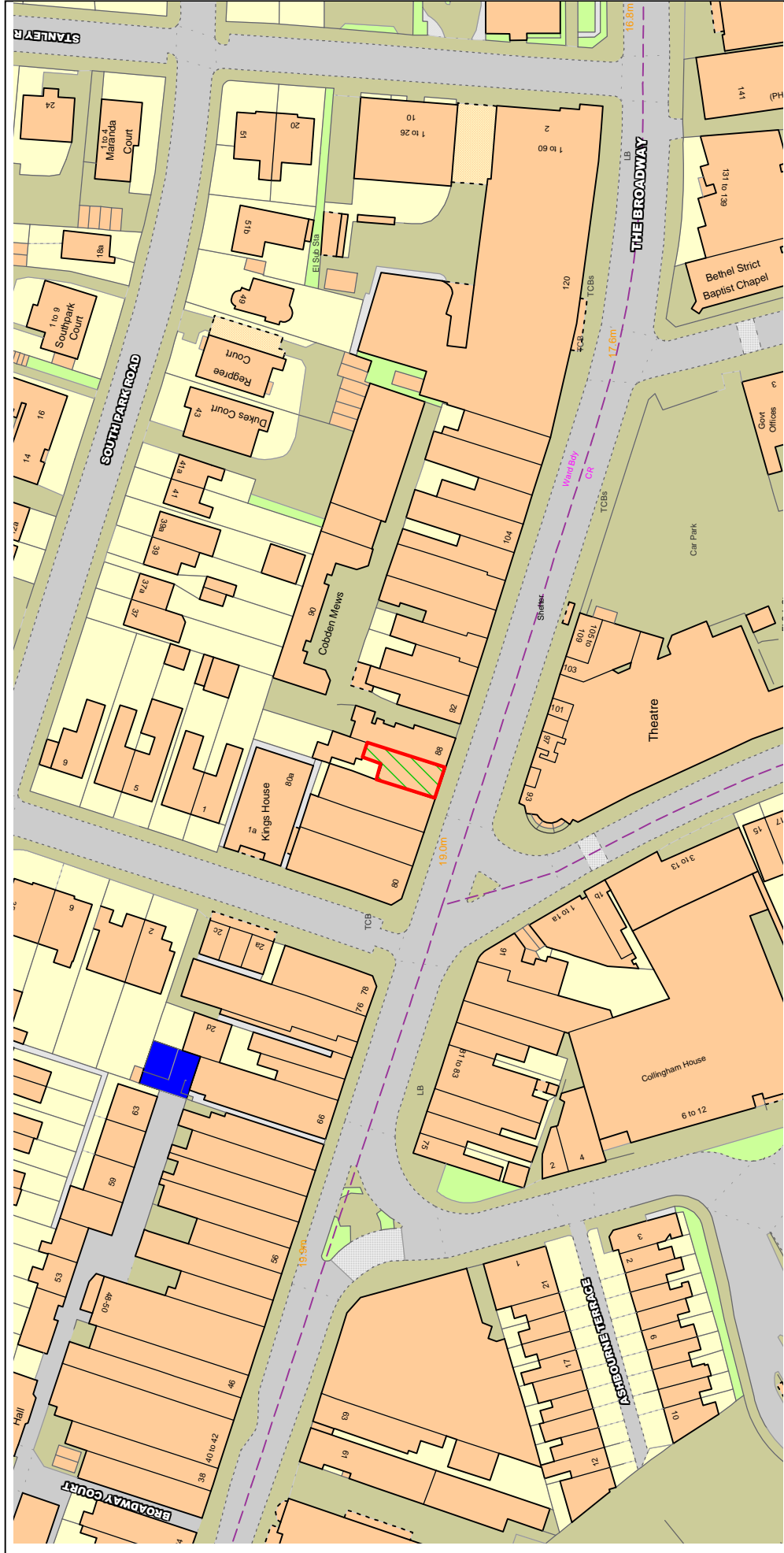
In this instance:

- i) The applicant was offered the opportunity to submit amended documentation in order to make the proposal acceptable in planning terms.

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

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NORTHGATE SE GIS Print Template



Text Details **86 The Broadway**

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**PLANNING APPLICATIONS COMMITTEE
16 MARCH 2017**

APPLICATION NO. DATE VALID

15/P1569

24/04/2015

Address/Site 96-98 The Broadway, Wimbledon SW19 1RH

Ward **Trinity**

Proposal: Alterations and extensions to existing building to create 8 x 1 bedroom and 1 x 2 bedroom flats to upper floors and extension to existing ground floor retail units.

Drawing Nos 6512-PL01 and 6512-PL02 (Received dated 15/12/2016) and Design and Access Statement

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to Completion of a S.106 Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- 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 – 14
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

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 pair of mid-terrace properties situated on the north side of The Broadway. The ground floor of each property is in commercial use, with residential accommodation on the upper floors. There is access from the rear of the site via the mews development which is mixed commercial/residential in character. There is a variety of architectural style in the immediate area of the application site. The application site is not within a conservation area, but is within a Controlled Parking Zone (CPZ W3).

3. CURRENT PROPOSAL

- 3.1 The current application involves the alterations and extensions to the existing building to create nine flats (8 x 1 bedroom and 1 x 2 bedroom units) and rear extension to existing retail units.
- 3.2 The proposed extension would be 10.8 metres in length and 12 metres in width. The extension would have an eaves height of 9.2 metres and would have a mansard roof with an overall height of 11.5 metres. Internally, at ground floor level the existing shop units would be refurbished and extended rearwards. Within the rear of the ground floor of the extension the entrance to the flats would be provided and integral refuse and cycle storage provided. At first floor level two one bedroom/two person flats would be formed within the original building, with a one bedroom, two person flat and a one bedroom studio flat provided within the extension. At second floor level 2 x one bedroom, two person flats would be provided at second floor level within the original building, with a further one bedroom, two person flat and a two bedroom, four person duplex that would occupy part of the floor above. Juliette balconies would be provided at first, second and third floor levels to provide external amenity space for four of the proposed flats.
- 3.3 The proposed rear extension has been designed in a 'warehouse' style and is of similar design and proportions to the existing rear extension to numbers 100 The Broadway. No car parking would be provided for the proposed development, however secure cycle parking would be provided.

4. PLANNING HISTORY

- 4.1 In June 2014 a pre-application meeting was held into the proposed conversion and extension of numbers 96 and 98 The Broadway to provide 9 residential units above the existing ground floor retail unit. (LBM Ref.14/P0818/NEW).
- 4.2 100 The Broadway
In March 2011 planning permission was granted for the erection of a third floor and conversion of flat 2 from a 3 bedroom flat to a 4 bedroom flat, flat 3 from a 2 bedroom flat to a 5 bedroom flat and addition of a mezzanine level to existing restaurant and installation of a new shopfront (LBM Ref.11/P0345). The proposed rear extension to the existing building at 96/98 is of similar height to that constructed at 100 The Broadway.

5. CONSULTATION

5.1 The application has been advertised by site notice and letters of notification to occupiers of neighbouring properties. In response 13 letters of objection have been received. The grounds of objection are set out below:-

- The proposed extension would overlook residential properties in South Park Road.
- Rooms within the 4th floor would overlook 37A South park road.
- The development would result in noise and nuisance.
- The development of 100 The Broadway set the precedent for extending within the rear areas of The Broadway properties. However, the proposed works to 96/98 should not be allowed in their present form. The resulting structure when combined with that at 100 The Broadway would have an overbearing impact and be visually intrusive upon Cobden Mews.
- The development at 100 The Broadway has resulted in loss of sunlight to 2 Cobden Mews and the proposals for 96/98 would result in further loss of light.
- The provision of secure cycle parking is supported, however there are already parking problems in the area with illegally parked vehicles in Cobden Mews/Printers Yard. Any increase in congestion will make running a business very difficult.
- There is already too much noise from various restaurants without further development.
- The site is too small for 8 x 1 and 1 x 2 bedroom flats.
- The proposed extension would reduce light to the offices in Cobden Mews.
- The plans effectively remove parking spaces available for this building.
- The occupiers of 3 Cobden Mews have already experienced noise and inconvenience from the years of building work at 100 The Broadway.
- The height of the proposed extension would be almost double that of the existing buildings and is disproportionate given the narrowness of the yard.
- The propose development would affect the day to day running of businesses in Cobden Mews/Printers Yard.
- The increase in the number of dwellings would put pressure on rubbish storage and the area is already struggling with overflowing bins and poorly stored rubbish and failed collections from contractors.

5.2 Amended Plans

The plans were amended to provide 'Juliette' balconies and first, second and third floor level to provide small areas of external space for each flat. The layout of the refuse storage and cycle storage areas has also been amended to improve access and revisions to the fenestration of the rear elevation undertaken. A reconsultation has been undertaken and any further representations will be reported to committee.

5.3 The Wimbledon Society
The proposal is regarded as unsafe and fails to comply with Merton's policies on safety requirements for new development as access to the flats would be through a narrow alley at the rear of the building and the third floor has no means of escape in case of fire. The internal layout of the units is unsatisfactory with poor outlook and inadequate daylight and sunlight. The Society are of the view that the number of units is excessive and is development of the site and the quality of the living conditions and safety of future residents is unsatisfactory.

5.4 Climate Change Officer
The Design and Access Statement does not make reference to the need to achieve a 25% improvement over Part L1 of the Building Regulations. However, all new domestic units assessed under Part La will be subject to requirements outlined above.

5.5 Transport Planning
No off street car parking is proposed for the development. However given the location of the application site within Wimbledon Town Centre and the high PTAL score (PTAL----). The development should be designated 'permit free' secured through a S.106 Agreement.

6. POLICY CONTEXT

6.2 Adopted Merton Core Strategy (July 2011)
CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.3 Sites and Policies Plan (July 2014)
DM H2 (Housing Mix), DM D1 (Urban Design), DM D2 (Design Considerations in all Developments), DM D3 (Alterations and Extensions to Existing Buildings), DM T1 (Sustainable and Active Transport) and DM T4 (Car Parking and Servicing Standards).

6.4 London Plan (March 2015)
3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction) and 7.6 (Architecture),

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations concern design, standard of accommodation, neighbour amenity, parking, and sustainability issues.

7.2 Design Issues
The design of the proposed rear extension is similar to that previously approved at 100 The Broadway, with the building being constructed in a warehouse style with yellow stock facing brickwork, with red brick lintels, slate

roof and lead clad dormer windows and sash windows. The design of the proposed extension is considered to be acceptable in terms of polices CS14, DM D3 and DM D

7.3 Standard of Accommodation

The gross internal floor areas of each flat is set out below:-

Flat	Unit type	Floor space	London Plan Minimum Standard
1	1 bed	55m2	50m2
2	Studio	39m2	37m2
3	1 bed	51m2	50m2
4	1 bed	51m2	50m2
5	1 bed	56m2	50m2
6	2 bed duplex	74m2	70m2
7	1 bed	51m2	50m2
8	1 bed	50m2	50m2
9	1 bed	54m2	50m2

The Mayor of London's minimum floor space standards specify a minimum of 37m2 for a one person unit, 50m2 for a one bedroom/two person unit and 70m2 for a two bedroom/2 person unit. Therefore the gross internal floor area of each unit exceeds the minimum standard set out in policy 3.5 (Quality and Design of Housing of the London Plan). In terms of amenity space, flat numbers 1, 5, 6 (the duplex unit) and 9 within the extension would each have an 'inset' balcony with Juliette railings to the mews elevation. The inset balconies would provide a small area of external space for four of the flats within the new extension, although flat 2 (the studio) unit would not benefit from a balcony, nor would flats 3, 4, 7 and 8 have any amenity space as they are formed within upper floor of the existing frontage building. Given the Town Centre location and the close proximity of public open space (South Park Gardens) the proposed amenity space is considered to be acceptable. The proposal is therefore considered to be acceptable in terms of policies CS8 (Housing Choice) and DM D2 (Design Considerations in all Developments).

7.4 Neighbour Amenity

A number of objections have been received from occupiers of residential properties in South Park Road. However the rear elevation of the proposed extension to 96-98 The Broadway would be 38.5 metres away and there is the two storey B1 office building known as Cobden Mews situated between the rear elevations of residential properties in South Park Road and the application site. There would be 10.6 metres separation distance between Cobden Mews and the front elevation of the proposed extension. Given the separation distance between the rear elevation of the extension and both Cobden Mews and residential properties in South Park Road there would be no loss of amenity as a result of the proposed development. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.6 Parking

The proposed development does not provide any off street car parking. However, the application site is within Wimbledon Town Centre and has a high PTAL score. Therefore, a permit free development would be appropriate in this instance secured through a S.106 Agreement. The proposal is therefore considered to be acceptable in terms of policies CS20 (Parking) and DM T1 (Sustainable and Active Transport).

7.8 Sustainability Issues

The Government removed the requirement for compliance with the Code for Sustainable Homes on 26 March 2015, as part of the Deregulation Act 2015. However, in the absence of any other replacement guidance, the Code for Sustainable Homes standard has been adopted for this development. Policy CS15 required all new developments to achieve Code level 4 of the Code for Sustainable Homes. Policy DM H4 of the Sites and Policies Plan states that a proposal to demolish and rebuild a single dwelling will be required to enhance the environmental performance of the new development beyond minimum requirements. The policy requires that Carbon Dioxide emissions to be limited in line with Code for Sustainable Homes level 5. Notwithstanding that the Government removed the requirement of compliance with the Code for Sustainable Homes; the architect has stated that by using passive means for achieving energy efficiency will be the starting point with low U values for the external fabric of the building, improved air tightness, reduced thermal bridging and making effective use of resources and materials, minimizing water and CO2 emissions. The architect has also confirmed that the design of the proposed house meets the Lifetime Homes criteria.

7.9 Affordable Housing

The council is not currently seeking affordable housing onsite or financial contributions for affordable housing (under Policy CS8 of Merton's adopted Core Planning Strategy (July 2011)) from developments of 10 dwellings or less and no more than 1000 sqm of residential floor space. This follows a Court of Appeal decision supporting the retention of government policy set out at paragraph 31 (Reference ID: 23b-031-20160519) of the government's Planning Practice Guidance that seeks an exemption from affordable housing contributions for such developments. The council's position on this will be reviewed following any successful legal challenge to this decision or a judgement in support of local authority affordable housing policy for such a development. The council's policy will continue to be applied to developments of 11 units or more and developments involving more than 1000 sqm of residential floor space.

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 concerns of the neighbours have been noted and the proposal is considered to be acceptable in terms of neighbor amenity, subject to appropriate planning conditions concerning working hours. The design of the proposed building is considered to be acceptable. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subjection to completion of a S.106 Agreement covering the following heads of terms:-

1. The new residential units being designated 'permit free'.
2. The developer paying the Councils legal and professional cost in drafting and completing the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. C.7 (Refuse and Recycling-Implementation)
9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. H.7 (Cycle Parking Implementation)
12. H.9 (Construction Vehicles)
13. No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19%

improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

Reason for condition: In the interest of sustainable development and to comply with policy CS15 of the Adopted Merton Core Planning Strategy (2011).

14. INF.1 (Party Wall Act)
 15. INF.8 (Construction of Vehicular Access)
-

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

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NORTHGATE SE GIS Print Template



Text Details **96-98 The Broadway**

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PLANNING APPLICATIONS COMMITTEE 16 MARCH 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4619	02/08/2016
Address/Site:	Polka Theatre, 240 The Broadway, Wimbledon, SW19 1SB
(Ward)	Trinity
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.
Drawing Nos:	00.25, 02.12(C), 14(C), 16(C), 17(D), 18(A), 19(A), 20, 21(E), 22(E), 23(F), 24(E), 25(B) & 31
Contact Officer:	David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to Conditions

CHECKLIST INFORMATION

- Heads of agreement:
- 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: 50
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a two-storey main building with an overhanging twin pitch roof which houses the main theatre at first floor level above the main foyer and adventure theatre. This building was constructed as a church hall for the adjoining Holy Trinity Church in the 1920s. The two-storey main building is connected to the three storey terrace which fronts The Broadway which includes the Polka café and a restaurant at ground floor level with administrative offices and a four bedroom split level flat above which is owned by the theatre. A single storey prefabricated annex building is located at the rear of the site whilst an outside play area of approx. 110sqm is located between this building and the main building. The site backs onto Bridges Road Mews which is accessed from Bridges Road whilst an existing right of way which runs between the outside play area and the annex building to enable access to the rear of the neighbouring building No.254.
- 2.2 This part of The Broadway features an eclectic mix of building styles and uses. Holy Trinity Church is located immediately to the west whilst a row of three storey terrace buildings which generally feature commercial uses at ground floor level with residential above are located to the east although No.254 which is located next door to the restaurant comprises residential on all floors. The four-storey Antoinette Hotel and three-storey buildings comprising commercial uses at ground floor level are located on the other side of the road. The rear gardens of houses fronting South Park Road are located to the rear of the application site.
- 2.3 The application site has excellent public transport links (PTAL rating of 6a) with a number of bus routes operating along The Broadway. The site is also located close to South Wimbledon Tube Station.

3. CURRENT PROPOSAL

- 3.1 The proposal is to erect a two-storey rear extension, first floor projecting front extension, fascia signage, remove ground floor projecting shopfronts with replacement shopfronts and canopy over front forecourt. Internal alterations to include amalgamation of café and restaurant at front of site into a single unit to be used as a café and relocation of outdoor play area. The play area would be reduced in size from approx. 110sqm to 82sqm and moved 8m to the east. The proposal would also include refurbishing the existing four bedroom unit at first floor levels and reconfiguring it into a three bedroom unit. Given the flat is already self-contained with its own independent access this would not require planning permission.
- 3.2 The proposed extension would incorporate a new Adventure Theatre at ground floor level. The new Adventure Theatre would be larger than existing and would have a capacity of approx. 100 (current capacity is 70). The current Adventure Theatre would be turned into a new creative learning studio with a capacity of 25 which is the same as the current creative learning studio. This room would be enlarged by moving the wall on the foyer side and removing the corridor wall on the east side. A new rehearsal studio would be located at first floor level of the extension and would have a capacity of more than 20. The extension would partially enclose a new courtyard which would be used

as a play area. The play area would replace the current play area which is located further to the west. The right of way would also be repositioned so that it is located to the east of the proposed extension.

- 3.3 The Theatre's opening hours are generally 9.30am to 4.30 pm on Wednesday to Friday and 9.30am to 7.00pm (latest) on Saturday and Sunday, although the building is licensed until 11.30pm. There may be occasional larger events taking place in the rehearsal room but these will only happen in the evenings or on Monday and Tuesday, when there are no performances. The theatre would operate at the same staffing levels as at present.
- 3.4 The extension would feature a flat roof with PV panels located on top. The extension would have a maximum height of 9.5m to the top of the parapet which encloses the roof. Facing materials to the courtyard would comprise dark brick which will be covered by a decorative fret-cut perforated aluminium screen. The north and east elevations would comprise brick with the east facing elevation treated with a faint pattern similar to the courtyard screening design and will be achieved by using a single colour of brick and two colours of pointing.
- 3.5 The first floor front extension or 'Green Room' which would be located above the lobby would project over the front courtyard up to the pavement edge. This would feature a single window surround clad in coloured aluminium sheet with cut out solar shading to the window in fret cut aluminium. The proposed canopy to the front would be feature a steel frame whilst the new fascia signage would be aluminium.

4. PLANNING HISTORY

The following planning history is relevant:

- 4.1 MER814/76 - Use of church hall for children's theatre. Permission not required - 03/12/1976
- 4.2 MER298/78 - 1) New lift tower, 2) Two-storey building linking the hall and no 244 3) Erection of brick wall between 244 - 246 The Broadway 4) Single - storey extension at rear of 244 The Broadway, 5) Use of ground floor of 244 as coffee bar and kitchen 6) Formation of delivery/servicing area at rear of 244 The Broadway. Granted - 26/09/1978
- 4.3 98/P0379 - Alterations to front and rear elevations of link block, installation of condenser unit and vents to roof and internal alterations. Granted - 17/07/1998
- 4.4 Pre-application advice was sought in July 2016 (LBM Ref: 16/P2884/NEW) for 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.

5. POLICY CONTEXT

- 5.1 The following policies from the Adopted Sites and Policies Plan and Policies Maps (July 2014):
DM C1 (Community facilities), DM D1 (Urban design and public realm), DM D2 (Design considerations in all developments), DM D3 (Alterations and extensions to existing buildings), DM D7 (shop front design and signage), DM E1 (Employment areas in Merton), DM R1 (Location and scale of development in Merton's town centres and neighbourhood parades), DM R5 (Food and drink / leisure and entertainment uses), DM R6 (Culture, arts and tourism development), 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.13 (Open Space, nature conservation, leisure and culture) CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 The relevant policies in the London Plan (March 2015) are:
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 Housing Standards – Minor Alterations to the London Plan (March 2016)
- 5.5 Mayor's Housing Supplementary Planning Guidance (March 2016)
- 5.6 DCLG Technical Housing Standards – nationally described space standard March 2015

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 2 letters of support were received including letters of support from Love Wimbledon and Wimbledon E Hillside Residents' Association. The letters of objection were on the following grounds:
- Traffic flow including increase pedestrian and traffic movements along Bridges Road Mews. Increased pressure on parking spaces in surrounding roads
 - Noise from people potentially using Bridges Road Mews to access the new Adventure Theatre as well as from increased activity from the new Adventure Theatre and new rehearsal space. Disruption during construction work
 - Excessive height of extension and the precedent that this would establish for further development along Bridges Road Mews. Could lead to a

- terracing effect. Extension given its excessive scale and bulk is not in keeping with the existing site conditions and would be visually overbearing
- Loss of restaurant. The proposed café would not be open after 5pm which would have a detrimental impact of adult evening entertainment
 - Previous construction on other sites along Bridges Road Mews has generally been poor quality and does not enhance the area
 - Drawings are not very clear
 - Loss of daylight/sunlight

6.2 Environmental Health Officer

- 6.2.1 No objections subject to conditions restricting capacity and hours of use of the proposed outside play area.

6.3 Future Merton - Transport Planning

- 6.3.1 No objections subject to appropriate conditions.

6.4 Future Merton - Climate Change

- 6.4.1 No objections subject to appropriate conditions.

7. **PLANNING CONSIDERATIONS**

7.1 **Principle of Development**

- 7.1.1 The Polka Theatre aims to provide world class theatre for children and is considered to be a significant cultural asset to Wimbledon Town Centre and the wider borough that also creates economic and social benefits by attracting residents and tourists. It is one of the few venues in the UK which is dedicated to producing and presenting work for young audiences and has been open since 1979 and attracts over 90,000 children a year.
- 7.1.2 There is strong policy support for the development of existing cultural uses. Policy DM R6 of the Sites and Policies Plan and Policies Maps (July 2014) states that the council will maintain, improve and encourage cultural, arts and tourism in Merton by encouraging improvements or expansion to existing cultural, arts and tourism in Merton, where this complements Merton's strategic objectives for the areas in which they are located. Policy 4.6 of the London Plan (March 2015) states that borough's should promote and develop existing and new cultural and visitor attractions especially in outer London where they can contribute to regeneration and town centre renewal.
- 7.1.3 The current performance spaces and facilities however present many technical, practical and artistic restrictions on productions and the audience's experience of them. The proposal would see the development of a new and expanded Adventure Theatre, replacing the Annexe and linking to the main building, a creative learning studio, a first floor rehearsal room above the Adventure Theatre and improvements to the main theatre. It is considered that this would both comply with the above planning policies and raise the

standard of art being produced for, with and by children and young people. The development is also essential in terms of making the Polka Theatre sustainable and resilient. The creation of the spaces proposed would help the theatre develop its income streams in the current tough financial climate.

7.2 Visual amenity

- 7.2.1 Policy DM R6 of the Sites and Policies Plan and Policies Maps (July 2014) states that council will require that proposals for culture, arts and tourism development are well designed and are compatible with the character and appearance of the area. Policy DM D2 states that development will be expected 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 there is scope to significantly improve the public realm environment outside the front of the theatre. The main theatre building is set back from the pavement with a shallow private forecourt in front. This is currently a dead space lacking an active frontage due to posters covering all of the windows which means you cannot see any activity inside the ground floor of the theatre. Activity both inside and outside the front of the theatre are therefore completely separated and this has a detrimental impact on the vitality of this part of The Broadway. It is considered that the insertion of a new entrance, the removal of the projecting shop front and the opening up of the façade, with views into the box office, shop and expanded café would significantly improve the way the building presents itself to the street. This would also provide an active street frontage therefore improving natural surveillance and the amenity to the public domain by encouraging pedestrian activity. It is considered that the erection of a new canopy, projecting first floor 'green room' and new signage would also further enhance the appearance of the front of the building.
- 7.2.3 The proposed development includes the erection of a two-storey rear extension, which would house a new adventure theatre and rehearsal room. This extension would enclose a new courtyard play area. It is considered that the design of this extension is acceptable with its external walls to the courtyard comprising dark brick which will be covered by a decorative fret-cut perforated aluminium screen. It is intended to commission an artist to help develop the graphics and the final design of this element and as such the final details of this element would be conditioned. Brickwork to the north elevation and the area of wall between the Adventure Theatre and the existing building would be in a lighter colour to give more variation to this elevation. The east elevation would comprise brick treated with a feint pattern similar to the courtyard screening design and will be achieved by using a single colour of brick and two colours of pointing. This elevation can be viewed from further along Bridge Road Mews and it is considered that this treatment would add further visual interest to the building. It is also considered that the extension would also not be excessive in terms of its size with its roof height (to top of

parapet) being only 1.3m higher than the eaves and 1.6m lower than the ridge height of the main theatre building.

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. Policy DM R6 also requires that proposals for culture, arts and tourism developments do not harm the amenity of local residents by way of noise, disturbance and loss of light or privacy.
- 7.3.2 The eastern boundary of the application site is staggered which means part of the site sits directly in front of the rear elevation of the neighbouring building, No.254 The Broadway, which comprises three self-contained flats at ground, first and second floor levels. The rear gardens of properties located on South Park Road (Nos. 101 – 105) are located to the north of the two-storey rear extension. A number of these gardens feature single storey garage buildings which open out onto Bridges Road Mews.
- 7.3.3 A sunlight and daylight assessment has been submitted with the application which shows that the proposal would comply with BRE guidance regarding daylight/sunlight impact to surrounding residential windows as well as not resulting in an unacceptable level of overshadowing of rear gardens of properties on South Park Road. With regards to No.254, it should be noted that the ground floor flat currently directly faces the single storey prefabricated annex building which is located only approx. 3m from the rear elevation of this property. The proposed extension would be located much further from the rear elevation of No.254 (approx. 8.2m), whilst its flank wall would be located further to the west therefore improving outlook from the rear of the ground floor flat. With regards to the first floor flat it should be noted that there is a bedroom located in the rear elevation which is 8.2m from the extension. It is considered that although there would be some impact to this bedroom that it would not warrant a refusal of the application in this instance given the extension would be located to the north with its flank wall sited away from the eastern boundary of the site which would maintain some longer views from this window albeit at an angle. It should also be noted that the wall which would directly face the rear elevation of No.254 would not be a blank brick wall but instead would feature a decorative fret-cut perforated aluminium screen giving visual interest. As discussed in the previous section it is intended to commission an artist to help develop the graphics for this elevation with final details dealt by condition. A condition will also be attached requiring the south facing first floor windows to the rehearsal studio are obscure glazed and fixed shut below 1.7m internal floor height to protect the privacy of these flats.
- 7.3.4 Nos. 97 – 103 South Park Road feature rear gardens that back onto Bridges Road Mews immediately to the north of the application site. It is considered

that on balance the proposed two-storey building is acceptable in terms of its impact on outlook when viewed by occupiers of these properties. The extension has been designed so that at the rear the bulk of the extension is set back 1.6m behind a projecting element which accommodates the lighting gallery, catering and bin store. The rear projecting element would be located between 4.5m and 6m from the rear boundary of properties along South Park Road and between 24m and 31.7m from the rear elevations of these properties which is considered acceptable. It should be noted that although the extension is not a residential development, it would comply with guidance set out in the new residential development SPG regarding daylight, sunlight and outlook (the extension has a similar maximum height to the eaves height of the three storey terrace fronting The Broadway) which requires a minimum separation distance of 21m for a three-storey residential building located to the rear of gardens of existing dwellings. It should also be noted that a number of these properties also feature garages at the end of their gardens, whilst No.101 features a large tree at the end of the garden further reducing its impact. Careful thought has also gone into the facing materials of the rear elevation of the extension with a combination of brown brick and blue/grey brick to add some visual interest however the exact colour of the brickwork will be conditioned.

7.3.5 The proposal includes relocating the outside play area approx. 8m to the east. The play area would also be reduced in size from approx. 110sqm to 82sqm. The applicant has submitted an acoustic report in support of their application and it is considered that although the play area would be located closer to the residential flats at No.254 which means there would be an increase in noise levels, on balance the impact would be acceptable. The Council's Environmental Health Department have assessed the application and raise no objections, however, this is subject to conditions limiting the capacity of children able to use the play area at any one time to 20 and hours of use to 9.30am – 4.30pm Monday to Saturday and 10am – 4pm on Sunday and Bank Holidays. It should also be noted that the building envelope will be designed to provide adequate sound insulation for activities which will take place within the new extension through for example the use of high-performance double glazing.

7.3.6 It is considered that given the above considerations that the proposal would not be visually intrusive or overbearing when viewed from surrounding residential properties, or result in an unacceptable level of daylight/sunlight, privacy loss or noise levels. The proposal would therefore accord with policies DM D2, DM D3 and DM R6 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) and is acceptable in terms of residential amenity.

7.4 Parking and Traffic

7.4.1 The theatre including the café and restaurant uses currently has a capacity of approx. 455. The proposal would result in the capacity increasing by approx. 50 to 505. However, this would only be the case if all of the areas were operating at absolute capacity. There are additional larger events which are held in the rehearsal room which means its capacity can be increased to

approx. 60 however these events would only happen in the evenings or on Monday and Tuesday, when there are no other performances.

- 7.4.2 The theatre is in a highly sustainable location with the site having excellent access to public transport (PTAL 6a). It is considered that an increase in capacity of approx. 50 is not excessive and can be absorbed within the site without compromising car parking and highway function in the immediate area. Nevertheless, a condition will be attached requiring the submission of a travel plan which provides journey planning advice to future users of the site with the aim of creating a modal shift toward sustainable modes of travel. It should also be noted that there is an existing van parking space and bin storage at the rear of the site and this will be retained within the new development.

7.5 Sustainability and Energy

- 7.5.1 The BREEAM design stage assessment provided by the applicant indicates that the development should achieve an overall score of 84%, which surpasses the minimum requirements to achieve BREEAM 'Very Good' and is on course to meet 'Excellent'. This exceeds the requirements in Merton's Core Planning Strategy Policy CS15 and Policy 5.2 of the London Plan 2015.
- 7.5.2 The BRUKL output documentation submitted for the proposed development indicates that it should achieve a 36% improvement in CO2 emissions on Part L 2013. This exceeds the 35% improvement over Part L required for major developments under Policy 5.2 of the London Plan (2015) and is also policy compliant. Furthermore the energy and sustainability statement submitted for the development indicates that the proposal will also achieve a 15% saving in CO2 emissions through fabric performance with the remainder secured through the proposed use of a solar PV. It is therefore considered satisfactory that in the absence of an existing heat network that this approach is compliant with the Mayor's energy hierarchy approach outlined in Policy 5.2 of the London Plan (2015) and Policy CS15 of Merton's Core Planning Strategy (2011).

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. CONCLUSION

- 10.1 It is considered that the proposed extension is acceptable in terms of visual appearance whilst the alterations to the front would significantly improve the way the building presents itself to the street and therefore the vitality of this

part of The Broadway by providing an active frontage. It is also considered that the proposal would not have an unacceptable impact on neighbour amenity, traffic/parking whilst providing expanded and improved facilities which raise the standard of art being produced for, with and by children and young people. 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 following conditions

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. 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.

5. B.5 (Details of Walls/Fences)
6. C.3 (Obscured Glazing (Fixed Windows))
7. C.7 (Refuse & Recycling (Implementation))
8. D.10 (External lighting)
9. D.11 (Construction Times)
10. H.8 (Travel Plan)
11. H.9 (Construction Vehicles)
12. No more than 20 children at any one time shall use the outside play area shown on drawing No. 02.21(E). The use of this area as a play area shall not take place outside 09:30 hours to 16:30 Monday to Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy

7.15 of the London Plan 2015, policy CS.7 of Merton's Core Planning Strategy 2011, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

13. Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from the new plant/machinery associated with the development shall not exceed LA90-5dB at the boundary with the closest residential property.

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

14. 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 CO2 reduction targets.'

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

15. Access to the rear of the extension shall be for loading and unloading of delivery vehicles and emergencies only.

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

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



Text Details **Polka Theatre**

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PLANNING APPLICATIONS COMMITTEE
16 MARCH 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P2810	07/07/2016
Address/Site	1–5 Carnegie Place, Wimbledon, London, SW191SP
Ward	Village
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)
Drawing Nos	Site location plan 201 Rev D, 202, 203 & 204B.
Contact Officer:	Stuart Adams (0208 545 3147)

RECOMMENDATION

GRANT Planning Permission subject to S106 agreement and conditions.

CHECKLIST INFORMATION.

Heads of agreement: - Affordable housing & permissive path
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 – 64
External consultations – No.
PTAL score – 1b
CPZ – Adjacent to VNE
CA - adjacent Wimbledon North Conservation Area

1. INTRODUCTION

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a block of five terraced houses located in Carnegie Place, Wimbledon. The existing two storey houses sit at a right angle to the highway from Parkside and car parking spaces are provided in front, within attached garages or at the head of the cul-de-sac. There is an existing pedestrian path that links from Parkside through Carnegie Place to Heath Mead to the east.
- 2.2 To the north of the application site is a large detached building known as Heathland Court. Heathland Court fronts onto Parkside to the west of the application site and the building's current use is an old people's home. The flank elevation faces the application site and contains a number of windows. Its curtilage has a soft landscaped edge with some trees.
- 2.3 To the east of the application site is Heath Mead which comprises two storey semi-detached flats.
- 2.4 To the south of the application site are detached and terraced houses in Alfreton Close. 1, 3 & 5 Alfreton Close are detached houses which sit at a right angle to the southern boundary of the application site. 7 & 9 form part of the small terrace and these houses rear gardens sit directly to the south the application site.
- 2.5 On the opposite side of Parkside to the application site is Wimbledon Common, which is designated as Metropolitan Open Land and is a Site of Special Scientific Interest. The application site is located within the Wimbledon Common Archaeological Priority Zone but is not within a Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the demolition of the 5 existing two storey houses and single storey garages at the front, that currently make up the cul-de-sac known as Carnegie Close, and their replacement with 6 new townhouses. The existing houses are arranged in a staggered formation, orientated east to west, at a 90 degree angle to the road with rear elevations and rear gardens facing towards Parkside. The proposed houses would be arranged to face the road in Carnegie Place on a north- south axis with rear gardens backing onto Alfreton Close. They would take the form of 3x 3 storey flat roofed elements connected by 2 storey elements.
- 3.2 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to the adopted London Plan guidelines and Merton planning policy DM D2 Design considerations in all developments).

Proposal	Type(b)bed (p) person	Proposed GIA	London Plan	Amenity Space (sq m)	Merton Amenity Space Requirement
Plot 1	4b8p	295.8	130	337.3	50
Plot 2	4b8p	287.3	130	81.6	50
Plot 3	3b6p	179.1	108	53.6	50
Plot 4	4b8p	264.9	130	88.2	50
Plot 5	4b8p	269.4	130	89.8	50
Plot 6	4b7p	286.7	121	134.9	50

4. **PLANNING HISTORY**

- 4.1 05/P2462 - Erection of 1.8m high brick wall along frontage to Parkside and 0.6m high wall surmounted by 1.2m high railings along boundary at entrance to Carnegie Place to match railings at heathlands and enclose the communal garden at the rear of 1 - 5 Carnegie Place – Grant - 05/01/2006

5. **CONSULTATION**

- 5.1 The application has been advertised by major press notice procedure and letters of notification to the occupiers of neighbouring properties.

- 5.1.1 In response to the consultation, 15 letters of objection (including one from the Wimbledon Society) were received. The letters of objection raise the following points:

- The existing pedestrian access would not be maintained. The proposed path appears very narrow. The pedestrian access must be provided throughout the construction period. Further details of the proposed footpath are required to ensure its availability for full public use in the future and also consider formal adoption. The dog-leg detailing at the eastern end should be improved.
- Over development. Footprint is excessive, excessive height and bulk of development would dominate the neighbourhood and result in loss of green space
- Encroachment onto Heath Mead land. The proposed footpath and boundary wall to the east encroaches onto Heath Mead land.
- Unsympathetic design. The proposed houses are out of character with neighbouring buildings which are constructed of brick, stone and tiles on pitched roofs.
- Hours of construction
- By converting the road on Carnegie Place to driveways, the proposal potentially blocks access for fire services needing to gain

access to Heath Mead. The closing of emergency vehicular access to the Heath Mead estate from Parkside will isolate Heath Mead considerably. The fire services have indicated in the past that they would use Carnegie Place if necessary to access Heath Mead.

- Larger houses require more car parking, leading to parking on street. It would spoil the street scene and lead to a car-dominated environment. Request that development is permit free.
- Noise and disruption during construction
- Loss of light
- Visually intrusive and dominating
- Loss of privacy
- Impact on wildlife
- Loss of value to surrounding homes
- Design and materials out of keeping
- No site notice displayed
- Trees should be retained and new ones planted
- It is important that all buildings facing the common are kept low in height and well set back so that the views from the common and Parkside are dominated by greenery rather than buildings. The proposed buildings are brought too close to the road frontage, significantly closer than the adjoining Alfreton Close houses which are some 15m back. The new block should accordingly be set back to the present building line.
- Additional conditions covering basement and hydrology required.

5.1.2 In response to re-consultation (Amended plans relating to alterations to path (retained, but increased in width to 2m), access road and soft landscaping), 13 letters of objection have been received. The letters of objection raise the following points:

- The proposed development encroaches onto the property of Heath Mead Residents Management Ltd by 1m.
- Converting the road on Carnegie Place to driveways potentially blocks access for services needing to gain access to the end block of Heath Mead. In the past, the Fire Brigade have indicated they would use Carnegie Place as a means of accessing Heath Mead.
- The proposed development curtails the right of way of the residents of Heath Mead from the estate to Parkside
- Overdevelopment of the site
- Reduction in green space
- The scale and design of the development is out of keeping with the existing buildings
- Request conditions if approved, hours of work including deliveries, no obstruction of access.
- The footpath is well used and if becomes unusable because it is too

narrow or unsafe, many elderly neighbours will face an extra half mile walk to the bus stop.

- The underground basement will cause noise during construction and will completely change the look of the area.
- The proposal shows no sensitivity to the look of Heath Mead with its 60's maisonettes and open gardens with no fencing or walls.
- Impact on more cars within the vicinity
- Maple tree will remain which is good.
- The pedestrian access is to be positioned where there are existing trees and bushes. Assurance that there will be not restriction or inconvenience whilst the tree work is done and the pathway pit in place
- The Disability Discrimination Act 1995 states a wheelchair user and a ambulant person side by side with say a pram passing by would need 3m.
- The Council require more information and details of the pathway, with its lighting, drainage, surfacing and details of the upkeep.
- The development would be contrary to planning policy DMO1E that says development in proximity to and likely to be conspicuous from the MOL...will only be acceptable if the visual amenities of the MOL will not be harmed. The proposed buildings are too close to the road frontage of the common and Parkside.
- No public site notice displayed
- Overshadowing of Heath Mead

The site plan eastern boundary has been subsequently adjusted slightly following a request for the applicant to check the site plan in relation to extent of site ownership and the elevations have been amended to more clearly show materials as set out in the application forms and Design and Access Statement.

5.2 Transport Planning

- 5.2.1 The PTAL is 1b (poor) however the PTAL bus 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.
- 5.2.2 The development has proposed one off street parking space per unit plus garage space. This is thought to be a suitable level of off street parking provision to stop the likelihood of overspill parking.
- 5.2.3 Trip generation by the extra residential unit will not generate any perceivable impact on the performance or safety of the surrounding highway network.
- 5.2.4 Cycle parking has been shown on the proposed ground floor plans, cycle

- parking is shown in the rear gardens, in this instance this is suitable, it is thought that the garages could also provide a cycle parking facility.
- 5.2.5 The bin stores have been shown on the proposed ground floor/ basement plans. Bins have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also located within a reasonable proximity from the public highway and can be easily accessed by refuse operatives. A suitable turning facility has been provided for refuse vehicles to enter Carnegie Place in a forward gear.
- 5.2.6 A number of residential objections have been made in relation to the east west permeability currently available through the site and the possibility of emergency vehicle access to the western properties in Heath Mead. This route is not a formalised right of way.
- 5.2.7 Existing pedestrian and cycle permeability has been retained in a near identical route at the north of the site. The re-provision of facilities by the proposed development represents an improvement over that of existing (foot way widths widened and resurfaced).
- 5.2.8 Emergency access to the western properties in Heath Mead is available from Heath Mead at present. It is noted that the cars currently park in the cul-de-sac section (of Heath Mead), if residents feel that these vehicles potentially obstruct emergency vehicle access the council have the ability and function to provide parking restrictions to protect the passage of emergency vehicles at this point. This can be requested and implemented outside the planning process.
- 5.2.9 The existing informal secondary emergency access/pedestrian-cycle passage has been incorporated within the proposed application. There is a need to restrict the planting of vegetation around the eastern section where the path dissects the application boundary. By keeping this area free of vegetation a secondary access facility for emergency vehicles is kept clear for those previously mentioned properties in Heath Mead.
- 5.2.10 The proposed development will not generate a significant negative impact on the performance and safety of the surrounding highway network as such a recommendation for approval is supported.
- 5.3 Highways – No objection subject to conditions
- 5.4 Historic England – No objection subject to condition
- 5.5 Tree Officer – No objection subject to conditions

5.6 Flood Officer - No objection subject to conditions

5.7 Structural Engineer – No objection subject to conditions

6. **POLICY CONTEXT**

6.1 Adopted Sites and Policies Plan (July 2014)

DM H2 Housing Mix

DM H3 Support for affordable housing

DM D1 Urban Design and Public Realm

DM D2 Design considerations in all developments

DM EP2 Reducing and mitigating noise

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM O1 Open Space

DM O2 Nature Conservation, trees, hedges and landscape features

6.2 Adopted Core Planning Strategy (July 2011)

CS8 – Housing Choice

CS9 – Housing Provision

CS14 - Design

CS15 – Climate Change

CS18 – Active Transport

CS19 – Public Transport

CS20 - Parking, Servicing and Delivery

6.3 London Plan 2015 (as amended)

3.3 (Increasing Housing Supply),

3.4 (Optimising Housing Potential),

3.5 (Quality and Design of Housing Developments),

3.8 (Housing Choice),

5.1 (Climate Change Mitigation),

5.3 (Sustainable Design and Construction).

7.3 (Designing Out Crime)

7.4 (Local Character)

7.6 (Architecture)

6.4 Supplementary Planning Guidance (SPG) New Residential Development (December 1999)

7. PLANNING CONSIDERATIONS

7.1 The principal planning considerations related to this application are the principle of demolition and redevelopment, the design of the new houses and its impact upon the Carnegie Place street scene and the character of the area, including the nearby Metropolitan Open Land. standard of accommodation provided, impact upon neighbouring amenity and sustainable transport, parking and /highways considerations, including permeability and connections to adjoining development.

7.2 Amendments

7.2.1 The proposed new access path, linking into the existing path from Parkside to Health Mead, has been increased in width to 2m and includes an amended layout. The new access road serving the development would maintain a 4.8m wide access and new soft landscaping has been introduced along the northern boundary of the site and within the frontages of the properties.

7.3 Land Ownership and Right of Way

7.3.1 Objections received have indicated that the proposed development encroaches on land outside the ownership of the applicant and that there is a right of way from Health Mead to Parkside. Landownership and right of way matters are non-planning considerations. These are private matters between land owners.

7.3.2 Nevertheless, the applicant has been asked to verify the position of the eastern ownership boundary and its relationship to the application site boundary on the submitted site plan. No built development is proposed directly adjacent to the eastern boundary other than the new footpath. As a consequence, the site plan boundary has been slightly adjusted. Although the applicant believes that that there is no existing legal right of way through the site, no objection has been raised to the Council's requirement for a legal agreement to allow a permissive right of way from Heath Mead to Parkside via the proposed 2m wide path. This would ensure that a public route from Heath Mead to Parkside is maintained at all times.

7.4 Principle of Development

7.4.1 The London Plan and both the Council's adopted LDF and Sites and Polices Plan seeks to increase housing provision where it can be shown that an acceptable standard of accommodation will be provided and provide a mix of dwelling types. The London Plan published in July 2011 sets Merton a minimum 10 year target of 3,200 dwellings within the

borough between 2011 – 2021. The proposed development of the site would create a net increase of one house. The principle of development is therefore considered acceptable, making a modest contribution towards meeting housing choice and housing targets.

7.4.2 The existing houses are not within a Conservation Area and lack any real architectural merit and therefore there is no objection to the principle of development and the demolition of the existing houses.

7.5 Design

7.5.1 Planning policy DM D2 (Design considerations in all development) seeks to achieve high quality design by relating 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 landscaping features of the surrounding areas.

7.5.2 The existing houses in Carnegie Place are orientated at a right angle to the highway. The proposed scheme seeks to readdress the relationship with the highway by having the houses front onto the highway, this is consistent with traditional street scenes and the general pattern of development in the area.

7.5.3 Rather than forming a solid wall of development, the terrace has been broken up into 3 main flat roofed 3-storey elements interspersed with 2-storey flat roofed lower elements. To further break down the massing, the upper floors of the 3-storey elements are significantly recessed away from both front and rear elevations. The application site and surrounding area is characterised by buildings set within open grounds. The proposed development would respond to the sense of openness with the design approach of the buildings, broken down into different heights, set comfortably away from the highway and site boundaries and offering good provision of soft landscaped areas with open driveways and front gardens. The side garden of Plot 1 would maintain a 10.8m separation between the new flank wall and the boundary with Parkside. All of the trees closest to the western Parkside boundary would be retained and those which sit behind them that are proposed to be removed are all C category and unclassified trees which would be replaced with new trees of a good size at planting. This approach would ensure that the proposed development would respect the general pattern of development and would preserve views from and to Wimbledon Common

7.5.4 The proposal is considered to present a high quality modern design approach. Neighbours have raised concerns that the proposed development is out of keeping in terms of height, massing, design approach and materials. However, officers' view is that there is no single

overriding architectural design approach in the area and buildings vary in height, form and design. It is also noted that the proposed development sits adjacent to a five storey building (Heathland Court) on the opposite side of Carnegie Place. The proposal seeks to provide small terrace of part two, part three storey modern houses. The height of the development is domestic in scale, responding to the varying building heights within the vicinity. Its modern design approach and choice of a mixture of grey and white render with a grey stacked stone base and grey window surrounds is considered to be acceptable and would contribute to the eclectic mix of building types in the area. The proposed development is also considered to be a considerable improvement on the existing situation. The proposed development is therefore not considered to be out of keeping, but a good example of modern architecture that responds to the existing pattern of development with an appropriate balance between built form and soft landscaping.

Footpath

- 7.4.5 The originally submitted plans have been amended to widen and adjust the alignment of the proposed 2m wide footpath which forms part of the proposed redevelopment. The footpath would maintain the existing pedestrian link through Carnegie Place which connects Heath Mead to Parkside and is wider than the existing path. Neighbours have raised concerns about the need to maintain access between Parkside and Heath Mead at all times and about the upkeep and quality of the footpath. Officers consider it necessary to require a clause within a legal agreement prior to grant of planning permission requiring the route to become a permissive path which is kept available to the public at all times. This is in the interest of promoting walking as a means of transport and maintaining a permeable layout in accordance with Sites and Policies Plan policies DM D1 and DM T1. The Council can control the finish of the footpath by planning condition, requiring further details to be submitted and approved by the Council. Neighbours have requested that the footpath is maintained during construction - a planning condition requiring details of phasing of works in relation to the provision of a route through the site to ensure that any closure would be kept to a minimum, commensurate with the need for public safety and a sensible phasing of construction.

Fire Access

- 7.4.6 Neighbours have raised concerns with fire access to properties in Heath Mead. It should be noted that the only direct highway/vehicle access to Heath Mead is via Castle Way and then Seymour Road. Carnegie Place as existing is a vehicular cul-de-sac - the current situation does not provide direct vehicle access to Heath Mead. Emergency vehicles would have to drive over the footpath/soft landscaped area to gain direct access

to properties in Heath Mead. The layout of the proposed development would not interfere with the existing highway access from Castle Way and Seymour Road and should emergency vehicles have to gain access to Heath Mead from Carnegie Place, the proposed development would still allow access across the footpath and soft landscaped areas (similar to existing).

7.5 Neighbour Impact

7.5.1 The Council's SPG for New Residential Development states that in order to achieve satisfactory privacy between the windows of habitable rooms and all kitchens, the minimum distance required for this purpose is 20m for two-storey dwellings. Where either or both dwellings facing each other is three or more storeys, then the possibility of overlooking is increased, and accordingly the distance separation should be greater.

7.5.2 The SPG further states that in order to achieve satisfactory daylight, sunlight and outlook where proposed new housing is orientated to face directly towards an existing residential area, a spacing of at least 10 metres (for 2 storey dwellings) or 12.5 metres (for 3 storey dwellings) will be required between the new dwellings and the site boundary.

Heathland Court

7.5.3 Located on the opposite side of Carnegie Place, this building currently operates as a nursing home. The building fronts onto Parkside, however the building has a number of flank windows facing towards the application site.

7.5.4 The proposal seeks to orientate the proposed building towards the flank elevation of this neighbouring building, however the proposal would be separated from this neighbouring property by the public highway and existing and proposed trees would provide some natural screening. The closest properties to Heathland Court are plots 5 and 6. The level of separation from the first floor of plots 5 & 6 would be 19.5m and 16m respectively. The level of separation proposed is a typical relationship of street scene where buildings face each other across a public highway. The public highway would form a physical barrier between buildings and the level of soft landscaping in this instance would help diffuse overlooking between neighbouring properties.

7.5.5 At the second floor of plots 5 and 6, the sole windows facing Heathland Court would be bathroom windows fitted with obscured glazing. This can be controlled via a planning condition.

Alfreton Close

- 7.5.6 The existing houses on the site and their close proximity to properties in Alfreton Close are considered to be a material planning consideration. The existing situation needs to be taken into account when assessing the proposed redevelopment against standards set out in the Council's SPG for New Residential Development.

5 Alfreton Close

- 7.5.7 This neighbouring property is orientated at a right angle to the application site. The existing houses on the application site sit at a right angle to Alfreton Close with staggered building footprint that results in the end house projecting close to the site boundary and beyond the frontage of this neighbouring property. The existing houses are therefore clearly visible from the frontage of this neighbouring property. The proposal seeks to change the orientation of the buildings and move them further away from Alfreton Close. The proposed development is therefore considered to be an improvement compared to the existing situation. It is however considered necessary that the external terrace to plot 1 is fitted with a 1.7m high obscured side screen to prevent overlooking and the perception of overlooking of the neighbour's rear garden area.

7 Alfreton Close

- 7.5.4 The existing houses on the site are situated at a right angle to no 7. The two storey flank wall of 5 Carnegie Place projects part way across the rear garden of no 7 at a distance of only 1.2m from the boundary. The existing situation is therefore considered to be a material planning consideration due to the close proximity of the existing houses. It should be noted that the proposed houses would be located to the north of this neighbouring properties in Alfreton Close. Therefore the proposal would have limited impact upon the natural light levels received to the properties in Alfreton Close due to this orientation and relationship.
- 7.5.5 The proposal seeks to alter the orientation of the houses and move the houses further away from the boundary compared to the existing situation. Whilst the proposed houses would be more substantial in size when compared to existing, they would be pushed further away from the site boundary and the design approach with a staggered footprint, form and varying height would help to reduce the massing.
- 7.5.6 The two storey element of the proposed house at plot 5 would be 9.2m from no 7's rear garden boundary. Although the Council's SPG states that there should be a minimum separation of 10m for the preservation of daylight, sunlight and outlook, the proposed development sits to the north and the flank wall of the existing house is 1.2m from the rear garden boundary. The shortfall in separation distance is minimal and is considered to be acceptable in the context of the existing situation. In terms of privacy, the first floor rear facing windows in the two storey

element are high level windows to a dressing room and bathroom and would not impact on privacy.

- 7.5.7 The three storey element of the proposed house would be 13.3m at first floor and 14.513m at second floor away from the site boundary and 28m and 29.3m from the rear elevation of 7 Alfreton Close respectively. These separation distances would comply with the Council's SPG guidance in terms of privacy, daylight, sunlight and outlook.

9 Alfreton Close

- 7.5.8 Plot 6 within the development is the closest building to this neighbouring property. The two and three storey elements of the house at plot 6 would be distanced 13.286m and 14.5m respectively from the site boundary and 27.6m and 28.6m respectively from the rear elevation of this neighbouring property. The level of separation would meet the Council's minimum space standards which would ensure that there is no undue loss of privacy, visual intrusion or loss of light.

11 – 13 Heath Mead

- 7.5.9 The proposed houses would be orientated at a right angle to these properties. The end plot, plot 6 would have its two storey side element inset 1.7m from the boundary and would not project beyond the front or rear elevation of this neighbouring building. The remaining part of the proposed house would be distanced at least 5.125m from the site boundary and approximately 16m from the flank wall of this neighbour. The level of separation would ensure that there would be no undue loss of amenity to this neighbouring property.

7.6 Basement

- 7.6.1 The proposed basements would have no perceptible impact upon the visual amenities of the area with light wells being located at the rear of the houses with low-rise balustrades. There are no trees within close proximity of the proposed basements that would be affected by the deeper excavation of the land.
- 7.6.2 Neighbours have expressed concerns in relation to the impact of the proposed basement level on land stability, adjacent properties and water table. The applicant has commissioned an independent structural engineer (AND Designs Ltd) to produce a Basement Impact Assessment and a Consultant Civil Engineers (Martin J Harvey) to produce a Drainage Strategy Report. The reports explain the construction and detailing of the proposed basement. The Council's Structural Engineer and Flood Officer have confirmed that they have no objection subject to conditions. (It is also worth noting that separate building regulations approval would be required for the construction of the basement.)

7.8 Standard of Accommodation

7.8.1 The proposed houses would provide a satisfactory standard of accommodation for future occupiers. The proposed houses would exceed Merton's and London Plan space standards. The layout of the houses shows that each room is capable of accommodating furniture and fittings in a satisfactory manner. The houses would all have direct access to private rear amenity space well in excess of the Council's minimum standard of 50 square metres.

7.9 Trees

7.9.1 As required by planning policy DM O2 (Nature conservation, trees, hedges and landscape features) of Merton's Sites and Policies Plan, development proposal will be expected to retain trees of amenity value. The existing trees on the site are fundamental features which respond to the leafy character of the immediate vicinity and most notably an extension to Wimbledon Common. The applicant has submitted an arboricultural report which the Council's Tree Officer has confirmed is acceptable. The Council's Tree Officer has confirmed that she has no objection to the proposed limited tree removals subject to conditions relating to tree protection, site supervision and landscaping which includes new trees of a good size at planting.

7.10 Traffic, Parking and Highways conditions

7.10.1 The site has a PTAL rating of 1b which is low, reflecting poor access to public transport. Each house has a single garage with a driveway in front which can accommodate a further parking space. The level of parking provision is considered acceptable. Only 1 additional house is proposed compared to the existing situation and any additional trip generation will therefore be low.

7.11 Affordable Housing

7.11.1 Planning policy CS8 (Housing Choice) of Merton's Core Planning Strategy states that the Council will seek provision of an affordable housing equivalent to that provided on-site as a financial contribution on sites where there is a net increase of between 1-9 units. Following changes to national planning policy and a Court of Appeal judgement in May 2016, the Council is not seeking contributions from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1000 square metres (gross internal area). In this instance, the floor area of the proposal would be above 1000 square metres, therefore the policy remains applicable in this instance. The existing site contains 5

single family dwelling houses and there would therefore be a net increase of 1 unit for the purposes of the affordable housing contribution. In line with the Council's calculation formula, the required affordable housing contribution in this instance would be £133,170.

8. Local Financial Considerations

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

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

- 9.1 The proposal is for minor residential development and an Environmental Impact Assessment is not required in this instance.
- 9.2 The application does not constitute Schedule 1 or Schedule 2 development. Accordingly, there are no requirements in terms on EIA submission.

10. **CONCLUSION**

- 10.1 The proposed redevelopment would replace existing houses with little architectural merit. The new housing layout and massing has been carefully considered in terms of its relationships to surrounding properties and the general area, and would respect the existing pattern of development. The proposal would provide good quality residential units with no undue impact upon neighbouring amenity, nearby Metropolitan Open Land, trees or highway conditions. The permeability of the site would be maintained by the retention of a public route through the site between Parkside and Heath Mead.

RECOMMENDATION

GRANT PLANNING PERMISSION

SUBJECT TO A S106 Agreement covering the following heads of terms:-

1. Permissive 2m wide route connecting Parkside to Heath Mead maintained at all times
2. Financial contribution towards Affordable housing (£133.170).
3. The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B.1 Materials to be approved
4. B.4 Details of Surface Treatment
5. Details of boundary treatment
6. Details of Refuse
7. Refuse implementation
8. Details of Cycle Parking
9. Cycle implementation
10. Landscaping details
11. Landscaping implementation
12. Details of screening to balconies
13. No use of flat roof
14. Sustainable homes
15. D11 Construction Times
16. Construction Vehicle Traffic Management Plan
17. Phasing Plan
18. F5 Tree Protection

19. Design of foundations
 20. F8 Site Supervision
 21. Demolition Method Statement
 22. Construction Method Statement
 23. Temporary works drawings
 24. Structural drawings of the basement retaining walls and piles
 25. 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 3l/s. 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.
26. Phasing works plans
 27. Removal of Permitted development Rights (Extensions)

- 28 Removal of Permitted development Rights (windows in upper levels)
- 29 Removal of Permitted development Rights (front boundary treatment)
- 30 Obscured glazing to bathrooms
- 31 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
- If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
32. H9 Construction Vehicles
33. H10 Construction Vehicles, Washdown Facilities etc
34. H12 Delivery and Servicing Plan to be submitted
35. Construction logistics Plan to be submitted

Planning Informative

1. INF9 Works on the Public Highway

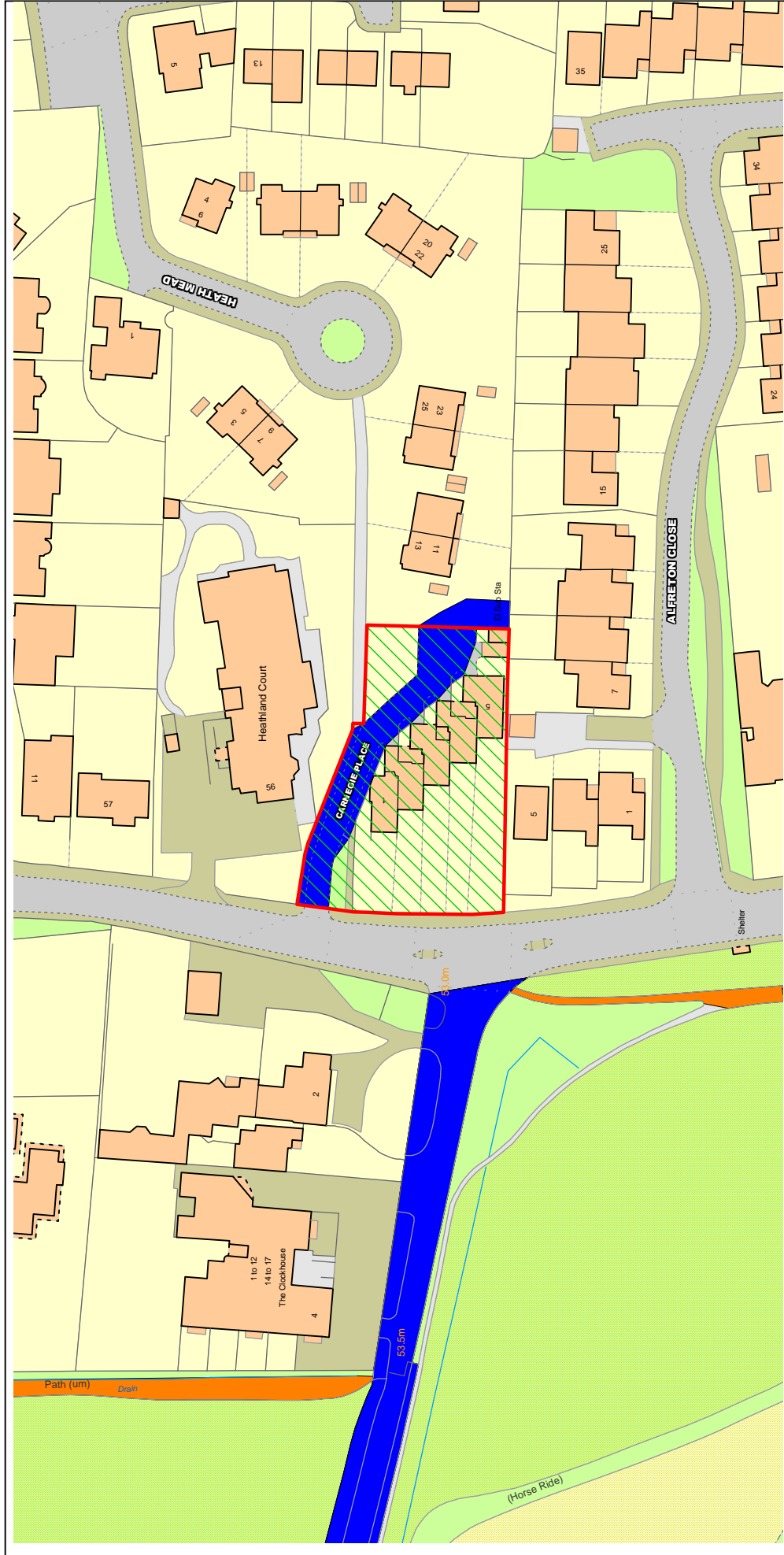
2. INF12 Works affecting the Public Highway
 3. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
-

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

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NORTHGATE SE GIS Print Template



Text Details **1-5 Carnegie Place**

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PLANNING APPLICATIONS COMMITTEE

16 MARCH 2017

APPLICATION NO.

DATE VALID

16/P4651

06/12/2016

Address/Site

The All England Lawn Tennis and Croquet Club
Church Road, Wimbledon, London, SW19

Ward

Village

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.

Drawing Nos

2500 Rev A, 2501 Rev A, 2510 Rev B, 2511 Rev B, 2512 Rev B, 2513 Rev B, 2520 Rev A, 2521 Rev A, 2522 Rev A, 2523 Rev A, 2530 Rev A, 2531 Rev A, 2532 Rev A, 2533 Rev A, SRC414-GRA-X-100-DR-L-1300 Rev 03, 1301 Rev 03, 1302 Rev 03, 1303 Rev 02, 1304 Rev 02, 1305 Rev 03, 1306 Rev 03, 1307 Rev 03 and 1308 Rev 03.

Contact Officer:

Stuart Adams (0208 545 3147)

RECOMMENDATION

SUBJECT to NO DIRECTION TO THE CONTRARY FOLLOWING GLA STAGE 2 REFERRAL, GRANT Planning Permission subject to S.106 agreement and conditions.

CHECKLIST INFORMATION.

- Heads of agreement: - Staff park and ride, carbon off-setting, sustainable transport and highways improvement works.
- Is a screening opinion required: Yes
- Is an Environmental Statement required: No

- Has an Environmental Impact Assessment been submitted – No
 - Press notice – Yes
 - Site notice – Yes
 - Design Review Panel consulted – Yes
 - Number of neighbours consulted – 204
 - External consultations – Yes (MET police and LB Wandsworth)
 - Number of jobs created – Same as existing
-

1. **INTRODUCTION**

- 1.1 The application has been brought before the Planning Applications Committee for consideration, as there have been a number of objections from neighbouring properties and officer recommendation is grant permission subject to conditions and S106 agreement.

2. **SITE AND SURROUNDINGS**

- 2.1 The All England Lawn Tennis and Croquet Club (AELTC) on Church Road, Wimbledon has an overall site area is 17.3 ha, spanning two site areas situated either side of Somerset Road. The larger of the two site areas houses the Championships and the main club facilities and is located on the eastern side of Somerset Road. The smaller site area, which is subject of the current application, is located on the western side of Somerset Road. It is bounded by Marryat Road to the south, Dairy Walk to the west, rear garden boundaries of properties in Newstead Way to the west and Somerset Road to the east.
- 2.2 The application site contains 2 large structures, one built in 1958 and the other in 1989, fronting onto Somerset Road and housing 5 indoor tennis courts with ancillary facilities. Chillers for centre courts are currently located to the rear of the right hand side indoor tennis court building.
- 2.3 Outside the Championships, the indoor tennis facilities are used by the members of the AELTC and the site also provides car parking for staff and contractors. During the Championship, the courts are used by tournament players as a warm up area. The site also acts as the main transport hub for the fleet of courtesy cars that operate during the Championships, as well as housing the VIP accreditation areas, a ticket collection area, member's car parking, bus drop off and a BBC aerial camera hoist.
- 2.4 Ground level car parking is provided in the form of hard standing car parking areas to the front and north of the covered courts building. The grassed areas to the north, west and south are used intensively during the Championship period as parking areas.

- 2.5 The grassed area to the south of the indoor courts adjacent to Murray Road, slopes steeply on the west side, reducing gradient to a more gentle slope to the east. The grassed area becomes Car Park 1 (CP1) for the duration of the Championships accommodating the bus drop off and parking area, overflow member parking from CP3 and location of the BBC hoist. From May to August the area is also used for set up and dismantling for preparation of the annual Championships.
- 2.6 Car Park 2 is located to the west between the rear of the existing indoor courts building and Dairy Walk. CP2 operates as the main car park for the fleet of courtesy cars. This area is covered with aluminium tracking in the build up to the championships.
- 2.7 Car Park 3 is located to the north of the site between the existing indoor courts building and properties in Newstead Way. CP3 is used predominantly as members parking. A security tent to check courtesy cars and their occupants is also erected on this part of the site each year.
- 2.8 The tracking to all three car parks is typically removed during August, allowing these areas to return to grass, however CP2 and CP3 remain in use year round for visitor/contractor parking.
- 2.9 The eastern site area comprises the main leisure and recreational facility of the AELTC. This area accommodates a variety of different functions used in connection with members use throughout the year and the annual Wimbledon Tennis Championship. Further to the of the main site, is Wimbledon Park, this area is identified as MOL, a green corridor, open space and site of importance for nature conservation within Merton's Sites and Policies Plan (2014).
- 2.10 To the north of the application site, the terraced houses in Newstead Way sit at a considerable higher position due to the topography of the site. Their rear gardens directly abut the northern boundary of the application site.
- 2.11 To the south, houses face towards the site from across the opposite side of Marryat Road.
- 2.12 Immediately to the west of the site lies Dairy Walk, a public footpath separated from the site by mature hedging and trees, lined on the other side by more planting and fences to the gardens to the detached houses in Burghley Road beyond. These properties in Burghley Road are sited within the Wimbledon North Conservation Area with their rear gardens forming the Conservation Area boundary.

- 2.13 Both the application site on Somerset Road and the main AELTC site are identified as open space within the adopted Merton Sites and Policies Plan (2014). Wimbledon North Conservation Area is adjacent to the western boundary and Dairy Walk. All existing trees on site are protected by Tree Preservation Order (MER 161).

3. CURRENT PROPOSAL

- 3.1 The proposal is to demolish the existing 5 x covered tennis courts and erect a new building comprising of 6 x indoor courts and associated facilities, 6 x outdoor clay 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.

Covered Courts

- 3.2 The proposed covered courts building would accommodate six indoor tennis courts aligned side by side with ancillary tennis facilities. The principle eastern elevation is orientated towards Somerset Road and the main site thereafter. The frontage of the proposed building would be set back from the Somerset Road by at least 47.4m to allow for six external clay courts, soft landscaped areas and a vehicle front drop off area with 9 covered car parking spaces.
- 3.3 Pedestrian access to the covered court building would be from gates on Somerset Road. Vehicular access points are provided on Marryat Road and Somerset road, both providing access to the basement.
- 3.4 The proposed building adopts a modern design approach with a first floor internal viewing gallery, front balcony and elegant curved standing seam roof design, spilt into six distinctive segments which are separated by glass roof lights. The modern building would have rendered walls, painted aluminium louvers, glass balustrades with stainless steel rail to first floor balcony, painted steel columns, exposed timber soffit, green aluminium flashing to front edge, roof lights and green standing seam roof.

External courts

- 3.5 The proposal would include six new external clay courts which have no floodlighting. The clay courts would be located in front of the proposed covered courts building. The four southern and central courts (3,4, 5&6) would have step free access between the indoor and outdoor courts. The two southern courts would be screened by hedging. The two northernmost courts (1 and 2), due to the sloping nature of the site, would

be set at a raised level and would be accessed from the first floor of the covered courts building. Beneath the raised courts sits a player reception, covered car parking and access to the existing tunnel beneath Somerset Road to the Millennium Building within the main grounds.

Basement

- 3.6 Beneath the footprint of the indoor and outdoor courts, a single storey basement car park is to be constructed which will accommodate up to 338 vehicles. This car park connects via a short ramp to the eastern perimeter road and can also be accessed via a ramp to the south of the indoor courts which will primarily be used during The Championships. The basement also accommodates 60 secure cycle parking spaces.
- 3.7 The eastern part of the car park would be used for the courtesy car operations during The Championships. This relocates the fleet of courtesy cars underground and out of sight, thus providing a significant visual improvement at ground level. For the remainder of the year, part of the car park is to be used as staff and contractor parking, removing parking that currently occurs within Car Parks 2 and 3. The western part of the basement car park is to be used for Members parking during the Championships. Outside of The Championships, the space will be used as storage for some of the tournament overlay.
- 3.8 At the front of the car park, under the eastern edge of the clay courts, there is a protected route for pedestrians from the car park to the arrivals forecourt and main entrance. The ticket collection and accreditation operations which currently run from a temporary marquee will be relocated to this area. This removes the need for the marquee and moves pedestrian queueing from the Somerset Road highway.

Boundary treatment

- 3.9 Currently the boundaries are a mixture of hedges, trees, and chain link fences in a slightly ad hoc arrangement. The proposals seek to enhance the boundaries to Somerset Road and Marryat Road with new railings similar to those installed around the perimeter of the golf club on the Church Road side of the Championship site. Enhanced planting to the Dairy Walk boundary and improved screening planting to the boundaries with rear gardens in Newstead Way and to the southern boundary with Marryat Road is also proposed.
- 3.10 A new manually operated bi-folding vehicular gate set 6m back from Somerset Road and gatehouse will replace the existing northern access point (shown as gate A).

- 3.11 New manually operated vehicular and pedestrian gates and a new gatehouse will be introduced on the Somerset Road frontage (shown as gate B). This replaces the existing entrance and will be slightly further north to align with gate 13 on the main site on the opposite side of Somerset Road.
- 3.12 A new manually operated vehicular gate set 6m back from Somerset Road and new gatehouse will be introduced on the Somerset Road frontage (shown as gate D). The gate will enable direct access to the basement car park. Will be used by courtesy cars during the Championship and staff/contractor vehicles the rear of the year.
- 3.13 A new manually operated vehicular gate and new gatehouse will be introduced on the Somerset Road frontage (shown as gate E). This replaces the existing barrier access point but will be located slightly further south. The exit will be used for buses and member vehicles during the Championship and will be locked outside the Championship.
- 3.14 A new manually operated vehicular gate and new gatehouse will be introduced on the Marryat Road frontage (shown as gate G). This replaces the existing gates, but would be set further back from the street frontage. The entrance will be used for buses during the Championship and will be locked outside the Championship.

Landscaping

- 3.15 The overall approach to the Somerset Road site is the feeling of 'Tennis in an English Garden'. It has been identified that all existing trees on site are protected by Tree Preservation Order (MER 161). A total of 147 individual trees have been recorded on site, 121 of which were within the site boundary and 36 outside but within the immediate vicinity. The majority of individual trees are categorised as B (trees of a high quality with an estimated life expectancy of at least 20 years) and C (trees of a low quality of at least 10 years or young trees with a stem diameter below 150mm), with the groups categorised evenly between B, C and U (those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years).
- 3.16 As part of this application, 10 trees would need to be removed on site for arboricultural reasons, and 39 trees would need to be removed to facilitate the proposed development, however, the majority would be retained and 86 new trees are proposed as part of the comprehensive landscaping scheme.

Chillers

- 3.17 The existing Centre Court chillers and associated plant, with the exception of occasional testing, are only utilised during the two week period of The Championships and then only when Centre Court roof is closed. These are to be relocated to the north of the proposed covered courts building. Associated electrical services are also proposed to be relocated to this position.
- 3.18 The Centre Court chiller plant would be sited at a minimum distance of 19m from the closest residential boundary (42 Burghley Road). The compound makes use of the natural topography of the site and is partly set into the natural ground level and behind a retaining wall to the north. The compound would be screened by vertical fins over the top of the chillers with a landscaped zone beyond.

Highway works along Somerset Road

- 3.19 The proposals also involve the creation of a raised crossover along Somerset Road. To better integrate the Somerset Road site to the main grounds the entrance to the proposal will be realigned with Gate 13 of the main site. To further enhance this visual and physical link a raised crossing point is proposed between these entrance gates across Somerset Road. This will have the added advantage of slowing vehicular traffic along Somerset Road thus improving pedestrian safety particularly during the Championships. This work is beyond the AELTC's site ownership and as such is proposed to be secured by way of a Section 278 agreement.

Role during the Championships

- 3.20 The Somerset Road site will continue to play a key role in the delivery of The Championships and the Centre Court chillers and associated plant are retained in a new location as part of the proposed redevelopment of the site. The Somerset Road site will continue to act as the main transport hub for the fleet of courtesy cars that operate during The Championships. These vehicles are proposed to utilise the basement car park alongside the Members car parking. During The Championships the upper floor of the Clubhouse building will act as the dispatch area for the courtesy car drivers, as well as providing space for the drivers to sit and relax in whilst they wait. The southern section of the site will continue to be utilised for bus drop offs and collection which will operate in a similar manner as the existing arrangements.
- 3.21 In addition, the site will continue to house the VIP accreditation areas, a ticket collection area and will be the location for the BBC aerial camera

hoist. In the build up to The Championships, the site will also act as the main lay down area and security check for all items being brought onto the main site as part of The Championships overlay.

- 3.22 The indoor courts have been designed as a self-contained facility which allows them to be utilised by Members and Players during The Championships. Unlike the current arrangements where the clay courts are out of operation as these are covered by corporate hospitality tents during The Championships and Overlay period, the proposal will allow the external courts to continue to be used throughout the Overlay period.

4. **PLANNING HISTORY**

- 4.1 16/P2750 - Application for a certificate of lawfulness for existing use (implementation of planning approval 11/P2865) – Issue - 23/08/2016
- 4.2 14/P0632 - Replacement of existing portacabin and erection of 2 x portacabins on plantroom roof, including associated hard and soft landscaping – Grant - 09/04/2014
- 4.3 11/P2865 - Erection of a new covered court facility over three levels containing six new indoor tennis courts to replace the existing building containing 5 indoor courts to be demolished, formation of new access to Somerset Road, car parking facilities at ground floor / undercroft levels, replacement bar/lounge/changing facilities and new tree planting and landscaping – Grant by planning applications committee - 18/02/2014
- 4.4 11/P2864 - Pedestrian tunnel between car park 3 and the millennium building, erection of a new single storey front extension with canopy to the millennium building and associated works connecting the tunnel with the player entrance at ground level – Grant - 10/01/2012
- 4.5 11/P0300 - Removal of an existing timber outbuilding in car park 4 (gate 20) and hardstanding, and the construction of new stepped terrace concrete floor slab bases for temporary portacabin building during the annual championships together with the construction of a strengthened grass hardstanding for an articulated outside broadcasting vehicle and equipment, involving construction of a retaining wall within an existing embankment and an inclined strengthened grass area to the remainder of the embankment plus new security fence, gate and security cabin - Grant - 07/03/2011.
- 4.6 10/P2911 - Erection of a temporary pedestrian access area, vehicle access areas at the covered courts on Somerset Road/Marryat Road, operational compounds, technology cabins at court 3 facilities building and security fencing for the purposes of hosting the test event and the

London 2012 Olympic games at the all England lawn tennis club - Grant - 14/01/2011

- 4.7 10/P2300 - alterations and extensions to east and west elevations of millennium building to refurbish and improve facilities including provision of new internal staircase, alterations and two storey extension on eastern side of building above part of competitors garden to form improved lounge and larger reception area, construction of a covered outdoor plant space to service the new extension and relocation of the press writing room into an extension along the western facade above competitors drop off point, involving removal and replacement of two trees – Grant - 21/10/2010
- 4.8 86/P1326 - Erection of a new three court covered tennis hall building with two level bar seating area/changing/ viewing area linked to existing 2 court building including layout of car parking areas with landscaping and planting around the building and along the Somerset Road frontage – Grant - 09/04/1987
- 4.9 No other relevant planning history

5. **CONSULTATION**

- 5.1 The application has been advertised by major press notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 17 letters of objection have been received (including one from the Wimbledon Society & Parkside Residents Association) raising concern about the following:

Design

- Overall scale of development is excessive, with increase from 5 tennis courts to 12.
- New courts will partly obstruct views.
- Overdevelopment
- No existing plans to make a comparison in terms of height of proposed building.

Highways

- Massive increase in parking and other associated facilities
- Increase in the number of cars that can be parked outside the championship. The additional traffic will result in harmful pollution. Whilst the car park may help during the Championship it is the other 50 weeks of the year that is a concern.

- Potential use of Newstead Way and Somerset Road from AELTC Gate 16 to Wimbledon Parkside as a means of access and or egress for heavy vehicles. These roads are quite unsuitable to large vehicles and any planning consent should impose a restriction on the use of these roads.
- The Design and Access Statement and Transport Statement do not address the impact that the proposed reorganisation of coach, taxis and VIP vehicles on the site will have on Somerset Road and other surrounding residential roads. Visiting coaches often line up, parked along a considerable length of this part of Somerset Road, creating considerable noise and pollution, often blocking access to our drives.
- There appears to be no plan showing the routes designated for construction traffic in the residential areas around the site, particularly for heavy goods vehicles, although there is mention that there will be something agreed with the LB Merton. This is a major issue for residents, often being disturbed from the noise of vehicles in the upper part of Somerset Road, which use the road as a means of access to the AELTC at 6.00am in the morning and often park on the road until they are able to offload. Request a suitable condition is appended to any permission, requesting a traffic circulation plan (layout) for the area affected by the proposed development of the site, showing details and construction access to the site be submitted for further consultation with local residents.
- Request that the AELTC provide a travel and transport plan and any other stakeholders in are consulted.
- The proposed restricted parking zone to be instigated before any works start on this development as the extra traffic in the area will compound the issues and make access down Somerset Road impossible.

Plant & New Courts

- Proximity to Newstead Way. 2 of the proposed tennis courts would be within 19m of border, will spoil the open spaces and vistas in the area, request that these 2 courts are removed. The courts will create noise from calling scores, talking, grunting, children of the players, supporters, visitors and matches both during the week and weekends. Problems 7 days of the week as well as longer days and nights in the summer.
- Relocation of cooling plant and power plant very close to Newstead Way side of the site. Distance from plant to boundary is 12m not 17m. Noise from the cooling plant and electricity plant for the site have been put even closer to Newstead Way. Security lights on the chillers will cause light pollution. The existing electrical plant buzzes continuously (not just during the Wimbledon Tennis Championship) and can be heard from distances of 30m or more. Doubt that sufficiently effective

sound-deadening could be put in place. Request details of the usage of the electrical plant, and the noise (of plant and chillers) when operating at all times. Locating on the other side closer to Marryat Road would have no negative effect.

- Health concerns with electrical plant being so close to neighbouring properties. SAGE, the government and electricity industry-funded advisory body on electric and magnetic fields has recommended as a precautionary measure that electrical sub-stations be sited away from homes (reasonably practicable efforts be made to site substations distant from homes). Electromagnetic radiation from power
- It should be demonstrated that there will be no noise from the covered courts and underground parking.
- It should be demonstrated that there will be no light pollution from the covered courts building or security lighting. Although it is not stated in the application, it is assumed that the external courts will not have floodlights and play will be restricted to day time periods. This should be clarified by the applicant.

Construction

- Construction of development would need to be strictly enforced by condition in regards to construction noise, traffic, dust, damage and other associated issues.
- Impact during construction. Concerns about noise and dust and damage to neighbouring properties. When the tunnel under Somerset Road was built, there was damage to houses. As part of any approval it is requested that the LPA make party wall agreements essential in the process with independent surveys being done on all of the houses backing onto the site before construction begins (at the expense of the AELTC).
- Impact upon neighbouring buildings from piling, excavation and any other works that might cause land movement and or excessive vibration. If permission is granted, there should be an explicit statement of steps that must be taken to prevent such damage, to reimburse owners of properties sustaining such damage and to reimburse them for professional services such as surveyors to deal with these issues.

Basement

- Ground water and water table disturbed during the construction period given the depth and amount of excavations
- Ground stability and drainage. The land in question incorporates a steeply sloping bank and there is subterranean water flows. The bottom of the site is regularly in flood throughout the year. The garden patio of our property already floods in a heavy downpour of rain, as

the soil is clay, and geographical we are in a bowl of hills and the surface water cannot drain away quick enough.

Proximity of facilities

- Over dense occupation and significantly sized building, tennis courts and mechanical engineering units being sited closer to the boundaries of the properties in Burghley Road and Newstead Way.

Use of facilities

- Use of facilities and hours of operation. Hope that the existing restrictions on light and noise pollution & hours & use of operation will be continued to ensure that neighbours can continue to use the amenities in the area. Requested that all activities cease by 10.30pm and the site should never be used for parties and events, as already agreed with AELTC.
- The AELTC have allowed the neighbours to use the site for dog walking, children learning to ride a bicycle, neighbourhood picnics, car parking to enable street parties and even tobogganing. They have also granted vehicular access to the back of some properties when needed by the householder. The loss of this amenity is of great concern. Whilst we acknowledge that during construction such access will not be possible, once the site is completed we would like the planning process to ensure that this amenity will continue.
- Catering and social facilities in the new building might create an unacceptable level of noise, particularly in the summer when neighbouring residents are entitled to peaceably enjoy their gardens. Commitment to have no electronically amplified sound or music at any time.
- Local residents don't want the facility to be made available for public use. Already concerns about the increase in traffic, security and other activity and this would make it much worse.

Open Space

- Merton's planning policies seek to protect and enhance open space and improve access. The proposed development would result in loss of open space and loss of existing access. Established legal right of way over the access.

Trees

- Damage to much loved English Oak tree at the rear of 25 Newstead Way and disrupt woodpeckers, owls and other unusual wildlife that uses the tree. The tree is described as having high bat roosting potential) having seen bats flying close to the tree. Impact from the

development on the tree roots of trees along the Western Perimeter Road.

- Loss of existing trees, reduction in areas of green and natural habitat, the applicant should further demonstrate the sustainability of losing so much existing amenity to local residents. This is quite a major departure from the principles and ethos of tennis in an English garden as a basis for the Master Plan. If it is not possible to retain more existing trees, further replacement trees and soft landscaping should be implemented.

Community Involvement

- Lack of visuals at community involvement stage. The AELTCs consultation and plans have been misleading about the location of the electrical plant/sub-station close to the boundary with neighbours.

Other matters

- Under the original application for the covered courts the AELTC stated that there would be no further development on this site.
- Loss of value to neighbouring properties.

5.2.2 A petition (19 signatures – properties/owners in Newstead Way) which raises the following objections

- Development is so close to the boundary with our properties would have an unreasonably detrimental impact on residential amenity.

5.3 Wimbledon Society

- The site is zoned in the Council's Sites and Policies Plan as Open Space. Planning policy DMO1b says that existing designated open space should not be built on, unless the loss would be replaced by equivalent or better provision. Policy DMO1 says that any development should not harm the character, appearance or function of the open space and should preserve the character and function of leisure walks.
- This proposal occupies a somewhat larger footprint than the existing facilities, and for example much reduces the amount of open space beside Marryat Road that is now available for public access. The width of the open space appears to be reduced from some 75m to some 40m.
- Whilst there is a significant amount of private open space locally, public access to open space is currently limited to the green space on the site beside Marryat Road.
- The proposals do not conform to the Council's approved planning policies, and it also removes a significant number of trees.

- It has been suggested that consideration should be given to the following
 - Formalising the public access to the Marryat Road open space
 - Ensuring that the new recreational facilities are available to the general public as much as possible
 - Planting new trees that will equate with the tree years of those that are to be lost
 - In conjunction with the two Councils improving the walking and cycling routes to the site from the two rail stations, together with Dairy Walk
 - Basement works, noting the local watercourse and lakes on higher ground, should comply with Policy DMD2c on hydrology.

5.4 Parkside Residents Association

- We are not aware of any support amongst local residents to these new facilities becoming available for public use. Quite the contrary. The existing facilities are not for public use. This is private land and the new facilities are being provided for AELTC and Championship use. A requirement for public access will materially increase disturbance, traffic and parking issues will significantly alter their impact locally, to the detriment of neighbour amenity.

5.5 One letter of comment

- Part of the works include moving the Centre Court chiller plant. At present, works are in progress to install a retractable roof to number 1 court, where will the chiller plant for this be located, and will it need to be moved too?

5.6 London Borough of Wandsworth

5.6.1 No response

5.7 Design Officer Overview

5.7.1 The current arrangement of buildings has evolved over time in an ad-hoc manner and the site is inefficiently used. The proposal creates a plan for the efficient use of the whole site. It also included practice courts currently located on the main site. Moving these to the Somerset Road site is key to realising the masterplan proposals for the main site, improving the facilities and alleviating pedestrian congestion around the site.

Urban design principles

5.7.2 These higher level principles are not particularly relevant to this site. However, the proposals attempt to reduce the severance of the two sites by the road, but introducing some traffic calming features, particularly at

the main link between the two sites. This is welcomed.

Siting, density, scale, height

- 5.7.3 The existing site is characterised by two large uncoordinated structures housing 5 courts. These are light in colour, one in concrete and the other in fabric. Although the concrete building has some architectural merit, neither feel like part of the landscape and their position only vaguely follows the street alignment. The buildings have no visual interest and are intrusions into the landscape rather than assets to it or an integral part of it. Being of different styles, they are also visually discordant with each other. This is an important point given the topography of the site and views from surrounding housing.
- 5.7.4 The proposed building takes the opportunity to create a cohesive overall design and layout for the whole site, remove the parking underground and better order the site in general. The removal of the surface parking is essential to achieving this intensification of use on the site.
- 5.7.5 The position of the main building at the rear of the site allows for views over its roof, rather than having a large, prominent building on the frontage. Essentially the building 'nestles' into the hillside. The open courts at the front provide a transitional zone towards the street and create a sense of privacy for the main building. This arrangement also allows for a considerable amount of landscaping at the front of the site and to achieve the sense of the building being in a garden.
- 5.7.6 The building is larger than either of the two existing buildings and houses one extra court. It is also no higher than either of the existing buildings. Whilst the existing buildings, by their design, shape, colour and siting, are visually prominent towards the front of the site, the new building should be far more unobtrusive. This is due to a number of factors, such as the siting to the rear, the green roof and the graceful, shallow curve to the roof, which is a single structure for the whole building. The building, although large, fits seamlessly into the landscape.

Massing, rhythm, proportions, materials

- 5.7.7 The building is essentially long and low-lying in its appearance, with strong horizontal emphasis. Vertical emphasis is given by the fenestration and the dividing up of the roof to signify the six courts underneath. However, these are secondary to the horizontal feel, the overhanging eaves line of the roof being a distinctive feature of this.
- 5.7.8 Various elements of the building are divided up into ever finer features that come together as a coherent and pleasing whole and offer visual interest at the human scale. Glazing bars, timber louvres and the seams on the roof are examples of this.

5.7.9 Materials are predominantly timber, particularly on the inside, though the green metal roof will be a distinctive feature. This, along with the green painted finish that proliferates on the main site, are the key materials used on the site. The way these materials are executed gives the whole building a clean, crisp contemporary feel, grounded in the tradition of the AELTC.

The local urban context and historic context

5.7.10 The design and materials of the proposed building are clearly designed to be seen as part of the family of buildings that is the AELTC. The appearance of the site at the moment clearly does not convey this. This is considered the primary local urban and historic context and it is clearly well integrated into this local character.

Architecture

5.7.11 The existing buildings have a temporary feel to their architecture, particularly the fabric roof. The concrete building does have a graceful roof form, but is a pavilion building and therefore not easily extended. Indeed to extend this in the same architectural style would result in a pastiche building not of its time. The new building is defined by its elegant and graceful roof form, which has a clear link to its use in its form and materials. Internal metal beams do intrude into this

Landscape

5.7.12 The proposal has an overarching landscape strategy for the whole site which is commended. The applicant calls this “tennis in an English Garden”. This is based on nestling the main building well into the topography of the site and setting it within a comprehensively soft landscaped perimeter. This is considered very successful and is part of how such a large structure can fit onto the site well.

The public realm

5.7.13 This is generally little affected by the proposals. Pedestrian traffic between the two sites will be limited to private use most of the time. Proposals to traffic calm parts of Somerset Road along with the perimeter landscaping will visually enhance the boundary and improve the character of the street.

Biodiversity & sustainability

5.7.14 In terms of design, the proposals create a greener footprint to the whole site which is good for biodiversity. This is largely made possible by relocating parking underground, which leads to a far greener and calmer feel to the whole site.

Summary

5.7.15 This is clearly a high quality building, well designed for its context. It fits a great deal onto the site in an efficient manner whilst maintaining good separation to the surrounding properties. The landscape and appearance is much improved and the site is intensified in a sensitive way. The most recent proposed changes to relocate the chiller units and alter the car park is an improvement to the efficiency and impact of the design.

5.8 Environmental Health

No objection subject to the following conditions:

1) Any external lighting, which shall not include external floodlighting, shall be installed in accordance with the External Lighting Proposal February 2017 unless otherwise agreed in writing with the Local Planning Authority. The external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

2) No external public address system shall be provided at the site other than during The Championships.

3) Prior to the commencement of development a further noise assessment shall be undertaken during The Championships and shall be submitted to the Local Planning Authority for approval. This Noise Assessment shall demonstrate that the proposed chiller plant (which services Centre Court roof) and associated equipment will not exceed 10 dB(A) above the existing typical measured background noise level over a measurement period not exceeding 15 minutes (LAF90, 15 minutes) at locations representative of the nearest noise sensitive dwellings.

4) Details of the acoustic barrier adjacent to the most southerly courts (labelled as Courts 5 and 6 on Drawing No. 2512 Rev B) shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The acoustic barrier should ensure that noise from the proposed use will not exceed 5 dB(A) above the existing typical measured background noise level over a measurement period not exceeding 15 minutes (LAF90, 15 minutes) at locations representative of the nearest noise sensitive dwellings

5) Details of the External Clay Court Management Strategy, which shall be in accordance with the principles outlined in the Noise Impact Assessment – Part 2 dated January 2017, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.

The External Clay Court Management Strategy shall:

- restrict the usage of the two most northerly courts (labelled as

Courts 1 and 2 on Drawing No. 2512 Rev B) to no earlier than 09:00 and no later than 18:00 on any day, with the exception of 12 instances per year where Courts 1 and 2 shall be used no later than 20:00, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected.

- restrict the two usage of the two most northerly courts (labelled as Courts 1 and 2 on Drawing No. 2512 Rev B) on weekends and bank holidays to no more than 40 'instances' per year, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected;
- outline measures to encourage players to use Courts 3, 4, 5 and 6 (labelled as such on Drawing No. 2512 Rev B) instead of Courts 1 and 2 (labelled as such on Drawing No. 2512 Rev B).

Informative: 'The Championships' refers to the two week period each year when The Championships, Wimbledon tennis tournament is in operation at the All England Lawn Tennis Club, Church Road, Wimbledon, SW19 5AE. It shall also include the one week period prior to The Championships.

Informative: 'Instances' refers to play on Courts 1 and 2 on a Saturday, Sunday and Bank Holiday. For the avoidance of doubt play on Courts 1 and 2 on a Saturday, Sunday and Bank Holiday within one weekend constitutes one 'instance'.

The proposed electrical transformer plant is 11Kv. This would have no adverse impact on health based on current studies and publications.

5.10 Future Merton – Climate Change Officer

No objection subject to conditions

5.11 Tree Officer

No objection subject to conditions about tree protection, replacement trees and the comprehensive replacement landscaping scheme.

5.12 Design and Review Panel (15th March 2016).

Pre-application scheme

- 5.12.1 The Panel welcomed the existence of a masterplan for the whole AELTC site which was rooted in a landscape theme of the 'English country garden'. They also commended the AELTC on assembling a good team to achieve this element of its masterplan.

- 5.12.2 The Panel considered the architecture of the new main building to be very elegant and simple which would be exciting when viewed from inside. They also liked the 'tennis racquet' analogy of the feel of the interior, but felt that the steel beams could undermine this. They recommended refining the design further in this regard. The Panel also felt that care needed to be taken to ensure the transition from curved to flat roof was done as elegantly as possible so as not to undermine the overall effect.
- 5.12.3 Although the siting of the main building was questioned, it was generally felt that positioning it at the rear of the site, and the general layout gave it the feel of the main campus, linking it, in form, appearance and style. With this layout, particular care was needed to ensure the boundaries of the site, where they abut existing housing, did maintained and improved a green boundary for the amenity of residents.
- 5.12.4 The Panel noted that the proposal was laid out in a rectangular form leaving some awkward 'left over' land around the site edges. It was important that these were fully integrated into the landscape design and used to improve the relationship between the site and surrounding residential areas. It seemed to the Panel that there was some inefficiency and perhaps unnecessary complexity in the routeing of vehicles through the site, which had the potential for simplification and maximising green space, yet not undermining security needs.
- 5.12.5 The Panel asked various questions about the operation of the site and car and coach parking, which the applicant responded to, with the general answer being that the impact during the Championships would be the same in terms of parking, but would be better ordered and much of the parking transferred from the main site, would be out of sight.
- 5.12.6 The Panel did not seem to take particular issue with the answers to their questions, however it was felt that it was important to improve walking and cycling facilities on nearby roads and to the site for the main part of the year. It was also felt that there needed to be better clarity on how the coach parking area adjacent to Marryat Road would be made greener than present throughout the year and how it would accommodate coaches during the tournament and enable it to 'return to green' afterwards.
- 5.12.7 The Panel asked that there should be more CGI views provided from different locations, most notably from the lake in Wimbledon Park. Overall the Panel were very supportive of the proposals.

VERDICT: **GREEN**

5.13 Historic England – No objection.

5.14 Greater London Authority – the Stage 1 response advises:

- Principle of development - the proposal to provide modernized facilities to support the world class sporting event is strongly supported
- Urban design – the layout and design of the new facility is well considered and is supported .
- Inclusive access. Applicant’s commitment to implementing inclusive design principles are welcomed and should be secured by condition
- Climate change – carbon savings fall short of London plan climate change targets. Investigation of the feasibility of making further savings should be undertaken and if no further carbon reductions can be made then the shortfall should be offset by a financial contribution
- Transport. A comprehensive car park management plan and travel plan are required to ensure that car parking provision is appropriately managed and restricted and to minimize impact on the highway network. Further details should be submitted regarding cycle parking and electric vehicle car charging points.

Request for stage II referral prior to decision..

5.15 Future Merton – Transport Planning

5.15.1 The proposals are for the demolition of the existing indoor courts and the construction of new indoor courts and relocation of the existing clay courts. The proposals are unlikely to increase trip generation or visitors to the championships during the fortnight. The main details of this application relate to operational changes to vehicular movements during the championships, none of which will generate a perceivable impact during the championships.

Cycle Parking

5.15.2 The proposals contain 60 new cycle parking space for visitors and staff which are located in the basement, this is deemed secure, weather proof and reasonably convenient. Existing cycle parking in the other car parks is retained. The travel plan will monitor the cycle parking and should it consistently exceed 90% occupancy further cycle parking will be added, this level of monitoring demand is welcomed and will promote genuine shifts in modal split to active travel.

Car Parking

5.15.3 Over all day to day car parking will be reduced when compared with the existing levels on site, this is welcomed. The current parking bay sizes are slightly bigger than the minimum standard dimensions, which will make the parking more fit for purposes due to the larger nature of many of the vehicle which use the on site members parking areas. Electric vehicle

charging points (34) have also been incorporated. A car parking management plan has been submitted which highlights the change in car parking provision on site during normal operation and during the championship. Monitoring of the car park and its operation will be undertaken and the car park management plan will be altered in response of the monitoring undertaken.

Disabled parking

- 5.15.4 Seventeen disabled parking spaces have been provided (10% of total) however during the championship the applicants will manage the requirement for disabled parking on a demand led basis, this is something which occurs at present, and ensures efficient use of the available parking facilities.

Public Realm

- 5.15.5 The impact on the public highway is confined to the re alignment of the southern gate on Somerset Road, this will be moved slightly to the south, the re alignment will aid pedestrian movement between the two sites. There is also a raised table proposed at this point. This will also fortify the pedestrian passage of movement between the two sites at this point.

Pedestrian/Cycle movement

- 5.15.6 As stated above there are public realm works to improve the passage of movement between the two sites, these are welcomed. The travel plan should explore the possibility of active travel choices from popular public transport locations to aid visitors to use active travel instead of other types of public transport which are currently operating at capacity.

Servicing Refuse

- 5.15.7 Servicing and refuse movements or operations will not change in connection with the application. The existing will remain.

Construction Phase

- 5.15.8 Banksman will be provided to manage the conflict between vulnerable road users and vehicles entering/ exiting the site. Banksman will also ensure that vehicles do not obstruct traffic. Just in time deliveries have been mentioned, this type of booking system will reduce the likelihood of multiple vehicles delivering at once and impacting on the operation and safety of the surrounding highway network.
- 5.15.9 The traffic management aspects of the CLP will require further detailed comment from my colleagues in highways on the network impacts. I note that all vehicles are to be FORS, CLOCS and Safer Lorry Scheme affiliated.

5.15.10 Contractor vehicles will not be permitted to park on site, this is welcomed however as a large amount of the surrounding highway network is not covered by a controlled parking zone vehicles can park on the surrounding highway network legally. This will impact on day time on street parking stress levels. The travel plan should address this future impact during the construction phase and provide facilities on site to securely store tools so that contractors can use sustainable travel to access the site on a daily basis. This will in turn reduce on street parking stress during the day.

Travel Plan

5.15.11 The travel plan sets out robust targets to encourage modal shift by visitors and staff, currently there is no mention of members. While we appreciate that they have specific travel patterns, the travel plan should be extended to include members possibly providing them with a bespoke travel planning service. As stated above the travel plan should explore the possibility of active travel choices from popular public transport locations to enable visitors to use active travel instead of other types of public transport which are currently operating at capacity.

5.15.12 We have no objection to the above application as the proposals will not result in any extra trip generation. There are a number of alterations to the travel plan and construction management plan to encourage modal shift and the promotion of active travel.

6. **POLICY CONTEXT**

6.1 The relevant policies within Merton's Sites and Policies Plan (2014) are:

DM R5 Food and drink / leisure and entertainment uses
DM R6 Culture, arts and tourism development
DM C1 Community facilities
DM E4 Local employment opportunities
DM O1 Open space
DM O2 Nature conservation, trees, hedges and landscape features
DM D1 Urban design and the public realm
DM D2 Design considerations in all development
DM D4 Managing heritage assets
DM EP2 Reducing and mitigating noise
DM EP3 Allowable solutions
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 impact of development
DM T3 Car parking and servicing standards

DM T5 Access to the Road Network

- 6.2 The relevant policies within the Merton Core Planning Strategy (July 2011) are:

- CS 11 Infrastructure,
- CS 12 Economic Development
- CS 13 Open Space, Nature Conservation, Leisure and Culture
- CS 14 Design,
- CS 15 Climate change,
- CS 16 Flood Risk Management
- CS 18 Active transport
- CS 19 Transport
- CS 20 Parking, Servicing & Delivery

- 6.3 The relevant policies within the London Plan (July 2011) are:

- 2.18 Green Infrastructure: The Network of Open and Green Spaces
- 3.19 Sports Facilities
- 4.6 Support for and enhancement of arts, culture, sport and entertainment
- 5.1 Climate change mitigation
- 5.3 Sustainable Design and Construction
- 5.7 Renewable energy
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 6.3 Assessing Effects of development on Transport Capacity
- 6.8 Coaches
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and Woodlands
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

7. **PLANNING CONSIDERATIONS**

7.1 The main principal planning considerations in this case are: the principle of development, the design of the building & its impact on the character and appearance of the Somerset Road street scene, adjacent Wimbledon North Conservation Area, impact on neighbouring amenity, open space, trees, construction of basement, flooding and parking/traffic and sustainable transport considerations.

7.2 Public Meeting

7.2.1 In 2013 (April – June) the AELTC had a number of public consultations in relation to the club's long terms vision for the next 20 years, 'Wimbledon Master Plan'. In terms of the redevelopment of the Somerset Road section of the site, in accordance with the vision of the Wimbledon Master Plan and subject of the current application, a number of events between April and October 2016 were held by the club prior to the submission of the full planning application.

7.2.2 The applicant held meetings for the Somerset Road redevelopment with the heads of local resident's associations and 'residents workshops' for residents in Newstead Way, Burghley Road and Marryat Road at the club on 21st and 22nd April 2016. The applicant held a further meeting with ward Councilors (Cllrs Bowcott, Moulton, Howard and Holden) on 11th October 2016.

7.2.3 Following comments received from the Design Review Panel, discussion with officers at LB Merton and the Greater London Authority and comments received from the Residents Workshop a public consultation was held on the 12th and 13th October 2016. Residents from a wider area were invited of which 58 individuals attended. On the 1st December 2016 a letter sent by the AELTC to all residents who attended the Residents Workshops or Public consultation events or those who had expressed an interest in the proposals stating that the planning application will be submitted on Friday 2nd December 2016 and outlined the ways in which the AELTC had sought to overcome residents' concerns.

7.2.4 In conclusion, a number of comments and objections were received during the consultation proceed carried out by the AELTC. The AELTC states that they have sought to overcome residents' concerns through various changes in the design of the scheme from the initial set of plans to the current proposals. As an overview of the comments received, the applicant states that residents have welcomed the design of the proposal and relocation of car parking below ground level and that one of the key concerns was the relocation of the Centre Court chillers and associated plant.

7.3 Principle of Development

7.3.1 The existing buildings have limited architectural merit and have come to the end of their economic life, resulting in inadequate environments for tennis. The proposal seeks to demolish the two existing indoor courts buildings and replace with six high quality indoor courts with ancillary facilities, six outdoor clay courts, relocated plant chillers and reorganise ground level parking in a more organised manner with limited ground parking (9 covered car parking spaces) and a single storey basement (up to 338 car parking spaces). In terms of the principle of development, the proposal seeks to enhance the existing sporting facilities and improvement car/pedestrian movement in and around the site.

11/P2865

7.3.2 The principle of redeveloping the site for replacement covered courts facilities has already been established under planning application 11/P2865. Known as the 'populous scheme', the development effectively replaced the existing facilities like for like, with 147 car parking spaces beneath the covered courts and an underground connection to the Millennium Building on the main site. The populous scheme was developed under the AELTC Long Term Plan which was commissioned in 1993 and completed in 2011. The Long Term Plan has subsequently been replaced with the Wimbledon Master Plan (see details below). The populous scheme has been implemented (valid start) as confirmed by the issuing of a lawful development certificate (16/P2570).

Masterplan

7.3.3 The Wimbledon Master Plan, replacing the former Long Term Plan, sets out the AELTC Club vision for the future of the site over the next 20 years. The master plan is guided by 'Tennis in an English Garden' which seeks to develop the finest setting and facilities for the entertainment and enjoyment of all visitors. The Wimbledon Master Plan seeks to open up of the Southern Apex of the main site to create a new public entrance and improvement spectator movement within the grounds. To facilitate the changes, the existing clay courts would need to be relocated, with the logical place for the relocation being on the Somerset Road section of the site. The applicant has confirmed that it is not feasible for the populous scheme to incorporate the clay courts within the approved design.

7.3.4 The vision to enhance the Championships is supported at a national, regional and local level. Whilst the Wimbledon Master Plan is not an adopted plan by the Council, the Council supports its principles of maintaining the site as the premier tennis grass tournament in the world.

7.3.5 The Somerset Road redevelopment seeks to deliver the next major phase of improvements to the site in line with the vision of the Wimbledon Master Plan. The redevelopment will allow the Somerset Road site to be used more efficiently and effectively; it will provide world class indoor courts to be utilised by Members year round and by Players for practice during inclement weather in the run up to and during The Championships; to relocate the existing clay courts from the Southern Apex of the main site in line with the key aspirations of the Master Plan; to relocate the existing surface level car parking below ground; and to better integrate the site with the main grounds.

7.4. Design/Neighbours Amenity

Covered Courts

Design

7.4.1 The proposed position of the main building at the rear of the site allows for views over its roof, rather than having a large, prominent building on the frontage. Essentially the building 'nestles' into the hillside. The open courts at the front provide a transitional zone towards the street and create a sense of privacy for the main building. This arrangement also allows for a considerable amount of landscaping at the front of the site and to achieve the sense of the building being in a garden.

7.4.2 Although the building is larger than the two existing buildings, housing one extra court, it is no higher than either. Whilst the existing buildings, by their design, shape, colour and siting, are visually prominent towards the front of the site, the new building would be far more unobtrusive. This is due to a number of factors, such as the siting to the rear of the site, the green colour of the roof and the graceful, shallow curved form, which is a single structure for the whole building. The building, although large, is considered to fit seamlessly into the landscape.

Massing, rhythm, proportions, materials

7.4.3 The building is essentially long and low-lying in its appearance, with strong horizontal emphasis. Vertical emphasis is given by the fenestration and the dividing up of the roof to signify the six courts underneath. However, these are secondary to the horizontal feel, the overhanging eaves line of the roof being a distinctive feature of this.

7.4.4 Various elements of the building are divided up into ever finer features that come together as a coherent and pleasing whole and offer visual interest at the human scale. Glazing bars, timber louvres and the seams on the roof are examples of this.

- 7.4.5 Materials are predominantly timber, particularly on the inside, though the green metal roof will be a distinctive feature. This, along with the green painted finish that proliferates on the main site, are the key materials used on the site. The way these materials are executed gives the whole building a clean, crisp contemporary feel, grounded in the tradition of the AELTC. The layout and design works well with existing site levels and boundaries.
- 7.4.6 The proposed new covered courts would provide the world class indoor tennis facilities required to enhance the site's tennis heritage. Visually the proposed buildings have been designed to respect to the setting of the site and its surrounding which high quality built form that would enhance the visual amenities of the area. The design of the proposed building is therefore fully compliant with planning policy DM D2 (Design considerations in all development). It should be noted that the scheme has received the full support of the Council's Design Officer, received a GREEN verdict from the Design Review Panel and is also supported by the GLA.

Neighbour Amenity

- 7.4.7 The application site sits within a bowl such that surrounding neighbouring properties in Newstead Way, Burghley Road and Marryat Road as the immediate neighbours sit at various higher ground levels. Whilst sited closer to the northern and western boundaries, the proposed building has been designed to nestle into the contours of the site to lessen its impact upon the neighbouring properties. The proposed indoor courts will also have a roof height no higher than the existing courts on site thus maintaining the sense of openness from surrounding properties.
- 7.4.8 In terms of the noise levels from the existing covered courts, the current facilities do not meet modern standards in terms of acoustic properties. The new covered court building, whilst being located closer to neighbouring properties, is a purpose built facility that would meet modern acoustic standards that will be considerably less audible than the existing situation. The indoor courts will be naturally ventilated further reducing the potential for noise and disturbance. Planning conditions relating to noise levels can be attached to any planning permission to ensure that there is no undue loss of amenity.

Newstead Way

- 7.4.9 Due to the contours of the site and surrounding area, the properties in Newstead Way sit on considerably higher ground level compared to the application site. The proposed building would be orientated at a right angle

to these neighbouring properties (flank elevation 47.9m wide). It would be set back between 38m and 46m from the rear garden boundary of properties in Newstead Way. The proposed roof would have an elegant curve and would be no higher than the existing structures. The proposed development would therefore have a limited impact upon outlook from properties in Newstead Way, due to separation distances, good quality design and effective use of the site topography. The building's elegant green roof design and extensive soft landscaping proposals would ensure that the site would retain a sense of openness with no undue impact upon neighbouring properties in Newstead Way.

Burghley Road

7.4.10 Dairy Walk forms a physical barrier between the application site and the rear gardens of properties in Burghley Road. Properties in Burghley Road also sit on higher ground level compared to the application site. The proposed building would be set back between 17m and 25m from the rear gardens of properties in Burghley Road. This would offer a reasonable level of separation between the proposed development and properties in Burghley Road. In addition to the level of separation, the existing vegetation, new landscaping and the public footpath Dairy Walk would offer relief between sites to assist in screening the proposed development.

7.4.11 There are 8 slim roof lights within the proposed roof structure with 8 small window openings and timber louvers below the eaves of the building in the west elevation. Given the limited amount of glazing proposed it is not considered to create adverse light pollution.

Marryat Road

7.4.12 Properties in Marryat Road are situated to the south of the application site. Part of the street at the western end sits at a higher level than the application site. The proposed building would be orientated at a right angle to these neighbouring properties. The flank elevation of the proposed building would be distanced at least 65.3m from the site boundary. The level of separation and proposed new landscaping would ensure that there would be no undue loss of amenity.

7.5 Landscape/Trees

7.5.1 Planning policy DM O2 (Nature conservation, trees, hedges and landscaping) of Merton's Sites and Policies Plan (2014) seeks to protect trees, hedges and other landscaping features of amenity value and to secure replacements in instances where their loss is justified.

Landscaping

- 7.5.2 The proposed landscaping has a fundamental influence on the open space nature of the site, how the building integrates into the landscaping and therefore has benefits of improving the visual amenities of the area and would help partly screen the proposed development. Through a combination of the retention and enhancement of existing spaces and proposed new planting, the landscaping proposals are considered to create an aesthetically pleasing landscape.
- 7.5.3 The overall approach to the landscaping of the Somerset Road site is informed by the notion of Tennis in an English Garden. Large feature trees, clusters of focal tree groups, formal ornamental shrub and herbaceous planting, clipped hedges to provide screening to the outdoor courts and specimen multi-stem Amelanchier trees would provide a formal character to the east of the site and Arrival Court.
- 7.5.4 Wildflower mixes, native hedge planting and improved woodland boundary treatment are used to create a wildlife and wood land character to the western, northern and southern boundaries. Reinforced grass is intended to be used for the areas of maintenance hard standing for the Centre Court chiller compound to reduce hard paved areas and reduce site wide surface water runoff. The Southern lawn is retained as amenity grass planting but improvements in drainage should ensure that it is accessible year round.
- 7.5.5 The proposed landscaping is considered to be a positive element of the proposal which will enhance the visual amenities of the site and have a significant impact upon the overall high quality development.

Trees

- 7.5.6 Policy DM O2 (Nature conservation, trees, hedges and landscaping) seeks to protect trees, hedges and other landscaping features of amenity value and to secure replacements in instances where their loss is justified. It advises that development may be permitted when the removal of the tree is necessary in the interest of good arboricultural practice or the benefits of the development outweighs the tree's amenity value.
- 7.5.7 The existing trees on the site are protected by Tree Preservation Order (MER 161) and are considered to have public amenity value. The redevelopment of the site would involve the removal of 10 trees for arboricultural reasons and 39 trees to facilitate the proposed development. The acceptability of the loss of these trees must therefore be assessed against the benefit of the proposed development.

- 7.5.8 The development seeks to deliver the next major phase of improvements to the site in line with the vision of the Wimbledon Master Plan. The redevelopment will allow the Somerset Road site to be used more efficiently and effectively; it will provide world class indoor courts to be utilised by Members year round and by Players for practice during inclement weather in the run up to and during The Championships.
- 7.5.10 The Somerset Road proposal is considered to deliver a high quality development of local and national importance. The proposal would produce high quality buildings with enhanced landscaping and move the vast majority of ground level car parking to basement level (only 9 covered ground level car parking to remain). The proposed development is therefore considered to have visual benefits locally and is a vital element of the wider masterplan and improvements to the main site which will assist the AELTC in maintaining its status as the premium tennis tournament in the World.
- 7.5.11 It should also be noted that the proposal would retain 72 trees and 86 new trees would be planted. The overall arrangement of soft landscaping would comprise a range of tree species including native and non-native trees. Most of the trees are proposed to be planted at semi-mature size, which will give a visual appearance of maturity to the finished scheme.
- 7.5.12 The vision to enhance the Wimbledon Tennis Championships is both supported at a national, regional and local level. The Council's Tree Officer has confirmed that she has no objection to the scheme subject to suitable conditions being imposed. Although some larger trees are lost, there would be a net increase of 37 trees on the site as well as new soft landscaped character areas. The proposed buildings and landscaping are considered to be high quality and well considered that contribute to improving the visual amenities and facilities at the AELTC site which would be beneficial locally and nationally. Therefore in this instance, given the above consideration, the proposed development is considered to outweigh the loss of trees.

7.6 External Courts

Design

- 7.6.1 Of the six proposed courts, four would be located at ground level, thus allowing step free access between the indoor and external courts. Due to the sloping nature of the site, two of the external courts are located at a raised level. These courts would be accessed from the first floor of the indoor courts building. The design of the courts would meet modern standards. Given their modest size, flat nature and interaction with the

proposed landscape strategy, they would have a limited impact upon the visual amenities of the area.

Use

- 7.6.2 The AELTC states that the level of proposed external courts would continue to meet the needs of the Club. Whilst there would be a net loss of two external clay courts (if the Wimbledon Master Plan is fully implemented) the existing clay courts cannot be used from circa April to August each year as this section of the Main Grounds is covered by corporate hospitality tents. In comparison the proposal would allow the six new external clay courts to be utilised year round thus increasing the opportunities for play.

Neighbour Amenity

- 7.6.3 Concerns have been expressed about noise and disturbance to properties in Newstead Way from Courts 1 and 2. In relation to the current use of the existing clay courts, the following information has been provided.

- Overall the level of usage is low - 455 matches were played in 2016, which is an average of 1.2 matches per day.
- The majority of matches (68%) take place on weekdays with 32% occurring on the weekends.
- The majority of these matches take place in the mornings and afternoon (98% overall - 57% were played in the morning, 41% were played in the afternoon). Only 2% were played in the evenings all of which were during the week.
- On bank holidays in 2016 (of which there were 8 days) only 11 matches took place. The breakdown was as follows: 1st January (no play), 25th March (3 matches were played – all in the morning), 28th March (no matches), 2nd May (6 matches – four in the morning and two in the afternoon), 30th May (0 matches), 29th August (2 matches, one in the morning one in the afternoon), 26th and 27th December (no matches). There were no evening matches on bank holidays.

- 7.6.4 No floodlighting is proposed for the external courts, which will limit their use to daylight hours, reducing the potential for disturbance at unsociable times. In order to avoid the potential for unacceptable noise and disturbance arising from use of courts 1 and 2 closest to the boundary, the following condition has been agreed with the Council's Environmental Health Officer

Details of the External Clay Court Management Strategy, which shall be in accordance with the principles outlined in the Noise Impact Assessment – Part 2 dated January 2017, shall be submitted to and approved in writing

by the Local Planning Authority prior to use of the development hereby permitted.

The External Clay Court Management Strategy shall:

- restrict the usage of the two most northerly courts (labelled as Courts 1 and 2 on Drawing No. 2512 Rev B) to no earlier than 09:00 and no later than 18:00 on any day, with the exception of 12 instances per year where Courts 1 and 2 shall be used no later than 20:00, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected.*
- restrict the two usage of the two most northerly courts (labelled as Courts 1 and 2 on Drawing No. 2512 Rev B) on weekends and bank holidays to no more than 40 'instances' per year, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected;*
- outline measures to encourage players to use Courts 3, 4, 5 and 6 (labelled as such on Drawing No. 2512 Rev B) instead of Courts 1 and 2 (labelled as such on Drawing No. 2512 Rev B).*

7.6.5 It should be noted that the retaining wall forming the northern boundary of Courts 1 and 2 is between 17 and 31m away from the site boundary and the rear gardens of properties in Newstead Way, which sit at an elevated level and that the courts are sited in an area currently used for overflow parking during the championships. Subject to suitable conditions being imposed, it is not considered that there would be unacceptable noise and disturbance arising from use of the external courts.

7.7 Centre Court Chiller Plant and Sub-Station

The Centre Court chiller plant and sub-station already exist on the site. The chiller plant is only operational for the two weeks during the Championships and then only when the Centre Court roof is closed. Public consultation on the overall scheme highlighted concerns about the position of the main covered court building, which was consequently moved further south, necessitating re-location of the plant and sub-station to the north due to engineering and physical constraints.

Visual Impact

7.7.1 The compound and sub-station has been designed to sit partly below the existing levels of the sloping land. The structures are modest in height and additional soft landscaping between the compound and sub-station and the site boundary would further reduce their visual impact. The chiller compound would be a minimum of 17m away from the rear boundary and 44m from the nearest rear elevation. The electrical sub-station is an enclosed structure with a green roof and is a minimum of 11m from the

site boundary and 3m from the nearest rear elevation. The compound boundary fence will also include climbing plants and vertical fins on top of the chillers. Given the level of separation from neighbouring properties and modest size and design and additional soft landscaping it is considered that there would be no undue loss of amenity.

Noise

- 7.7.2 The existing Centre Court chillers and associated plant, with the exception of occasional testing, are only utilised during the two week period of The Championships and then only when Centre Court roof is closed. The Council's Environmental Health Officer raises no objection to the proposal being conditioned to require a further noise assessment being undertaken during The Championships before any development commences which demonstrates that the proposed chiller plant (which services Centre Court roof) and associated equipment will not exceed 10 dB(A) below the existing typical measured background noise level over a measurement period not exceeding 15 minutes (LAF90, 15 minutes) at locations representative of the nearest noise sensitive dwellings. Suitable noise conditions would be imposed.

Health Concerns

- 7.7.3 A number of neighbours have raised concern with the health effects from the substation close to neighbouring properties. The AELTC in response state that the Engineering and government studies state that there is no evidence to support any ill health effects of 11kV installations on members of the public, local residents or indeed those who regularly work within the substations. Indeed, the magnetic fields will likely to be similar to those generated by typical household appliances such as vacuum cleaners and hairdryers.
- 7.7.4 The Council's Environmental Health Officer has also confirmed that he has no objection to the siting of the sub-station based on health grounds.

7.8 Conservation Area

- 7.8.1 The application site is adjacent to the Wimbledon North Conservation Area which runs along the western boundary of the application site (Burghley Road). Planning policy DM D4 (Managing heritage assets) of Merton's Sites and Policies Plan (2014) states that proposals are required to conserve and where appropriate enhance Merton's heritage assets and distinctive character. When viewed from the Wimbledon North Conservation Area, the proposed building would be partly screened by existing and proposed new landscaping and has been designed to nestle into the natural ground levels and design of buildings are considered to be

a high quality. Overall it is considered that the proposed development would conserve the setting of the adjoining Wimbledon North Conservation Area and would not detract from views into or out of the area.

7.9. Biodiversity

7.9.1 Planning policy DM D2 (Design considerations in all developments) of Merton's Sites and Policies Plan (2014) states that all proposals will be expected to conserve and enhance the natural environment, particularly in relation to biodiversity and wildlife habitats and gardens.

7.9.2 The applicant has submitted a Habitat report by AGB Environmental which contains details relating to surrounding area and confirms the number of records of wildlife within 1km of the site. The methodology, findings and recommendations of the submitted Ecological Appraisal are considered acceptable. The Council's Biodiversity Officer has confirmed that he has no objection to the scheme subject to conditions relating to tree works, landscaping, site clearance, bird/bat boxes, stag beetles and lighting.

7.10 Sports Facilities

7.10.1 The application site forms part of an existing tennis facility. Planning policies at national, regional and local level seek to support development that increase or enhance the provision of sports and recreation facilities and proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted.

7.10.2 As a standalone application, the redevelopment of the Somerset Road site would increase the number of indoor courts by one, provide 6 new external clay courts and would provide updated high quality facilities. The development is therefore considered to enhance the existing facilities.

7.10.3 Whilst not forming part of the current application, it must be noted that the redevelopment of Somerset Road site sits within an overarching 20 year vision of the AELTC to implement their Wimbledon Master Plan. As set out above, the Wimbledon Master Plan seeks to maintain the site as the premier tennis grass tournament in the world with the finest setting and facilities for the entertainment and enjoyment of all. The redevelopment of the Somerset Road site is an integral part of implementing the Wimbledon Master Plan. By relocating the existing clay courts on the main site to Somerset Road, the space will be able to be efficiently used to carry out the vision of the Wimbledon Master Plan.

7.10.4 The proposal seeks to provide six external clay courts and six indoor courts (currently 5 indoor courts). The 6 clay courts would replace 7 on the main site - a net loss of one clay court. The existing clay courts are used for hospitality purposes from April to August which limits how much they are in use for tennis purposes. The proposed six clay courts would allow more playing opportunities than exists year round. The proposal is therefore considered to provide the ability of providing more tennis time than currently exist on new high quality courts with high quality ancillary facilities.

7.10.5 The proposed new facilities would be for private use by members of the club and players preparing for and participating in the annual Wimbledon Championships. The proposal does not seek to make the facilities public, and this has been raised as a concern from local residents. Officers have taken into account AELTC's overall programme of activities within the Borough, including the purpose built state of the art facility provided in Raynes Park, the Wimbledon Junior tennis initiative which delivers a fitness lifestyle and sports education programme for children in Merton and Wandsworth, visits free of charge by WJTI coaches to state primary schools and free tennis coaching to local school children most weekends of the year. Looking at the AELTC's contribution to the Borough across the whole range of their activities and new facilities, officers consider that the spirit of the Council's policies in terms of promotion of healthy lifestyles and providing access to facilities is being fulfilled.

7.11 Open Space

7.11.1 The application site is identified within the Sites and Policies Plan (2014) as open space. Planning policy DM O1 (Open space) of Merton's Sites and Policies Plan (2014) seeks to protect and enhance open space and to improve access to open space. The justification text for policy DM O1 (open space) states that proposals to redevelop buildings in open space should be of high quality design, and of a scale, height and massing that is appropriate to their setting.

7.11.2 It is acknowledged that the proposed development would result in increased built form on the site resulting in a loss of open space. However it must be noted that the site has already been partly built on already and Merton's Open Space Study 2010-2011 does not identify the subject land as surplus.

7.11.3 It is considered that the proposal will not harm the character, appearance or function of the existing open space but enhance the space through improved landscaping around the perimeter of the site and English garden flower beds throughout the site. Public access is improved from the site to the neighbouring Wimbledon Site through a new raised table pedestrian

connection gate and existing access points to the site are to be maintained. It is considered that subject to the proposed conditions relating to the biodiversity value, the site will be enhanced and this will result in an improved biodiversity value of the area, positively contributing to the Wimbledon park green chain and green corridor situated to the north of the site.

7.11.4 Although the proposed re-development will result in the loss of open space; the open space on the site will be enhanced from its existing state through the proposed landscaping and boundary treatment. The proposal would be a high quality design, and of a scale, height and massing that is appropriate to its setting which would result in enhanced provision of sporting facilities that will outweigh the partial loss of open space. The proposed development is therefore considered to be in line with planning policy DM O1 (Open space) of Merton's Sites and Policies Plan (2014).

Public Access

7.11.5 A number of objections received have raised concerns that the proposals would not allow public access on the site. Neighbours have stated that access to the site has been an established practice for many years and that they believe that there is an established right of way. Other representations have expressed concern about wider public usage in relation to noise and disturbance.

7.11.6 The AELTC have advised that the site is private land and although access by the public has been provided as a gesture of goodwill, on the advice of the Metropolitan Police Counter Terrorism Security Advisors, it is proposed to secure the full perimeter of the site with the same approach as is currently the case on the main grounds to prevent access by the public for security reasons.

7.12 Basement

7.12.1 The proposed basement is one level deep and its primary function is to provide basement car parking. The space can also be used for storage or other ancillary purposes associated with the operation of the AELTC. The only elements visible from ground level would be the vehicle entrances to the front and side of the building. The basement would therefore have a limited impact upon the visual amenities of the area.

7.12.2 Neighbours have expressed concerns in relation to the proposed basement and its impact upon flooding, drainage, land stability and the structural stability of adjacent properties. The applicant has commissioned an independent structural engineer to produce a Basement Impact Assessment (Fordham Consulting Ltd) and a Site Investigation Report (by

Albury S.I Ltd) which provides details for the preparation and construction of the basement. The Council's Flood Officer and Structural Engineer have confirmed that they have no objection subject to suitable conditions being imposed.

7.13 Sustainability

7.13.1 London Plan Policy 5.2 requires new development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green; use renewable energy

7.13.2 Since the publication of the London Plan 2015, the GLA Guidance on Preparing Energy Statements (April 2015) has revised the policy target for non-domestic buildings to 35% below Part L of Building Regulations 2013. Para 5.4 of the guidance acknowledges that some building types will find it harder than others to achieve this target on-site without the use of carbon off-setting payments.

7.13.3 The scheme (as proposed) delivers a 26.83% reduction over the baseline emissions rate. This is achieved via a combination of measures designed into the scheme (which include a CHP system). The identified shortfall of 8.17%, when assessed against the Part L required 35% reduction, equates to 16.05 tonnes of CO₂ per year.

7.13.4 As part of the original analysis, the applicant's energy consultant (ME) has assessed options for incorporating renewable energy measures within the proposed scheme to address this shortfall. This included option relating to the install photovoltaic panels on the roof to the new indoor courts and options for incorporating new measures within the wider AELTC estate should be investigated.

7.13.5 Overall, ME concludes that the installation of photovoltaic panels will not be practicable or appropriate on the roof of the proposed Somerset Road site. However, following further detailed modelling, a series of alternative measures (including the provision of photovoltaic panels) could be implemented on the main AELTC site, either individually or in combination, to off-set the 16.05 tonnes of CO₂ per annum short-fall identified.

7.13.6 A number of alternative methods to off-set the identified short-fall on other parts of the AELTC estate have been investigated. These include, but are not limited to the following:

- implementation of PV panels on other buildings within the AELTC estate;
- replacement of existing HVAC plant in older buildings on the site with more efficient technology; and
- replacement of existing luminaire along with introduction of occupancy lighting control.

7.13.7 The Councils Climate Officer has confirmed that alternative measures to offset the identified shortfall of 8.17% on the main site can be achieved but would wish this to be achieved by identification of sites for PV's on the main site since it is easier to calculate the CO2 saving compared to lighting or a heat pump project. Details of the offsetting can be controlled via a S106 agreement.

7.15 Highways

Site Context

7.15.1 The site is located on Somerset Road and adjoins the main All England Lawn Tennis and Croquet Club site to the east. The site is located approximately 2km south of the A3 West Hill which is the nearest section of Transport for London Road Network (TLRN). The site is bound by residential properties to the north, Somerset Road to the east, Marryat Road to the south and residential properties to the west. There is 1 bus route within an acceptable walking distance of the site. The site has a public transport accessibility level (PTAL) of 1a, on a scale of 1 to 6 where 6 is most accessible.

Existing Use

7.15.2 Outside the Championship, the Somerset Road site provides formal and informal car parking for staff and contractors. During the championships, there is material change in the level of activity on the site with a significant increase in car parking and trip generation. During this period, there is grade parking within Car Parks 1, 2 and 3 for courtesy cars, Members, Committee Members and Park & Ride bus services. The car parks are operational between 06.00 – 23.00 and the estimated car park capacity of 517 (Car Park 1& 2 - 380 spaces) and (Car Park 2 - 137 spaces).

Proposed Use

7.15.3 The proposals will formalize the existing car parking arrangement by providing a single level basement car park that will provide for up to 338 vehicles. In addition, nine at grade spaces are proposed in the arrival forecourt area. The western part of Car Park 1 would continue to act as an overflow parking area during peak times, as per the existing situation.

Out of Championship

- 7.15.4 Only the eastern section of the basement car park would be used for parking for members and visitors and the western section would be used for storage. Members would also make use of the nine at grade parking spaces that area located in the arrival forecourt area.

In Championships

- 7.15.5 During the Championships the basement car park will be split into an eastern and western section. The western section would be used by members and the eastern section by Courtesy Cars.
- 7.15.6 The courtesy car operation has a fleet of 165 cars and some executive mini-buses. The operation is active for a 3 week prior to, and, for the 2 weeks period during the Championship. The proposal seeks to integrate Player and VIP drop off within the Somerset Road site therefore removing Player drop off at the Millennium building which will help to reduce the number of vehicle movements made by courtesy cars on Somerset Road. The

Car Parking/travel

- 7.15.7 A total of 338 parking spaces are proposed within a single storey basement plus 9 parking spaces provided at grade within the arrival forecourt. This equates to a net reduction from the current parking provision by around 170 spaces. Vehicular access to the site will generally remain as existing, with the southern gate on Somerset Road relocated slightly further to the south and the internal access arrangements to be modified to incorporate the proposed basement parking. The internal access arrangements are expected to reduce the total number of vehicle movements on Somerset Road during the Championships. The number of trips generated outside of the Championships is significantly lower.

Buses/Coaches

- 7.15.8 The proposals seek to retain/enhance the existing bus and coaches arrangement within the eastern section of Car Park 1 currently accommodates a bus pickup/alighting point and turnaround area during the Championships.

Park and Ride

- 7.15.9 The erection of three new three covered tennis courts was granted planning permission on 09/04/1987 (planning application reference

86/P1326). The permission was granted permission subject to conditions and a S106 agreement. The development resulted in the loss of 258 car parking spaces to facilitate the new practice courts. To mitigate concerns with on street car parking and impact upon local highway networks and neighbouring amenity, to compensate the loss of car parking space, it was considered necessary to provide a park and ride scheme for staff. The planning obligation was linked to the status of the covered courts tennis remaining on the land. Therefore as the existing covered courts are to be demolished, the linked S106 (staff park and ride) is also removed upon demolition. The annual championships are a larger and more intensive operation compared to those in 1986 and the amount of staff is likely to be greater, therefore the transfer of the staff park and ride scheme to the new covered courts facility is considered appropriate. The location of the original staff park and ride in 1986 was the University of London's Athletic Ground at Motspur Park, however the AELTC have an agreement with Merton that staff (and visitor) park and rides operate from Morden Park. The details and location of the park and ride attached to the new covered courts facility will reflect the current situation.

Cycle Parking

7.15.10 The proposals include 60 cycle parking spaces for staff and visitors within the basement car park. The level of cycle parking is in excess of London Plan (2016) standards which require 1 space per 8 staff and 1 space per 100sqm.

Walking

7.15.11 The proposals will provide an underground pedestrian passageway which connects the proposed drop-off area at the arrival forecourt with the Millennium Building on the main site, allowing players and VIPs access to the main site without crossing Somerset Road. Public realm improvements on Somerset Road are considered to be acceptable.

7.15.12 The proposed basement would provide a secure parking facility with up to 338 car parking spaces. Whilst the proposals would result in a reduction in the total number of car parking spaces on the site, the basement would provide a secure, under cover and directly linked to the facility that would offer a more attractiveness parking facility than the existing parking arrangements. Therefore in order to encourage walking to and from the site, inside and outside the Championships and to promote the use of sustainable modes of transport to the site, it is considered appropriate that the AELTC make a financial contribution towards sustainable transport.

7.15.13 The Chamber of Commerce, supported by the Council, are promoting the Wimbledon Way project, which is a marked walking route from Wimbledon

station to the AELTC. The purpose of the Wimbledon Way is to increase the footfall within the town centre and the village, to provide a marked route linking Wimbledon station, Wimbledon Hill and Wimbledon Village to the AELTC, to promote Wimbledon before, during and beyond 2012 and to encourage walking. The Wimbledon Way project seeks to increase sustainable modes of transport by improving walking conditions in and around Wimbledon and to the AELTC site. This would be a suitable project to benefit from the proposed contribution towards sustainable transport.

Construction Vehicles

7.15.14 The Council can control and limit impact upon neighbouring properties by imposing planning conditions in relation to a Construction Management Plan and vehicle routing.

8. Local Financial Considerations

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

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

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

10. **CONCLUSION**

9.1 The principle of the development is strongly supported in strategic terms, forming a key component of the overall masterplan for the wider site and the future of the Wimbledon Championships as a world class tournament, allowing for re-location of the clay courts to provide an improved southern entrance to the main grounds as well as high quality indoor sports facilities within an energy efficient and attractive building. The appearance of the building is considered to be a vast improvement on the existing structures.

It also allows for a rationalisation of the parking and logistical arrangements during the Championships. The development is considered to be sensitive to the context of the site. The retention of the majority of trees and significant new planting will help ensure that the site preserves its open and leafy character and enhances its ecological value. The impact on the amenities of adjoining residential properties is considered to be acceptable subject to suitable conditions relating to noise and appearance being imposed. Accordingly, it is recommended that planning permission be granted subject to referral to the GLA, completion of a S.106 Agreement and the conditions set out below.

RECOMMENDATION

1. **FOLLOWING STAGE 2 REFERRAL TO THE GLA IN ACCORDANCE, WITH THE MAYOR OF LONDON ORDER 2008 AND NO DIRECTION TO THE CONTRARY, GRANT PLANNING PERMISSION SUBJECT TO**
:

2. completion of a Section 106 Agreement covering the following heads of terms:-

1. Staff park and ride facility.
2. Sustainable transport (Wimbledon Way)
3. Carbon off-setting on main aeltc site
4. Highway improvement works
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. A7 Approved plans
3. B.1 External Materials to be Approved
4. Details of Surface Treatment
5. Details of boundary treatment
6. D.1 Hours of use

7. D.9 No External Lighting
8. D.11 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 occupiers of neighbouring properties and to ensure compliance with policy PE.2 of the Adopted Merton Unitary Development Plan 2003.
9. E.5 The premises shall only be used for indoor tennis and for no other purpose, (including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area and to ensure compliance with policy BE.15 and PE.2 of the Adopted Merton Unitary Development Plan 2003.
10. H.6 Cycle Parking implemented
11. H.9 Construction Vehicles
12. H.10 Construction Vehicles, washdown facilities etc (major sites)
13. H.11 Parking Management Plan
14. H.13 Construction Logistics Plan to be Submitted (Major Developments)
15. Tree Protection: The details and measures for the protection of the existing trees as specified in the approved document 'Arboricultural Survey, Impact Assessment & Method Statement' reference '35.52E' dated February 2017 including sheets 1, 2 & 3 of the drawing titled: 'Tree Protection Plan' numbered '35.52.02D Rev.D' shall be fully complied with. The methods for the protection of the existing trees shall follow the sequence of construction and tree protection as set out in the document. The details and measures as approved shall be retained and maintained until the completion of site works.

Reason: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;

- 16 F8 Site Supervision (Trees)
- 17 Basement & foundations – No work shall be commenced until details of the proposed design, materials, and method of excavation and construction of the basement and foundations to be used within 12 metres of the two existing retained Corsican Pine trees (T29 & T30) shall be submitted to and approved in writing by the LPA. Such details shall have regard to the BS 5837:2012 and shall include an addendum to the Arboricultural Method Statement, Site supervision and the Tree Protection Plan. The work shall be carried out in accordance with the approved details.
18. The trees shown on the approved drawing number 'SRC414-GRA-X-100-DR-L-5100 Rev.04' shall be planted in accordance with the approved details. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and shall thereafter be maintained in accordance with the approved Landscape Management Plan.
- 19 Landscape Management Plan – Prior to the occupation of the development a landscape management plan including the long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the LPA. The landscape management plan shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the LPA.
- 20 Landscaping/planting scheme – No development shall take place until full details of the landscaping and planting scheme shown on the approved drawing number 'SRC414-GRA-X-100-DR-L-5100 Rev.04' has been submitted to and approved in writing by the LPA and the soft landscaping work shall be carried out in accordance with the approved details. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is

the sooner. The planting shall be maintained in accordance with the approved Landscape Management Plan.

21. Tree Felled timeframe
22. Vegetation clearance timeframe
23. Foundations, holes or deep pits (mammal safety)
24. Heras fencing
25. Removal of non-native species by qualified contractor
26. Planting in accordance with landscape strategy
27. Bird nesting boxes
28. Bat boxes
29. Stag beetle logger
30. Lighting locations
31. 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 attenuate flows either to sewer at a combined rate of no more than 46.8l/s with an attenuation volume provision of no less than 795m³. 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.

32. Any external lighting, which shall not include external floodlighting, shall be installed in accordance with the External Lighting Proposal February 2017 unless otherwise agreed in writing with the Local Planning Authority. The external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.
33. No external public address system shall be provided at the site other than during The Championships.
34. Prior to the commencement of development a further noise assessment shall be undertaken during The Championships and shall be submitted to the Local Planning Authority for approval. This Noise Assessment shall demonstrate that the proposed chiller plant (which services Centre Court roof) and associated equipment will not exceed 10 dB(A) below the existing typical measured background noise level over a measurement period not exceeding 15 minutes (LAF90, 15 minutes) at locations representative of the nearest noise sensitive dwellings.
35. Details of the acoustic barrier adjacent to the most southerly courts (labelled as Courts 5 and 6 on Drawing No. 2512 Rev B) shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The acoustic barrier should ensure that noise from the proposed use will not exceed 5 dB(A) above the existing typical measured background noise level over a measurement period not exceeding 15 minutes (LAF90, 15 minutes) at locations representative of the nearest noise sensitive dwellings
36. Details of the External Clay Court Management Strategy, which shall be in accordance with the principles outlined in the Noise Impact Assessment – Part 2 dated January 2017, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted.

The External Clay Court Management Strategy shall:

- restrict the usage of the two most northerly courts (labelled as Courts 1 and 2 on Drawing No. 2512 Rev B) to no earlier than 09:00 and no later than 18:00 on any day, with the exception of 12 instances per year where Courts 1 and 2 shall be used no later than 20:00, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected.
- restrict the two usage of the two most northerly courts (labelled as Courts 1 and 2 on Drawing No. 2512 Rev B) on weekends and bank holidays to no more than 40 'instances' per year, unless it can be shown to the Council's satisfaction by way of ongoing noise assessments that the residential amenities of neighbouring properties shall not be adversely affected;
- outline measures to encourage players to use Courts 3, 4, 5 and 6 (labelled as such on Drawing No. 2512 Rev B) instead of Courts 1 and 2 (labelled as such on Drawing No. 2512 Rev B).

Informative: 'The Championships' refers to the two week period each year when The Championships, Wimbledon tennis tournament is in operation at the All England Lawn Tennis Club, Church Road, Wimbledon, SW19 5AE. It shall also include the one week period prior to The Championships.

Informative: 'Instances' refers to play on Courts 1 and 2 on a Saturday, Sunday and Bank Holiday. For the avoidance of doubt play on Courts 1 and 2 on a Saturday, Sunday and Bank Holiday within one weekend constitutes one 'instance'.

37. restriction on parking area in basement outside championship period
38. provision of electric vehicle charging points
39. Travel Plan
40. Inclusive access
41. Carbon savings
42. Future connection to district heating network
43. Further details of CHP
44. Noise condition - covered court building
45. Restrictions on times of use of chiller plant for Centre Court

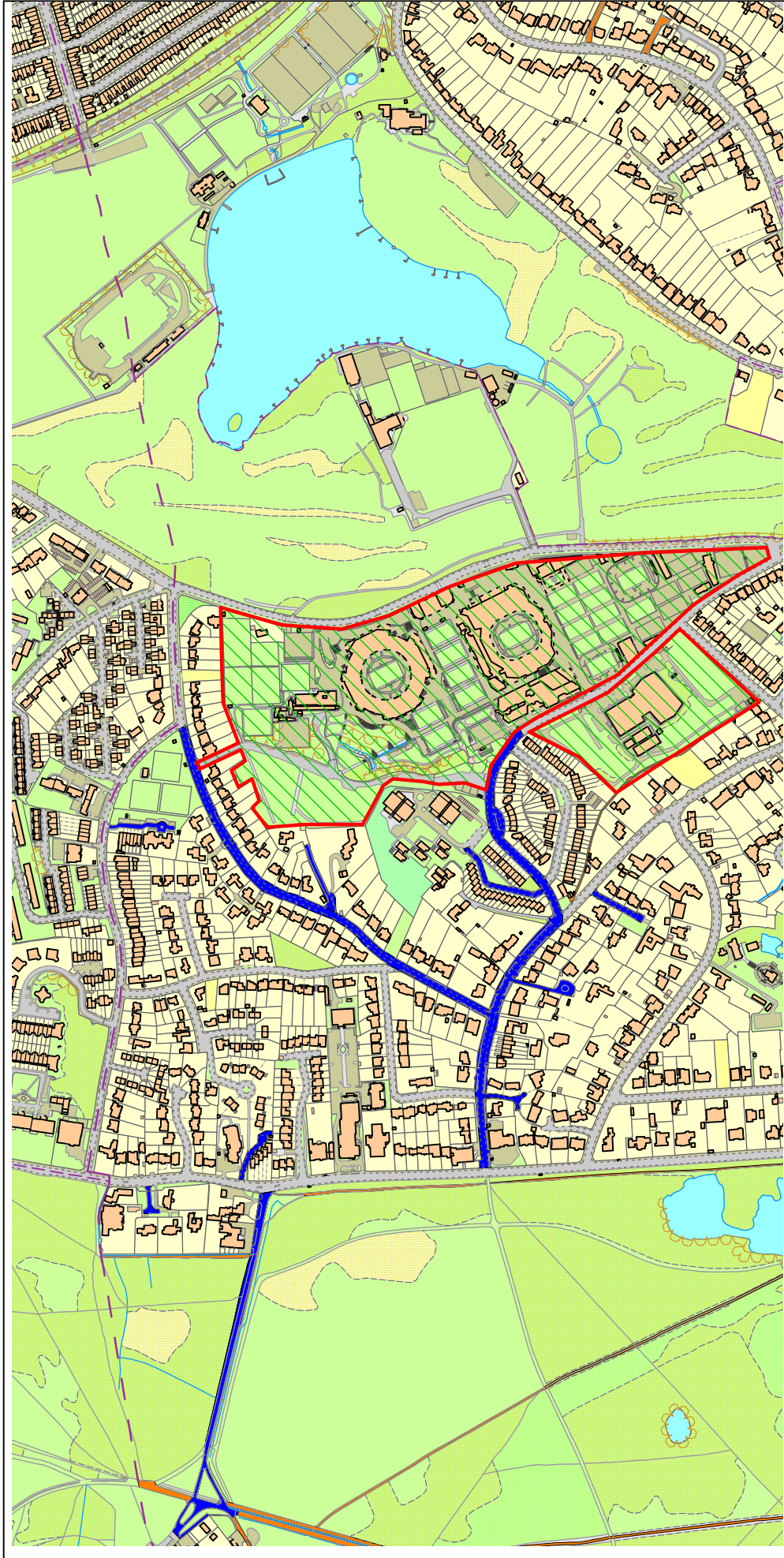
Planning Informative:

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. INF9 Works on the Public Highway
 3. INF12 Works affecting the Public Highway
-

[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
16 MARCH 2017**

APPLICATION NO. **DATE VALID**
17/P0004 11/01/2017

Address/Site: **122 Copse Hill, West Wimbledon, SW20 0NL**

Ward **Village**

Proposal: **DEMOLITION OF EXISTING RESIDENTIAL DWELLING AND
THE ERECTION OF 2 x 5 BED DWELLINGHOUSES**

Drawing Nos: **PL001; PL102C; PL103A; PL104A; PL105A; PL110; PL-111;
PL201A; PL202A; PL203; JDA/212/1/3; Proposed
Landscaping Scheme**

Contact Officer: **Jonathan Gregg (3297)**

RECOMMENDATION
GRANT PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION

- Heads of agreement: n/a
- 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: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 7
- 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. This application relates to the demolition and replacement of no 122 Copse Hill Ridgway Place, which is a detached house set within a spacious plot on the northern side of Copse Hill close to the junction with Almer Road to the west. Within the locality there is a mix of dwelling sizes and styles although the majority are detached. Both side boundaries and the rear are heavily screened by mature trees and other planting. Recent developments include no.124 immediately to the west (left hand side) and the former Firs site on the opposite side of Copse Hill.

- 2.2. The proposal is within the Wimbledon Common Archaeological Priority Zone however is not covered by any other relevant planning designations, however at the rear the site borders the Drax Avenue Conservation Area. The large Oak Tree in the front garden is protected by Merton (No.690) TPO 2016. The site is not within a CPZ.

3. CURRENT PROPOSAL

- 3.1. The proposal is to demolish the existing property and construct two five bedroom detached houses arranged over three floors at ground, first and second floor levels, including accommodation in the roof space.
- 3.2. The proposal would have two similar house types. House type one, on the north eastern half of the site would have maximum dimensions of 15.3m deep (at ground floor) x 12.75m deep (at first floor) x 9m wide x 9.75m high.
- 3.3. House type two would have maximum dimensions of 14.8m deep (at ground floor) x 13.1m deep (at first floor) x 8.5m wide x 9.7m high. Both properties would be finished in stock brick with tiled crown roof. The existing property measures 10.9m wide x 7.55m high x 11.75m deep.
- 3.4. Both properties would feature crown roofs with a small dormer and a front facing bay window with a gable feature above. Both would be finished in stock brick, tiled roofs and painted timber windows.
- 3.5. Plot 1 would have a rear garden depth of 15m with an area of over 225sqm. Plot 2 would have a rear garden depth of 17m and an area of 168sqm.
- 3.6. A gap of 1m would be maintained between the house on plot 2 and the boundary with no.120, a 1.7m gap would result between the two proposed dwellings and a gap of 4.3m would be maintained between the house on plot 1 and no.124.
- 3.7. Vehicle access would continue from the existing single access point that would serve both properties with each property provided with a single parking space. Pedestrian access would be through two new accesses along the front boundary. Cycle parking would be provided to London Plan Standards.
- 3.8. The proposal would result in the removal of two trees T6 (Pine) and T15 (Ornamental Cherry) both of which are category U and are growing within two groups of hedge which would also be removed G2 and H1. T6 and G2 along the rear northern boundary and H1 and T15 are on the eastern boundary with no.120. A new 1.9m high close boarded fence would be erected around the whole site.

4. PLANNING HISTORY

- 4.1. There are no relevant planning records for this site,

5. POLICY CONTEXT

- 5.1. London Plan 2015;
3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 5.1 (Climate change mitigation), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.1 (Lifetime neighbourhoods), 7.2 (An inclusive environment), 7.3 (Designing out crime), 7.4 (Local character), 7.6 (Architecture)
- 5.2. Merton Sites and Policies Plan July 2014;
DMH2 (Housing mix), DMH4 (Demolition and rebuilding of a single dwelling house), DMD1 (Urban design and the public realm), DMD2 (Design considerations in all developments), DMD4 (Managing heritage assets), DMT1 (Support for sustainable transport and active travel), DMT2 (Transport impacts of development), DMT3 (Car parking and servicing standards), DMT5 (Access to the Road Network)
- 5.3. Merton Core Planning Strategy 2011 :
CS8 (Housing choice), CS9 (Housing provision), CS11 (Infrastructure), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change), CS17 (Waste Management), CS18 (Active Transport), CS19 (Public Transport), CS20 (Parking, Servicing and Delivery)
- 5.4. Mayor of London Housing Supplementary Planning Guidance March 2016; DCLG Technical Housing standards March 2015; Merton's Adopted New Residential Development SPG

6. CONSULTATION

- 6.1. Public consultation was undertaken by letters sent to neighbouring properties
- 6.2. Five letters of objection were received, summarised as;
- Would increase the density of housing
 - Would have a negative impact on traffic and parking
 - The buildings will be taller than existing and would overlook neighbouring gardens
 - Taller buildings would be overly dominant
 - Trees along the rear boundary should be retained
 - The reduced gap between the properties has a negative impact on the street scene and is out of character with the area
 - Inappropriate development on garden land
 - Site has a low PTAL and is not a sustainable location

7. PLANNING CONSIDERATIONS

- 7.1. The main considerations for this application are the principle of demolition and rebuild, design and appearance, the impact on neighbour amenity, impact on protected trees, impact on traffic and parking, sustainability and internal standards and amenity space.
- 7.2. Principle of Demolition and Rebuild

- 7.2.1. Paragraph 53 of the NPPF states that during the Local Plan process, policies to resist the inappropriate development of residential gardens should be considered. Policy CS13 notes that garden development should ensure the proposal is acceptable in terms of local context and character of the site, does not harm the biodiversity of the site including green islands and corridors and has no adverse impact on flood risk or further the risks of climate change.
- 7.2.2. Context and character and climate change are assessed below. In terms of flooding the site is within flood zone 1 (lowest risk) and does not form part of an identified green island or green corridor network and given its location is not considered to result in any harm to the biodiversity of the area.
- 7.2.3. The existing property is a pleasant detached dwelling which features a Dutch barn roof form with modest dormer windows on the front and side elevations. It is not within a Conservation Area, nor is the building locally or statutorily listed and there is therefore no in principle objection to the demolition and development for residential purposes.
- 7.2.4. This is subject to the replacement scheme being acceptable in respect of all other material planning considerations as noted above.

7.3. Design and Appearance

- 7.3.1. The surrounding area is characterised by a mix of detached properties set in relatively spacious plots which are individually designed but with no consistent or harmonious design features other than generally being two storeys and most, but not all, being traditional in form. The majority are finished in red brick with eaves and roof heights that follow the fall in the levels of the street as the road slopes downhill from east to west.
- 7.3.2. The properties would be a similar style to those recently built on the former Firs site on the opposite side of Copse Hill. Further along Copse Hill there are also examples of new properties including those at no.22 (12/P21312) and no.92 (14/P0124).
- 7.3.3. The existing property sits on the north-eastern side of the plot, which is wider than average, with a timber detached garage on the western side. Whilst the sub division into two plots would result in narrower plots than the immediate neighbours, given the width of the existing plot and the range of plot widths in the area it is considered that this would be acceptable and would not be out of character with the locality.
- 7.3.4. In terms of spacing between properties, as noted above a gap of 1m would be maintained between plot 2 and the boundary with no.120, a 1.7m gap would result between the two proposed dwellings and a distance of 4.3m would be maintained between plot 1 and no.124. Spacing between properties along Copse Hill is varied, with smaller gaps between properties to the southwest of the site, whilst properties to the east have larger gaps. Given this it is considered that the size of gaps proposed would maintain the character of the locality, furthermore the use of a hipped roof form helps to maintain a sense of space around each dwelling.

- 7.3.5. Both properties would be similar in appearance from the street scene, with canted bay windows at ground and first floors projecting forward of the main elevation and modest porches above the front doors. A gable feature would face towards the street and would open up onto the roof above the bay window to create a small terrace area with both properties also having a single modest dormer in this front elevation.
- 7.3.6. The properties would feature hipped crown roofs and would be taller than the existing by around 2m. Given the fall in the road the properties would remain below the height of no.120 with house type 2 being lower still as the road continues to fall to the west and in this context the proposal is considered to respect the stepping down pattern of the ridge lines of neighbouring properties.
- 7.3.7. At the rear the properties would have modest dormers on the rear roof slope and a small single storey flat roof projection at ground floor. Folding doors would span across the majority of these ground floor rear elevations.
- 7.3.8. To the rear is the Drax Avenue Conservation Area. The two proposed dwellings are of an acceptable design and maintain rear garden depths of at least 15m and 9 of the 10 trees along the rear boundary are retained. In view of this, it is considered that the proposal would preserve the setting of the Conservation Area.
- 7.3.9. The existing boundary fence is somewhat dilapidated and a new 1.9m high close boarded fence would be erected around the boundary of the whole site, this would improve the appearance of the boundary treatment.
- 7.3.10. Taken as a whole the proposals are considered acceptable and would not harm the character and appearance of the locality.

7.4. Impact on Neighbouring Amenity

- 7.4.1. The two proposed houses would extend slightly further rearwards, plot 1 by 1.3m and plot 2 by 1.7m, than the existing property and the property on plot 2 would sit 6.4m closer to the western boundary with no.124. No. 124 fronts onto Almer Road and has an unusual layout in that the majority of rear outlook is to the northeast, towards the application site. This property was built under permission 07/P2261 and the approved drawings indicate there are two rear facing windows at first floor which serve bedrooms (master suite and guest bedroom), and one dormer in the rear roof slope which serves the sixth bedroom.
- 7.4.2. The Council's SPG on New Residential Development notes that where the windows of habitable rooms face onto a flank wall then the minimum spacing between the window and the flank wall should be 4m for a single storey wall, 12m for a two storey wall and 15 metres for a 3 storey flank wall. It also notes that the roof form should be pitched/hipped on the flank wall to reduce its massing. In this instance the guideline is for a 15m minimum between the existing habitable windows at no.124 and the flank wall of the dwelling on plot 2.
- 7.4.3. Plot 2 would be set off this boundary by 4.1m and the existing open plan dining/kitchen at no.124 is set off their boundary a minimum of 6.2m ranging up to

8.3m given the angle of the boundary. These windows are full height and also wrap around to the north facing elevation of this room. Whilst separation distances of between 10.3m and 12.4m would be below the 15m guideline, this boundary is already extremely well screened by mature vegetation which, following amendments to the tree removal and landscaping plans will be retained, and this already screens the views from no.124. In these circumstances it is not considered that the proposal would have such an undue impact on outlook from these windows, given it would be substantially the same as the existing situation, as to warrant refusal of this application.

- 7.4.4. Furthermore, a daylight and sunlight analysis has been submitted with the application, which notes that this ground floor window would retain 84.5% of its current daylight which exceeds the BRE guidance of 80% of its existing value. Given this it is not considered that the proposal would have an unacceptably adverse impact on daylight or sunlight to this room.
- 7.4.5. There is also a ground floor window serving a living/drawing room which is double aspect. However the window facing towards the application site would be over 15m from the flank wall of plot 2 and given the angle of outlook it is not considered there would be any unacceptable adverse impact.
- 7.4.6. Windows at first and second floor of no.124 would be well over 15m from the flank wall of the dwelling on plot 2 and given the use of the hipped roof it is not considered that there would be any undue impact on the rooms served by these windows that would warrant refusal of this application. The Daylight and Sunlight analysis notes that these windows would all retain at least 92% of their existing daylight and sunlight.
- 7.4.7. On the opposite boundary is no.120, this property has a single storey side extension, used as a garage that abuts the boundary with the application site. The proposal would move the house on plot 1 off the boundary, at ground floor the plot 1 dwelling would extend slightly further back than the rear elevation of no.120 whilst at first floor they would align.
- 7.4.8. No.120 has two side facing windows which face onto the application site, these are likely to serve non habitable rooms however the Daylight and Sunlight analysis has confirmed that these would keep at least 80.8% of their existing daylight/sunlight and would therefore meet the BRE guidance. In terms of outlook whilst the proposal would be bulkier at first floor, given these are side facing windows that already look at the flank elevation of the existing property it is not considered that there would be any undue harm to residential amenities of the occupiers of no.120.
- 7.4.9. The rear of the proposed properties is at least 17m from the rear boundary with the properties along Drax Avenue, with these properties having gardens roughly 25m deep. The New Residential Development SPG suggest a minimum distance of 20m between facing habitable room windows which would be far exceeded in this case. Furthermore 9 of the 10 existing trees are retained along this rear boundary and given this it is not considered that there would be any adverse impact on the privacy or residential amenities of the occupiers of these properties

7.5. **Trees**

- 7.5.1. The application is supported by an Arboricultural Impact Assessment completed by Indigo Surveys (ref 16193/A2_AIA).
- 7.5.2. Following amendments to retain trees on the western boundary with no.123, the proposal would result in the removal of two trees, T6 (Pine) and T15 (Ornamental Cherry) both of which are category U trees which are the lowest classification and thus have little amenity value. All of these are growing within two groups of hedge which would also be removed, G2 and H1. T6 and G2 are along the rear northern boundary and H1 and T15 are on the eastern boundary with no.120.
- 7.5.3. Given the extent of existing planting within the site and as a soft landscaping scheme can be secured by condition, it is not considered that the removal of poor quality trees and planting would harm the amenities of the site.
- 7.5.4. After discussions between the Council's Tree Officer and the agent, all hardstanding has been removed from the Root Protection Area (RPA) of the large Oak tree (T1) in the front garden area which is protected by a Tree Preservation Order. This follows concern that any further impingement of its RPA would be likely have an unacceptably detrimental impact on its health. Following this amendment, the Tree Officer has no objection to the proposal subject to conditions. Given this it is also considered prudent to remove permitted development rights for the creation of additional hard standing in the front garden areas.

7.6. **Traffic and Parking**

- 7.6.1. The site has a PTAL rating of 1b (poor). The current house has an access from Copse Hill which would be retained and used as the sole point of vehicular entry for both properties.
- 7.6.2. As noted above, additional hard standing within the RPA of the protected Oak Tree has been removed and this results in the proposal providing two parking spaces, one for each property. Tracking diagrams have been submitted with the amended layout. These show that it is possible to enter and exit the parking area in a forward gear.
- 7.6.3. Given the poor PTAL rating it would normally be expected that a development of this type would provide 4 parking spaces (2 per dwelling). However, the London Plan standards are maximums rather than minimums and given the importance and amenity value of the Oak Tree to the locality it is considered that this level of provision is acceptable and would not result in any undue harm to the free flow of traffic or the safety of the local highway network.
- 7.6.4. Cycle parking and refuse/waste storage is indicated on the drawings and is considered acceptable, this can be secured by condition.
- 7.6.5. Given the above the Council's Transport Planner raised no objection to the proposal.

7.7. Sustainability

- 7.7.1. Policy DM H4 requires applications for replacement dwellings to exceed the minimum sustainability requirements outlined in Core Planning Strategy CS15.
- 7.7.2. Following Central Government withdrawing the Code for Sustainable Homes scheme in March 2016, the parts of the policy which refer to this are no longer applicable. However local planning authorities can still apply a requirement for water efficiency and CO2 reduction standards.
- 7.7.3. An energy statement has been submitted with the application which notes that the application would achieve a 21% improvement in CO2 emissions on Part L 2013 and thus the proposal would meet the minimum sustainability requirements of CS15. Whilst no internal water consumption calculations have been submitted, compliance with the 105litres per person per day can be secured by condition.
- 7.7.4. The Councils Climate Change Officer is content that the energy approach is compliant with policy and therefore acceptable. In light of this and in the context of DMH4 conditions regarding carbon emissions and water usage are considered reasonable and necessary and can be attached to any consent.

7.8. Internal Standards and Amenity Space

- 7.8.1. The two properties would exceed the national internal space standards, now incorporated into the London Plan (March 2016 Minor Alterations) and would provide well in excess of the 50sqm of rear garden space required for a family dwelling. Given this they would provide a high standard of living for future occupiers.
- 7.8.2. A new close boarded fence would extend between the two properties which is considered sufficient to protect the amenities of future occupiers.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

The principle of development is considered acceptable, the design of the two properties would not be out of character with the locality and would not harm the street scene. It is not considered that there would be any undue impact on the privacy or residential amenities of the occupiers of neighbouring properties that would warrant the refusal of the application and the provision of two off street parking spaces is, when taken in the context of the protected tree considered to be acceptable. The two properties would provide a high standard of accommodation for future occupiers and would be policy compliant in their energy strategy. The proposal is therefore considered to accord with the relevant policies of the Sites and Policies Plan, the Core Strategy, the London Plan and the NPPF.

RECOMMENDATION **GRANT PLANNING PERMISSION**

Subject to the following conditions:

1. A1 Commencement of Development (Full Application)
2. A7 Approved Plans
3. B1 External Materials to be Approved
4. H07 Cycling parking (implementation)
5. C07 Refuse & Recycling (implementation)
6. F01 Landscaping/Planting Scheme
7. F02 Landscaping (Implementation)
8. F05 Tree Protection
9. F08 Site Supervision (Trees)
10. C01 No Permitted Development (extensions/windows/hardstanding)
11. C03 No Use of Flat Roof
12. NS Condition 1

‘No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions of not less than a 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.

13. New boundary fence to be provided

Evidence requirements:

- Carbon emissions evidence requirements for Post Construction stage assessments must provide:
 - Detailed documentary evidence confirming the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on ‘As Built’ SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).
 - or, where applicable:
 - A copy of revised/final calculations as detailed in the assessment methodology based on ‘As Built’ SAP outputs
 - Confirmation of Fabric Energy Efficiency (FEE) performance where SAP section 16 allowances (i.e. CO2 emissions associated with appliances and cooking, and site-wide electricity generation technologies) have been included in the calculation
- Water efficiency evidence requirements for Post Construction Stage assessments must provide:
 - Detailed documentary evidence representing the dwellings ‘As Built’; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and
 - the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling;
 - Along with one of the following:

- Water Efficiency Calculator for New Dwellings; **or**
- Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
- Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

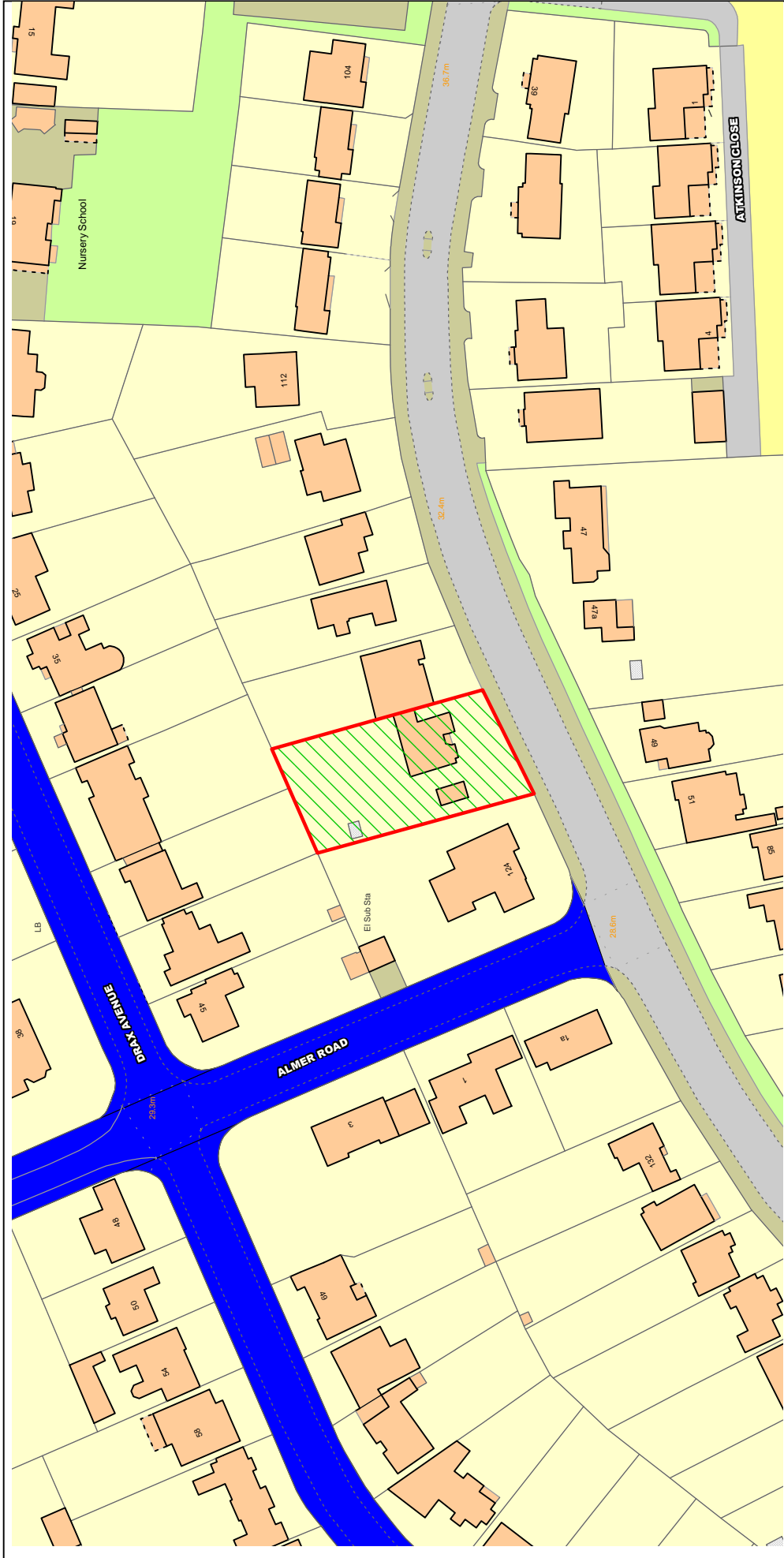
Informatives:

1. Note to Applicant – Approved Schemes
 2. Party Walls Act
 3. Discharge conditions prior to commencement of work
-

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**PLANNING APPLICATIONS COMMITTEE
16 MARCH 2017**

APPLICATION NO.
16/P3738

DATE VALID
22.09.2016

Address/Site 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

Ward Abbey

Proposal: DEMOLITION OF EXISTING STRUCTURES ASSOCIATED WITH THE OLD LAMP WORKS, ALL GARAGES (74 IN TOTAL) AND SUBSTATION TO PROVIDE RESIDENTIAL ACCOMMODATION (134 UNITS - CLASS C3) IN BUILDINGS OF THREE - NINE STOREYS, PROVISION OF CAR PARKING (31 SPACES INCLUDING 5 DISABLED SPACES), CYCLE PARKING (249 SPACES), LANDSCAPING AND PUBLIC REALM WORKS TOGETHER WITH ASSOCIATED UTILITIES AND INFRASTRUCTURE.

Drawing No's:

2000; 2001; 2010; 2011; 2012; 2013; 2014; 2015; 2016; 2017; 2018; 2019; 2020; 2021; 2022; 2023; 2024; 2050; 2100; 2101; 2102; 2103; 2104; 2105; 2106; 2107; 2108; 2109; 2120; 2121; 2122; 2123; 2124; 2125; 2126; 2130; 2131; 2200; 2201; 2202; 2203; 2204; 2205; 2206; 2207; 2220; 2221; 2222; 2225; 2230; 2231; 2232; 2300; 2301; 2302; 2303; 2310; 2311; 2312; 2313; 2314; 2315; 2316; 2320; 2321; 2330; 2331; 2332; 2340; 2341; 2342; 2350; 2351; 2352; 2353; 2610; 2611; 2612; 2613; 2614; 2615; 2616; 2617; 2001 – Indicative Landscape Plan – General Arrangement; 2002- Indicative Landscape Plan (Colour)

Documents:

Design and access Statement (incorporating Landscaping Strategy), Inclusive Access statement, Townscape and heritage assessment, Archaeological assessment, Statement of community involvement, Sustainability statement, Energy strategy, Overheating analysis, Biodiversity survey report, Aborigicultural impact assessment, Operational waste management strategy, Noise assessment, Transport statement, Draft travel plan, Daylight, Sunlight and Overshadowing assessment, Flood risk assessment, Foul sewage and utilities strategy, Ground investigation report, Air quality assessment; and, Draft construction management plan

Addendum Plans/Documents: Response to LBM Urban Design Comments January 2017; Ellis + Moore Clarification of Bio Retention Suds and

Permeable Paving (2017 01 18); Letter dated 19th January 2017 from Savills to Mr J. Vale; Response to Objection from 68 Nelson Grove Road – PRP; Single Aspect Units Assessment; PRP Architects – Average Daylight Factor Analysis – Proposed Scheme Test - 7th March 2017; PRP Architects – Response to Daylight/Sunlight Queries – 7th March 2017

Contact Officer: John Vale (020 8545 3296)

RECOMMENDATION

GRANT PERMISSION SUBJECT TO ANY DIRECTION FROM THE MAYOR OF LONDON, THE COMPLETION OF A SECTION 106 AGREEMENT AND CONDITIONS.

CHECKLIST INFORMATION.

- S106 Heads of agreement: Yes
 - Is a screening opinion required: Yes
 - Is an Environmental Statement required: No
 - Has an Environmental Impact Assessment been submitted –No
 - Design Review Panel consulted – Yes
 - Number of neighbours consulted – 413
 - Press notice – Yes
 - Site notice – Yes
 - External consultations: Greater London Authority, Transport for London, Environment Agency, Metropolitan Police, Greater London Archaeological Advisory Service, Thames Water Utilities,
 - Number of jobs created – n/a
 - Public Transport Accessibility Level (PTAL): Level 4 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 the scale and complexity of the proposals. For the time being, the decision of Merton's Planning Committee is not the final decision as the major application is required to be referred to the Mayor of London for any direction.
- 1.2 The application is the first phase of a wider masterplan for the whole High Path Estate. The outline planning application for the remaining phases of the masterplan to redevelop the High Path Estate is due to be submitted to the Council in February 2017. Reference will be made throughout this report to connections between this first phase application and the wider masterplan as the first phase scheme proposals have been developed to form part of, but not to be dependent upon, the emerging wider regeneration proposals.

2. SITE AND SURROUNDINGS

- 2.1 This first phase application site covers an area of 0.847 hectares occupying the south eastern corner of the High Path Estate and the Old Lamp Works, bounded by High Path to the south, Pincott Road to the west and Nelson Grove Road and Rodney Place to the north and east. The plot consists of 74 garages and associated hardstanding, spread across the site from north to south and accessed from Nelson Grove Road and High Path, and an existing part-one storey part-two storey industrial unit (the Old Lamp Works) occupied by a book distribution centre with access from High Path located in the south and east of the site. The site also features the Marsh Court Play Area with access from Pincott Road located to the north west of the site.
- 2.2 The southern side of the site with a frontage onto High Path is located between a 12 storey block of flats (Marsh Court) to the west of the site and a three storey office building occupied by the Probation Service to the east. On the opposite side of High Path to the south are a part two/part three storey office building and a two storey place of worship.
- 2.3 The western side of the site adjoins the 12 storey building Marsh Court providing residential accommodation and has a frontage onto Pincott Road. On the opposite side of Pincott Road to the west is a terrace of two storey residential properties with front gardens and the 12 storey building May Court providing residential accommodation.
- 2.4 The northern side of the site has a direct frontage onto Nelson Grove Road. On the opposite side of Nelson Grove Road is three and four storey residential accommodation.
- 2.5 To the east of the site are two storey residential properties (68 and 68a) on Nelson Grove Road, and a one storey building containing a place of worship (Merton Evangelical Church) and a number of two storey houses fronting Rodney Place. To the south east is a three storey building occupied by the Probation Service with frontage onto High Path and a substation.
- 2.6 The application site and the wider High Path Estate are located in the South Wimbledon/Colliers Wood Intensification Area as identified in the London Plan and the Estate covers an area of approximately seven hectares. The character of the High Path Estate is almost wholly residential, with just one shop and a former police community office, with permission for use as a community centre, on Pincott Road, to the west of the application site, within the estate boundary. On the edge of the estate is a small pub and community hall to the west and south of the application site. The estate is bounded by Merton High Street to the north, Abbey Road to the east, High Path to the south and Morden Road to the west. South Wimbledon Underground station is located to the north west of the estate and the application site.

- 2.7 The estate comprises 608 homes and is characterised by a mix of architectural styles and building typologies. Building heights on the estate vary from two storey residential buildings to three twelve storey towers at the centre of the estate. Moving away from the centre of the estate towards Merton High Street the scale gradually decreases down to 2 and 3 storey houses.
- 2.8 The site is not within a Conservation Area. The site is located within an Archaeological Priority Zone, the Wandle Valley Regional Park 400m buffer and a critical drainage area.
- 2.9 The application site enjoys good access to public transport, (PTAL level 4) as it is within easy walking distance of several bus stops and South Wimbledon Underground station.
- 2.10 The site lies in Flood Risk Zone 1.
- 2.11 Part (0.25 hectares) of the application site known as The Old Lamp Works, 25 High Path is Site Proposal 46 in the Merton Sites and Policies Plan and is allocated for residential (Use Class C3) or education (Use Class D1).

3. CURRENT PROPOSAL

- 3.1 The current first phase proposal of the redevelopment of High Path Estate involves the demolition of the Old Lamp Works building and 74 garages to provide 134 residential units (23 x 1 bedroom, 70 x 2 bedroom, 38 x 3 bedroom and 3 x 4 bedroom units) (use class C3), 31 car parking spaces, 245 cycle parking spaces and associated children's play space and landscaping.
- 3.2 The 134 residential units would be provided in a mix of houses and flats, as set out in the table below.

	1Bed	2 Bed	3 Bed	4 Bed	Total/ %
Flats	23	67	27	0	117/
Duplexes	0	0	5	3	8/
Houses	0	3	6	0	9/
Total	23/17.2%	70/52.2%	38/28.4%	3/2.2%	134/100%

- 3.3 In terms of affordable housing provision, of the 134 proposed units in Phase One, 80 (59.7% by unit; 58.9% by habitable room) would be affordable homes as set out in the table below. The affordable units will all be rented accommodation to provide replacement homes for the existing tenants of the High Path Estate. As there are no existing intermediate tenures to be decanted, no intermediate tenures are proposed. The applicant has committed to providing new homes to existing tenants at the same rental levels as their existing tenancies. All residents homeowners will be offered a new replacement home in High Path at no additional cost if the homeowner chooses to stay.

Unit Type	Tenure	No. of Units
1 bed	Affordable Rent	14
2 bed	Affordable Rent	45
3 bed	Affordable Rent	19
4 bed	Affordable Rent	2
TOTAL		80

- 3.4 The site has a PTAL of 4 and has the characteristics of an urban setting. The density of the proposed development is 158 units per hectare or 515 habitable rooms per hectare.
- 3.5 The development would take the form of seven residential blocks, A, B, C, D, E (x2) and F. Apart from Block E, containing two and three storey mews houses and cottages, the remaining blocks would range in height from four and five storeys, incorporating setback (Block F and Block D), to seven storeys (incorporating set back) (Block C), to nine storeys (incorporating two storey set backs) (Blocks A and B). Blocks A and B would front onto Pincott Road on the western side of the Phase One site, situated closest to the existing 12 storey Marsh Court and May Court beyond. Block D would have a frontage onto Nelson Grove Road and Block F frontage onto the newly created mews street, providing a new vehicular and pedestrian link between Nelson Grove Road and High Path. Block C would have a frontage onto High Path and Block E mews houses and cottages would have frontages onto Rodney Place and the newly created mews street.
- 3.6 All units would either meet or exceed the minimum space standards as set out by the Mayor, the DCLG National Technical Standards and relevant Building Regulations standards set out in the minor alterations to the London Plan (2016), with 10% of the units are designed to be wheelchair accessible or adaptable. Of those blocks that contain flats (Blocks A, B, C, D and F), 46% of the units are dual or triple aspect, and there are no north facing single aspect units. Only 11% of the rooms within single aspect units have daylight levels below the BRE guidance. However, as is detailed in the planning considerations section of this report, officers consider that this level is acceptable given other material considerations. All of the mews houses and cottages in Block E are either dual or triple aspect.
- 3.7 The applicant's Design and Access Statement and addendum 'Response to LBM Urban Design Comments January 2017' explain the key design principles that have been taken forward in developing the Phase One scheme and the applicants wider masterplan for the whole High Path Estate. These principles were developed having regard to the emerging Estates Local Plan. The layout, scale and design of the blocks in Phase One will be integrated into the wider masterplan thereby creating a series of character areas as follows (as set out in Section 4.3 of the Design & Access Statement):

- i) The perimeter mansion blocks A and B (Park Character) will enclose the western edge of the application site and in the wider masterplan form the eastern edge of a future park. Each mansion block has articulated and dedicated ground floor entrances and cores with individual apartments provided with private amenity spaces in the form of inset terraces. A two storey set back raises the building height of the mansion blocks to nine storeys. Each block would be primarily constructed from London Stock facing brickwork with the setback upper floors finished in deep red anodised metal cladding.
- ii) Block D (Inner Street Character) faces Nelson Grove Road and in contrast to the adjoining mansion blocks, is arranged and divided into small street blocks with ground floor entrances to apartments above.
- iii) Block F (Mews Character) will provide opportunity for natural surveillance of the proposed, one way, north-south link between Nelson Grove Road and High Path. The block is contemporary in design with the setback fifth floor finished in bronze metal cladding.
- iv) Block C (Mews Character) – marks the end of the new north-south mews and forms the southern extent of the application site. High Path is poorly defined with little street character. The seven storey building (incorporating set back) will read as two distinct buildings. The ground floor will be taller than the above intermediate levels, ensuring a street presence. The set back will be finished in dark grey metal cladding.
- v) Block E (Rodney Place Character) – consists of two separate blocks: two storey mews cottages and three storey houses. They continue the building line of existing residential properties on Rodney Parade.

3.8 In terms of amenity space, all of the residential units will have access to private amenity space that meets minimum requirements in the form of private gardens, terraces or balconies. Each house is provided with a front and rear garden comprising at least 50 sqm. Communal amenity space is proposed within the courtyard of Blocks A, B, D and F and to the rear of Block C.

3.9 In terms of car parking the proposal includes the re-provision of the private 18 on-street car parking spaces that are currently situated on Pincott Road and proposes a further 13 parking spaces, a total of 31 surface level spaces. Five disabled parking spaces are proposed on site. Twenty percent of all spaces will be provided with electric vehicle charging points. In terms of cycle parking provision, 245 cycle parking spaces and 4 visitor spaces are proposed. All cycle storage will be

provided within each individual dwelling as additional storage space next to the entrance.

4. PLANNING HISTORY

96/P0900 – Old Lamp Works – CHANGE OF USE FROM GENERAL INDUSTRIAL (B2) USE TO OFFICE, WAREHOUSING AND DISTRIBUTION (B1/B8) USE.

5. CONSULTATION

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 413 nearby addresses. Two consultations were undertaken. In response to the first consultation process, 25 replies were received. In response to the second consultation 4 replies were received. All of the representations received are summarised by subject matter below:

Resident Responses:

Height, bulk and massing

Representations were received expressing concern that the height of the proposed flats and townhouses are excessive and out of character with the nature of surrounding development.

Overlooking.

Numerous representations indicated concern that the distance between proposed flat buildings would be inadequate to prevent overlooking between newly proposed buildings, affecting the privacy of future occupants.

Furthermore, several concerns were identified with relation to overlooking and loss of privacy to existing surrounding buildings as a result of the proposed development.

Natural Light Access.

Several representations indicated concern that the height and orientation of the proposed buildings would result in the blocking of natural light to the windows and rear gardens of surrounding properties.

One such representation indicated that significant flaws were evident in the daylight and sunlight analysis provided with the application documents.

Impact of large scale construction works on surrounding residents.

Numerous representations indicated concern that the scale of the development would result in significant construction works affecting the quiet enjoyment of surrounding properties for an extended period. In this respect concern was expressed with regard to the impacts of noise, dust, vibration, traffic management and visual unsightliness during the construction phase of implementing any development approval.

Proposed development should incorporate best practice energy efficiency and renewable energy integration.

Representations indicated that new homes should achieve a high standard of energy efficiency, and incorporate features such as underfloor heating and triple glazed windows to reduce the future running costs for future residents.

One expressed a desire that rooftop solar panels and/or other renewable energy measures be incorporated in the development.

Materials/Finishes Info.

Two representations indicated that the plans and details submitted with the application were vague, and did not adequately specify the precise type and quality of external and internal materials and finishes for newly proposed buildings. It was stated that concerns were held about the visual impact that poor quality materials would have on the estate, in addition to the impact on the surrounding area.

Quality of finished product in Developer's other projects.

Two representations stated that they held concerns for the build quality and final selections of materials and finishes by the developer, as a result of having inspected other developments which the developer has completed. Concern was expressed that cheap or poorly selected fittings and materials will lead to damaged perceptions of the development site, as well as ongoing maintenance issues and poor living quality for future tenants.

Impact of future Secondary School.

Multiple representations indicated concerns that the impact of a proposed future secondary school near Merton Abbey Primary School had not been adequately considered by the development proposal. It was stated that the position of the proposed school would result in use of the development as a cut through to local transport links, with associated anti-social behaviour and loitering by students affecting future residents.

It was also stated that inadequate consideration had been given to the impact of traffic and parking demands which would result from peak school 'drop off' and 'pick up' times.

Substandard replacement housing.

Concern was raised in multiple representations that the proposed replacement housing in Rodney Place was not equivalent to the quality of housing in Pincott Road, from which occupants were being relocated.

It has been stated that the proposed new housing is of cheaper construction and materials. It is also stated that the new housing represents an overall reduction in size, parking availability, accessible garden space, storage facilities and room sizes.

Representations raised concern that there is a shortfall in the number of large family units in replacement housing stock being offered.

Representations also outlined concern about the functionality of the internal layouts of replacement housing, with multiple concerns being raised about the size and number of windows, and the use of internal bathrooms without direct natural light and ventilation access.

North-south road layout.

One representation received indicated concern that the proposed north-south road layout was not in keeping with the surrounding road pattern.

Tree Impacts.

Multiple representations indicated concern about the potential loss of mature trees and vegetation currently present on the site, in particular those existing in the location of the current children's play area. Comments received indicate a preference to retain, or at least relocate, existing mature trees and shrubs which are present on the site. Comments received indicate a preference for English species of trees and shrubs to be incorporated in any landscaping proposals so as to increase biodiversity within the site and broader area.

Loss of employment land.

One representation indicated that the proposed demolition of existing employment land, and its replacement with residential development, would have a detrimental impact on the number and quality of employment opportunities available within the area.

Loss of existing children's play area and outdoor space.

Multiple representations indicated disapproval at the proposed loss of the existing children's play area on the site. It was stated that the existing play area was well utilised and its loss, without replacement, will have an adverse impact on the local community. In addition several representations indicated that the overall loss of existing open space, which will result from the proposed overall densification of residential development on the site, will be detrimental to the current character and amenity of the area.

Loss of car parking/garaging.

Multiple submissions raised concern over the loss of both existing on and off street car parking, and the inadequacy of parking provision within the proposed scheme. Specific comments indicated that there was a need to incorporate greater secure garaging options for future residents, and in particular residents being relocated from Pincott Road who currently have access to these facilities.

Inadequate internal flat layouts.

Several representations expressed concern regarding the internal layout and dimensions of the proposed flats. In particular concern was expressed in relation to the size and number of windows, the use of internal bathrooms and kitchens without external windows for light and ventilation, and the use of open plan living/kitchen areas.

Concern was also expressed about the proposed internal dimensions of rooms, and the adequacy of these as replacement dwellings for relocated residents.

Undesirable external appearance of flats & townhouses.

Multiple representations raised issue with the external appearance of the proposed flat and townhouse structures. In particular concern was expressed with regard to the proposed architectural character, external materials, orientation and size of the proposed structures.

Lack of adequate consultation by the developer.

Three representations raised concern that initial community consultation undertaken by the developer was inadequate, or that the results of the consultation were not adequately incorporated within the development scheme as currently proposed.

Traffic impact on existing residents.

Multiple representations raised concern that the proposal would result in unreasonable impact on surrounding residents by way of increased traffic and parking demands. Concerns raised identified the overall increase in traffic as a result of the increased residential density proposed, as well as short time intensive traffic impacts from construction vehicles during the development phase of the project.

Errors in sunlight and daylight analysis report.

One representation raised issue with calculations and findings made in the Daylight and Sunlight Report provided by the applicant. In particular, issues were raised with regard to:

- The angle of light restriction.
- The accuracy of diagrams used to determine the impact on the windows of 68 Nelson Grove Road.
- The 'No Sky Line' Calculations; and;
- The 'Annual & Winter Probable Sunlight Hours' Calculations.

Biodiversity impacts & inadequacy of report.

One representation expressed concern with regard to the Biodiversity Impact Assessment provided by Landscape Planning Ltd. The representation claims that a complete list of animals in the vicinity has not been provided, as the report fails to mention the presence of Eurasian Jays, Grey Herons or urban foxes which have been observed by local residents. The applicant has confirmed that Jays and urban foxes are not protected species and therefore no special measures are required. The applicant has confirmed that the Preliminary Ecological Appraisal identifies the Grey Heron within the desktop assessment.

Air quality impact & inadequacy of report.

One representation expressed concern with regard to the Air Quality Assessment Report provided by Peter Brett. The representation expressed concern that no specific analysis has been undertaken for

the impact on the surrounding dwellings, in particular 68 Nelson Grove Road.

Noise impact on surrounding residents.

One representation expressed concern with regards to the noise quality assessment provided with the application. The concerns relate to the impact of noise on the existing property at 68 Nelson Grove Road, as a result of the proposed 'new road' and future occupation of proposed Block's D & F.

New road impact on surrounding properties.

One representation raised concerns with regards to the impact of the proposed new road on surrounding properties. Specifically concern was raised with regards to:

- The close proximity of tree plantings to neighbouring property boundaries.
- The impact of light overspill from proposed road lighting.

5.2 Design Review Panel (July 2016)

The Panel emphasised that it was critically important to get this site right in terms of quality as it would be the first example of putting the masterplan into action. The masterplan needed to be got right first and this site would set the standard for implementing that vision. It would therefore be important in terms of public support and gaining planning permission smoothly for subsequent phases. The Panel felt that the proposal was not doing this at present and needed to do significantly more to meet this essential objective.

The most fundamental concern the Panel had, which emerged gradually through the discussion, was the relationship with the adjacent site between Rodney Place and the new mews street, consisting of two detached houses and a church in a former industrial building. The Panel felt it was likely this would be redeveloped at some point in the future, but the layout also had to plan for the possibility of it not happening and the proposals successfully integrating into this existing layout.

How the site could be developed was important to consider now because it would have a clear impact on the proposed mews street as much of its frontage was occupied by the adjacent site. Also, the currently proposed development would have a strong impact on how this site could be successfully developed in the future.

There was a sense that the mews street created a site that was too shallow and which created front/back issues as there would be two streets very close together. This led the Panel to question the rationale for placing the mews street where it was. It was suggested that if the mews street was moved further west a proper frontage would be possible on both streets and the block successfully completed.

Alternatively it could be moved further east. The applicant was encouraged to explore a range of possible different alignments.

The Panel were pleased to see the way Rodney Place had been augmented, but felt that the triangular space in front of the new houses should consist of landscaping only, rather than parking, as this ill-defined space could easily attract fly-tipping and unused vehicles. It was pointed out that for a street to operate successfully as a shared space, it needed to be designed for a 15mph maximum speed.

The Panel were clear in that they felt that it was the urban design that was not right with the proposal. There was not sufficient resolution between the old and the new. It was recommended that surrounding buildings were shown on the images. The architecture and house layouts were considered good.

There were concerns about the design of the mews street and the buildings lining it. The buildings seemed a bit longitudinal and were not sufficiently divided up as suggested by the elevations. The layout of the street itself did not seem to be well thought out. It had narrow pavements, one of which stopped abruptly half way along the street. This was not acceptable in terms of inclusive design. The street appeared to have very little character in it. Trees were shown on the CGI but not on the plans.

On the larger buildings the vertical elements of the building, which seemed derived from classical proportions, felt a bit stretched vertically. To remedy the proportions it was suggested they either needed to lose the top two storeys or the lower floor(s) needed to be raised or two to read as one. The larger buildings also had a degree of depth, from recessed balconies etc. but not much projection.

Overall the Panel felt that this proposal was not doing the masterplan justice. Whilst it was clearly a difficult site, it was essential it was a showcase for what the applicant wanted to achieve for the rest of the estate. The Panel felt there was a range of issues that needed much further consideration and were close to giving a red verdict.

VERDICT: AMBER

5.3 **External consultees.**

5.3.1 **Greater London Authority**

Principle of development – estate regeneration

Loss of the existing building and uses has been approved by the Council and the Mayor. The redevelopment of the site to provide additional homes is strongly supported. The affordable units will all be

rented accommodation to provide replacement homes for existing tenants of the High Path Estate.

Affordable housing

The proposal will deliver 80 affordable homes, equating to an offer of 59.7% (by unit). The affordable housing offer for Phase 1 meets local policy.

Housing mix of scheme provides a good range of unit sizes.

Density of the proposed development is 158 units per hectare/515 habitable rooms per hectare, within density range and is supported.

Children's play space the applicant's play space strategy is supported and appropriate financial contributions should be secured in the S106 by the Council to allow for the improvement of existing play spaces in the High Path Estate or the wider area or the creation of new play spaces in under-utilised areas of the Estate.

Urban design layout principles are supported. The form and massing is supported and consistent with that of the wider masterplan.

Architecture approach of strong vertical emphasis to mansion blocks and simple articulation to houses is supported.

Inclusive design support commitment to an improved pedestrian environment.

Climate Change Mitigation – further information required on the following matters:

- i) Energy efficiency standards and in particular the opportunity for further design measures to reduce unwanted solar gains.
- ii) District heating - The applicant should provide a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available through both the Phase 1 plant room and the emerging masterplan's energy centre.
- iii) Combined Heat and Power (CHP)- Further information on both the Phase 1 and future wider estate's CHP should be provided including the size of the engine proposed , the total space heating and domestic hot water demand of the development and the proportion of heat met by the CHP. The applicant should also provide the analysis used to determine the size of the CHP

including, suitable monthly demand profiles for heating, cooling and electrical loads.

- iv) The applicant should further consider the installation of photovoltaic (PV) technology in order to maximise the on-site savings, regardless of the London Plan target having been met. A roof layout with the possible PV installation should be provided.

Officers note that since the receipt of the GLA's Phase One comments, the applicants and the GLA have been in discussions and are now satisfied with the available data. The GLA have requested that the applicant further consider the installation of PV technology. This is addressed in the planning considerations section of the report. Officers note however, that the GLA consider that the carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan.

Flood Risk - the approach taken is the minimum acceptable approach to surface water management.

Transport:

Car parking – largely acceptable but disabled parking spaces should be provided for each of the 13 accessible units, additional spaces should be designated. Officers note the issue of the number and availability of blue badge spaces. This is addressed in the planning considerations section of the report.

Cycle parking – acceptable

Travel planning – recommends that the final versions of the submitted draft travel plan and draft construction logistics plan are secured, monitored and enforced as part of a s106. Officers have considered the issue further with transport officers

Pedestrian environment – a pedestrian environment review Survey (PERS) or similar should be secured through a s106 agreement. Officers have considered the issue further with transport officers in the planning considerations section of the report.

5.3.2 **Metropolitan Police (Designing out crime unit).**

No objection.

5.3.3 Environment Agency.

Planning permission should only be granted with conditions relating to contamination, sustainable drainage and piling.

5.3.4 Transport for London.

The site has a good Public Transport Accessibility Level (PTAL) of 4, on a scale of 1-6 where 6 is the most accessible.

TfL welcomes the information on trip generation provided in the Transport Statement (TS). It should be noted that when developments for other phases of the overall masterplan come forward, the cumulative impact on the number of trips will need to be assessed.

Parking

Considering the site's good PTAL of 4, the applicant should investigate the possibility of reducing the proposed provision consistent with the objective to reduce congestion and traffic levels and avoid undermining walking, cycling or public transport. Officers address this matter in the planning considerations section of the report.

It is understood that 13 of the proposed car parking spaces may be converted into Blue Badge spaces if the need arises in the future. However as 10% of the residential units are wheelchair accessible/adaptable. for the development to be in accordance with London Plan Policy 6.13, it is requested that one Blue Badge space is provided for every accessible flat from the outset. The total number of spaces should be secured by condition. Officers address this matter in the planning considerations section of the report.

Twenty per cent of car parking spaces will be active Electric Vehicle Charging Points (EVCPs) and a further 20% will be passive. This should be secured by condition.

It is noted that new residents will be restricted from applying for parking permits within the CPZ, and this should be secured through the S106 agreement. However, further detail is requested regarding the proposals for the estates CPZ, timescales and implementation.

A Car Parking Management Plan (CPMP) should be secured by condition and include more information on the above. The CPMP should demonstrate how the proposed car parking spaces will be allocated to the residential units and how they will be managed. TfL also requests the car parking spaces are leased rather than sold with individual units to allow for future flexibility.

Cycle Parking

That proposal is within standards. The parking should be located in a secure, sheltered and accessible location and secured by condition.

Pedestrian Environment

It is requested a Pedestrian Environment Review Survey (PERS) or similar is undertaken to the local facilities and nearest bus stop in each direction. Any identified improvements should be agreed with the

council and secured through the s106 agreement. Officers have considered the matter further with transport officers in the planning consideration section of the report.

Travel Plan

TFL considered that the draft travel plan had shortcomings and needs to include targets for other (non-walking) modes of transport that the applicant seeks to increase or reduce to encourage sustainable travel. Targets should link directly to each objective and be set for 3 and 5 years post occupation. The Travel Plan should be secured, delivered, monitored and funded through the s106 agreement.

Delivery, Servicing and Construction

A draft Construction Logistics Plan (CLP) was submitted with the application. A final updated version of the CLP should be secured by condition.

5.3.5 Historic England.

The archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition requiring a two-stage process of archaeological investigation is therefore recommended.

5.3.6 Thames Water

No objection subject to imposition of conditions regarding the submission of a piling method statement and surface water drainage, and informatives to alert the applicant of the need to minimise groundwater discharges, approval for development over the line of, or within 3 metres, of a public sewer.

5.4 Internal Consultees

Future Merton

5.4.1 Biodiversity

The methodology, findings and recommendations of the submitted Biodiversity report are acceptable.

5.4.2 Open Space

A small area in the eastern section of the site is identified as an area deficient in access to local open space on the deficit maps in Appendix 2 of the Draft Estates Local Plan (Stage 2 consultation 1st February 2016 – 18th of March 2016). The application proposals include the provision of a park in the south of this application site. The proposed park will address this deficiency as it will enable adequate open space access for residents within the site. Further landscaping features including planting, furniture and increased lighting are required to ensure the usability of this space in accordance with Policy CS13 of The Core Strategy

5.4.3 Children's Play Space

With suitably worded conditions that ensure the submission of details, delivery and maintenance of play facilities in the proposed court yard and new park area, and improvements to the existing play space at the southern end of Dowman Close, the proposals would be acceptable.

5.4.4 Urban Design

The Council welcomes the current application as a kick start to the regeneration of the High Path Estate and supports its aspiration for a high quality residential area. Phase One should be presented as an exemplar to showcase the future development. The application has the potential to deliver this vision but does not provide the narrative of how this can be achieved. The applicant should provide fine grain illustration of the phased integration into the masterplan. This will enable assessment of the massing, scale, height, siting and layout of the first phase.

The applicant has provided a Design Addendum dated January 2017 titled 'Response to LBM Urban Design comments' in response to the above comments. The document addresses the majority of concerns and illustrates the detailed integration and long term future proofing.

5.4.5 Highways

The submitted parking survey has been undertaken in accordance with the Lambeth parking survey methodology which shows at times of peak residential parking demand there is sufficient on street space to accommodate further vehicles.

A parking management plan has been addressed within the Transport Statement (TS). The applicants state that in the future there is likely to be a CPZ consulted on the area surrounding the development and at present the High Path estate area has parking enforcement in place on estate roads which is undertaken by a private company. Given that the area is in a state of change the on street bays created by this development should be designated as shared use (visitor pay and display/ resident) therefore a high level of flexibility can be applied, and parking/ CPZ review can be undertaken at each phase of the high path estate redevelopment to ensure that the bays on the estate are being used as efficiently as possible by those that require them. Officers consider that these matters can be addressed on submission of the future masterplan for the site.

As the site is a decant development all future residents and their requirements are known, however in the unlikely event that a disabled person moves into the development and are not in the receipt of a disabled bay. A number of general parking bays will be convertible to disabled specifications. Or have a number of other options which are, they are able to request an on street bay within an immediate proximity of their development. Disabled persons with a blue badge are also

eligible to park in resident parking bays and pay and display bays without enforcement action being taken.

As all the future residents' needs are known the disabled parking provision has been calculated to cover these needs. The applicant has proposed a year's membership to a car club per household to residential units, excluding homes which will have on plot parking. The provision of a year's car free membership is not sufficient to facilitate a habitual change to the use of car clubs. Three years free membership is an established amount of time to facilitate the habitual change to the use of car clubs.

A detailed parking management plan should be submitted for approval via either condition or legal agreement. The parking management plan should elaborate on the issues raised above and provide a level of expectation management for existing residents of the estate who park around the site at present, future and decant residents. The parking management plan should also review the current restrictions in place on Rodney Place and assess the need to alter the existing parking restrictions.

No details of Electric Vehicle (EV) charging points have been submitted or show on any of the plans. Further clarification on EV charging points is required.

5.4.6 Climate Change

The applicant's submitted energy statement indicates that the proposed development should achieve a 36% improvement in CO2 emissions on Part L 2013 once the scheme is finally connected to a CHP engine. This would meet the sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015).

The internal water consumption calculations submitted in the Sustainability Statement (dated Sept 2016) indicate that the development should achieve internal water consumption of less than 105 litres per person per day, equivalent to Code for Sustainable Homes Level 4.

The application is the first part of the wider estate masterplan and, as such, there is need for the use of interim gas boilers until the energy centre for the larger estate scheme is built out in subsequent phase 2. Should the wider estate regeneration not proceed the applicant has indicated that a CHP will be included in the proposal site. Officers consider that a sufficiently worded condition will ensure the delivery of a CHP in the event that the masterplan does not proceed.

5.4.7 Trees

No arboricultural objection to the proposed scheme.

5.4.8 Flood Risk

No objections on flood risk or drainage grounds. Officers recommend conditions in addition to those specified by the Environment Agency and Thames Water regarding the provision of a detailed scheme for the provision of surface and foul water drainage, that finished floor levels shall be set no lower than +250mm above external ground level, provision of flood warning and evacuation plan and informative relating to surface water runoff.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012)

- 4. Promoting sustainable transport.
- 6. Delivering a wide choice of quality homes.
- 7. Requiring good design.
- 8. Promoting healthy communities.
- 11. Conserving and enhancing the natural environment

6.2 London Plan (2015) relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 2.13 Intensification Areas.
- 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
- 3.13 Affordable housing thresholds
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling.
- 5.10 Urban greening
- 5.11 Green roofs.
- 5.13 Sustainable drainage
- 5.15 Water use and supplies.
- 5.17 Waste capacity
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 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.
7.18 Protecting open space and addressing deficiency.
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 13 Open space and leisure
CS 14 Design
CS 15 Climate change
CS 17 Waste management
CS 18 Transport
CS 19 Public transport
CS 20 Parking servicing and delivery

- 6.4 Merton Sites and Policies Plan – 2014 (SPP) relevant policies include:
DM H2 Housing mix
DM H3 Support for affordable housing
DM D1 Urban Design
DM D2 Design considerations
DM O1 Open space
DM O2 Trees, hedges and landscape features
DM EP2 Reducing and mitigating noise
DM T1 Support for sustainable travel and active travel
DM T2 Transport impacts of development
DM T3 Car parking and servicing standards
DM T4 Transport infrastructure

Part (0.25 hectares) of the application site known as The Old Lamp Works, 25 High Path is Site Proposal 46 in the Merton Sites and Policies Plan and is allocated for residential (Use Class C3) or education (Use Class D1).

- 6.5 London Borough of Merton Pre-Submission Estates Local Plan (Stage 3 Consultation 8th December 2016 – 3rd February 2017)

EP H1 Townscape.
EP H2 Street network
EP H3 Movement and access
EP H4 Land use.
EP H5 Open Space.
EP H6 Environmental protection.
EP H7 Landscape
EP H8 Building heights.

- 6.6 Supplementary guidance.
DCLG Technical Housing Standards - 2015
London Housing SPG – 2016
Merton Design SPG – 2004

7. **PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include assessing the following:
- Principle of redevelopment
 - Demolition and loss of existing uses
 - Principle of 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

Principle of redevelopment

- 7.2 The site lies within an area identified in the London Plan as an area suitable for intensification of development (Area 44 in the London Plan). The plan indicates that across London intensification areas can accommodate a further 8,650 homes and 8,000 new jobs. The plan encourages and offers support for the development by boroughs of suitable strategies to realise the potential of intensification areas.
- 7.3 London Plan policy 2.13 identifies a number of key factors in decision making in these areas including seeking to optimise residential outputs and densities, providing necessary social and other infrastructure to sustain growth and where appropriate containing a mixture of uses. Decisions should support wider regeneration and should integrate development proposals to the surrounding areas.
- 7.4 Since 2014 the Council has been exploring the regeneration of the high Path and two other large housing estates managed by the applicant (Eastfields and Ravensbury Estates) in consultation with residents, the Mayor of London, TfL and CHMP.
- 7.5 The Council is now at the advanced stage of having a draft local plan document that has developed through various rounds of consultation and is ready to be presented to a Planning Inspector for consideration.
- 7.6 The plan's purpose is to shape and guide any redevelopment proposals on this and the other two estates that come forward within

the next 10-15 years. The plan has a key role to play in helping to deliver new homes and meet housing targets, to improve the building fabric and to improve infrastructure on the estate. The plan recognizes the opportunities presented on High Path to sustain much higher densities.

- 7.7 This planning application relates to the first phase of the regeneration of the High Path Estate. The applicant has assembled this site (incorporating the Old Lamp Works) in order to deliver new homes for existing residents of the Estate, without having to demolish existing homes and moving residents off-site. The application is the first phase of a re-housing and new housing strategy for the wider High Path Estate. The first phase responds directly to an identified need to improve the quality of the accommodation on the Estate.

Demolition of existing buildings and loss of existing uses

- 7.8 The proposals involve the demolition of 74 existing garages, the Old Lamp Works industrial/warehouse building and existing play area to the north of Marsh Court (a strategy for enhancements to play on and off-site is included as part of the proposals).
- 7.9 Paragraph 111 of the National Planning Policy Framework (NPPF) encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of a high environmental value. The garages are considered to be substandard in size for modern cars and do not provide parking in line with modern standards. The Council does not have a policy to retain lock up garages and, coupled with the Council's objectives to support a major redevelopment of the estate, there is not overriding planning ground to seek their retention.
- 7.10 The Old Lamp Works buildings have no statutory or local protection and are considered to be of little architectural merit or worthy of retention. The Old Lamp Works is allocated as Site Proposal 46 in Merton's Sites and Policies Plan for residential or education use. The principle of the loss of the building and redevelopment for housing is therefore consistent with the Council's planning policies.

7.11 Principle of residential land use

Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. London Plan Policy 3.3 encourages the delivery of housing through intensification, the realisation of housing potential in Areas of Intensification, and the sensitive renewal of existing residential areas. The site lies in the South Wimbledon/Colliers Wood Intensification Area

where development capacity for a minimum of 1,300 new homes and 500 new jobs has been identified by the London Plan.

- 7.12 The Merton Pre-Submission Estates Local Plan is at an advanced stage of preparation. It has been through two statutory consultation periods, and at the time of writing (March 2017) the consultation of the pre-submission publication has been completed. The Estates Local Plan is scheduled to be submitted to the Secretary of State for consideration at the end of March 2017. Policy EP H4 for the High Path Estate states that the primary land use for the Estate will be residential, to accord with the predominant land use of the existing site and surrounding area. That part of the site that lies outside of the boundary of the Estates Local Plan, the Old Lamp Works, is allocated as for either residential or educational uses in the Merton Sites and Policies Plan 2014.
- 7.13 In the above context, the principle of the redevelopment of the site for a residential use is compliant with national, regional and local planning policy.

Affordable housing

- 7.14 London Plan Policies 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units. Policy CS 8 within the Core Strategy states that for new development involving housing of 10 or more dwellings the affordable housing target is for 40% of the units to be affordable of which the desired tenure mix should be 60% social rented and 40% intermediate.
- 7.15 In terms of affordable housing provision, of the 134 proposed units in Phase One, 80 (59.7% by unit; 58.9% by habitable room) would be affordable homes. The affordable units will all be rented accommodation to provide replacement homes for the existing tenants of the High Path Estate. As there are no existing intermediate tenures to be decanted, no intermediate tenures are proposed. The applicant has committed to providing new homes to existing tenants at the same rental levels as their existing tenancies. All residents homeowners will be offered a new replacement home in High Path at no additional cost if the homeowner chooses to stay. As the proposed affordable housing offer meets development plan policy, no financial viability assessment was required to be submitted with the application. It is considered that the resulting affordable housing offer meets policy objectives.
- 7.16 Notwithstanding the offer of 59.7% affordable rented accommodation, it would be prudent for a legal agreement to ensure that at least 40% of the units be provided as affordable housing with at least 60% providing rented accommodation. The applicant has raised concerns regarding viability on the site in the event that the wider regeneration of the estate did not go ahead. A S106 agreement would therefore contain a review

mechanism and should planning permission for the wider masterplan scheme not be granted by first occupation, a financial viability assessment would be submitted to determine the level of affordable housing that can be provided on the current application site.

7.17 Layout

7.18 London Plan policy 7.1 considers that development should be designed so that the layout, tenure and mix of uses interface with the surrounding land. Policy 7.4 requires, amongst other matters, that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Policy 7.6 sets out a number of key objectives for the design of new buildings including the following: that buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. Policy 7.7 of the London Plan states that tall and large buildings should be part of a plan-led approach to changing or developing an area. Applications should include an urban design analysis and address a number of criteria.

7.19 Sites and Policies Plan policies DM D1 and DM D2: as well as LBM Core Strategy Policy CS14 are all policies designed to ensure that proposals are well designed and in keeping with the character of the local area. Policy EP H1 of the Pre-Submission Estates Local Plan sets out a number of criteria that should be addressed. Proposals will be expected to integrate well with the surrounding urban form in terms of layout, scale and massing, whilst making the best possible use of land. Policy EP H8 states that taller buildings may be considered appropriate to facilitate intensified use of the site. Building heights must be based on a comprehensive townscape appraisal and visual assessment.

7.20 The layout and scale of Phase One has been designed to integrate with the wider emerging masterplan vision for the whole estate. The submitted Design & Access Statement identifies that the seven urban blocks of Phase One form part of three distinct character areas:

- Park Character Area
- Inner Street Character Area
- Mews Character Area

7.21 Following concerns raised by the Council's Design Officer, the applicant has provided a document, 'Response to LBM Urban Design Comments' dated January 2017 to demonstrate how Phase One has been designed to integrate with the wider regeneration vision.

7.22 The proposals would deliver townscape improvements to the High Path Estate. The application site was seen having a poor street layout, with poor links to the local neighborhood and beyond. The Phase One

application and the emerging masterplan seek to create an urban grid pattern with perimeter blocks similar to that in the surrounding area. The layout would create a new one way north-south mews street, with frontages providing direct overlooking, through the site connecting Nelson Grove Road and High Path, and a new east-west access linking Block E and existing houses on Rodney Place. The proposals would provide significant benefits in terms of north to south and east to west permeability. By ensuring that the new east-west access is one way, this would limit the movement of vehicles through the application site, and would provide safe routes for pedestrians and cyclists. The improvements to the permeability of the application site would be facilitated by the demolition of the existing Old Lamp works.

7.23 Scale, bulk and massing and impact on locality

7.24 Design officers raised concerns that the submitted application posed difficulties in assessing the appropriateness of the proposals in terms massing, scale and height of the proposed blocks as they are only shown against the immediate context rather than in relation to an as yet un-submitted outline scheme.

7.25 Following receipt of further information from the applicant, 'Response to LBM Urban Design Comments' dated January 2017' officers consider that the scale and massing of the proposed blocks is considered to be consistent with the proposed massing of the future masterplan. The tallest blocks, mansion blocks A and B, will form part of the park character area. They will front the proposed park and adjoin other mansion blocks, thereby providing an appropriate setting. At 30m high the proposed scale is considered appropriate within this context. Design Officers have requested that details of the architectural execution of the elevations of blocks A and B are conditioned, to ensure that a successful relationship is achieved between the different parts of the building. In particular, the architectural execution of the massing should be carefully delivered, with emphasis on ensuring the buildings have a successful interface with the ground. Officers consider that a detailed design condition will ensure that the architectural execution of the massing can be delivered.

7.26 The proposed massing across the remainder of the Phase One site is lower and is consistent with the proposed massing of the future masterplan. The proposed 7 storey high block C on High Path will create a strong frontage along High Path. The proposed 4 and 5 storey buildings along Nelson Grove Road and the new north – south mews buildings (blocks D and F) are considered to complement the existing properties (including 68 and 68a Nelson Grove Road). Nevertheless, design officers have requested that the details of the architectural execution of the elevations of block D are conditioned, to ensure that a successful relationship is achieved between the different proportions of the building. In particular, the architectural execution of the massing should be carefully considered, with emphasis on ensuring the

buildings have a successful interface on the ground. The 2 and 3 storey block E buildings respond appropriately to the massing along the existing cul-de-sac Rodney Parade, and are consistent with the proposed massing of the future masterplan. Officers consider that a detailed design condition will ensure that the architectural execution of the massing can be delivered.

- 7.27 Along with details of the elevations of blocks A, B and D as outlined above, samples and details of all facing materials shall be conditioned to be submitted for separate approval, notwithstanding the details submitted as part of the planning application.
- 7.28 In terms of building heights, blocks A and B exceed 30m in height and therefore require an assessment against the criteria set out in Policy 7.7 of the London Plan. London plan policy 7.7 (Location and design of tall and large buildings) states that the location of a tall or large building, its alignment, spacing, height, bulk, massing and design quality should identify with and emphasise a point of civic or visual significance over the whole area from which it will be visible. Ideally, tall buildings should form part of a cohesive building group that enhances the skyline and improves the legibility of the area, ensuring tall and large buildings are attractive city elements that contribute positively to the image and built environment of London.
- 7.29 The application site (and the wider High Path Estate) is located in an Area of Intensification (No.44 London Plan 2016) and in an area with good access to public transport. Policy CS14 of the Council's Core Strategy at paragraph 22.20 that tall buildings may be suitable in areas of the borough where three factors are present: regeneration or change is envisaged; good public transport accessibility; and, existing higher building precedent. Policy EP H8 of the Pre-Submission Estates Local Plan states that taller buildings may be considered appropriate to facilitate intensified use of the site. Such buildings must be located in appropriately and relate well to the surrounding context and public realm, particularly at street level. Policy EP H8 would apply to that part of the application site that will include blocks A and B. As such, it is considered that there is policy support for the provision of tall buildings over 30 metres on the application site, when assessed on these terms outlined above.
- 7.30 In regards to the wider townscape, blocks A and B would sit well when viewed with other taller buildings proposed as part of the wider masterplan. The submitted visual impact assessment with long views shows that blocks A and B would be viewed as a part of the continuation of consistent building heights along the edge of the proposed Park, as part of the masterplan for the whole Estate.

Security

- 7.31 London Plan policy 7.3 aims to ensure that measures to design out

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

7.32 The proposals include indicative security measures and lighting schemes. The details of both the security measures and lighting will be secured by condition. The Met Police are broadly supportive of the proposals and an informative regarding secured by Design accreditation is recommended.

7.33 Standard of Accommodation and Amenity Space

The DCLG guidance Technical housing standards – nationally described space standard (March 2015), the London Plan (2015) (Policy 3.5) and its supporting document, The London Housing Supplementary Planning Guidance 2016 provide detailed guidance on minimum room sizes and amenity space. These recommended minimum Gross Internal Area space standards are based on the numbers of bedrooms and therefore likely future occupiers. As **Appendix A** demonstrates, each flat either meets or exceeds the standards on room sizes and private amenity space.

7.34 Children's Playspace

7.35 Merton's Core Planning Strategy policy CS 13 and The London Plan policy 3.6 require housing proposals to provide play spaces for the expected child population and the Mayor of London's 'Play and Informal Recreation' SPG 2012 provides detailed guidance on this matter. This SPG suggests that new residential development yielding more than 10 children (as determined by the application of GLA child occupancy estimates) should provide suitable playspace as part of the development scheme. It is recommended that the shortfall in overall outdoor amenity space identified should be mitigated by a financial contribution towards improvements to playspace in a local park.

7.36 The submitted plans show that the proposed communal courtyard will provide 610sqm of playspace for under 5's and that the private rear gardens will provide 578.9 sqm. The expected child yield for this scheme has been calculated at 101.2 using the SPG, which would amount to an expected 1,109 sqm provision in accordance with the requirements set out in the GLA's SPG.

7.37 The application site includes an existing formal play area of approximately 1,000 sqm for children aged 0-11 that will be lost to enable the assembly of the site. The applicant has identified through a play strategy that children of all ages currently have access to over

1,350 sqm of existing play space (excluding Marsh Court play area on site). The applicant proposes re-providing the play space lost as a result of the development through:

- i) the provision of play facilities in the proposed new courtyard (overlooked by Blocks A, B, D and F);
- ii) a play facility to the south of the site, fronting High Path and the new north-south mews; and,
- iii) improvements to an existing play space within the applicant's control, at the southern end of Dowman Close.

Officers recommend a suitably worded play space condition that ensures the submission of details, delivery and maintenance of play facilities in the proposed court yard and new park area, and improvements to the existing play space at the southern end of Dowman Close. Officers consider that the combination of the new play facilities and improvements to existing play space is satisfactory and will meet policy objectives.

7.38 Impact upon neighbouring amenity

- 7.39 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.

Daylight, Sunlight and Overshadowing

- 7.40 In support of the application the applicants have conducted a detailed survey and submitted a report that considers the potential daylight, sunlight and overshadowing effects of the proposals on surrounding residential properties. A further addendum to the report was submitted by the applicant in March 2017 entitled 'PRP Architects - Response to Daylight/Sunlight Queries – 7th March 2017. The methodology used follows Building Research Establishment best practice guidance and examines a number of recognized factors including Vertical Sky Components and Average Daylight factors.
- 7.41 The BRE Guide contains two tests, which measure diffuse daylight to windows. The first test is the Vertical Sky Component [VSC] (expressed as a percentage of the sky visible from the centre of a window). Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is less than 27% and 0.8 times its former value.
- 7.42 The second test is daylight distribution; the BRE guide states that where room layouts are known, the impact on the day lighting distribution can be found by plotting the 'no sky line' in each of the main rooms. The no-sky line is a line, which separates areas of the working plane that can and those that cannot have a direct view of the sky. Daylight may be adversely affected if after the development the area of

the working plane in a room, which can receive direct skylight, is reduced to less than 0.8 times its former value.

- 7.43 It should be noted that a sunlight assessment only needs to be undertaken in relation to windows of neighbouring properties, which face within 90 degrees of due south. Sunlight may be affected if after a development the centre of the window receives less than 25% of annual probable sunlight hours and less than 0.8 times its former sunlight hours or it has a reduction in sunlight received amongst the winter months to less 5% of annual probable sunlight hours and less than 0.8 times its former value.
- 7.44 The applicants Daylight Sunlight Overshadowing (DSO) report identifies thirteen properties that are likely to be affected by the development in terms of their daylight and sunlight. Of those properties identified, 59 High Path – Elim Pentacostal Church; 61 High Path – Community Centre and 27 High Path – Wimbledon Probation Service, have not been tested further as they are not in residential use and their expectation of daylight is lower with a reliance upon artificial light to operate. Nos. 68a Nelson Grove, 1-3, 8-10 and 15-17 Tanner House; 8, 10 and Mychell House, and 1-14 Merton Place have not been tested further as these properties do not have windows that overlook the site or that directly face the development.
- 7.45 With respect to the remaining six properties: 50-60 Pincott Road; 1-66 Marsh Court; 1-66 May Court; 68 Nelson Grove Road, 1-8 Rodney Place and 13-16 Rodney Place, the submitted addendum dated 7th March 2017, provides a visual representation of the information presented in the submitted DSO report. The following provides a summary of the daylight access to the nine properties identified above as a result of the proposed development:

50-60 Pincott Road

- 7.46.1 Officers consider that only one window of ten that could be obstructed by the development is marginally below the targets set out in the BRE Guidelines and as such consider the level of impact acceptable.

1-66 Marsh Court

- 7.46.2 Officers consider that following the initial VSC test and further analysis using the No Sky Line, daylight distribution will remain good within all of the rooms once the proposed development is in place.

1-66 May Court

- 7.46.3 After the initial VSC test and further analysis using the No Sky Line, 59 out of 242 (24%) rooms will experience a noticeable impact on daylight availability as a result of the proposed development. Officers consider that whilst this is a significant impact, there are material considerations (detailed below) that relate specifically to the application site (detailed below).

7.46.4 68 Nelson Grove Road

Officers consider that following the initial VSC test and further analysis using the No Sky Line, daylight distribution will remain good within all of the rooms once the proposed development is in place.

7.46.5 13-16 Rodney Place

The results of the VSC test identify that two windows on the side wall of the property would experience a minor adverse and moderate adverse impact on daylight availability. The report assumes that the windows belong to circulation space. Officers consider that whilst this is a negative impact, there are material considerations (detailed below) that relate specifically to the application site.

7.46.6 27 High Path

The results of the VSC test identify that two windows would experience minor to moderate adverse impacts on daylight availability. Officers consider that whilst this is a negative impact, there are material considerations (detailed below) that relate specifically to the application site.

- 7.47 The site is unusually open with an overall low scale of existing development, punctuated by medium rise point blocks, for such an urban location. The submitted DSO report and addendum, identifies that properties in and around the site received unusually high levels of daylight and sunlight for an urban site. The Mayor's Housing SPG acknowledges that a degree of flexibility can be applied when using BRE Guidelines, with guidelines applied sensitively to high density development in opportunity areas, large sites and accessible locations, particularly in central and urban settings.
- 7.48 A further material consideration is that the London Borough of Merton Pre-Submission Estates Local Plan and masterplan proposals for the site envisage the demolition of buildings within and adjoining the application site, including those assessed by the DSO report. Thus, while officers acknowledge the proposals will have an impact on certain flats, unique circumstances arise in this instance that warrant a more flexible approach.
- 7.49 In terms of overshadowing, officers concur with the results of the findings in the DSO report and consider that all of the surrounding gardens and open spaces tested would receive good levels of sunlight with the proposed development in place.
- 7.50 Noise and vibration.
- 7.51 London Plan policy 7.15 seeks to ensure that development proposals manage noise by avoiding significant adverse noise impacts on health and quality of life and mitigate and minimise the existing and potential adverse impacts of noise. The applicant's noise and vibration report notes that glazing and ventilation systems having specific acoustic

attenuation properties will be required to meet design criteria. The submitted noise and acoustic report has been reviewed by the Council's Environmental Health Officers. No objections are raised and suitable conditions are attached as part of the recommendation to this report.

7.52 Construction phase

7.53 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.

7.54 Light spill

7.55 Light spill from the proposal is not expected to be significant given the scheme is residential. However, there is an external amenity space 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.

7.56 Transport, highway network, parking and sustainable travel

7.57 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.

7.58 The London Borough of Merton Transport Planner has reviewed this application, their comments are integrated into the assessment below.

7.59 Vehicle parking provision

7.60 The development would include the re-provision of 18 private on-street car parking spaces that are currently situated on Pincott Road and the provision of 13 further parking spaces, a total of 31 parking spaces, which is well within London Plan parking standards. A total of five disabled parking spaces are proposed. Both the GLA and TFL have requested that from the outset, disabled parking provision matches the number of proposed accessible units (13). However, in this particular instance, the site is a decant development and as such all future

residents and their requirements are known. The disabled parking provision has been calculated to cover these needs. Officers consider that in the unlikely event that a disabled person moves into the development and are not in the receipt of a disabled bay a number of options are available as follows:

- A number of general parking bays will be convertible to disabled specifications; and,
- they are able to request an on street bay within an immediate proximity of their development.

- 7.61 It should also be noted that disabled persons with a blue badge are also eligible to park in resident parking bays and pay and display bays without enforcement action being taken.
- 7.62 The proposed development does not expect to generate new person or vehicle trips as the scheme is a decant development. It is intended that existing residents of the High Path Estate would be transferred into the first phase. Therefore future residents' vehicles are already on the surrounding highway network. Nevertheless, a parking survey has been undertaken in accordance with the Lambeth parking survey methodology which shows at times of peak residential parking demand there is sufficient on street space to accommodate further vehicles. Given the above, it is considered that any impact upon parking pressure in the area would be negligible.
- 7.63 Notwithstanding the acceptability of the development in terms of parking pressure, the applicant has stated that each eligible person will receive a year's free car club membership. Officers consider that the provision of a year's car free membership is not sufficient to facilitate a habitual change to the use of car clubs. Officers consider that three years free membership, funded by the developer through a S106 agreement is an established amount of time to facilitate the habitual change to the use of car clubs. Furthermore, so as to achieve more effective use of available parking and to lessen reliance on individual households having exclusive access to a car, officers recommend restricting future residents from applying for residential parking permits in surrounding Controlled Parking Zones. Transport planning officers have confirmed that residents in adjoining CPZ's are not able to apply for a parking permit in any other CPZ. In addition, officers recommend that a detailed parking management plan should be submitted via condition. The parking management plan should elaborate on the issues raised above and provide a level of expectation management for existing residents of the estate who park around the site at present, future and decant residents.
- 7.64 Delivery, servicing and the highway network
- 7.65 The Transport Statement suggests that in terms of service and refuse generation, the development would only generate a few servicing trips from twice weekly refuse collections and home appliance/courier

deliveries. It is considered that the highway network can comfortably accommodate these vehicles.

- 7.66 It is considered that the new south-north mews road (it would be one-way northbound) is appropriately located and that swept paths show that servicing, delivery and refuse vehicles can enter and exit with no impact on the operation of the surrounding highway network, provided the junction radii's are protected with double yellow lines. Officers consider that a highways condition should ensure that all highways works on private land are completed to an acceptable standard. A dedicated mews street loading area could accommodate larger deliveries (up to 10m heavy goods vehicles).
- 7.67 Given the above, it is considered the development would be acceptable in terms of its impact upon the highway network.
- 7.68 Sustainable Travel
- 7.69 The developer has provided a draft Travel Plan in support of the application. It is considered that it sets out a number of useful measures which can reduce car use and ownership. However, it is recommended to include a condition which would require details of a full Travel Plan for the development.
- 7.70 In accordance with London Plan policy 6.9 and table 6.3, 245 long term cycle storage spaces and 4 short term cycle storage spaces have been provided, which exceed London Plan standards. The spaces are considered to be suitably secure and accessible.
- 7.71 London Plan policy 6.13 requires 1 in 5 (20%) of the parking spaces to be electric charging spaces (both active and passive). No details of electric vehicle charging points have been submitted by the applicant. Officers therefore recommend that a suitable condition is included requiring the submission of details prior to occupation of the development.
- 7.72 Refuse storage
- 7.73 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.
- 7.74 The location of the refuse storage for proposed houses, flats and maisonettes is considered to be appropriate and easily accessible by residents and Council (for collection). The applicant has provided an Operational Waste Management Strategy document that details the proposed waste and recycling storage facilities for Phase One. As such, it is considered that a condition could reasonably be added requiring details of refuse storage to be submitted to, and approved by, Merton Council prior to occupation.
- 7.75 ENVIRONMENTAL IMPACT ASSESSMENT AND SUSTAINABILITY

- 7.76 Environmental Impact Assessment
- 7.77 The application site is more than 1 hectare in area and therefore falls within the scope of Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. A Screening Opinion has been issued to the effect that the application does not need to be accompanied by a separate Environmental Statement.
- 7.78 Sustainability
- 7.79 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan (2016) requires that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the Mayor's energy hierarchy. Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d) requires new developments to make effective use of resources and materials, minimise water use and CO2 emissions.
- 7.80 The applicant's Energy Strategy (September 2016) and Sustainability Statement prepared by PRP Sustainability, demonstrate that the development should achieve a 36% improvement over the 2013 Part L Building Regulations once the scheme is finally connected to a CHP engine. This would meet the sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011) and Policy 5.2 of the London Plan (2015).
- 7.81 The submitted energy strategy identifies that the application is the first part of the wider estate masterplan and, as such, there is a need for the use of interim gas boilers until the energy centre for the larger estate scheme is built out in subsequent phases. Should the wider estate regeneration not proceed the applicant has indicated that a CHP will be included in the proposal site. Officers consider that a suitably worded condition will ensure the delivery of a CHP in the event that the masterplan does not proceed. It is also recommended to include a condition which would require evidence to be submitted to, and agreed by, Merton Council which confirms the development has achieved the carbon savings outlined in the Energy and Sustainability Statement along with water consumption standards not exceeding 105 litres per person per day.
- 7.82 Other matters
- 7.83 Archaeology
- 7.84 The site lies within an Archaeological Priority Zone and as such the application was accompanied by a desk based Archaeological Assessment. Following assessment by Historic England, the Archaeological Assessment is recommended for approval subject to the completion of a field evaluation to determine appropriate mitigation.

Officers therefore recommend that a suitably worded condition should secure a two-stage process of archaeological investigation.

7.85 Biodiversity/Landscaping

7.86 Policy CS13 of the Core Strategy seeks to ensure that new developments incorporate and maintain landscape features such as trees which make a positive contribution to the wider network of open space.

7.87 The methodology, findings and recommendations in the submitted Biodiversity Survey Report are acceptable.

7.88 The proposals present an opportunity to secure net gains in biodiversity on this brownfields site. Chapter 5 of the submitted Design & Access statement provides a detailed landscape strategy. A suitably worded planning condition should deliver a landscape scheme that incorporates the use of native and wildlife friendly species and the provision of bird and bat boxes or tiles to address the recommendations in paragraph 10.1 of the submitted Biodiversity Survey Report to help mitigate effects upon wildlife and ensure the ecological enhancement of the site.

7.89 Officers also recommend a suitably worded condition instructing that any vegetation clearance must be undertaken outside of the breeding season (March-August) and that should any vegetation clearance be undertaken during the breeding season that the applicant appoint a suitably qualified ecologist to undertake a nest survey and submit a report to the Local Planning Authority for approval that lists these nests and proposes mitigation measures to ensure the proposed works do not adversely affect bird nesting on site prior to the commencement of vegetation clearance. This is proposed to ensure there are no adverse effects on bird nesting on site during the breeding season.

7.90 Flooding and contamination issues

Policies DM F1 and DM F2 of Merton's Sites and Policies Plan and policy S.16 of the Core Strategy seek to ensure that development will not have an adverse impact on flooding and that there would be no adverse impacts on essential community infrastructure. The site is located within Flood Zone 1 and is therefore at low risk of flooding from fluvial flooding. A Flood Risk assessment (prepared by Peter Brett Associates) and a site wide drainage strategy (prepared by Ellis Moore) have been submitted in support of the application. An addendum to the site wide drainage strategy (Clarification of Bio Retention Suds and Permeable Paving dated 18 01 2017) was provided by Ellis Moore to address concerns raised in relation to the

provision of SUDS. Officers consider that these concerns have now been addressed.

- 7.91 All forms of flood risk to and from the proposed development have been considered. These include tidal/ fluvial, existing sewers, proposed drainage, overland, infrastructure failure and groundwater. The primary risk of flooding to the site and other areas would be from the proposed drainage network. To mitigate this, the allowable surface water discharge from the site into the public sewer will be limited to as close to greenfield run-off rates as possible. The Environment Agency has specified that there should be no infiltration due to land contamination risks, and subject to condition, officers consider that the drainage design has addressed this. Attenuation in the form of SUDS techniques is provided to accommodate excess surface water up to and including a 1 in 100 year event with a 20% allowance for climate change. The SUDS techniques applicable to this site are buried pipe, permeable paving, green roofs, swales and tree pits. Provided that the mitigation measures proposed are followed it is considered that the development is appropriate from a flood risk perspective.
- 7.92 Air quality.
- 7.93 The NPPF recognises reducing pollution as being one of its core planning principles. It further indicates that LPA's should focus on whether the development is an acceptable use of land, and the impact of the use.
- 7.94 London Plan Policy 7.14 provides strategic guidance specific to air quality. It seeks to minimise exposure to existing poor air quality and make provision to address local problems. This is reflected by local policy, whereby the Core Strategy identifies the strategy to reduce air pollution through Policies CS18-20. The entire borough has been declared as an Air Quality Management Area.
- 7.95 London Plan policy 7.14 requires major developments to be at least air quality neutral and not lead to further deterioration of existing poor air quality, such as in Air Quality Management areas. Based on the comparison between total building emissions and Building Emissions benchmarks the proposed development meets the air quality neutral requirements and no mitigation is required.
- 7.96 Officers recommend that permission is made conditional on the development not commencing until an Air Quality and Dust Management Plan (submitted as part of the Demolition and Construction Management Plan), based on the recommendations set out in the applicant's technical report, has been submitted to and approved in writing to the Local Planning Authority for approval.
- 7.97 Site contamination
- 7.98 Sites and Policies Plan policy DM EP4 states that developments should seek to minimise pollutants and to reduce concentrations to

levels that have minimal adverse effects on human or environment health.

- 7.99 In light of the former commercial uses on part of the application site there is a potential for the site to suffer from ground contamination. Standard 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

8. LOCAL FINANCIAL CONSIDERATIONS

Mayor of London Community Infrastructure Levy

- 8.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy [CIL], the funds for which will be used by the Mayor of London towards the 'CrossRail' project.
- 8.2 The CIL amount is non-negotiable and planning permission cannot be refused for failure to pay the CIL. It is likely that the development will be liable for the Mayoral Community Infrastructure Levy that is calculated on the basis of £35 per square metre of new floor space.
London Borough of Merton Community Infrastructure Levy.
- 8.3 The London Borough of Merton Community Infrastructure Levy applies to the housing elements. This levy is calculated on the basis of £220 per square metre of new floor space for residential floorspace with social housing relief available under Part 6 of the Regulations to the affordable housing element of the scheme.

Planning Obligations

- 8.4 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.
- 8.5 If a planning obligation does not meet all of these tests it cannot legally be taken into account in granting planning permission and for the Local Planning Authority to take account of S106 in granting planning permission it needs to be convinced that, without the obligation, permission should be refused.

Affordable Housing:

- 8.6 Of the 134 units, 80 (59.7% by unit or 58.9% by habitable room) would be affordable housing units, all of which would be for affordable rent. It would be prudent for a legal agreement to ensure that at least 40% of the units be provided as affordable housing with at least 60% providing rented accommodation.

- 8.7 In the event that the wider regeneration of the estate does not go ahead, a S106 agreement would therefore contain a review mechanism and should planning permission for the wider masterplan scheme not be granted by first occupation, a financial viability assessment would be submitted to determine the level of affordable housing that can be provided on site.

Transport, Highways and Public Realm

- 8.8 In this instance an agreement for the developer to provide a 3 year car club membership for future occupants of the development would be secured via a S106 agreement, along with no residential parking permits for residents of the development in adjoining CPZ's and the provision, delivery, monitoring and funding of a Travel Plan.

9. CONCLUSION

- 9.1 The proposals have developed over a considerable period 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 as an integral part of upgrading the environment for the whole of the High Path Estate. Officers consider that the merits of the proposals outweigh harm that might arise and that subject to appropriate S106 obligations including relating to affordable housing, and suitably conditioned the proposals may reasonably be approved.
- 9.2 The application is therefore recommended for approval subject to any direction from the Mayor of London, planning conditions and the completion of a S106 agreement.

RECOMMENDATION

Grant planning permission subject to any direction from the Mayor of London, planning conditions and the completion of a S106 agreement covering the following heads of terms:

1. Delivery of at least 40% of the residential units on the site as affordable housing accommodation (of which will be a minimum of 60% affordable rent); or
2. In the event that the planning permission for the wider regeneration of the High Path Estate is not granted prior to occupation of the Scheme, the delivery of affordable housing based on the outcome of a financial viability assessment.
3. Three years of Car Club membership per household at the applicants cost (excluding homes with on plot parking).
4. Exclusion of new residents from applying for parking permits in surrounding CPZ Zones.
5. The provision, delivery, monitoring and funding of a Travel Plan.
6. The developer agreeing to meet the Council's costs of drafting the Section106 Obligations [£ to be agreed].

7. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [£ to be agreed].

And the following conditions:

1. A.1 Commencement of development for full application
2. A.7 Approved plans; Refer to the schedule on page 1 of this report
3. No development above ground shall take place until detailed drawings, samples and a schedule of all materials to be used on all external faces (including roof) 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 Polices 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 Polices Plan 2014.

5. 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 address the recommendations in paragraph 10.1 of the approved Biodiversity Survey Report (September 2016) and include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, lighting, 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.

- 6 Any vegetation clearance should be undertaken outside of the breeding season (March-August). Should any vegetation clearance be undertaken during the breeding season the applicant shall appoint a suitably qualified ecologist to undertake a nest survey and submit a report to the Local Planning Authority for approval that lists these nests and proposes mitigation measures to ensure the proposed works do not adversely affect bird nesting on site prior to the commencement of vegetation clearance. This is proposed to ensure there are no adverse effects on bird nesting on site during the breeding season.

7 B.4 Surface treatment

- 8 No development shall commence until full details associated with the on-site carriageway and footway arrangements, including full construction details, materials, lighting and drainage arrangements, have been submitted to and approved in writing by the Local Planning Authority. The approved details should be fully implemented in accordance with the approved plans prior to first occupation of the development. Reason. To ensure the safe operation of the carriageway and footway within the development and to comply with policy CS.20 of the Merton LDF Core Planning Strategy (2011).

- 9 Prior to first occupation of the development hereby approved the applicant shall have entered into and completed an agreement under the provisions of the Highways Act with the Local Highways Authority regarding associated footway and highway works. Such works as may be included within the agreement shall be completed before occupation of the development, unless otherwise agreed in writing.

Reason. To ensure the safe and efficient operation of the public highway in accordance with policies CS 20 of the Core Strategy 2011 and DM T2 of the Adopted Merton Sites and Policies Plan 2014.

- 11 D11 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 2011 and policy DM EP2 of Merton's Sites and Polices Plan 2014.

- 12 H6 No development above ground shall commence until details of secure cycle parking facilities for the occupants of, and visitors to, the relevant phase of the development have been submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be installed prior to first occupation and thereafter retained.

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 Polices Plan 2014.

- 13 H8: Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the 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.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2015, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Polices Plan 2014.

- 14 H11: Parking Management Strategy

15 **CO2 emissions**

Subject to completion of the approved energy strategy (i.e. installation of standalone CHP or connection to masterplan heat network) evidence must be submitted to the Local Planning Authority confirming that the development has achieved not less than a 35% improvement on Part L regulations 2013 for CO2 performance.

- 16 Sustainable Design and construction. No part of the development hereby approved shall be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority, confirming that the development has achieved internal water usage rates equivalent to Code for Sustainable Homes Level 4. Reason To ensure that the development achieves a high standard of sustainability and

makes efficient use of resources and to comply with the following Development Plan policies for Merton: Policy 5.2 of the London Plan 2015 and Policy CS15 of Merton's Core Planning Strategy 2011.

- 17 C.6 Refuse and recycling
- 18 Non standard condition; External lighting.
Prior to commencement of development details of external lighting are to be submitted, which clearly demonstrates how the lighting features to be installed meets the principles that are set out in paragraph 5.8 of the submitted Design and Access Statement dated September 2016.
Reason To protect and enhance biodiversity in accordance with policies 7.19 of the London Plan 2015 and CS 13 of the Merton Core Strategy 2011.
- 19 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.
- 20 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.
- 21 No drainage systems for the infiltration of surface water drainage into the ground are 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 Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.
- 22 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 at a discharge rate of no more than 10l/s. 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.

- 23 Non-Standard Condition: The development permitted by this planning permission shall be carried out in accordance with the Ellis + Moore Clarification of Bio Retention Suds and Permeable Paving (2017 01 18). The SuDS measures including permeable paving and green roofs as well as bio-retention SuDS features such as swales and SuDS tree pits, shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure flood risk does not increase offsite in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

- 24 Non-Standard Condition: The development hereby permitted by this planning permission shall ensure that finished floor levels for all residential units shall be set no lower than +250mm above the external ground level.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Merton's policies CS16, DM F1 and the London Plan policy 5.12.

- 25 Non-Standard Condition: The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction

of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the submitted 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.

- 26 Non-standard condition [noise levels plant/machinery]: Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery – including CHP plant - from the residential use shall not exceed LA90-10dB at the boundary with the closest residential property.

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.

- 27 Due to the potential impact of the surrounding locality on the development the recommendations to protect noise intrusion into the dwellings as specified in the Sharps Redmore, Planning Noise Assessment Report dated September 2016 shall be implemented as a minimum standard of mitigation from external noise before occupation of any dwelling.
- 28 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 29 Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme

must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 30 Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 31 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 32 No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period.

The Statement shall provide for:

- hours of operation
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction.
- 33 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

- 34 No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological observation and recording in respect of any anticipated geotechnical site investigation, in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing. The applicant (or their heirs and successors in title) shall implement a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation.
- 35 No development other than demolition to existing ground level shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing. The applicant (or their heirs and successors in title) shall implement a programme of archaeological observation and recording in accordance with a Written Scheme of Investigation.
- 36 The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- 37 Prior to occupation of the development hereby permitted, the applicant shall provide suitable plans to demonstrate 20% provision for charging electric vehicles in line with London Plan (March 2016) requirements, and hereafter shall be kept free from obstruction and shall be retained for parking purposes for users of the development and for no other purpose. To ensure the provision of an appropriate level of car parking and comply with policy CS20 of the Merton Core Planning Strategy 2011, the Mayor of London's Electric Vehicle Delivery Plan and policy 6.13 of the London Plan.
- 38 Non standard condition. Prior to first occupation of any part of the development details of the positioning and operational management of any 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

- 39 H.7 Cycle Parking to be implemented
40 H13 Construction Logistics Plan
- 41 Prior to the occupation of the development, details of the design of the playspace in the proposed courtyard and new play facility to the south of the site (as described in the approved Design and Access Statement September 2016 and identified on the approved Drawing No. 2002 Indicative Landscape Plan (Colour)), its delivery, maintenance and retention and improvements to the existing play space at the southern end of Dowman Close (identified as Site E in paragraph 5.13 of the approved Design & Access Statement September 2016), shall be submitted for approval by the Local Planning Authority and the play space shall be thereafter retained and maintained. Reason; To ensure the provision and retention of suitable children's play space in accordance with the requirements of Merton's Core Planning Strategy policy CS 13 and The London Plan 2015 policy 3.6.

INFORMATIVES:

1. 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.
2. 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.
3. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
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

wwqriskmanagement@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. There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
8. 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.
9. 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. Written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must

be approved by the planning authority before any on-site development related activity occurs.

- 11 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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APPENDIX A ON NEXT PAGE

Appendix A - accommodation and amenity space schedules

BLOCK A				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
A01/1B2P Flat	51.6	50	7.0	5
A02/1B2P Flat	51.7	50	12.9	5
A11/2B4P Flat	71.6	70	7.0	7
A12/2B4P Flat	71.3	70	7.0	7
A13/1B2P Flat	50.9	50	7.5	5
A14/2B4P Flat	71.4	70	7.0	7
A21/2B4P Flat	71.6	70	7.0	7
A22/2B4P Flat	71.3	70	7.0	7
A23/1B2P Flat	50.9	50	7.5	5
A24/2B4P Flat	71.4	70	7.0	7
A31/2B4P Flat	71.6	70	7.0	7
A32/2B4P Flat	71.3	70	7.0	7
A33/1B2P Flat	50.9	50	7.5	5
A34/2B4P Flat	71.4	70	7.0	7
A41/2B4P Flat	71.6	70	7.0	7
A42/2B4P Flat	71.3	70	7.0	7
A43/1B2P Flat	50.9	50	7.5	5
A44/2B4P Flat	71.4	70	7.0	7
A51/2B4P Flat	71.6	70	7.0	7
A52/2B4P Flat	71.3	70	7.0	7
A53/1B2P Flat	50.9	50	7.5	5
A54/2B4P Flat	71.4	70	7.0	7
A61/2B4P Flat	71.6	70	7.0	7
A62/2B4P Flat	71.3	70	7.0	7
A63/1B2P Flat	50.9	50	7.5	5
A64/2B4P Flat	71.4	70	7.0	7
A71/3B5P Duplex	104.3	93	13.8	8
A72/3B5P Duplex	101.7	93	13.1	8
A73/3B5P Duplex	100.1	93	12.6	8
A74/4B7P Duplex	125.3	115	12.9	10
BLOCK B				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
B01/2B3P WCH Flat	72.3	N/A	16.5	6
B02/2B3P WCH Flat	72.3	N/A	16.1	6
B03/1B2P WA Flat	59.5	N/A	7.7	5
B11/2B4P Flat	71.7	70	7.2	7
B12/2B3P WA Flat	71.9	N/A	7.5	6
B13/2B3P WA Flat	71.7	N/A	7.5	6
B14/2B4P Flat	71.7	70	7.0	7
B21/2B4P Flat	71.7	70	7.2	7
B22/2B4P Flat	71.9	70	7.5	7
B23/2B3P WA Flat	71.7	N/A	7.5	6
B24/2B4P Flat	71.7	70	7.0	7
B31/2B4P Flat	71.7	70	7.2	7
B32/2B4P Flat	71.9	70	7.5	7
B33/2B3P WA Flat	71.7	N/A	7.5	6
B34/2B4P Flat	71.7	70	7.0	7
B41/2B4P Flat	71.7	70	7.2	7
B42/2B4P Flat	71.9	70	7.5	7
B43/2B3P WA Flat	71.7	N/A	7.5	6
B44/2B4P Flat	71.7	70	7.0	7
B51/2B4P Flat	71.7	70	7.2	7
B52/2B4P Flat	71.9	70	7.5	7
B53/2B3P WA Flat	71.7	N/A	7.5	6
B54/2B4P Flat	71.7	70	7.0	7
B61/2B4P Flat	71.7	70	7.2	7
B62/2B4P Flat	71.9	70	7.5	7
B63/2B3P WA Flat	71.7	N/A	7.5	6
B64/2B4P Flat	71.7	70	7.0	7
B71/4B7P Duplex	125.8	115	12.9	10
B72/3B5P Duplex	105.1	93	14.1	8
B73/3B5P Duplex	104.8	93	14.1	8
B74/4B7P Duplex	125.8	115	12.9	10

BLOCK C				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
C01/3B5P Flat	91.3	86	31.6	8
C02/2B4P WCH Flat	82.8	N/A	17.6	7
C03/2B4P WCH Flat	82.8	N/A	18.0	7
C04/3B5P Flat	91.2	86	46.9	8
C11/3B5P Flat	88.4	86	8.8	8
C12/2B4P Flat	74.8	70	8.8	7
C13/1B2P Flat	50.0	50	8.6	5
C14/2B4P Flat	74.8	70	8.8	7
C15/3B5P Flat	88.4	86	8.8	8
C21/3B5P Flat	88.4	86	8.8	8
C22/2B4P Flat	74.8	70	8.8	7
C23/1B2P Flat	50.0	50	8.6	5
C24/2B4P Flat	74.8	70	8.8	7
C25/3B5P Flat	88.4	86	8.8	8
C31/3B5P Flat	88.4	86	8.8	8
C32/2B4P Flat	74.8	70	8.8	7
C33/1B2P Flat	50.0	50	8.6	5
C34/2B4P Flat	74.8	70	8.8	7
C35/3B5P Flat	88.4	86	8.8	8
C41/3B5P Flat	88.4	86	8.8	8

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AA4586(PH1) High Path Phase 1

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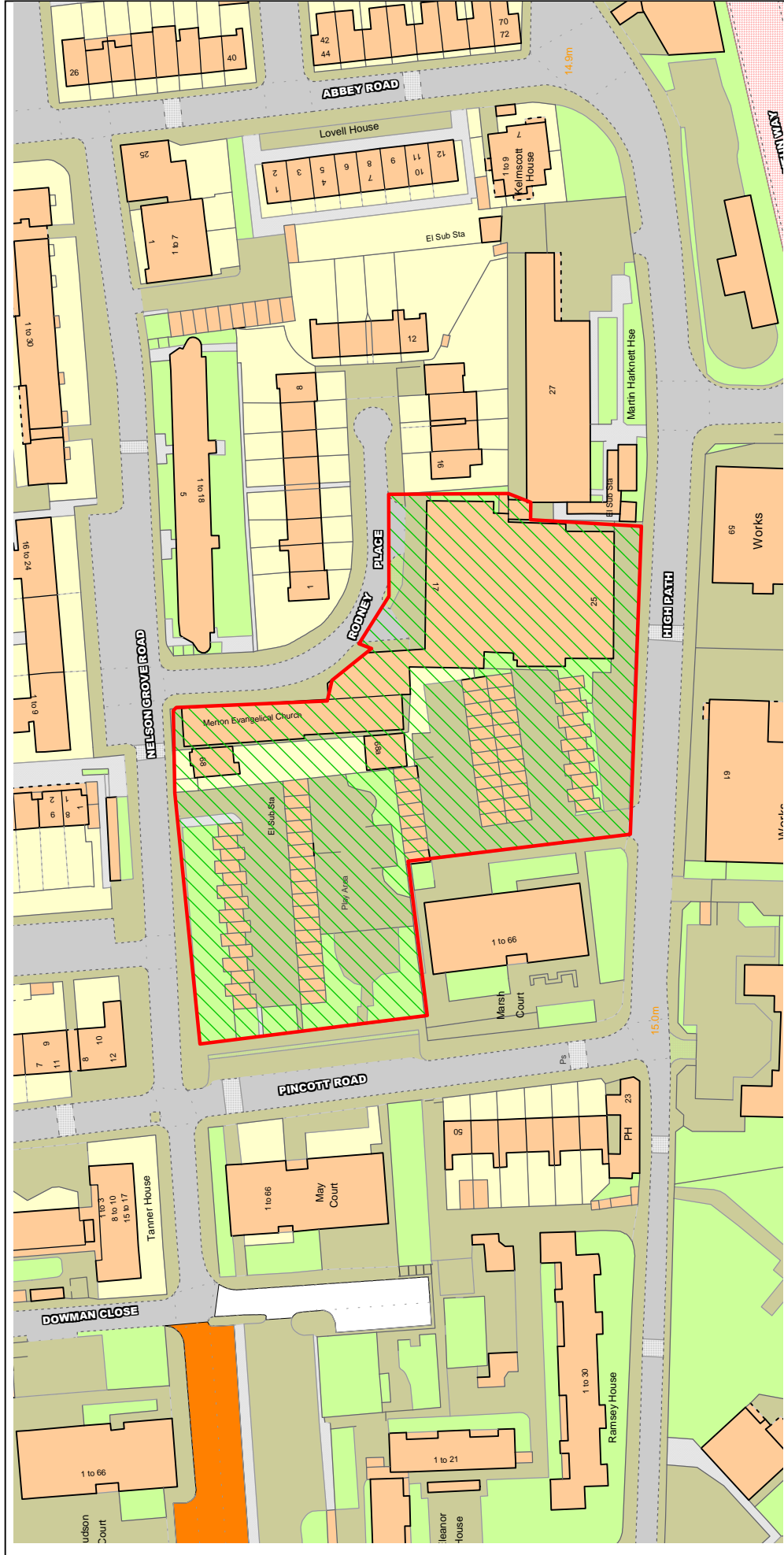
C42/2B4P Flat	74.8	70	8.8	7
C43/1B2P Flat	50.0	50	8.6	5
C44/2B4P Flat	74.8	70	8.8	7
C45/3B5P Flat	88.4	86	8.8	8
C51/3B5P Flat	88.4	86	8.8	8
C52/2B4P Flat	74.8	70	8.8	7
C53/1B2P Flat	50.0	50	8.6	5
C54/2B4P Flat	74.8	70	8.8	7
C55/3B5P Flat	88.4	86	8.8	8
C61/3B5P Flat	93.6	86	15.3	8
C62/1B2P Flat	50.0	50	13.5	5
C63/3B5P Flat	93.6	86	15.3	8

BLOCK D				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
D01/1B2P Flat	52.2	50	5.9	5
D02/3B5P Flat	90.6	86	14.4	8
D03/3B5P Flat	90.6	86	22.3	8
D11/2B4P Flat	74.1	70	7.0	7
D12/3B5P Flat	89.8	86	8.5	8
D13/3B5P Flat	89.8	86	8.5	8
D21/2B4P Flat	74.1	70	7.0	7
D22/3B5P Flat	89.8	86	8.5	8
D23/3B5P Flat	89.8	86	8.5	8
D31/2B4P Flat	74.1	70	7.0	7
D32/3B5P Flat	89.8	86	8.5	8
D33/3B5P Flat	89.8	86	8.5	8
D41/2B4P Flat	73.1	70	7.0	7
D42/3B5P Flat	89.2	86	8.5	8
D43/3B5P Flat	89.2	86	8.5	8

BLOCK E				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
E01/3B6P Townhouse	106.3	108	52.5	50
E02/3B6P Townhouse	106.3	108	53.2	50
E03/3B6P Townhouse	110.8	108	66.9	50
E04/2B4P Townhouse	93.9	79	93.1	50
E05/3B6P Townhouse	109.7	108	88.3	50
E06/2B4P Townhouse	93.9	79	105.6	50
E07/3B6P Townhouse	109.7	108	94.2	50
E08/2B4P Townhouse	93.9	79	112.1	50
E09/3B6P Townhouse	110.8	108	160.0	50

BLOCK F				
Unit Number/Type	GI Floorspace (sq.m)	Policy Standard for x Person Unit	Amenity Space (sq.m)	Policy Standard for x Person Unit
F01/1B2P Flat	52.1	50	18.1	5
F02/2B3P WA Flat	77.0	N/A	15.1	6
F03/3B5P Flat	97.0	86	29.3	8
F11/2B4P Flat	72.4	70	7.8	7
F12/1B2P Flat	51.3	50	6.9	5
F13/1B2P Flat	51.3	50	7.0	5
F14/2B4P Flat	72.9	70	7.0	7
F21/2B4P Flat	72.4	70	7.8	7
F22/1B2P Flat	51.3	50	6.9	5
F23/1B2P Flat	51.3	50	7.0	5
F24/2B4P Flat	72.9	70	7.0	7
F31/2B4P Flat	72.4	70	7.8	7
F32/1B2P Flat	51.3	50	6.9	5
F33/1B2P Flat	51.3	50	7.0	5
F34/2B4P Flat	72.9	70	7.0	7
F41/3B5P Flat	89.7	86	34.6	8
F42/3B5P Flat	87.8	86	36.7	8

NORTHGATE SE GIS Print Template



Text Details **25 High Path**

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**PLANNING APPLICATIONS COMMITTEE
16 MARCH 2017**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4855	15/12/16
Address/Site	Land Adjacent to Railway Bridge near 314 Kingston Road, SW20
Ward	Merton Park
Proposal:	Installation of two charge points with feeder pillar and two designated electric vehicle parking spaces (Retrospective application).
Drawing Nos	SL-002 Rev B
Contact Officer:	Mark Brodie (8545 4028)

RECOMMENDATION

GRANT Planning Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- No
- Site notice- No
- Design Review Panel consulted-No
- Number neighbours consulted – 10
- External consultants: None
- Number of jobs created: n/a
- Archaeology Priority Zone: yes
- Conservation Area – 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 Pavement and two on-road parking bays located on the south side of Kingston Road adjacent to and partially under the existing railway bridge

between 312 and 314 Kingston Road and adjacent to existing access road serving a warehouse at r/o 304 – 312 Kingston Road.

3. **CURRENT PROPOSAL**

- 3.1 Retrospective planning permission is sought for the installation of two electric charge points with standard foundations in association with the use of two of the four existing vehicle bays for electric charging purposes. The charge points are of the following dimensions 1.28 metres high and 308mm width, 382 mm wide including connector. In addition to the charging points a feeder pillar with dimension of 1.27 metres and 380 mm wide has been installed.

4. **PLANNING HISTORY**

- 4.1 None

5. **CONSULTATION**

- 5.1 The application has been advertised by site notice and letters of notification to occupiers of 10 neighbouring properties. 1 objection/petition signed by seven businesses from :-

Wimbledon Chase Business Association – Work has already been carried out by the contractors in two of the four free parking bays. Parking is already in short supply for our customers and to lose the two bays closest to our shops is a trading disaster. We suggest that these should be relocated to spaces less frequently used by our clients and customers. Would appreciate if these electric charge points can be relocated to a more suitable position, especially as they have been installed without consultation or waiting for the planning application to be granted.

- 5.4 Transport Planning & Projects Officer No objection. The charging infrastructure does not obstruct pedestrian passage along the footway. The conversion of the existing parking bay to electric charging bays will not impact on parking on the surrounding area. It is considered that at peak times of retail related parking demand there will be sufficient space to cater on this section of Kingston Road and the surrounding highway network there is sufficient on street parking opportunities to cater for the existing level of parking demand.

6. **POLICY CONTEXT**

- 6.1 Adopted Merton Core Strategy (July 2011)

CS14 (Design).

CS15 (Climate Change)

- 6.2 Sites and Policies Plan (July 2014)

DM D2 (Design Considerations in all Developments);

DM T1 (Support for sustainable transport and active travel)

- 6.3 The London Plan (March 2015)

5.2 (minimizing carbon dioxide emissions).

7.14 (improving air quality)

7. PLANNING CONSIDERATIONS

- 7.1 The main planning considerations concern design, impact on the streetscene, the promotion of sustainable transport and the availability of on street parking
- 7.2 The parking bays are sited next to a wide section of pedestrian walkway, on which there are a number of trees and street furniture elements such as BT cabinets and lamp post. As specified, the charging points and feeder pillar are not of a scale that would be oversized or out of keeping with other objects or the surrounding area overall. As such, it is considered that the charging points do not constitute a form of street clutter resulting in visual intrusion.
- 7.3 The charging points do not appear to have an adverse impact in terms of pedestrian and vehicular circulation. Although there appears to be no direct CCTV surveillance there are good opportunities for natural surveillance from passers by. The applicant has indicated that measures are in place to ensure regular maintenance (every 14 days) and inspections and quick responses to carry out repairs as needed. As such it is not considered that there are specific concerns with regard to security of upkeep of the installations
- 7.4 Core strategy Policy CS15 Climate Change seeks to make Merton a municipal leader in improving the environment, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively. London Plan policy 7.14 acknowledges the importance of improving air quality and encourages planning policies to achieve reductions in pollutant emissions. The installation is consistent with Merton policy objectives in the promotion of sustainable transport and are consistent with the wider aims of the London Plan.
- 7.5 It is acknowledged that some local businesses have expressed concern at the loss of two of the existing four, free, on-street parking spaces on this side of Kingston Road. However, these are parking spaces that serve the community as a whole and are not for the exclusive use of customers of surrounding businesses. Nor is there any reason why these businesses should not benefit from users of the charging bays. There are also opportunities for “free” parking in several locations in close proximity including the two adjacent parking bays, three spaces outside the co-op at 288 Kingston Road, four bays outside 409 to 415 Kingston Road and six pay and display bays outside 393 to 407 Kingston Road.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

- 9.1 Officers consider that the proposal is consistent with local and metropolitan planning policies and will serve to promote sustainable transport and reduce emissions.

RECOMMENDATION

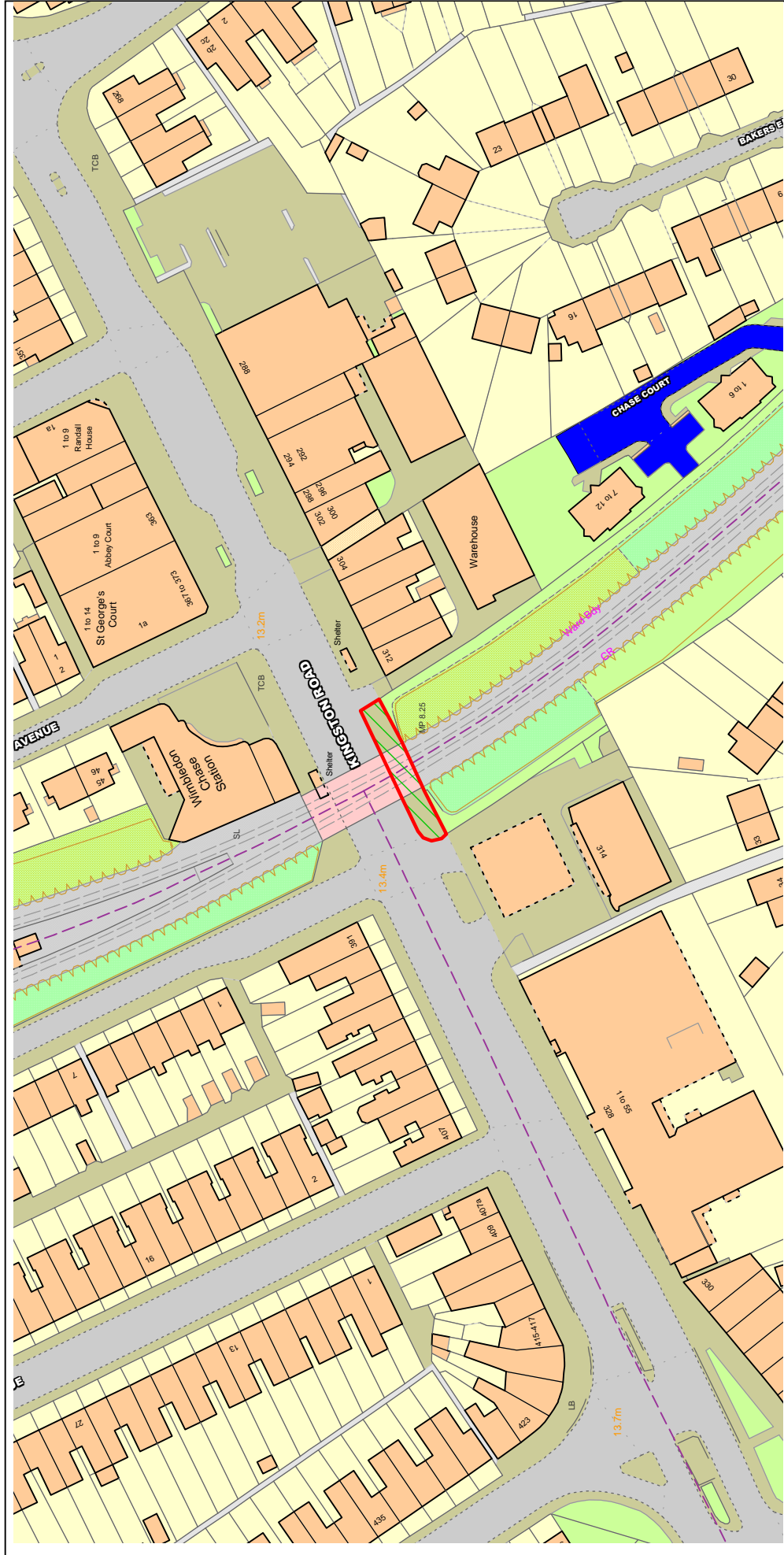
GRANT PLANNING PERMISSION

- A.7 Approved Drawings

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

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PLANNING APPLICATIONS COMMITTEE 16 MARCH 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P0965	02/03/2016
Address/Site	8 Lake Road, Wimbledon SW19 7EL
Ward	Hillside
Proposal:	Demolition of existing buildings and erection of two blocks of flats comprising 26 residential units, together with associated parking and landscaping.
Drawing Nos	297 (08) 003E, 004E, 005D, 006D, 007D, 008D, 009D, 010D, 011D, 013D and Design and Access Statement, Arbouricultural Report, Arbouricultural Method Statement, Townscape and Visual Appraisal and Transport Statement
Contact Officer:	Richard Allen (8545 3621)

RECOMMENDATION

GRANT Planning Permission subject to S106 Agreement and conditions

CHECKLIST INFORMATION

- Heads of agreement: Yes
- 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 –
- 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.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises 0.32ha of land currently accommodation 14 maisonettes arranged in three separate blocks known as 1 -14 Wood Lodge. The existing buildings are two storeys in height, with two blocks fronting Lake Road and a third block towards the centre of the site. At the rear of the site are two blocks of garages. Between the existing buildings there are areas of grass and planting. There are a group of mature trees on the site frontage. The application site is adjacent to the boundary of the Merton (Wimbledon Hill Road) Conservation Area. To the south west of the application site are numbers 6 and 7 Lake Road which are semi-detached Victoria properties that are locally listed along with number 10 Lake Road to the north east of the application site.

3. **CURRENT PROPOSAL**

- 3.1 The current proposal involves the demolition of the existing buildings and the erection of two blocks containing 26 apartments together with associated access road parking and landscaping.
- 3.2 **Block 'A'**
Block 'A' would be located on the site frontage and would be 32 metres in width and between 20-32 metres in length. Block 'A' would have a flat roof and have an overall height of 13 metres. The building would be sited between 10.2 and 15 metres back from the Lake Road frontage and would be sited 5.3 metres away from the boundary with the adjacent access road to Helme Close and would be sited between 3.6 and 6 metres from the boundary with 7 Lake Road. Internally, Block 'A' would comprise 16 x two bedroom flats and 3 x three bedroom flats arranged over ground, first, second and third floor levels.
- 3.3 **Block 'B'**
Block 'B' would be 22 metres in width and be between 16.5 -18 metres in length and have a flat roof with an overall height of 9.5 metres. Block 'B' would be sited 10 metres away from the boundary with 1 Helme Close and would be between 5 -6 metres away from the boundary with 7 Lake Road and there would be a minimum of 20 metres separation between Block 'A' and Block 'B'. Internally Block 'B' would comprise 4 x two bedroom flats and 3 x three bedroom flats arranged over ground, first and second floor levels.
- 3.4 Access to the site would be from Lake Road and underground parking for 18 cars would be provided beneath Block 'A' with two disabled parking bays provided on the site frontage. Electric vehicle charging points would be provided by parking bays beneath Block 'A'. Secure cycle parking would be provided for 30 cycles beneath Block 'A' and 12 cycle space provided within a pavilion at the rear of Block 'B'.
- 3.5 A contemporary design approach has been adopted for the proposed development, with the buildings constructed of facing brickwork with large

areas of glazing, timber clad panels and white render to the upper parts of the buildings to provide visual contrast.

4. **PLANNING HISTORY**

4.1 In July 2015 a pre-application meeting was held to discuss the redevelopment of the site for residential purposes (LBM Ref.15/P2191/NEW).

5. **CONSULTATION**

5.1 The application has been advertised by site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 14 of objections have been received. The grounds of objection are set out below:-

- The proposal represents over development of the site.
- The proposals are out of proportion for the area in terms of their size and height.
- Many of the apartments would overlook neighbouring gardens and result in both loss of light and privacy.
- The design of the buildings is not appropriate for the area which directly adjoins the Wimbledon Hill Road Conservation Area.
- The proposal doubles the height of buildings on the site and is inappropriate and would be intrusive to residents of Helme Close.
- A two storey development with no underground parking and more amenity space would be more appropriate.
- Block 'B' will result in the loss of existing green space.
- The increase in the number of residents will lead to more traffic and congestion in the area.
- The car parking provision is not sufficient for the number of flats proposed.
- Although there are some interesting modern buildings in the area the design is not in keeping with the locally listed buildings nearby.
- Construction works will cause noise and nuisance and disruption to traffic.

5.2 **Wimbledon Society**

The Wimbledon Society state that the application seeks to demolish the existing 2 and 3 storey buildings and replace them with blocks of flats comprising at the front a four storey building with underground parking and a three storey block at the rear with access road. Wimbledon Hill Road Conservation area adjoins the site. The locally listed properties 6, 7 and 10 on either side of 8 are heritage assets. There is a requirement in (policy) DM D4b that developments affecting the setting of a heritage asset should conserve/enhance the asset. The proposed glass atrium to Block 'A' does little to reduce the uniformly massive appearance of the frontage. It is perceived as having an inappropriate scale compared to the heritage buildings to the north and south and is considered to be over development. The proposed four storeys of Block 'A' are too high, and should have one floor removed in order to relate the eaves line to the eaves line of other properties. In addition the building line of Block 'A' projects too far forward relative to the

locally listed numbers 6, 7 and 10 and contributes to the loss of trees and adversely affects these properties. The green space in the proposal is minimal and could be improved by a better layout. The creation of a front garden would improve the outlook from the flats and omitting the road in the rear half of the site (which only serves six cars) would avoid the noise and security problems near the private rear gardens of other properties as requires by policy DM D1 (para 6.7). Having only one vehicle entry down the side of the site, would create more street side greenery, giving a far better outlook from the flats. Policy DMD2A (v) regarding privacy, sets out a recommended 20 metres between blocks of two storeys, with an additional approximate 3 storeys per each additional storey. There is a current distance of 17 metres between the blocks which results in overlooking. Merton's policy DMD2 (b and c) requires that any basement development should be accompanied by a study of the impact of the scheme on local drainage. The scheme as submitted would benefit from the submission of a hydrological survey.

5.3 Tree Officer

The Tree Officer has no objections to the proposed scheme provided that the existing trees are protected during the course of site works.

5.4 Transport Planning

The application site is within PTAL 5 and therefore has good access to public transport. The application site is also within a controlled parking zone with restricted parking on Monday to Saturday 08.30-18.30.

5.5 Amended Plans

In response to concerns raised by offices the design of the proposed development was amended. The number of units reduced from 29 to 26 units and the flank wall of Block 'A' moved away from the boundary with 7 Lake Road. The upper floor of the building has also be set back from the front, side and rear elevations. Block 'B' has also been moved away from the boundary with 1 Helme Close. A reconsultation has been undertaken and a further two letters of objection have been received. The grounds of objection are set out below:-

- The proposed amendments have not addressed the concerns of neighbours regarding the scale of the development.
- The development resembles a commercial development and is not in keeping with the area and a four storey block with its extensive frontage will dominate the surrounding area and destroy the charm and character built up over the decades.
- The development will substantially increase the number of residents and this will lead to an increase in traffic congestion in Lake Road.
- Increasing the number of residents will increase pressure on local services and schools.
- The amendments are minimal and the proposal is still an overdevelopment of the site.
- The proposed mix of units does not comply with the housing need for well designed, three bedroom dwellings. The current scheme proposes only six 3 bedroom units and twenty 2 bedroom flats.

- The proposal fails to provide affordable housing.
- The amended design is still a considerable increase in scale of development and would affect the outlook and privacy to 2 Helme Close.
- There have been minimal changes to the fenestration of the three storey block and will still affect the amenities of residents in Helme Close.
- The flat roofed design of the blocks will have a negative impact upon the adjacent conservation area and will appear incongruous next to the locally listed buildings at 6 and 7 Lake Road.

6. **POLICY CONTEXT**

6.1 Adopted Merton Core Strategy (July 2011)

CS6 (Wimbledon Town Centre), CS8 (Housing Choice), CS9 (Housing Provision), CS11 (Infrastructure), CS13 (Open Space), CS14 (Design), CS15 (Climate Change), CS16 (Flood Risk Management), CS20 (Parking, Servicing and Delivery).

6.2 Sites and Policies Plan (July 2014)

DM H2 (Housing Mix), DM H3 (Affordable Housing), DM O2 (Nature Conservation, Trees, Hedges and Landscape Features), DM D2 (Design Considerations in all Developments), DM D4 (Managing Heritage Assets), DM F1 (Support for Flood Risk Management), DM F2 (Sustainable Urban Drainage Systems (SUDS)), DM T1 (Support for Sustainable Transport and Active Travel), DM T2 (Transport Impacts for all Development), DM T3 (Car Parking and Servicing Standards),

6.3 The London Plan (March 2015)

The relevant policies within the London Plan are 3.3 (Increasing London's Housing Supply), 3.4 (Optimising Sites Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 3.12 (Negotiating Affordable Housing), 3.14 (Existing Housing), 5.2 (Minimising Carbon Dioxide Emissions), 5.3 (Sustainable Design and Construction), 6.9 (Cycling), 6.13 (Parking), 7.4 (Local Character), 7.6 (Architecture), 7.8 (Heritage Assets and Architecture), 7.21 (Trees and Woodlands) and 8.2 (Planning Obligations).

6.4 Supplementary Planning Guidance

New residential Development (1999), Design (2004), Planning Obligations (2006) and the Wimbledon Hill Road Conservation Area Character Assessment.

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern demolition of existing buildings, design, standard of residential accommodation, neighbour amenity, parking, trees, sustainability and developer contributions.

7.2 Demolition of Existing Buildings

The existing buildings are of little architectural merit and there are no objections to the demolition of the existing buildings on the site. The application site is not within a conservation area so there is no requirement to justify demolition in terms of policy DM D4.

7.3 Design Issues

Policy CS14 (Design) of the Adopted Merton Core Planning Strategy (2011) and policies DM D2 (Design Considerations in all Developments) and DM D4 (Managing Heritage Assets) of the Adopted Merton Sites and Policies Plan (2014) are the relevant policies relating to design. Policy DM D2 states that proposals for all development should relate positively to the siting, rhythm, scale, density, proportions and height, materials and massing of surrounding buildings. In this instance the application proposes two blocks of flats of contemporary design. Although a four storey building is proposed for the site frontage, the adjacent buildings at 7 and 10 Lake Road are large Victorian villas and the overall height of the proposed frontage building would be lower than the ridge heights of each of these properties. Numbers 7 and 10 Lake Road are both locally listed buildings and the design of block 'A' (the frontage building) was amended to increase the separation distance between 7 Lake Road and the flank wall of block 'A'. The rear section of the flank wall of block 'A' has also been 'set back' to reduce the visual impact of the side elevation of block 'A' when viewed from 7 Lake Road. The upper floor of block 'A' has also been set back from each elevation and would be faced in white render which combined with glazed areas would have a lightweight appearance.

7.4 Block 'B' would be three storeys in height and would be sited towards the rear of the site and would also have the upper level set back from each elevation. The flank wall of block 'B' would be sited 10 metres away from the boundary with 1 Helm Close and windows at first and second floor level would be obscure glazed. A contemporary design approach has been adopted for the proposed development and the main parts of the buildings would be faced in brickwork, with an emphasis on large glazed openings with slim line metal framed windows. Areas of timber cladding would be incorporated into the facades to provide variation and interest, with the upper parts of the buildings faced in white render. It should be noted that there is a variety of architectural styles in the vicinity of the application site and the site itself is not within a conservation area. The amended design of the proposed buildings is considered to be appropriate for this site and adequate separation distances would be maintained between the proposed buildings and neighbouring properties. Existing trees would be retained on the site frontage and additional planting would enhance the frontage, whilst at the rear of the site additional landscaping would replace the existing garages and hard surfacing thereby improving the outlook from properties in Helm Close. It is considered that the scale and massing of the development is appropriate for this site and that the proposal would not adversely affect the setting of the locally listed buildings at 7 and 10 Lake Road. The proposal is therefore considered to be acceptable in terms of policies CS14, DM D2 and DM D4.

7.5 Standard of Residential Accommodation

The proposal involves the provision of 26 flats within two blocks. The mix of units and room sizes is set out below:-

Block A		
Flat Type	GIF Area	London Plan
3 Bed, 6 Person	147m ²	95m ²
3 Bed, 6 person	146m ²	95m ²
3 Bed, 6 Person	146m ²	95m ²
2 Bed, 4 Person	108m ²	70m ²
2 Bed, 4 Person	78m ²	70m ²
2 Bed, 4 Person	86m ²	70m ²
2 Bed, 4 person	101m ²	70m ²
2 bed, 4 Person	108m ²	70m ²
2 bed, 4 Person	78m ²	70m ²
2 Bed, 4 Person	85m ²	70m ²
2 Bed, 4 Person	113m ²	70m ²
2 Bed, 4 Person	108m ²	70m ²
2 Bed, 4 Person	78m ²	70m ²
2 Bed, 4 Person	85m ²	70m ²
2 Bed, 4 Person	113m ²	70m ²
2 Bed, 4 Person	106m ²	70m ²
2 Bed, 4 Person	114m ²	70m ²
2 bed, 4 Person	83m ²	70m ²
2 Bed, 4 Person	75m ²	70m ²

Block B		
Flat Type	GIFI	London Plan
3 Bed, 6 person	153m ²	95m ²
3 Bed, 6 Person	145m ²	95m ²
3 Bed, 6 Person	146m ²	95m ²
2 Bed, 3 Person	65m ²	610m ²
2 Bed, 3 person	64m ²	61m ²
2 Bed, 3 Person	67m ²	61m ²
2 Bed, 3 Person	67m ²	61m ²

The room sizes of the proposed flats all exceed the minimum requirements of the London Plan and the internal layout of the units is also considered to be acceptable.

7.6 Neighbour Amenity

As submitted Block 'A' had a large flank wall adjacent to the boundary with 7 Lake Road and Block B was sited closer to the boundary with Helme Close with refuse storage and parking adjacent to the boundary with Helme Close. Windows within the side elevation of Block B, although angled were also close to the boundary with 1 Helme Close. The amended proposal has resulted in the side elevation of Block 'A' being repositioned and set back at the rear to

increase the separation distance between the flank wall of the proposed building and 7 Lake Road in order to preserve a sense of space between buildings. The upper floor of Block 'A' has also been set back from the front, side and rear elevations so as to reduce the bulk of the proposed building. Block 'B' at the rear of the site has also been repositioned and the flank wall of the building is now 10 metres away from the boundary with 1 Helme Close and main windows provided within front and rear elevations. Windows within the side elevation of Block B would be obscure glazed at first and second floor levels. The refuse store adjacent to the boundary with 1 Helme Close also also been relocated and space provided for additional tree planting adjacent to the boundary with 1 Helme Close. The revisions to the design of the buildings have addressed issues relating to potential overlooking and/or loss of privacy and the proposal is now considered to be acceptable in terms of policy DM D2.

7.7 Parking

The proposed development would provide 18 car parking spaces (including 1 disabled space at basement level) and toe disable parking spaces within the front curtilage of the site. Secure cycle parking would also be provided for 42 cycles. 30 spaces would be provided beneath Block 'A' and 12 spaces within a pavilion to the rear of Block 'B'. Although objections have been received in respect of a potential increase in vehicle movements, the rear of the site is currently occupied by 14 garages in two blocks, with the access road and turning area at the rear of the site. The proposed development would remove the garages and the access road and turning area removed from the rear of the site and replaced by Block B, comprising 7 flats. The proposal would therefore result in the removal of part of the access road adjacent to number 1 Helme Close and removal all vehicle movements from the rear of the site and replace the existing hard surfacing with landscaped grounds. The proposal is therefore considered to be acceptable in terms of polices CS20 and DM T3.

7.8 Trees

The council's tree officer has examined the proposal and has no objections to the proposed development subject to tree protection and landscaping conditions being imposed on any grant of planning permission. The proposal is therefore acceptable in terms of policy DM O2.

7.9 Sustainability Issues

In terms of sustainability, there is scope to incorporate photo voltaic panels on the roofs of buildings and incorporate a rainwater harvesting scheme. Permeable paving and surface water attenuation tank will also contribute to sustainable drainage. Electric car charging points are also provided within the underground car park. It is considered that these measures are acceptable and that the proposal complies with the requirements of policies CS15 and DM F2.

7.10 Developer Contributions

The proposal involves the redevelopment of the site by the erection of two residential blocks containing 26 flats and affordable housing would therefore

be required. Policy CS8 of the Adopted Merton Core Planning Strategy requires that for a development of 26 dwellings a 40% affordable housing provision is required and the policy stipulates that only in exceptional circumstances will the Council consider off-site provision or financial contributions. Where a developer contests that it is not viable to provide affordable housing, the onus is on the applicant to demonstrate the maximum amount of affordable housing that could be viably achieved. This should be achieved through an open book approach, and the applicants are required to submit all inputs and assumptions used to assess the viability of the proposed scheme. In this instance the developer contests that there is a viability issue with providing either providing affordable housing on-site or off-site as part of this development. A viability report in line with the requirements of policy CS8 and the provisions of the national planning policy Framework and Nation Planning Policy Guidance has been submitted with the application. The viability report concluded that the scheme is not viable under any scenario to provide affordable housing either on site or thorough a contribution. However, the application makes a commitment to affordable housing policy through a reduction to overall profit level and therefore a financial contribution is proposed secured through a S.106 Agreement.

- 7.11 The applicants Financial Appraisal has been independently audited and the consultant appointed by the local Planning Authority has considered the applicants appraisal and concluded that the Council should not be seeking any on-site affordable housing from this development. However, the Council should look to seek and off-site contribution for affordable housing of £139,427. The applicant would also be subject to both the Merton CIL and the Mayor of London's CIL.

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

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

9. **CONCLUSION**

- 9.1 The proposed development would result in the provision of 26 residential flats in an area with good public transport accessibility. The design of the proposed buildings is considered to be acceptable and the proposal would not affect neighbour amenity. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. The developer making a financial contribution towards affordable housing in the borough.
2. The development being designated 'permit free'.
3. The developer 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 Drawings)
3. B.1 (Approval of Facing Materials)
4. B.4 (Details of Surface Treatment)
5. B.5 (Details of Boundary Treatment)
6. C.4 (Obscure Glazing – Windows to first and Second floor (south west) Elevations in Block A and first and second floor (side) elevations to Block B)
7. C.6 (Refuse and Recycling (Details to be Submitted))
8. C.8 (No Use of Flat Roof)
9. C.9 (Balcony Screening)
10. D.9 (External Lighting)
11. D.11 (Construction Times)
12. F.1 (Landscaping Scheme)
13. F.2 (Landscaping Implementation)
14. F.3 (Tree Survey Required)
15. F.5 (Tree Protection)
16. F.8 (Site Supervision –Trees)

17. The details of measures for the protection of the existing trees as specified in the approved document 'Arbouricultural Report to BS5873:2012' reference AWA1429 dated September 2015 and the 'Arbouricultural Method Statement' reference No297(100)03 B and dated 25/02/2016 including the drawing titled: 'Tree Protection Drawing' numbered (03)013 Rev.B shall be fully complied with. The methods for the protection of the existing trees shall follow the sequence of events as set out in the document.

Reason for condition: To protect and safeguard the existing trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014'.

18. H.4 (Provision of Parking)
19. H.6 (Cycle Parking – Details to be Submitted)
20. H.9 (Construction Vehicles)
21. H.10 (Washdown Facilities)
22. Prior to commencement of development a Basement Construction Method Statement shall be submitted to and be approved in writing by the Local planning Authority. The basement shall be constructed in accordance with the approved details.

Reason for condition: In the interest of neighbour amenity and to comply with policy DM D2 of the Adopted Merton Sites and Policies Plan (July 2014).

23. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. 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. 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 (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

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

24. No development approved by this permission shall be commenced until a scheme to reduce the potential impact of water ingress both to and from the proposed development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall address the risks both during and post construction, as highlighted in the submitted Basement Impact Assessment and Construction Method Statement. This will be informed by site specific ground investigation, baseline and ongoing monitoring of ground water levels after completion of works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the risk of ground water ingress to and from the development is managed appropriately and to reduce the risk of flooding in compliance 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 policies DM D2 and DM F2 of Merton's Sites and Policies Plan 2014.

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

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

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NORTHGATE SE GIS Print Template



Text Details **8 Lake Rd**

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PLANNING APPLICATIONS COMMITTEE
16 March 2017

APPLICATION NO. **DATE VALID**
16/P4780 12/12/2016

Address/Site: **183 Streatham Road, Mitcham, CR4 2AG**

Ward **Graveney**

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.**

Drawing Nos: **SR/C2; SR/C3; SR/C4; SR/C5; SR/C6; SR/C7; SR/C8; SR/C9; SR/C13**

Contact Officer: **Jonathan Siotas (020 8545 3707)**

RECOMMENDATION
GRANT PERMISSION SUBJECT TO CONDITIONS.

CHECKLIST INFORMATION

- Heads of agreement: n/a
- 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 at the request of Councillor Kirby and due to the nature and scope of objections received.

2. SITE AND SURROUNDINGS

- 2.1 This application relates to a two storey mid-terrace building which comprises office space (Use within Class A2 – Financial and professional services) and an entrance and kitchen for residential accommodation. The first floor comprises three bedrooms and a bathroom. The site has rear garden which includes a sub-station and a garage which can be accessed from a rear laneway.
- 2.2 The site forms part of terrace with commercial premises at the ground floors and residential accommodation in the first floor. The wider locality is generally characterised by rows of residential buildings. To north of the site on the corner of Streatham Road is a four storey residential building with the ground floor occupied by a Tesco Express and flats on the upper floors.
- 2.3 The site is not located within a Conservation Area nor a Controlled Parking Zone. The site does not have any other planning designations.

3. CURRENT PROPOSAL

- 3.1 This application proposes a basement extension which will include a light well at the front and rear, a ground floor rear extension, rebuild of the garage, the formation of a new party wall with 185 and the alteration to the entrance of the building.
- 3.2 The basement extension would include a playroom/media room, guest room, lounge room, a room which contains a pumping system and WC. The basement would extend under the whole footprint of the existing building and project forward underneath the forecourt to the premises. A lightwell at the front is proposed to provide light to the play room and would be topped by a fixed grille. The guest room and lounge room at the rear would have access onto a rear lightwell.
- 3.3 The single storey rear extension would be 5.2m long and have a flat roof. The rear extension would comprise a living and dining area for the residential unit. A total of 24.3sqm of office space will be retained. The rear elevation at the first floor of the existing building would have French doors installed from one of the bedrooms to provide access out onto the roof. Drawings are annotated to the effect that access would be for maintenance. The footprint of the first floor is not being extended.
- 3.4 The alterations to the ground floor frontage would result in the existing porch being filled in so that the door aligns with the front window of the office. There will be a communal hallway providing separate access to the office and also the residential unit.

4. PLANNING HISTORY

- 4.1 15/P4683 - APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE IN RESPECT OF THE PROPOSED ERECTION OF A REAR ROOF EXTENSION AND INSTALLATION OF 2 x ROOFLIGHTS TO FRONT ROOF SLOPE. – withdrawn by applicant
- 4.2 16/P0505 - ERECTION OF A REAR ROOF EXTENSION AND INSTALLATION OF 2 x ROOFLIGHTS TO FRONT ROOF SLOPE. – granted permission on 23/3/2016. At the time of this application works had not commenced.
- 4.3 16/P2306 - EXCAVATION OF BASEMENT TO CREATE 3 BED UNIT, ERECTION OF A SINGLE STOREY REAR EXTENSION WITH ROOF TERRACE, ERECTION OF SINGLE STOREY OUTBUILDING WITH ROOF TERRACE ABOVE, BRIDGE LINKING ROOF TERRACES AND ALTERATIONS TO FRONT ELEVATION. – withdrawn by applicant.

5. POLICY CONTEXT

- 5.1 London Plan 2015;
6.13 (Parking),
7.4 (Local character),
7.6 (Architecture)
7.15 (Noise).
- 5.2 Merton Sites and Policies Plan July 2014 policies;
DMD2 (Design considerations in all developments),
DMD3 (Alterations and extensions to existing buildings)
DMEP2 (Reducing and mitigating noise)
- 5.3 Merton Core Strategy 2011 policy:
CS14 (Design)

6. CONSULTATION

- 6.1 Public consultation was undertaken by letters sent to neighbouring properties and a site notice.
- 6.2 Two letters of objection were received which raised the following concerns:
- Insufficient on street parking.
 - Over-occupancy of development would be un-neighbourly.
 - Extension granted under 16/P0505 not shown on plans.
 - Basement could cause structural issues.
 - Over occupancy would cause noise pollution.
 - The rear outbuilding is excessive for this development.
 - Rear extension will be incongruous to the character and appearance of area.
 - The pumping system in the basement will have a detrimental impact on neighbouring amenity due to noise generated.

7.0 PLANNING CONSIDERATIONS

- 7.1 The main considerations for this application are the principle of a reduced office and an enlarged residential unit, design and appearance, the impact on neighbour amenity, the impact of the basement, impact on traffic and parking.

Principle of Development

- 7.2 While Merton's Sites and Policies Plan policy DM.E3 seeks to resist the loss of scattered employment sites the focus of this policy is on safeguarding premises or land that operate within Classes B1 (office light industrial, and research), B2 (general industrial) and B8 (storage and distribution). The reduction in floorspace for the A2 use does not conflict with adopted policy and retains a commercial presence on the Streatham Road frontage.
- 7.3 The proposal would significantly enlarge the existing residential accommodation and introduce a number of additional rooms primarily within a new basement. Representations raised concerns that this proposal could create new residential units on the site. While it is recognised that this proposal will allow for additional occupants to potentially live on the premises, there are no planning restrictions on the number of rooms a single dwelling can have and the proposed layout clearly shows that all works will form part of the one residential unit. It would be improper to assess the proposals as anything other than as a single unit of accommodation. In the event that permission was granted and the development was implemented, sub division of the enlarged accommodation to form flats would fall within planning control.
- 7.4 The proposals would retain a modest patio style garden of around 41 sqm. While adopted policy DM.D2 requires a minimum of 50 sq.m for gardens for new single family dwellings the proposals are essentially the enlargement, albeit a significant enlargement, of a flat above, to the rear and below a commercial unit and not a newbuild family dwelling. Officers consider that in a mixed commercial and residential terrace, such as that within which the property is located, outdoor amenity space standards may reasonably be relaxed allowing for pressure on the commercial element to often expand rearwards. Notwithstanding that the garden would be smaller than the minimum normally required in new build situations, it would appear unreasonable to apply slavishly the 50 sq.m threshold for garden space in this instance.

Design and appearance.

- 7.5 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DM.D2 and DM.D3 require well designed proposals that will respect the appearance, materials, scale, bulk, proportions and character of the original building and their surroundings.
- 7.6 Notwithstanding the significant basement works the impact of this element of the proposals on the streetscene would be limited to the forecourt grilles. The neighbouring property at 185 has an enclosed front porch at the front of the property and in the wider terrace there is a variance in terms of the design of

entrances. It is not considered that the enclosing of the front porch with a door that aligns with the front window of the office would harm the appearance of the terrace. Changes to the shopfront would blend in with the character of the rest of the terrace. Alterations to extensions to the rear would not impact on the public realm and the plain and simple design of the extensions is considered acceptable.

- 7.7 The existing sub-station in the rear garden will remain and the new garage will be of a similar scale and size as the existing. Given the scale of development in the neighbouring gardens which occupies the majority of the rear gardens it is not considered the new garage will detract from the character of the surrounding area.

Impact on Neighbouring Amenity

- 7.8 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.
- 7.9 181 Streatham Road has a single storey rear extension that is the full depth of the site and almost the full width of the plot while to the rear of 185 there are various single storey extensions which incrementally have similarly filled the space to the rear of the site. The proposed extension and garage would not have an impact on neighbour amenity given the context.
- 7.10 Annotations to the drawings show the French windows to provide access to the flat roof for maintenance and not to gain access to a terrace. The design of the alterations to the rear elevation, comprising the installation of the French windows at first floor, along with the use of the flat roof can be conditioned so as to ensure no harmful impact arises to neighbouring properties in terms of overlooking.
- 7.11 Policies DM.D2 and DM.EP2 provide a policy framework for safeguarding neighbour amenity from noise. Concerns were raised in a representation with regard to the pumping system that will be installed within the basement and potential impact it could have on neighbouring residential amenity resulting from noise pollution. This system is required to be able to pump water and sewerage from the basement's WC and bathroom. The pump would be essentially domestic in scale serving limited basement facilities and is to be located under the front foot way. As such it is not considered that it would cause an unreasonable impact on neighbouring amenity in terms of noise, thereby not conflicting with adopted policy, and the inclusion of a condition to regulate noise levels is not considered necessary.

Impact of the proposed basement.

- 7.12 Policy DM D2 of the adopted Merton Sites and Policies Plan 2014 sets out specific requirements in relation to proposals with a basement element, with further information provided in the justification for the policy at paragraphs 6.26 to 6.36 and any development should have regard to these requirements.

- 7.13 The Council's Senior Structural Engineer raises no objection to the proposal subject to conditions requiring further details which would ensure the structural stability of nos 181 and 185 during the excavation and construction phases. These details cover construction method statements, movement monitoring report and a Geotechnical Investigation Report. The level of detail that is to be secured via the relevant conditions is considered to be necessary given that the basement will immediately abut a public highway therefore it needs to be ensured that structural stability is safeguarded and neighbourhood amenity is not harmed at any stage by the development proposal.
- 7.14 With regard to the lightwell being installed at the front it was confirmed by the Council's Highways Engineer that there is a 2.5m deep forecourt area in the front of the property which is owned by the applicant and the forward basement extension can be constructed.
- 7.15 In terms of noise, and vibrations from the excavation and any piling works that would be undertaken, an hours of work condition would be attached to any consent to ensure that works only occur during normal working hours Monday to Friday (08:00-18:00), Saturday mornings (08:00-13:00) and not at all on Sundays or Bank Holidays. Furthermore a condition securing details, including noise mitigation methods relating to any piling works would also be attached to any consent so as to satisfy the objectives of adopted policies DM.D2 and DM.EP2.
- 7.16 No objection was raised by the Council's Flood Risk Engineer. Their comments highlighted that the drainage and sewerage from the basement would be pumped to ground level prior to discharging into the Thames Water Sewer with the provision of a pump located at the front of the basement.
- 7.17 It is noted that no calculations were submitted as part of this application showing how the runoff rates will be reduced in accordance with the London Plan 5.13. Given that this information has not been provided a condition requiring a detailed drainage scheme to be provided and approved by the Council prior to the commencement of the development is necessary. This will ensure that the drainage system and runoff will be acceptable for the proposal and not increase the risk of flooding.

Traffic and parking

- 7.18 Notwithstanding the potential for a larger single unit to generate additional pressure for car parking, this is likely to be low. Adopted standards for new larger dwellings (3+ bedrooms) in areas with a low PTAL score such as this would only require 2 spaces as a maximum and given the presence already of a flat on the site it would be unreasonable to withhold permission on the basis of a harmful impact on parking locally.

Refuse and Recycling

- 7.19 Suitable refuse and recycling are shown to the rear of the property in front of the sub-station and garage. A condition requiring these to be implemented in accordance with the approved plans shall be placed on any permission granted.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

- 9.1 The design, scale and siting of the extensions are not considered to harm the character or appearance of the host property or the locality. It is not considered that there would be any undue impact on the privacy or residential amenities of the occupiers of neighbouring properties that would warrant the refusal of the application. The excavation of the basement is considered acceptable subject to conditions. Any additional pressure on parking locally is likely to be modest such that it would not justify a reason for refusal. The proposal is therefore considered to accord with the relevant policies of the Sites and Policies Plan, the Core Strategy, the London Plan and the NPPF.

RECOMMENDATION

Grant planning permission subject to the following conditions:

1. A1 Commencement of Development (Full Application)
2. A7 Approved Plans
3. B3 External Materials as Specified
4. C7 Refuse and Recycling (implementation)
5. C8 No use of Flat Roof (Standard condition amended)
Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. The French windows shall have safety railings fitted to the outside face of the property so as to regulate access onto the roof with such measures retained for so long as the French windows remain.
6. D11 Construction Times
7. F9 Hardstandings
8. Non Standard Condition (Structural Engineering)
No developments shall commence on site until the below documents have been submitted to and agreed in writing by the local planning authority:
 - a) Detailed Construction Method Statement produced by the Contractor responsible for the excavation and construction of the basement. This shall be reviewed and agreed by the Structural Engineer designing the basement.

- b) Movement Monitoring report produced by the specialist surveyors appointed to install the monitoring gauges. The detailed report should include the locations of the horizontal and vertical movement monitoring, frequency of monitoring, trigger levels (green, amber and red) for the various respective locations, the actions required for different trigger alarms etc.
- c) Geotechnical Investigation Report with detailed borehole information and the Allowable Bearing Capacity of soil at basement floor level. The report shall also give the soil parameters needed to undertake calculation of the lateral earth pressures and therefore design the retaining walls.
- d) Calculations for the basement wall retaining the highway are to be submitting incorporating the following:
 - i) The calculation included in the Construction Method Statement for a typical underpinning section used an assumed angle of internal friction of 30 degrees – The soil parameters, such as angle of internal friction and soil density used in the calculation, should be derived from testing soil samples as part of the geotechnical investigation.
 - ii) The water level should be assumed to be at '0' metres below ground level in accordance with Eurocodes.
 - iii) The design of the basement retaining the highway should be carried out in accordance with Eurocodes.
 - iv) At Rest Pressure should be used for the design of the basement wall retaining the highway for the permanent condition.
 - v) A Surcharge of 10 kN/m² has to be assumed in the design of the retaining walls experiencing vehicle loading from the highway.
- e) Temporary works drawings supported with calculations.
- f) Structural drawings of the basement retaining walls, namely the retaining wall supporting the highway. Drawings should clearly show details such as the grade of concrete and steel to be used.
- g) Details of pedestrian management while excavating the basement below the forecourt.

Reason. To ensure that the proposals do not cause harm to the built environment and local amenity and do not result in flooding or ground instability and to comply with policy DM.D2 of the Merton Sites and Policies Plan (2014).

9. Non Standard Condition (Drainage)

Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS).

No works which are the subject of this condition shall be carried out until the scheme has been approved in writing by the local planning authority, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Merton Sites and Policies Plan (2014).

10. Non Standard Condition (Garage Restriction)

The garage hereby permitted shall not be used at any time other than as a garage ancillary to the dwelling known as 183 Streatham Road, Mitcham.

Reason: To prevent the introduction of others uses that may harm the amenities of the occupiers of adjoining properties.

11. Non Standard Condition (Piling Noise Mitigation)

Prior to the commencement of any piling on site a piling risk assessment and methodology shall be submitted to and approved in writing by the Local Planning Authority. This shall provide details of how;
The method of piling to be undertaken;
The noise mitigation measures to be employed.

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 7.15 of the London Plan, and policies DM D2 and DM EP2 of the Merton Sites and Policies Plan 2014.

Informatives:

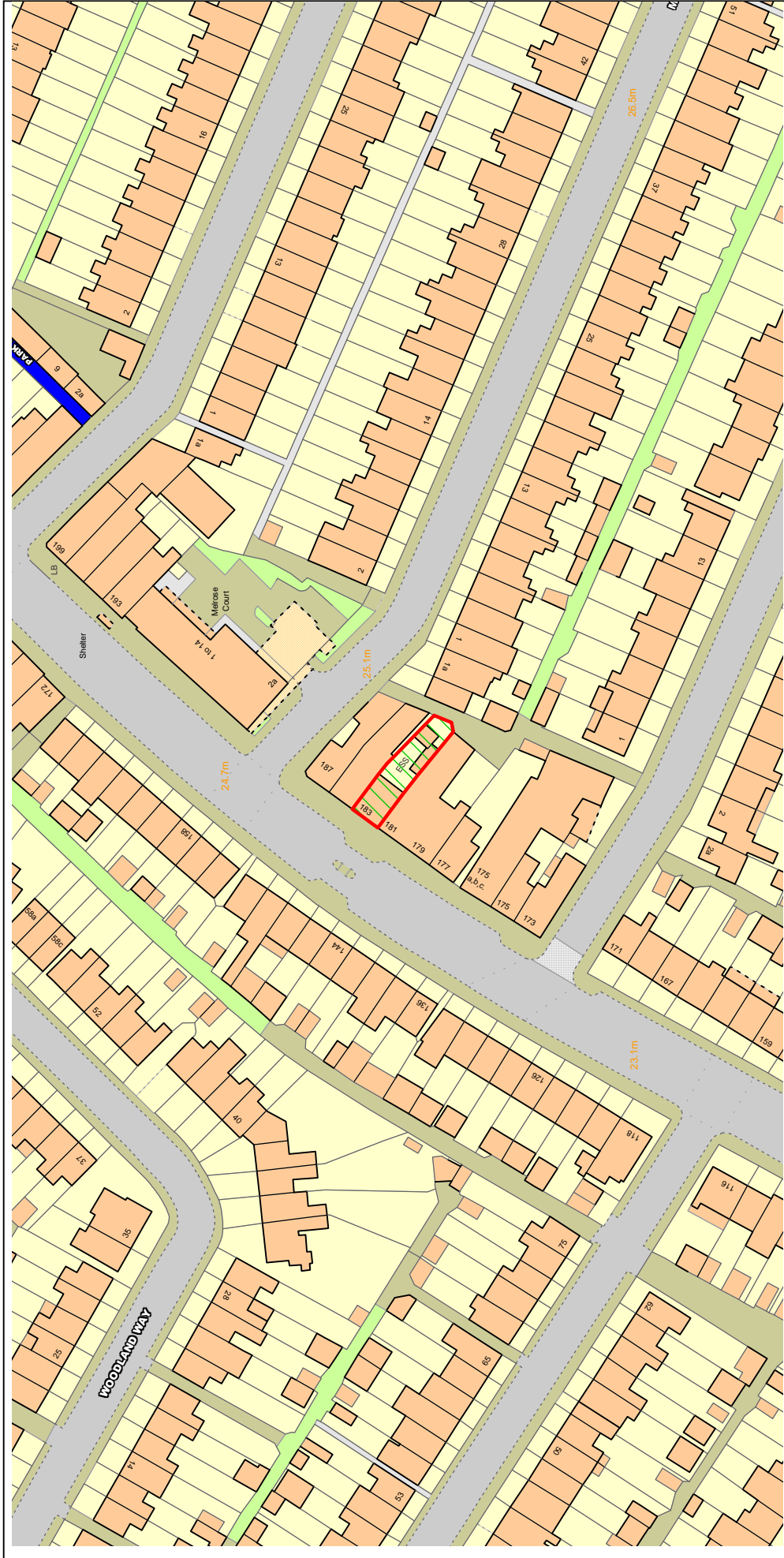
1. Note to Applicant – Approved Schemes
2. Party Walls Act
3. Works on the Public Highway
4. Discharge conditions prior to commencement of work

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

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NORTHGATE SE GIS Print Template



Text Details **183 Streatham Rd**

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**PLANNING APPLICATIONS COMMITTEE
16 MARCH 2017**

APPLICATION NO.

DATE VALID

16/P3598

19/10/2016

Address/Site: 225 - 231 Streatham Road
Streatham
SW16 6NZ

Ward: Graveney

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.

Drawing No.'s: AL(01)100 (Rev: C), AL(01)101 (Rev: B), AL(01)102 (Rev: B), AL(01)103 (Rev: B), AL(01)104 (Rev: B), AL(01)105 (Rev: B), AL(02)220 (Rev: B), AL(02)280 (Rev: B), AL(03)320 (Rev: B), AL(03)340 (Rev: B), AL(03)360 (Rev: C), AL(03)380 (Rev: B), AA(76)100 (Rev: A).

And supporting documents: 'Acoustic Report for Planning' dated 30/06/2016, 'Daylight & Sunlight Report' dated 22 May 2016, 'Design & Access Statement' dated June 2016, '225 – 231 Streatham Road, Mitcham – Flood Risk Statement' dated 23 May 2016, '225-231 Streatham Road - Phase 1 Investigation' dated 20 April 2016, 'Planning Statement' dated October 2016, '225-231 Streatham Road, Surface Water Drainage Strategy Technical Note' dated 21 February 2017, 'Sustainable Design and Construction Statement' dated 18 May 2016, 'Transport Statement' dated 07 September 2016.

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions and a S106 agreement.

CHECKLIST INFORMATION

- S106: Affordable housing, contribution for loss/replanting of street tree, contribution for carbon shortfall, permit (parking) free and agreement to provide a membership to car club for future occupants; cost to Council of all work in drafting S106 and monitoring the obligations.
- 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: 174
- External consultations: 4
- Conservation area: No
- Listed building: No
- Tree protection orders: No
- Controlled parking zone: Soon to be implemented (approval given to proceed with implementation which is anticipated to be on 13 March 2017)
- Site of importance for nature conservation (SINC) – Yes (bordering the site to the south)
- Green corridor – Yes (bordering the site to the south)
- Flood zone: Flood Zone 1

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature and scale of development.

2. SITE AND SURROUNDINGS

- 2.1 The application site is located at 225 – 231 Streatham Road and 1 The Bungalows. Along the northern boundary, the site has frontage to Ridge Road, a residential cul-de-sac; along the western boundary the site has frontage to Streatham Road, a main arterial route; and along the southern boundary the site is bordered by railway tracks and associated buffer land. Streatham Road at the location of the site reduces in elevation as the road goes under the railway bridge, so that the site sits slightly lower relative to the land to the north and south. The site is roughly triangular in shape, coming to an elongated point where the railway land intersects Streatham Road. The site has an area of 975sq.m (0.0975ha). The site has a public transport access level of 3 (1 being poor and 6 being excellent).
- 2.2 The site is currently occupied by a parade of 4 single storey shops and a garage/workshop (225 – 231 Streatham Road) which front Streatham Road along with a single storey building (1 The Bungalows) that fronts The Bungalows. The remainder of the site is hardstanding and has been used for a variety of purposes including storage of plant and vehicles along with mechanical repairs (use class B8/sui generis); No. 1 The Bungalows has been associated with this use and has been used as an office and for storage. The B8/sui generis use does not appear to have been authorised, albeit it has become lawful for planning purposes through the passage of time (continued use for over 10 years). The site has a vehicle access from the Bungalows, near its junction with Streatham Road. Streatham Road is relatively wide at approximately 20m in the immediate vicinity of the application site.
- 2.3 The site has approximately 40m of frontage along Streatham Road and 19m of frontage along The Bungalows. Immediately to the south is an elevated railway line which is a designated 'green corridor' and 'site of importance for nature conservation' (SINC). There is a railway bridge bordering the southwest corner of the site where the railway crosses Streatham Road. Immediately to the east of the site is a residential property occupied by a bungalow.
- 2.4 The area is characterised by varied development both in terms of architectural style and scale. The site is located within a mixed use area comprising shops, takeaways, cafes, auto- repairs, offices and residential premises. The Bungalows is a residential cul-de-sac which is characterised by a mixture of bungalows and two storey dwellings

with additional pitched roofs. To the north of the site are two storey dwellings with high pitched roofs, the equivalent height of a three storey building. To the immediate west are two storey dwellings with pitched roofs. Immediately to the east are single storey dwellings, beyond which are two storey dwellings with pitched roofs. Beyond the railway bridge to the south are three storey buildings with pitched roofs, buildings of this scale are present on both sides of Streatham Road.

- 2.5 Immediately to the south of the railway bridge is 223 Streatham Road, which is a site occupied by a series of single storey buildings including offices for a coach depot (Mitcham Belle Coaches), garages and an MOT garage with the remainder of the site being hardstanding and being used for coach parking. Planning permission for this site was sought for a 5 storey mixed use development which was determined at the Planning Application Committee of 9 February 2017; the application was refused contrary to officer recommendation by members on grounds of bulk, height and siting.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing single storey buildings on site and the redevelopment of the site to provide a part three, part four and part five storey mixed-use building. The proposed building would provide 486sq.m of retail (use class A1) floor space at ground floor together with associated access, cycle parking, refuse storage and plant. The remainder of the building would comprise 25 residential units and a first floor courtyard to be used as a shared outdoor amenity space. The residential units would comprise: 18 x 1 bed, 6 x 2 bed and 1 x 3 bed. The building would have a total floor area of 2,295sq.m. The development would be car free.
- 3.2 The building footprint would encompass the entire site at ground floor level and would provide frontages to The Bungalows and Streatham Road. However, at first floor level and above, the eastern end of the building would align with the rear elevation of the adjacent bungalow to the east, the building would step progressively both vertically and horizontally toward the south and west of the site, culminating in a 5 storey point at the southwestern corner of the site. The massing would result in a first floor courtyard located centrally within the site. The building would be composed of 3 volumes, being 3 storeys to the east, 4 storeys in the middle and 5 storeys to the west. At ground floor level, the non-residential component of the building would provide continuous and even frontage along the site boundary, while above the façade would be staggered.
- 3.3 The building façade would be predominately red brick and timber cladding; with brick to the eastern and western portions of the building along with the base, and timber cladding to the central upper floors. Windows and doors would be recessed within the façade and would be grey aluminium. Pre-cast concrete elements (such as projecting balconies) would be dark grey. The railings for balconies and terraces would be steel.
- 3.4 The main access to the commercial unit would be from Streatham Road with an additional entrance from The Bungalows (near the junction with Streatham Road). Access to the residential units would be from The Bungalows via two separate stair cores and a lift.

3.5 The proposed building would have the following key dimensions:

- Heights:
 - 10.8m high to the eastern side (three storeys)
 - 13.5m high to the central four storey element
 - 16.5m high to the central five storey element
 - 19.7m maximum height (south western corner)
- Frontage:
 - 35m of frontage along Streatham Road
 - 22.5m of frontage along The Bungalows

3.6 Following the initial submission of the application along with subsequent discussions between the developer and London Borough of Merton, revised plans were submitted making the following amendments:

- Align the ground floor openings with the openings of the upper floors
- Increase the glazing (active frontage) at ground floor
- Step the building (first floor podium/courtyard) away from the amenity space of No. 2 The Bungalows and reduce the height of the wall along the shared boundary
- Increase the width of glazing to north facing units
- Add rear kitchen windows to certain units to provide dual aspect
- Reduce the recess of the residential entrance to promote safer by design principles
- Provide louvres to the sides of the balconies which are enclosed by wooden cladding to allow more light
- Screen views from east facing windows to mitigate overlooking
- Provide additional cycle parking and refuse storage, thus a minor reconfiguration of ground floor

3.7 During the course of the application the developer undertook consultation with surrounding land owners and occupiers along with certain stake holders, which included 2 – 4 The Bungalows, 228 – 238 Streatham Rad, 231A Streatham Road, Catholic Church Our Lady of the Assumption, Streatham Vale Property Occupiers Association and North East Mitcham Community Association. Consultation was undertaken by way of post sent on 13 January 2017. The letters advised the recipients of the development, provided contact details and invited comments on the scheme or an opportunity to meet to discuss the proposal. No responses were received.

4. PLANNING HISTORY

4.1 Relevant planning history is summarised as follows:

4.2 89/P1195: Continued use for display and sale of motor vehicles with ancillary office – Refused.

Reasons for refusal:

- **The proposal represents an unneighbourly form of development which is detrimental to the amenities of local residents by reason of general disturbance and visual intrusion in the street scene, contrary to Policy E.30 of the Draft Reviewed Borough Plan.**
- **The proposal is leading to an increase in on-street parking to the detriment of the safety and convenience of pedestrians and highway users contrary to Policies M.13 and M.18 of the Draft Revised Merton Borough Plan.**

- 4.3 99/P1943: Continued use of the site for the following purposes;
- A) Parking and storage of vehicles, plant and equipment associated with a concrete pumping business.
 - B) Parking and storage of vehicles, plant and materials associated with a construction site clearance landscaping business.
 - C) Retention of a portacabin for storage of tools and spare parts – Refused.

Reasons for refusal: The use represents an unneighbourly form of development detrimental to the amenities of neighbouring residents through general disturbance caused by increased vehicular activity associated with the uses, visual intrusion, increased demand for on-street vehicle parking within The Bungalows, and obstruction of the public highway, detrimental to highway safety and residential amenity, contrary to policies W.8, M.12 and M.29 of the Adopted Unitary Development Plan (April 1996) and policies E.11, PE.3 and PK.3 of the Deposit Draft Unitary Development Plan (September 1999).

- 4.4 99/P1945: Application for a certificate of lawfulness in respect of the existing use for vehicle maintenance and repairs and storage of skips and other machinery – Refused.

Reasons for refusal not recorded.

- 4.5 01/P0533: Application for a certificate of lawfulness in respect of the existing use for servicing and repair of cars, vans and lorries – Refused.

Reasons for refusal: The use of the site currently taking place is not solely the use the subject of the Application for the Lawful Development Certificate. As a consequence a number of elements of the said use began less than 10 years prior to the date of the Application.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 174 neighbouring properties, the outcome of the consultation process is summarised as follows:
- 5.2 3 letters of objection summarised as follows:
- Exacerbate parking pressure
 - Loss of privacy
 - Loss of light
 - Loss of outlook
 - Potential structural damage from construction
 - Disruption during construction
 - Noise
 - Rubbish
 - Out of keeping
- 5.3 Transport/Highways officers: No objection. Initial objection due to the parking stress in the area and the lack of onsite parking spaces being proposed. However, during the lifetime of the application a CPZ has been consulted on and approved with its implementation imminent; following this development a car free scheme has been proposed which has alleviated concerns. To support a car free development it was advised that the development should provide an over provision of cycle storage and car club memberships for all units. Recommended conditions which would require details of the proposed changes to the highway network, a construction method statement and a construction logistics plan to be submitted to the Council.

- 5.4 Flood Risk Engineer: No objection. Advised that the site is at low risk of flooding, albeit runoff from the site could contribute to flooding in the surrounding area. The scheme proposes a suitable sustainable urban drainage system. However, more detailed information should be secured by way of condition.
- 5.5 Trees Officer: No objection. Scheme would involve the removal of 2 trees from within the site, neither of which have any particular value. The scheme would result in the loss of a street tree which should be discussed with the Green Spaces Department. Recommended conditions requiring details landscaping to be submitted.
- 5.6 Green Spaces: Advised the loss of the street tree should be offset by a financial contribution of £4,964.50 and secured by way of s106 agreement; the payment would go towards a replacement tree. Officers note that the payment has been calculated via the capital asset value for amenity trees (CAVAT) assessment – a nationally recognized formula.
- 5.7 Environmental Health Officer: No objection. Advised conditions to mitigate the impact of noise, odours, impacts during construction and highlighted the need for contamination investigations and remediation strategies.
- 5.8 Climate Change Officer: No objection. Advised that the non-residential floor space would achieve a 13% improvement on Part L 2013 requirements which falls short of the requirement to achieve a 35% improvement – the shortfall can be offset via a cash in lieu payment of £6,120 and secured by section 106. The residential component should achieve a 39% improvement on Part L 2013 requirements which surpasses relevant policy requirements. Recommended conditions requiring evidence that the proposed improvements, along with relevant water consumption standards are achieved prior to occupation.
- 5.9 Urban Design Officer: No objection. Supportive of massing strategy and described it as an interesting approach to a constrained site. Recommended more active frontage and a more flexible layout to the commercial space. Highlighted concerns regarding quality of outlook and amenity space of certain units. Advised that the base does not relate well to the upper components of the building and that improvements could be made to provide a more coherent appearance across the building as a whole.
- 5.10 Waste Management (refuse): No objection. Initially advised a higher provision of refuse to be provided and to separate commercial waste from residential. Amendments were made to the scheme to meet the suggested requirements.
- 5.11 Metropolitan Police – Designing out Crime Officer: No objection. Advised reducing the depth of the recess to the residential entrance. Advised various technical standards should be met to ensure a high level of security.
- 5.12 Thames Water: No objection.
- 5.13 Environment Agency: No objection. Advised conditions relating to contamination investigations, remedial strategies and measures to stop the mobilisation of contamination.
- 5.14 Network Rail: No objection. Provided advice relating to any impact upon Network Rail land and the operation of any trains – this information has been passed onto the developer along with contact details.

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 (2015)

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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.10 Urban greening
- 5.11 Green roofs
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure

- 5.15 Water use and supplies
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.3 Assessing the effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.11 Smoothing traffic flow and easing congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 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 11 Infrastructure
- CS 12 Economic development
- CS 13 Open space, leisure and nature conservation
- CS 14 Design
- CS 15 Climate change
- CS 17 Waste management
- CS 18 Transport
- CS 19 Public transport
- CS 20 Parking servicing and delivery

6.4 Merton Sites and Policies Plan – 2014 (SPP)

Relevant policies include:

- DM R2 Development of town centre type uses outside town centres
- DM H2 Housing mix
- DM H3 Support for affordable housing
- DM E1 Employment areas in Merton
- DM E3 Protection of scattered employment sites
- DM E4 Local employment opportunities
- DM O2 Nature conservation, Trees, hedges and landscape features
- DM D1 Urban Design
- DM D2 Design considerations
- DM D7 Shop front design and signage
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants
- DM T2 Transport impacts of development
- DM T3 Car parking and servicing standards
- DM T4 Transport infrastructure

- 6.5 Supplementary planning considerations
London Housing SPG – 2016
Merton Design SPG – 2004
Technical Housing Standards 2015

7. **PLANNING CONSIDERATIONS**

7.1 Material Considerations

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

- Principle of development
- Residential density
- Design and impact upon the character and appearance of the area
- Unit size mix and affordable housing
- Impact upon neighbouring amenity
- Standard of accommodation
- Transport, highway network, parking and sustainable travel
- Refuse storage
- Sustainability
- Other matters
- Developer contributions

Principle of development

- 7.2 Policy DM E3 of the SPP seeks to protect scattered employment sites, it states that where proposals would result in the loss of an employment site (B1/B2/B8 type uses), they would be resisted except where: the site is located predominantly in a residential area and it can be demonstrated it is having a significant adverse effect on residential amenity, the site characteristics make it unviable for whole site employment, it has been demonstrated that there is no prospect of employment or community use on the site in the future. Where the above criteria cannot be met, the loss can be mitigated by providing employment as part of a mixed use scheme. While the SPP policy DM E3 seeks to resist the loss of scattered employment sites, the policy focuses on safeguarding premises or land that operate within B1/B2/B8 type uses, thus the reduction in floorspace for the A1 uses does not conflict with adopted policy.
- 7.3 The proposal, which seeks to deliver a mixed use scheme, presents an opportunity to significantly increase employment generation on the site. The existing shops on site are vacant and the use as vehicle and plant storage and repair is not considered to be compatible with the surrounding residential area. The scheme could generate approximately 12 jobs in the form of a use (A1 - retail) which would be entirely compatible with new dwellings, for which there is an acknowledged need.
- 7.4 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.
- 7.5 The site is an underutilised brownfield site which is considered to present opportunities for a more intensive mixed use development. 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.

- 7.6 Given the above, it is considered the proposal is acceptable in principle; subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.

Residential density

- 7.7 The area has a public transport accessibility level (PTAL) of 3, where 1 is poor and 6 is excellent. It is considered that the site is located within an urban area.

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

Units per hectare:

$1/0.0975 \text{ ha (site area)} \times 25 \text{ (number of units)} = 256 \text{ units per hectare.}$

Habitable rooms per hectare:

$1/0.0975 \text{ ha (site area)} \times 58 \text{ (number of habitable rooms)} = 595 \text{ habitable rooms per hectare.}$

- 7.9 Table 3.2 of the London Plan 2015 advises that sites with a PTAL rating of 3 within an urban setting should provide for a density range of between 70-170 units/ha and 200-450 habitable rooms/ha.

- 7.10 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.

- 7.11 However, while density is a material consideration, it is not the overriding factor as to whether a development is acceptable; London Plan paragraph 3.28 states that it is not appropriate to apply the density ranges suggested in Table 3.2 mechanically. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, the impact upon neighbouring amenity, living standards for prospective occupants and the desirability of protecting and enhancing the character of the area and the relationship with surrounding development.

Design and impact upon the character and appearance of the area

- 7.12 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 heights

- 7.13 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 (toward Streatham Road and the railway bridge) of the site taking advantage of the wide streetscape and the open space associated with the railway land; in addition, it is focussed away from the residential dwellings to the east. The building is composed of three volumes; to the east it is three storeys in height which is typical of the surrounding residential development (two storey with pitched roofs); the central portion of the building creates a transitional zone while the western portion provides a high focal point. The perceived mass of the building is broken up by the use of a distinct base which encompasses the nested volumes

above, recesses in the façade and contrasting materials, all of which work to break the building down into smaller components.

- 7.14 The building would incorporate a first floor courtyard/podium to the rear of the building, this open space would align with the rear garden of the adjacent bungalow while the main portion of the building (upper floors) would align with the rear elevation of the bungalow.
- 7.15 It is noted that there are no five storey buildings in the immediate vicinity of the site. However, given the isolated and unique nature of the site, being a corner plot with two road frontages and being bordered by open space and a railway bridge to the west and south, the site is not considered to have the same constraints as other sites in the area i.e. the constraints on height for a mid-terrace building.
- 7.16 Immediately to the north of the site are two storey buildings with particularly high pitched roofs, the maximum height of these buildings roughly correspond with the four storey element of the proposed building (sitting slightly lower). In terms of the wider context, three storey buildings with pitched roofs are present on the southern side of the bridge. Long sections of the surrounding area demonstrate that the maximum height of the proposed building would be below the height of the buildings to the south; this is in part due to the fact that the site is at a lower elevation relative to the surrounding land.
- 7.17 The site is isolated and unique in nature; as such, it is considered that a unique approach to development can be considered and that a step up in height (relative to the immediately surrounding development) may be acceptable subject to appropriate design and massing. The proposed building fits within the maximum heights established by existing development to the south of the bridge. Given the massing strategy, only a portion of the proposed building would be five storeys and it would be positioned adjacent to the wide streetscape of Streatham Road and the open space of the railway land/bridge to the south. Given the above, it is considered that the massing and heights would be acceptable in townscape terms.

Layout

- 7.18 The footprint is informed by the constraints of the site and by the building line established along The Bungalows, it is considered to make effective use of the site, utilising the entire site at ground floor level and taking a grid layout approach for the upper floors; the layout ensures considerable active frontage at ground level while allowing for multiple aspects for the residential units on the upper floors.
- 7.19 The commercial unit primarily fronts, and has entrances to, Streatham Road, which is considered to be appropriate given the busy nature of the road and would serve to replace the existing parade of shops. The unit is outward facing, providing a high level of connectivity between the public realm and the development.
- 7.20 The residential entrance is located on The Bungalows. The placement ensures the entrance is positioned away from the foot traffic of Streatham Road, while still being highly visible from the public realm. In addition, the placement of the units above along with their window placement would further promote natural surveillance.
- 7.21 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 to the existing site, it is considered the approach will enhance the character and vitality of the area.

Design and appearance

- 7.22 Paragraphs 59 – 60 of the NPPF advises that local authorities should not become overly involved in the prescription or detail of architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
- 7.23 It is considered that the architecture is an interesting and innovative approach to developing the unique site. Large ground floor windows along with the high base of the building would successfully delineate the commercial unit from the upper floor residential units, as well as to enhance the building's street presence.
- 7.24 The use of contrasting materials, recesses and horizontal separation between floors throughout the scheme successfully defines the individual façade elements. 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.

Signage

- 7.25 While any signs/advertisements would be subject to separate approval by way of advertisement consent, a shop signage strategy should still be incorporated into a proposal at design stage, as signage plays a major role in the appearance of any building and if retrofitted later, may compromise the design.
- 7.26 An indicative signage strategy has been provided which proposes a modestly sized fascia above the retail entrances; it is considered that the indicative signage strategy is acceptable, subject to advertisement consent.

Unit size mix and affordable housing

- 7.27 The development proposes 25 residential units with the following size mix: 18 x 1 bed, 6 x 2 bed and 1 x 3 bed which equates to 72% 1 beds, 24% 2 beds and 4% 3 beds. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range of dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.28 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 and above, whereas for the ward of Graveney the data identifies a mix of 12% 1 bed, 19% 2 bed and 69% 3 bed and above. There is a very high proportion of larger dwellings in Merton and Graveney, thus the proposal would contribute to balancing the housing choice in Merton as a whole.
- 7.29 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.
- 7.30 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.

- 7.31 Having regard to factors 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 be on the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site while remaining viable.
- 7.32 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 a 12% onsite contribution or a cash in lieu payment of £335,000. Suitably worded clauses in a S106 planning agreement are recommended in order to deliver the affordable housing component of the scheme with the focus being that any off site financial contribution be the last option in accordance with relevant London Plan policies.

Impact upon neighbouring amenity

- 7.33 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

- 7.34 Light spill from the proposal is not expected to be significant given the scheme is predominately residential and as the commercial unit faces the main street. However, there is an external amenity space 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 external lighting to be positioned away from site boundaries.

Visual intrusion and loss of light

- 7.35 Given the building would be a maximum of five storeys in height 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 Streatham Road, away from the dwellings to the east, the upper floors have been aligned with the building lines of The Bungalows and the first floor podium/courtyard aligns with the rear gardens of these properties.
- 7.36 The developer has provided a detailed daylight and sunlight assessment in support of the proposal which has been undertaken in accordance with BRE guidance 'Site layout planning for daylight and sunlight: a guide to good practice' (BRE, 2011) and the British Standard document BS8206 Pt2; the methodology used is the vertical sky component (VSC) and no sky line contour (NSC) for daylight and annual probable sunlight hours (APSH) for sunlight. Habitable rooms from all immediately surrounding dwellings have been assessed, including the units across Streatham Road.
- 7.37 With the exception of one window at No. 2 The Bungalows (the adjoining property to the east), the daylight and sunlight assessment finds that all potentially affected habitable rooms will retain good levels of sunlight in excess of BRE criteria. In addition, the assessment finds that all potentially affected habitable rooms will retain good levels of sunlight in excess of BRE criteria.

No. 2 The Bungalows

- 7.38 As the only residential property that adjoins the site, particular attention should be paid to No. 2 The Bungalows. It is evident in the massing of the building that measures have been taken to reduce the impact upon this property. The rear elevation of the upper floors of the building aligns with the rear elevation of the adjacent bungalow so that the first floor courtyard/podium of the development aligns with the rear garden of this property. In addition, the first floor courtyard/podium is setback some 6m from the shared boundary, leaving a void adjacent to the rear garden; along the shared boundary would be a 2.15m high wall which is similar in height to the existing boundary fence. Given the above and as the proposed development would be located to the west of the bungalow, it is not considered the proposal would unduly impact upon the adjacent property in terms of visual intrusion or in terms of loss of light to the rear garden.
- 7.39 The main windows serving habitable rooms are to the front and the rear of the property. However, the property has two flank windows facing the development site, one of which serves a bathroom while the other is unknown and may serve a habitable room. The daylight and sunlight assessment finds that the windows to the front and rear would not be unduly affected by the development and the flank window serving the bathroom would not be relevant for assessment; however, the remaining flank window would be affected to a point below BRE criteria, thus it would be considered to be adversely affected. However, it is noted that this window is very close to the boundary and relies upon light received across the development site; this places considerable constraint upon the development site and means that any scale of development, above that of the existing low-rise buildings, would result in material reductions in daylight. Given the relationship between the flank window and the development site and as only one window is considered to be adversely affected, it is not considered the impact upon No. 2 The Bungalows, in terms of loss of light, would be to such a degree as to warrant refusal of this application.

Privacy

- 7.40 It is not considered the proposal would unduly impact upon the privacy of neighbouring properties.
- 7.41 The elevations facing north, west and south are all overlooking public space, thus the only elevation of concern is the east facing elevation which is directed toward the residential properties of The Bungalows. In addition to the east facing windows, the communal terrace and private balconies/terraces could facilitate overlooking to the east. To ensure any overlooking is avoided, it is proposed to enclose terraces and balconies with green screening, this screening would have the added benefit of enclosing the east facing windows on first and second floors; a suitable condition will be included requiring details of screening to be provided prior to occupation. On the third floor there are three kitchen windows which are not enclosed by balconies; however, given these are not habitable rooms, any overlooking can be addressed by the use of obscure glazing, thus a suitable condition will be included to require details of obscure glazing prior to occupation. The fourth floor would step away from the eastern boundary. Thus, any views from the fourth floor windows would be obscured by the presence of the third floor roof.

Noise

- 7.42 It is considered that the impact of noise from the commercial use and any plant can be suitably addressed by way of conditions. Given the remainder of the scheme is

residential, the noise generated is expected to be comparable to the surrounding development; in addition, the noise generated from the communal amenity space would be further mitigated by the setback (6m) from the eastern boundary and by the presence of green screening.

Construction phase

- 7.43 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 provided prior to the commencement of the development.

Standard of accommodation

- 7.44 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 No. and Floor	Unit Size /Type	Required Area	Proposed Area	Compliant
Ground floor				
Commercial space		-	486	-
First floor				
01_01	2B4P	70	82	Yes
01_02	1B2P	50	54	Yes
01_03	1B2P	50	64	Yes
01_04	1B2P	50	54	Yes
01_05	1B2P	50	54	Yes
01_06	1B2P	50	52	Yes
01_07	2B3P	61	74	Yes
01_08	Studio	39	47	Yes
Second floor				
02_01	2B4P	70	76	Yes
02_02	1B2P	50	54	Yes
02_03	1B2P	50	64	Yes
02_04	1B2P	50	54	Yes
02_05	1B2P	50	54	Yes
02_06	1B2P	50	52	Yes
02_07	2B3P	61	74	Yes
02_08	Studio	39	44	Yes
Third floor				
03_01	2B4P	70	76	Yes
03_02	1B2P	50	53	Yes
03_03	1B2P	50	63	Yes
03_04	1B2P	50	64	Yes
03_05	1B2P	50	57	Yes
03_06	Studio	39	42	Yes
Fourth floor				
04_01	2B4P	70	76	Yes
04_02	3B5P	86	92	Yes
04_03	Studio	39	42	Yes

Where B = beds (no. of bedrooms), P = persons (maximum occupancy), S = storeys (storeys within an individual unit).

- 7.45 As demonstrated by the table above, all units either meet or exceed London Plan standards. All habitable rooms are served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, all units are considered to be suitably private, including the unit that adjoins the communal amenity space as it incorporates defensible space along with screening to separate their windows from the communal space. It is noted that lifts serve all floors providing step free access and that approximately 10% of units meet M4(3) of the

Building Regulations thereby providing units that are suitable for use as wheelchair user dwellings.

- 7.46 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). All units achieve some degree of dual aspect which has been achieved by utilising a grid layout, open walkways to the rear, thus facilitating rear windows to the units, and by the use of projecting windows to the front which creates an additional side elevation in which a window can be positioned.
- 7.47 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 units 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. In addition to the private amenity space provided for each unit, the scheme would offer approximately 25sq.m of communal amenity space.
- 7.48 While the development is in close proximity to the railway, it is considered that any impact on prospective occupants can be addressed by technical solutions which would address noise and vibration. As such, it is recommended to include a condition which would require details of measures to prevent the transmission of noise and vibration to be submitted prior to the commencement of development.
- 7.49 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.50 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.
- 7.51 The London Borough of Merton Transport Planner has reviewed this application, their comments are integrated into the assessment below.

Vehicle parking provisions

- 7.52 It is proposed for the development to be car free. While the development site is not within an existing CPZ, a CPZ has been proposed, consulted on and agreed with its implementation imminent; it is expected to be implemented on 13 March 2017. As such, it is considered there would be a suitable mechanism in place to restrict parking for residents by the time the development would be occupied. Given the above, the development would not adversely affect parking pressure in the area. Furthermore, it is proposed to provide two on street parking spaces which would be facilitated by the removal of the existing vehicle access to the site. Given the development would be car free and as it would result in a net gain of two on street parking spaces, it is considered the development would have a beneficial effect on parking pressure; it is noted that the two additional spaces would be subject to the CPZ, thus the residents of the development would not be able to use them.

7.53 Notwithstanding the scheme's acceptability in terms of its impact on the surrounding parking network, a development must also be acceptable in terms of accessibility for prospective occupants. Car free developments are considered to be acceptable where they have a PTAL of 4 or above (in accordance with SPP policy DMT3); failing this, other mitigation measures can be implemented. The area has a PTAL of 3 which falls short of the requirement. Therefore, it is proposed to provide an over provision of cycle storage and to provide all units with a 3 year car club membership at the expense of the developer. Given 1 bed units require 1 cycle storage space and 2 bed (and above) units require 2 spaces, the scheme would require a minimum of 32 spaces; it is proposed to provide 50 cycles storage spaces which is a significant over provision. It is noted that there are 2 car club bays in the vicinity of the site, at Ribblesdale Road and Dahomey Road which are within 550m and 565m of the site respectively. Given the site has a PTAL of 3 and in conjunction with the proposed mitigation measures, it is considered that the site would be acceptable in terms of accessibility for prospective occupants.

Delivery, servicing and the highway network

7.54 The Transport Statement suggests that in terms of service and refuse vehicles, the development would generate 10 – 11 vehicle movements per week. It is considered that the highway network can comfortably accommodate these vehicles.

7.55 It has been proposed to install a dropped kerb on The Bungalows, in front of the residential entrance, to allow refuse collection and vehicle turning. It is proposed to relocate 2 parking spaces on Streatham Road by a distance of approximately 12m (no net change in parking spaces) and to extend the existing double yellow lines to allow for deliveries to occur from the Streatham Road frontage. In addition, it is proposed remove the existing vehicle access to the site by building out the pavement; this would improve pedestrian safety when crossing The Bungalows.

7.56 The above provisions are considered to be acceptable, thus the development is not considered to unduly impact upon the highway network.

Sustainable Travel

7.57 Given the development would be car free, the residents would rely on cycling, public transport and car clubs. The development has a PTAL of 3 which is considered to be moderate; however, in reality there are no barriers to transport given there are multiple modes of public transport (bus, rail and underground) which are within walking distance (maximum 15 minutes) and operate frequently. The development offers an over provision of cycle storage along with free car club memberships for future occupants. As such, it is considered the development would promote the use of more sustainable modes of transport.

7.58 In addition to the above, it is recommended to include a condition which will require details of travel plans to be provided, one for the commercial component and another for the residential component. The travel plans will provide education on sustainable travel for employees, residents and visitors.

Refuse storage

7.59 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.

7.60 The location of the refuse storage is considered to be appropriate for deposition by users and for collection. The storage provisions proposed are in line with Merton Council requirements.

Sustainability

- 7.61 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.
- 7.62 The developer has submitted a Sustainable Design and Construction Statement in support of the application which finds that the non-residential element of the development could achieve an improvement of 13% on Part L 2013 regulations, which fails to meet the 35% improvement required by CS policy CS15. This carbon shortfall has been calculated at 3.4 tonnes which can be offset via a cash-in-lieu payment of £6,120.00 (£60 per tonne for a period of 30 years). The residential element of the development would achieve a 39% improvement on Part L 2013 which surpasses minimum sustainability requirements.
- 7.63 It is recommended to include conditions which would require evidence to be submitted which confirms the development has achieved the carbon savings outlined in the Sustainable Design and Construction Statement along with water consumption rates not exceeding 105 litres per person per day.
- 7.64 Subject to a S106 payment of £6,120.00 along with the above condition, it is considered the proposal would be policy compliant in terms of sustainability.
- 7.65 Payments to offset carbon shortfalls are used by Merton Council to fund projects which seek to reduce carbon generation in the borough; projects to date have focussed on schools and have included insulating building envelopes and pipes, boiler controls, lighting motion sensors and solar panels.

Other matters

Flooding and sustainable urban drainage

- 7.66 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.
- 7.67 The site is not considered to be at risk of flooding; however, runoff flows from the site would contribute to the wider network. It is noted that the area under the railway bridge is prone to flooding. The scheme proposes a flow control to restrict the rate of discharge to 6.6 l/s (50% reduction from existing site) along with an attenuation volume of no less than 20m³, this would be achieved using a combination of green/blue roofs and underground tanks/oversized pipes. The proposed drainage measures are in accordance with the requirements of the London Plan.
- 7.68 It is recommended to include a condition which requires details of drainage, attenuation and management to be submitted prior to the commencement of development.

Site contamination

- 7.69 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.

7.70 In light of the former commercial uses on 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 and impact on biodiversity and SINC

7.71 NPPF section 11, London Plan policies 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 and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.

7.72 The application site is dominated by hard-standing and buildings, which account for the entire site with the exception of two trees. The limited area of vegetated habitat present is typical of disturbed and urban land. The application site is considered to be of negligible intrinsic ecological and nature conservation importance. There is however a SINC adjoining the site to the south, which coincides with the railway land. In addition, the proposal would result in the loss of one street tree.

7.73 It is not considered the building itself would adversely impact upon the SINC; however, any light fall could have an impact on wildlife and associated habitats. It is therefore recommended to require an external lighting to be directed away from the SINC.

7.74 The design of the scheme provides an opportunity to install green roofs thereby enhancing the biodiversity of a site alongside a green corridor/SINC, in accordance with adopted policy objectives. It is noted that green roofs have also been suggested as part of the sustainable urban drainage strategy. Notwithstanding the proposed urban drainage strategy, it is recommended to require details of a landscaping and planting strategy to be submitted and implemented prior to occupation.

7.75 Given the positioning of the residential entrance, the scheme would result in the loss of a street tree. It is considered that the proposed entrance is positioned at the most appropriate location, thus the removal of the street tree can be considered. The developer has agreed to a payment of £4,964.50 which would be used to replace the street tree. Given the above, the removal of the tree is considered to be acceptable.

Developer contributions

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

7.78 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.

7.79 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.

- 7.80 In this instance the delivery of affordable housing, a payment to offset the loss of the street tree and provide replanting, a payment to offset the carbon shortfall, restrictions on parking permits (permit free) and an agreement for the developer to provide a 3 year car club membership for future occupants of the development would be secured via a S106 agreement.
- 7.81 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.
- 7.82 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 proposal is considered to be acceptable in principle, providing a mixed use scheme potentially increasing employment on site and increasing residential density in line with planning policy. The proposal is considered to be acceptable in terms of design, responding appropriately to the surrounding context in terms of massing, heights, layout and materials; the proposal is considered to be an improvement as compared to the existing site. The proposal would offer a 12% affordable housing provision or an equivalent cash in lieu payment, an offer which is supported by an independently reviewed financial viability appraisal.
- 8.2 The proposal has been sensitively designed to ensure it would not unduly impact upon neighboring amenity. The proposal would offer high living standards for prospective occupants. The proposal would not unduly impact upon the highway network, it is likely to improve parking congestion in the area and it would promote and facilitate sustainable transport. 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.
- 8.3 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 (units: 01_04, 01_05 & 01_06) 'shared ownership' affordable housing units on site OR a cash in lieu payment of £335,000 to provide affordable housing elsewhere in the borough; The applicant shall provide the council with the cash in lieu payment in the event a registered housing provider has not purchased the affordable units within six months of at least 75% of the market units being occupied, during that period the units identified as affordable units shall not be let, sold or otherwise occupied unless to a registered housing provider;
2. Contribution of £4,964.50 required to offset the loss of a street tree and the provision of replanting in the immediate area;
3. Contribution of £6,120.00 required to offset the carbon shortfall of the development;
4. The developer agreement to provide a 3 year membership to a car club for each residential unit of the development at the cost of the developer;

5. Restrictions put in place to prevent the future owner/occupiers of the development from applying for on-street parking permits within the surrounding Controlled Parking Zones;
6. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
7. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

And 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 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. Amended standard condition [Landscaping]: Details of a landscaping and planting scheme shall be 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 part of the 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.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

5. 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.

6. 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.

7. 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 development hereby permitted being commenced and shall be so maintained for the duration of the construction period, 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.

8. Standard condition [Vehicle crossover]: No development shall commence until details of the proposed vehicular access to serve the development have been submitted in writing for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved, and the development shall not be occupied until those details have been approved and completed in full.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

9. Amended standard condition [Travel Plan]: Prior to the use/occupation of the relevant part of the development hereby permitted, two Travel Plans, one for the residential use and one for the non-residential use, 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 occupied only on accordance with the approved Travel Plans.

Reason: To promote sustainable travel measures and comply with the following Development Plan policies for Merton: policy 6.3 of the London Plan 2015, policies CS18, CS19 and CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

10. Non-standard condition [Works to highway]: No part of the development hereby approved shall be in use or occupation until the applicant has entered into a highways agreement with London Borough of Merton's Highway Team to undertake the works as proposed in Appendix G (drawing no: 03) of the 'Transport Statement' dated 07 September 2016, with all works being in accordance with the requirements of the Highway Authority and to be completed prior to the use or occupation of the development.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

11. Standard condition [Cycle storage]: The development hereby permitted shall not be occupied until the cycle parking shown on the plans hereby approved has 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 satisfactory facilities for cycle parking are provided and to comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

12. Non-standard condition [noise levels plant/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.

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.

13. Standard condition [noise levels insulation]: No development shall commence until a scheme for the soundproofing of the building to prevent the transmission of noise and vibration has been submitted in writing 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 measures have been approved and carried out in strict accordance with the approved details and those measures shall thereafter be retained for use at all times from the date of first occupation.

Reason: To safeguard the amenities of the occupiers of the proposed development 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.

14. Amended standard condition [Noise levels amplified sound]: No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

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.

15. Standard condition [kitchen extraction systems]: Prior to the installation of any kitchen ventilation system, plans and specifications of the kitchen ventilation system, including details of sound attenuation and odour control measures shall have been submitted to and approved in writing by the Local Planning Authority. The kitchen ventilation extract system shall be installed in accordance with the approved plans and specifications before the use commences and shall be permanently retained as such thereafter.

Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties and to ensure compliance with the following Development Plan policies for Merton: policies 7.14 and 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policies DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

16. Non-standard condition [External lighting]: Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary and away from the SINC, the light 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.

17. Standard condition [Refuse]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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.

18. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority in accordance with the Technical Note: TN001B-PB4861-310055-Egha, with subject: '225-231 Streatham Road, Surface Water Drainage Strategy Technical Note' dated 21 February 2017. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation (volume of no less than 20m³ to be provided) and control the rate of surface water discharged from the site to no more than 6.6l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

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 is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

19. Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the local planning authority confirming that the development has achieved not less than the Part L 2013 carbon savings outlined in the submitted 'Sustainable Design and Construction Statement' dated 18 May 2016, and internal water usage consumption rates for residential units is not in excess of 105 litres per person per day. Evidence requirements: are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 and 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 Policy 5.2 of the London Plan (2015) and Policy CS15 of Merton's Core Planning Strategy (2011).

20. Non-standard condition [Security measures]: Prior to first occupation of any part of the development details of the design and methods of operation of all access gates including the positioning and operational management of any associated on site security system shall be submitted to and approved in writing by the Local Planning Authority and be installed and operational and shall thereafter be retained and maintained.

Reason: To ensure a safe and secure layout in accordance with policy DM D2 of the Merton Adopted Sites and Policies Plan 2015.

21. 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 submitted '225-231 Streatham Road - Phase 1 Investigation' dated 20 April 2016, 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.

22. 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.

23. 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.

24. 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.

25. Amended standard condition [Screening]: Before the development hereby permitted is first occupied, details of screening of the balconies and terraces 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.

26. Amended standard condition [Use of flat roof]: Access to the flat roof of the development hereby permitted, outside of those areas specifically identified as terraces on the approved plans, shall be for maintenance or emergency purposes only; these areas shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: 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.

27. Amended standard condition [Obscure glazing]: Before the development hereby permitted is first occupied, the applicant shall provide details of which windows are to be obscure glazed for approval to the Local Planning Authority. The development shall not be occupied until such details as have been approved are implemented; those measures shall be retained thereafter 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.

28. Non-standard condition [Opening hours]: Non-residential floorspace shall not be open to the public other than between the hours of 07.00 and 23.00 on any day and no staff shall be present at the premises more than one hour before opening or beyond one hour after closing time.

Reason: safeguard the amenities of neighbouring occupiers and to comply with policy 7.15 of the London Plan.

INFORMATIVES:

a) The applicant is advised that the demolition works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should be also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

b) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful

outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

c) The applicant shall enter into an appropriate legal agreement with the Highway Authority to undertake the works on the surrounding highway network.

d) With regard to "statutory nuisance" in relation to noise, the applicant is advised that "statutory nuisance" is described in the Environmental Protection Act 1990.

e) 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).

f) The applicant is advised to discuss the proposal with Network Rail and to obtain all necessary permissions prior to the commencement of any works on site; contact can be made via assetprotectionsussex@networkrail.co.uk

[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 16 MARCH 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
16/P4060	12/10/2016
Address/Site	3 Tabor Grove, Wimbledon, London, SW19 4EB
Ward	Hillside
Proposal:	Erection of a part single storey, part two-storey rear extension.
Drawing Nos	Un-numbered site location plan, existing plan 1627 S1, existing elevation 1627 S2, proposed plan 1627 P1 and proposed elevation 1627 P2.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Refuse planning permission.

CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 37
- External consultations: No
- Controlled Parking Zone: Yes (W1)
- Flood Zone: Flood Zone 1 (Low risk)
- Conservation Area: No
- Listed Building: No
- Protected trees: No
- Public Transport Access Level: 6a

1. INTRODUCTION

1.1 The application has been brought before the Committee at the request of Councillor Holden.

2. SITE AND SURROUNDINGS

2.1 The site comprises a three-storey, mid-terrace dwelling to the north-eastern side of Tabor Grove. There is an existing 4.1m deep two-storey part width extension to the rear elevation with a mono-pitched roof.

2.2 The adjoining property to the north-west at 1 Tabor Grove has a single storey part width projection to the same depth as the outrigger at no 3. The property is sub-divided into flats. The other adjoining neighbour at no 5 has a single storey element set away from the boundary with no 3 and has a window in the rear main wall adjacent to the boundary as well as a window in the flank of the single storey projection.

2.3 To the immediate rear of the site is a public footpath.

2.4 The surrounding area is made up of a variety of dwelling types including terraced dwellings, detached dwellings and flatted units and is suburban in character.

2.6 The site is not within a Conservation Area.

3. CURRENT PROPOSAL

3.1 Planning permission is sought for the erection of a part single, part two-storey extension to the rear elevation following demolition of the existing two-storey part width extension.

3.2 The proposed two storey extension would be 5.6m in depth, which is 1.5m deeper than the existing two storey extension. It would have an eaves height of 4.9m and a ridge height of 6.2m and would have a hipped roof. It would straddle the boundary with no 1 and would be recessed from the boundary with no 5 by 1.1m. It would sit 1m closer to the boundary with no 5 than the existing 2-storey projection.

3.3 The single storey element would infill the gap between the two storey extension and the boundary with no 5 and would also be 5.6m in depth. It would have a monopitch roof containing a large rooflight and would have an eaves height at the boundary of 2.65m.

3.4 The rainwater guttering on each side boundary would appear to overhang the site boundaries, which would require the consent of neighbouring properties. Otherwise a parapet detail would be needed.

- 3.5 Construction materials would match the existing.
- 3.6 It should be noted that the proposal had been amended in order to seek to address officers' concerns about impact on neighbours. However, the applicant has recently requested that the application be assessed on the basis of the originally submitted plans (as opposed to the revised plans which reduced the size of the two storey element).

4. **PLANNING HISTORY**

- 4.1 88/P0165 - ERECTION OF A TWO STOREY EXTENSION AT REAR OF DWELLINGHOUSE IN REPLACEMENT OF EXISTING SINGLE STOREY EXTENSION. Grant Permission (subject to conditions) 07-04-1988.
- 4.2 16/P2831 - ERECTION OF A TWO STOREY REAR INFILL EXTENSION. Refuse Permission 01-09-2016 on basis of impact on character and impact on residential amenities of no 5.

5. **CONSULTATION**

- 5.1 Site notice posted, neighbouring properties notified. Four letters of representation have been received from three addresses, objecting on the following grounds:
- The scale of the extension is excessive.
 - Loss of light to No.5.
 - A two-storey extension will reduce the impact of openness of the garden area.
 - Query whether a shadow diagram has been produced for the proposed development.
 - Query what the intention is for rain water runoff and guttering.
 - Query how gutters would be cleaned and the need for access to neighbouring gardens.
 - Query what the intention is for connection to drainage services.
 - Query whether the proposed extension would impede the ability of No.1 to extend in the future or to affect the value of No.1.

6. **POLICY CONTEXT**

- 6.1 Merton Adopted Core Planning Strategy (July 2011):
Policy CS14 (Design)

Merton Adopted Sites and Policies Plan (July 2014):
Policy DM D2 (Design considerations in all developments)
Policy DM D3 (Alterations and extension to existing buildings)

Other guidance:

Merton Adopted Residential Extensions, Alterations and Conversions SPG 2001.

National Planning Policy Framework (2012)

National Planning Policy Guidance (2014)

7. **PLANNING CONSIDERATIONS**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The main planning considerations of the proposal are the impact that the proposed development would have on the character of the area and on the amenities of occupiers of neighbouring residential properties.
- 7.3 The current application was submitted following the refusal of application 16/P2831 in Sept 2016, which was refused under delegated powers for the following reasons:
1. The proposed two-storey extension would, by virtue of its form, design and appearance, result in material harm to the character of the existing building and the character of the area, contrary to Policies DMD2 and DMD3 of the Council's adopted Sites and Policies Plan 2014 and the Council's adopted SPG: Residential Extensions, Alterations and Conversions 2001.
 2. The proposed two-storey extension would, by virtue of its proximity to the boundary, height and depth, result in material harm to the residential amenities of the occupiers of No.5 Tabor Grove, by way of loss of light, loss of outlook and overbearing form, contrary to Policies DMD2 and DMD3 of the Council's adopted Sites and Policies Plan 2014 and the Council's adopted SPG: Residential Extensions, Alterations and Conversions 2001.
- 7.4 The key differences between the previously refused application and the current proposal are:
- The previous scheme proposed a flat roof two-storey extension which would have spanned the whole rear elevation at ground floor and first floor level. The flat roof was 6m in height and was the same height as the ridge of the existing two storey extension. The current scheme is set in from one boundary at first floor by 1.1m at first floor level and has a hipped roof which is higher at the ridge but

slopes down lower towards the boundaries. A single storey extension fills the gap between the two storey element and the boundary with no 5.

- The previous proposal showed an extension of 5.2m depth, whereas the current proposal is deeper, at 5.6m.

7.5 For the proposal to be acceptable, it must overcome the previous reasons for refusal and be acceptable in its own right.

7.6 Impact on the character of the area

7.7 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 policies.

7.8 There are existing pitched roof two storey outriggers in the row of terraces. The application site has an existing mono-pitch two storey extension which is not attached to a matching extension at the neighbouring property. Therefore, the removal of the existing outrigger would not result in a visually unbalancing effect to the terrace. The pitched roof extension is considered to be visually in keeping with the area and would not appear so out of context as to warrant a refusal of planning permission.

7.9 The form of the current proposal is significantly different to that of the previously refused scheme and it is considered that the proposal has overcome the previous reason for refusal in relation to design.

7.10 The proposal is considered to comply with Policies DM D2 and DM D3 in regards to visual amenity and design.

7.11 Residential Amenity

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

7.13 Impact on No.1:

7.14 The existing two-storey extension directly abuts the boundary with No.1 and has a depth of 4.1m. The proposed extension would have a depth of 5.6m.

7.15 The proposed extension would be 1.5m deeper than the existing two-storey outrigger and would project beyond the main rear building line of

No.1 by 5.6m and beyond the single storey building line of No.1 by approximately 2m.

7.16 It is acknowledged that the site is to the southeast of No.1 and therefore the existing two storey extension has the potential to block sunlight currently. However, the proposed extension would be 1.5m deeper than existing and would result in severe overshadowing, loss of outlook and unreasonable sense of enclosure to the garden area and a loss of outlook and sunlight to the first floor rear facing window.

7.17 Therefore, the impact on No.1 is considered to be unacceptable.

7.18 Impact on No.5:

7.19 The proposed single storey extension, adjacent to the boundary with No.5 would have an eaves height of 2.65m and a depth of 5.7m. Beyond this single storey element would be the two-storey part of the extension. The two-storey part of the extension would be 1m closer to the boundary than the existing and 1.5m deeper than the existing. The part single storey, part two-storey extension, due to its combined depth, height and relationship to the boundary line, is considered to be unacceptably oppressive and would result in a loss of outlook, a loss of ambient daylight and an unreasonable sense of enclosure to the garden area and a loss of outlook and ambient daylight to the rear facing ground floor window (serving a dining room). The ground level at the rear of No.5 is approximately 35cm lower than that of the application site. Therefore, the proposed extension would appear 35cm higher when viewed from the rear of No.5. This change in ground levels would exacerbate the harmful impact of the extension.

7.20 Whilst No.5 is to the southeast of the site, it is noted that the existing arrangement would pass the Council's sunlight test, whereas the proposed extension, due to its excessive depth, height and proximity to the boundary, would fail the Council's sunlight test. This adds to the concerns identified above.

7.21 The impact on No.5 is considered to be unacceptable.

7.22 The proposal is considered to conflict with Policy DM D2 in terms of residential amenity.

8. CONCLUSION

8.1 Whilst the current proposal is considered to be acceptable in visual terms, the impact on both the neighbouring properties at 1 and 5 is still considered to be unacceptable in terms of impact on outlook and light and would be unacceptably oppressive from within the gardens and inside the

properties. This is due to the combination of increased depth, height and proximity to the site boundaries. It is therefore considered that planning permission should be refused.

RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reason:

1. The proposed part single storey, part two-storey extension would, by virtue of its proximity to the boundary, height and depth, result in material harm to the residential amenities of the occupiers of No.1 Tabor Grove by way of overshadowing, loss of outlook and unreasonable sense of enclosure and would result in material harm to the residential amenities of the occupiers of No.5 Tabor Grove by way of loss of outlook, loss of ambient daylight and unreasonable sense of enclosure, contrary to Policies DM D2 and DM D3 of the Council's adopted Sites and Policies Plan 2014 and the Council's adopted SPG: Residential Extensions, Alterations and Conversions 2001.

1. **INFORMATIVE**

The drawings relevant to this decision are: Un-numbered site location plan, 1627 P1 and 1627 P2.

2. **INFORMATIVE**

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, The London Borough of Merton (LBM) takes a positive and proactive approach to development proposals focused on solutions. LBM works with applicants/agents in a positive and proactive manner by:

- Offering a pre-application advice and duty desk service.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The applicant/agent was informed of any issues arising during consideration of the application and how these could potentially be overcome. The application was at one stage amended but the applicant has subsequently requested that it be determined based on the originally submitted plans, which they had already been advised were unacceptable.

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

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Committee: Planning Applications

Date: 16th March 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: **15/P3777**
Site: 11 Leamington Avenue, Morden SM4 4DQ
Development: conversion of single dwelling house to form 2 x flats
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000090000/1000090934/15P3777_Appeal%20Decision.pdf

Application Number: 15/P3871
Site: Unit 1A, 43 Durnsford Road SW19 8GT
Development: Erection of new 3 storey residential block of 3 x flats, alterations to ground floor retail and demolition of rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091019/15P3871_Appeal%20Decision.pdf

Application Number: 16/P0080
Site: Brook House, Cricket Green, Mitcham CR4 4LB
Development: Erection of roof extension to create 6 x flats
Recommendation: Refuse (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000091000/1000091988/16P0080_Appeal%20Decision.pdf

Application Number: 16/P0661
Site: 2 Fernlea Road, Mitcham CR4 2HE
Development: Demolition of rear/side extension and replacement with commercial unit
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 14th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000092000/1000092547/16P0661_Appeal%20Decision.pdf

Application Number: 16/P1621
Site: Birchwood, 7 Ellerton Road, West Wimbledon SW20 0ER
Development: Demolition of single house and erection of 2 x houses
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093464/16P1621_Appeal%20Decision.pdf

Application Number: 16/P1963
Site: 12 Wool Road, West Wimbledon SW20 0HW
Development: Erection of a single storey side extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 6th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093788/16P1963_Appeal%20Decision.pdf

Application Number: 16/P2001
Site: 56A Leopold Road, Wimbledon SW19 7JD
Development: Replacement boundary treatment
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 20th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000093000/1000093822/16P2001_Appeal%20Decision.pdf

Application Number: 16/P2317
Site: 122 Byron Avenue, New Malden KT3 6EZ
Development: Lawful Development Certificate for single storey rear extension.
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 2nd February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094118/16P2317_Appeal%20Decision.pdf

Application Number: 16/P2515
Site: 73 Graham Road, Wimbledon SW19 3SW
Development: Erection of a two storey rear extension, a rear roof extension and new first storey front bay windows
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094303/16P2515_Appeal%20Decision.pdf

Application Number: 16/P2605
Site: 24 Stroud Road, Wimbledon Park SW19 8DG
Development: Lawful Development Certificate for the erection of a single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 13th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094386/16P2605_Appeal%20Decision.pdf

Application Number: 16/P2684
Site: 11 Mawson Close, Wimbledon Chase SW20 9PA
Development: Demolition of existing garage. Erection of single storey side extension.
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 22nd February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094452/16P2684_Appeal%20Decision.pdf

Application Number: 16/P3099
Site: 9 Oldfield Road, Wimbledon SW19 4SD
Development: Erection of a two storey rear extension and front porch
Recommendation: Refused (Delegated)
Appeal Decision: **SPLIT DECISION**
Rear extension **REFUSED**
Front porch **ALLOWED**
Date of Appeal Decision: 9th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094849/16P3099_Appeal%20Decision.pdf

Application Number: 16/P3124
Site: 40 Spring Grove, Mitcham CR4 2NP
Development: Erection of ground and first floor extensions
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 15th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000094000/1000094872/16P3124_Appeal%20Decision.pdf

Application Number: 16/P3289
Site: 10 Fleming Mead, Mitcham CR4 3LU
Development: Erection of a single storey rear extension
Recommendation: Refused
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 6th February 2017

Link to Appeal Decision

http://planning.merton.gov.uk/MVM.DMS/Planning%20Application/1000095000/1000095036/16P3289_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.

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Committee: Planning Applications Committee

Date: 16th March 2017

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

Contact Officer 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:	538 ¹ (531)	New Appeals:	3 (0)
New Complaints	38 (40)	Instructions to Legal	0
Cases Closed	31 (42)	Existing Appeals	2 (4)
No Breach:	23	<hr/>	
Breach Ceased:	8	TREE ISSUES	
NFA ² (see below):	-	Tree Applications Received	53 (50)
Total	38 (40)	% Determined within time limits:	95%
New Enforcement Notices Issued		High Hedges Complaint	0 (0)
Breach of Condition Notice:	0	New Tree Preservation Orders (TPO)	0 (0)
New Enforcement Notice issued	1	Tree Replacement Notice	0
S.215: ³	0	Tree/High Hedge Appeal	0
Others (PCN, TSN)	2		
Total	3 (7)		
Prosecutions: (instructed)	0 (2)		

Note (**figures are for the period (1st Feb 2017 – 8th March 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 would 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.
- **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.

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 as no notification of an appeal has been received. The requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he has failed to comply with the notice, the Council is now progressing prosecution proceedings.
- **117 Haydons Road South Wimbledon SW19.** The Council served a replacement notice on 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. 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.
- **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.
- **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.
- **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.
- **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.
- **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.
- **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.

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 and awaiting for the appeal start date from the inspectorate.
- **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 takes 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.

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 has been submitted. An appeal statement has been submitted to the inspectorate and we are awaiting a site visit date by the inspectorate.

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.

- **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.

- **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.

- **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 has three months to comply.

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. This case is to be re-allocated to a new officer.

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

Committee: Planning Applications Committee

Date: 16 March 2017

Wards: All

Subject: Change in Procedure for Public Speaking at PAC and changes to Agenda

Lead officer: Neil Milligan – Development Control Manager

Lead member: Linda Kirby – Chair of Planning Applications Committee

Contact officer: Lisa Jewell – Democratic Services Officer

Recommendations:

- A. For PAC members to note and comment on the proposed changes to the Public Speaking Procedure and standard agenda items
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. To inform PAC members of changes to the Public Speaking Procedure, and changes to standard items in the Agenda.
- 1.2. It is considered good practice to allow Public Speaking at Planning Committee Meetings. The proposal in this report seeks to standardise the public speaking procedure so that it is more proportionate.

2 DETAILS

- 2.1. All written representations received from the statutory consultation on each planning application are available to read on the Council's website via Planning Explorer, and are summarised by the Planning Officers within their report. Members of the public, who have written letters of representation, are then invited to speak.
- 2.2. Merton PAC currently allows three objectors, each speaking for three minutes, per application brought to Committee. Applicants/agents are then given an amount of time equivalent to the total speaking time of the objectors.
- 2.3. The current procedure does say that the maximum of three speakers is at the Chairs discretion, and can be reduced if the meeting is busy. But as speakers are registered in advance it is difficult to withdraw the opportunity to speak at the start of a meeting, and this is not something that is done at even the busiest meetings.
- 2.4. The new procedure, as proposed, is that objectors have a maximum of 6 minutes of speaking time:
- 1 objector gets 3 minutes
 - 2 objectors get 3 minutes each
 - If more than two objectors want to speak then a maximum of 6 minutes will be available and they will be encouraged to make their

own arrangements to share the time out between them or appoint others to speak for them

- The applicant will still get the same amount of time as objectors, ie 3 or 6 minutes.

- 2.5. More speakers can be allowed, at the Chair's discretion but only for very large/complex/important developments. In these cases the Head of Development Control will flag this up in advance of Agenda Publication
- 2.6. The proposal in this report will still allow public speaking times that are more generous or equivalent to those allowed at the Planning Committees of neighbouring authorities.
- 2.7. A new, shorter procedure note will appear on the Agenda, this will cover registration to speak, speaking by councillors who are not PAC members, submission of late information and contact details
- 2.8. A legal view was sought on the information provided in Item 4 and the conclusion was that, whilst this is useful background information, it no longer needs to be provided on the Agenda. Item 4 will be removed from the Agenda, and a small amount of the current information will be provided on the agenda front sheet.

3 ALTERNATIVE OPTIONS

- 3.1. Make no changes

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. N/A

5 TIMETABLE

- 5.1. The proposed changes are to be implemented on the May agenda

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. N/A

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. Public speaking at PAC meetings is considered good practice, but it is not a legal requirement

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. N/A

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. N/A

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. N/A

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

- 11.1. None

12 BACKGROUND PAPERS

- 12.1. Planning Officers Society Practice Guidance Note – 'Public Speaking in Planning Committees 2007'

[http://www.planningofficers.org.uk/downloads/pdf/Guidanceonpublicspeakin
gatcommittee.pdf](http://www.planningofficers.org.uk/downloads/pdf/Guidanceonpublicspeakin
gatcommittee.pdf)