

# Merton Council

## Planning Applications Committee

### Membership

#### Councillors

Linda Kirby (Chair)  
Najeeb Latif (Vice-Chair)  
Philip Jones  
Laxmi Attawar  
Peter Southgate  
Geraldine Stanford  
Stephen Crowe  
David Dean  
Jerome Neil  
Andrew Judge

#### Substitute Members:

Brenda Fraser  
Joan Henry  
Daniel Holden  
John Sargeant  
John Bowcott

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

**Date:** 19 October 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](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3356

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# Planning Applications Committee

## 19 October 2017

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 12
- 4 Town Planning Applications  
The Chair will announce the order of Items at the beginning of the Meeting.  
A Supplementary Agenda with any modifications will be published on the day of the meeting.  
Note: there is no written report for this item
- 5 7 Calonne Road SW19 5HH 13 - 20  
Application Number: 17/P2478 Ward: Village  
  
Recommendation: Grant Planning Permission subject to conditions.
- 6 Rear of 145 Claremont Avenue, KT3 6QP 21 - 34  
Application Number: 17/P2729 Ward: West Barnes  
  
Recommendation: Grant Planning Permission subject to conditions.
- 7 The Wolfson Centre, Copse Hill, SW20 35 - 74  
Application Number: 16/P4853 Ward: Village  
  
Recommendation: Grant Planning Permission subject to the completion of a section 106 agreement and conditions.
- 8 Belvedere Court, 1a Courthope Rd SW19 7RH 75 - 86  
Application Number: 17/P2332 Ward: Village  
  
Recommendation: Grant Planning Permission subject to the completion of a section 106 agreement and conditions.
- 9 7 Ellerton Rd, SW20 0ER 87 - 106  
Application Number: 17/P1682 Ward: Village  
  
Recommendation: Grant Planning Permission subject to conditions.
- 10 21 Goodenough Rd, SW19 3QY 107 - 118  
Application Number: 17/P3360 Ward: Dundonald  
  
Recommendation: Grant Planning Permission subject to

- planning conditions.
- |    |   |           |
|----|---|-----------|
| 11 | Unit 7, Priory Retail Park, 131 High St, SW19 2PP<br>Application Number: 17/P1089 Ward: Colliers Wood<br><br>Recommendation: REFUSE Planning Permission   | 119 - 132 |
| 12 | 577 Kingston Rd SW20 8SA<br>Application Number: 17/P0763 Ward: Dundonald<br><br>Recommendation: Grant Planning Permission subject to the completion of a section 106 agreement and conditions.              | 133 - 174 |
| 13 | 119 Merton Hall Rd, SW19 3PY<br>Application Number: 17/P3102 Ward: Merton Park<br><br>Recommendation: Grant Planning Permission subject to conditions.  | 175 - 184 |
| 14 | 12a Ravensbury Terrace, SW18 4RL<br>Application Number: 16/P3551 Ward: Wimbledon Park<br><br>Recommendation: Grant Planning Permission subject to the completion of a section 106 agreement and conditions. | 185 - 206 |
| 15 | 12 Waterside Way, SW17 0HB -<br><u>WITHDRAWN FROM THIS AGENDA</u><br><br>Application Number: 17/P0438 Ward: Wimbledon Park<br><br>Recommendation: Grant Planning Permission subject to conditions.          | 207 - 258 |
| 16 | TPO at 15 Kingswood Rd, SW19 3ND<br>Ward: Dundonald<br><br>Officer Recommendation: That the Merton (No.712) Tree Preservation Order 2017 be confirmed without modification.                                 | 259 - 264 |
| 17 | Planning Appeal Decisions   | 265 - 268 |
| 18 | Planning Enforcement - Summary of Current Cases   | 269 - 276 |

### **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.

### **Human Rights Implications:**

The applications in this Agenda have been considered in the light of the Human Rights Act 1998 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).

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.

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.

**Order of items:** Applications on this agenda are ordered alphabetically. At the meeting the Chair may change this order to bring forward items with the greatest number of public speakers. The new order will be announced by the Chair at the start of the meeting.

**Speaking at Planning Committee:** All public speaking at Planning Committee is at the discretion of the Chair. The following people may register to speak:

Members of the Public who have submitted a written representation objecting to an application. A maximum of 6 minutes is allowed for objectors. If only one person registers they will get 3 minutes to speak, a second person will also get 3 minutes. If further people want to speak then the 6 minutes may be shared between them

Agents/Applicants will be able to speak but only if members of the public have registered to speak in opposition to the application. Applicants/agents will get an equal amount of time. If an application is brought to Committee with an Officer recommendation for Refusal then the Applicant/Agent will get 3 minutes to speak.

**All Speakers MUST register in advance**, by contacting The Planning Department no later than 12 noon on the day before the meeting.

**PHONE:** 020-8545-3445/3448

**e-mail:** [planning@merton.gov.uk](mailto:planning@merton.gov.uk))

Ward Councillors/Other Councillors who are not members of the Planning Committee may also register to speak and will be allocated 3 minutes each. Please register with Development Control Administration or Democratic Services no later than 12 noon on the day before the meeting

**Submission of additional information before the meeting:** Any additional information relating to an item on this Agenda should be sent to the Planning Department before 12 noon on the day before the meeting (using email above).

**Please note:**

There is no opportunity to make a visual presentation when speaking at Planning Committee

That the distribution of any documents by the public during the course of the meeting will not be permitted.

**FOR ANY QUERIES ON THIS INFORMATION AND OTHER COMMITTEE PROCEDURES** please contact Democratic Services:

Phone – 020 8545 3356

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# 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](http://www.merton.gov.uk/committee).

## PLANNING APPLICATIONS COMMITTEE

21 SEPTEMBER 2017

(7.16 pm - 10.06 pm)

PRESENT Councillors Councillor Linda Kirby (in the Chair),  
Councillor Najeeb Latif, Councillor Philip Jones,  
Councillor Laxmi Attawar, Councillor Peter Southgate,  
Councillor Geraldine Stanford, Councillor Stephen Crowe and  
Councillor Andrew Judge, Councillor Daniel Holden and  
Councillor Joan Henry

ALSO PRESENT Neil Milligan – Development Control Manager  
Jonathan Lewis – Planning Team Leader South  
Christian Loveday – Transport Planning Engineer  
Paul Evans - Assistant Director of Corporate Governance and  
Head of Legal Service  
Amy Dumitrescu – Democratic Services Officer  
Rose Stepanek - Tree Officer

### 1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor David Dean and Councillor Jerome Neil. Councillor Daniel Holden and Councillor Joan Henry attended as their substitutes.

### 2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

Councillor Andrew Judge read out the following statement in regards to Item 6:

“On 20<sup>th</sup> April a planning application concerning Merton Hall, 78 Kingston Road came before this Committee. On that occasion, I said that I had been involved in the development of the design proposal when I was a Cabinet Member and that consequently I would not be participating in that application.

This evening the Committee is to consider a fresh planning application concerning a new design proposal for that site. I have not been a Cabinet Member concerned in the development of this new design proposal and therefore, I will be participating in this new application.”

There were no other declarations of interest from members.

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

RESOLVED: That the minutes of the meeting held on 17 August are agreed as an accurate record.

### 4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Chair addressed the meeting advising that they were aware many were attending with concerns in regards to the Merton Hall application. The Chair stated that the Committee could only consider planning issues and that this was a new application following a previous design which was refused in April 2017.

Supplementary Agenda: Amendments and modifications to the Officers' report were published in a Supplementary Agenda. This applied to items: 6, 8, 10 and 12.

Order of the meeting: The Chair announced that the order of items taken at the meeting would be 6, 10, 5, 8 and 12.

Withdrawal of items: The Chair announced that items 7, 9 and 11 had been withdrawn from the agenda before the meeting.

### 5 70 BATHGATE ROAD, WIMBLEDON, SW19 5PH (Agenda Item 5)

Proposal: Excavation of basement level and erection of a two storey rear extension, rear roof extension and alterations to front dormer window involving partial demolition of the existing house (retaining the front elevation and front roof form).

The Development Control Manager introduced the report noting that protection for the tree would be provided.

The Objectors raised their concerns including:

- The dwellings formed part of a Conservation Area and the work would have an adverse impact
- The dwellings were on the Historic England At Risk Register
- The windows would be out of character
- Loss of privacy/amenity
- Loss of trees
- The application was contrary to the Local Plan
- The Flood Risk
- Structural damage that could occur to neighbouring properties from the construction work



- Damage to the highway that could be caused by the works
- Loss of sunlight
- The development would not be in keeping
- A neighbouring property had previously installed a basement swimming pool which had been very disruptive and there were concerns that this would be repeated in this property.

The Agent to the applicant responded in support of the application advising:

- The design was in keeping with the existing house
- The proposal was supported by the planning tree and conservation officers
- The property was not locally listed
- There was little change proposed to the façade and it was sensitively designed
- 5 trees would be lost but would be replaced
- A Flood Risk Assessment had been undertaken and there was no increased risk
- The agent would be willing to accept a condition to provide a Construction Management Plan

Officers advised that a swimming pool had not been proposed within this application and if this was applied for later then that would be considered on the basis of the application.

Members asked requested regarding which trees would be retained and the size of the basement. The Development Control Manager replied:

- The Tree Officer was happy with the proposals.
- The largest tree at the front of the property was protected.
- The basement was the same size as the ground floor, but had been assessed and the usual safeguards would be put in place.

#### RESOLVED

- A. The Committee voted to GRANT Planning Permission subject to the conditions in the Officers' report
- B. The Committee voted to add a condition that any damaged caused to the highway during the works be repaired.
- C. The Committee voted to add an informative that the Highways Department ensure that the highway is inspected to ensure the condition is complied with.

6 MERTON HALL, 78 KINGSTON RD SW19 1LA (Agenda Item 6)

Proposal: Alterations and extensions to existing Merton Hall including partial demolition of the single storey hall and alterations and refurbishment to the retained main two storey building and erection of a new worship hall, café, foyer and meeting/group rooms.

The Planning Officer introduced the report and advised that additional information had been submitted, including a petition and additional comments from officers.

The Planning Officer advised of the reasons for the previous refusal in April and advised that the latest application had amended the design and that it would appear unreasonable to refuse the application on the basis of principle, the impact on local residents, biodiversity, traffic, parking or refuse issues as these matters had not formed the basis of the Council's earlier reasons for refusal..

The Planning Officer commented that the Design and Review Panel had given a positive response to the application, had expressed their support for it and given it a green verdict, noting it had enhanced and improved the previous application.

Objectors raised concerns including:

- The application would mean the demolition of a community asset;
- The application contravened planning guidelines (as outlined in the additional material submitted by objectors);
- Overdevelopment;
- Noise pollution;
- Traffic and parking issues;
- Loss of greenspace;
- There was no Heritage Statement;
- The Acoustic Report was irrelevant;
- There were only 3 car parking spaces proposed;
- The design was too big;
- The Elim Church currently did not have a café in their current building;
- Did the new application still come under D1 class usage;
- The loss of John Innes gift;

- The application had been submitted to Historic England and the response from them had not yet been received;
- The proposal was boring, bland and overdeveloped;
- The scale and design of the glass;
- The proposal would be taller than the retained façade;
- Glass is reflective and would cause light pollution;
- It would not fit with surrounding buildings;
- It would cause detrimental harm to the building and the adjacent buildings;
- Adopted planning policy DMC1 would be breached

The Agent to the Application raised points including:

- Only the rear would be demolished
- The features of interest as listed in 7.8 of the report would all be retained
- The proposal would be a much needed clean up and improve the external area of the building
- The Independent Design and Review Panel had considered the proposal and given it a green verdict
- Parking surveys had been undertaken
- The proposal was lower than surrounding houses
- Amenity had been taken into consideration
- The green area would be narrower but allow for enhanced planting
- In regards to the loss of a Community Asset – there was no change of use, there would be more space and all current users would still be able to use the facility.

A representative from the Elim Church raised points including:

- The Church was vibrant and was part of the heritage of Wimbledon
- The Church served the community faithfully including providing the Food Bank which 4210 local people had used over the last year.
- 183 tonnes of food had been donated to the local Food Bank.
- There were various activities at the Church such as Brownies, Parent and Toddler Groups, Counselling, Pilates.

- The space could be hired by the Community.

The Planning Officer explained how the applicant had sought to compliment the design and made a number of additional comments including:

- There had been conditions regarding noise however these could be refined and reviewed.
- The design was a matter of judgement
- The property was locally listed but not statutorily listed

Councillor Michael Bull made points including:

- There were concerns on the design
- In regards to aesthetics there were major changes to the appearance
- The application had not been substantially changed since April
- The design was incongruous with the original building
- Overdevelopment
- Had the change of use for the Café etc been taken into account
- The property was locally listed
- 350 formal objections and petition of 000's was unprecedented
- Local residents are opposed to the application
- Noise pollution
- Loss of greenspace
- Parking issues had not been addressed

Members asked questions regarding the local listing, privacy, outlook/views, the potential for a nursery in the back, noise concerns, the listing status, parking and the comments from the Design and Review Panel.

The Planning Officer replied:

- The features to which the local listing refers are being retained and there is no reference in that listing to the rear hall.
- As a rule new Housing developments require a distance of 20m for windows facing each other and this application exceeds that.
- If concerns remained about the distance between windows obscured glazing could be introduced.

- There are no policies to protect views and the proposal shouldn't give rise to loss of light. Officers considered that the proposal was not visually intrusive.
- The intention was that there would be childminding during church services and also the use of the building for parent and child groups. D1 use does allow however for the lawful use as a nursery.
- Environmental Health had not raised any objections in regards to noise, however if the Committee felt there needed to be a decibel level defined that could be put in place.
- Two robust conditions had been prepared in regards to noise.
- The outlook for the cottage adjacent would change but it had been judged that it would have a harmful impact.
- The premises was located in a Level 5 area for Public Transport so was easily accessible.
- The premises is not in a conservation area.
- The features referred to in the local listing of the building would be retained.

Members made comments on the application including:

- The view of the Design and Review Panel, noting that they had approved the design and that the previous grounds for refusal had been addressed.
- The design was slightly toned down but it was still bulky and there was too much glass
- It would not lose community use
- Frosted glass should be introduced so as to safeguard the privacy of householders nearby

The Transport Planning Engineer advised that should parking be an issue, residents could request a consultation in regards to a Controlled Parking Zone six months after the development should they wish to, however that was a Highways issue and not a Planning consideration.

RESOLVED:

- A. That the Committee voted to GRANT Planning Permission subject to conditions in the Officers' Report.
- B. A condition be added to safeguard the amenity with the introduced of obscured glazing

7 577 KINGSTON RD, RAYNES PARK, SW20 8SA (Agenda Item 7)

WITHDRAWN FROM THIS AGENDA

8 FLAT 1, 57 MERTON HALL RD, WIMBLEDON, SW19 3PR (Agenda Item 8)

Proposal: Demolition of existing conservatory and erection of a single storey rear extension, erection of a replacement conservatory and art basement beneath new extension and part beneath the existing lounge and kitchen.

The Committee noted the officers report and presentations and the additional information contained within the supplemental agenda.

The Objector raised concerns including:

- The property was on a surface flood plain where regular surface flooding occurred and a basement would further increase this risk.
- They had not had sight of a detailed plan or construction method and requested that the application be refused until this had been received.
- The access to the site was unclear
- It was unclear where any skips required during the works could be placed including the potential for it to be placed in the neighbouring recreation ground
- There was a need for a permanent tree protection plan for the trees in the park
- The requirement for strict conditions around noise and construction method

The Agent for the Application raised points including:

- There was a Construction Method Statement
- The skip would be placed on the hardstanding at the front of the property
- Residents could request for specifics to be put into the statement if they so wished

Officers advised that there had been an appeal previously. Officers advised that there were 4 trees at the back which were contained within a protected area, that the basement impact statement was acceptable and that there were conditions in place in regards to noise pollution.

Members asked questions regarding the issue of surface flooding to which the Development Control Manager responded that this had been addressed by the investigation within the report and whilst the risk of surface flooding was present in many areas and had been considered, it was not considered that permission could be refused solely on that basis.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions in the Officers' report.

9 1A MOSTYN RD, MERTON PARK, SW19 3LH (Agenda Item 9)

WITHDRAWN FROM THIS AGENDA

The meeting was briefly adjourned between 20:35 and 20:43.

10 12 ST MARY'S ROAD, WIMBLEDON, SW19 7BW (Agenda Item 10)

Proposal: Erection of a 4 bedroom detached dwelling house with accommodation at basement level and within the roof space together with the provision of associated car parking and landscaping and front boundary wall/railings and gates.

The Committee noted the officers report and presentation and the additional information contained within the Supplementary Agenda.

The Development Control Manager advised that as per the report the application had been refused following a previous refusal.

Objectors raised concerns including:

- The proposal was disproportionate overdevelopment
- The number, range and strength of objections should be considered
- The proposal closely resembled the previous one which had been rejected
- There was no mitigation for the reduction of sunlight
- The proposal was larger than the previously rejected one
- Loss of privacy and light
- Issues with overlooking
- The new proposal did not overcome the reasons for refusal
- Solar panels included within the plan would increase the height further
- The position in relation to number 10 St Marys Road
- The failure to keep with the density/scale of other houses

The Applicant raised points including:

- The Applicants were long-term Merton residents wishing to modify the property as a retirement property and they had met with the Planning Department on numerous occasions.

- A substantial number of the objections were not regarding planning issues
- In regards to consultation – there was a property who supported the application and the applicant had written to all properties regarding the plans after they had purchased the property however only one resident had responded.

Of the 13 conditions proposed, the Applicant agreed with 12, however noted that the requirement for an archaeological report had not been in any of the previous applications for that property and the site had already been lawfully cleared and boreholes dug. The Applicant therefore questioned the requirement for this condition. The Applicant was concerned that this would cause further delay and expense without any precedent for it.

The Development Control Manager responded that there had been changes since the last application and that the report confirmed that one neighbouring property supported the application. The Development Control Manager advised that the property was within an Archaeological Protection Zone, but that the property had been well cleared and therefore the Committee should consider whether it would be appropriate to continue with the final condition.

Members asked questions on what the basis was for the APZ, loss of sunlight and the size and siting of the building.

The Development Control Manager responded:

- It is a large zone and was historical for many reasons and that the APZ covered a large area.
- Some sunlight would be lost however the previous application had more bulk at the back which had been reduced.
- All the sites on the road were slightly different and the road is slightly sloped and therefore whilst the proposal was slightly higher, within the overall context of the street scene it was considered that it generally fit.

RESOLVED:

The Committee voted to GRANT Planning Permission subject to conditions as detailed in the Officers' report with the exception of Condition 13 which would be deleted.

11 1 YORK RD, WIMBLEDON, SW19 8TP (Agenda Item 11)

WITHDRAWN FROM THIS AGENDA

12 THE WOODMAN, 222 DURNSFORD RD, WIMBLEDON, SW19 8DR  
(Agenda Item 12)



The Committee noted the officers' report and presentation and the additional information contained within the Supplemental Agenda.

The Development Control Manager advised that the trees had been ringbarked however they could take 1-5 years to die and therefore it was still worth implementing the TPO.

The Objector raised concerns including:

- Advice had been taken on the trees before the purchase of the property
- The Yew tree was considered an asset however the others had a reduced life expectancy and were category U trees
- The intention would be to replace the trees with 18 better quality trees

The Supporter raised concerns including:

- It was incumbent on the Council to protect green infrastructure
- Air quality/pollution was a concern and it would take years for newly planted trees to mature and have the same environmental impact as existing trees
- It was important to minimise the loss of existing trees
- Ringbarking showed disregard for amenity of the Borough

Members discussed the issues surrounding protection of trees within the Borough.

RESOLVED

That the Committee agreed that the Merton (No.710) Tree Preservation Order 2017 be confirmed, but be modified by the removal of the tree numbered T7.

#### 13 PLANNING APPEAL DECISIONS (Agenda Item 13)

The Committee noted the contents of the report and that of the 4 appeals, one had been allowed.

#### 14 PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES (Agenda Item 14)

The Committee noted the report in the Supplementary Agenda and the Development Control Manager gave an update on the team. The Chair commented that it was good to see progress especially with the small team having been under pressure.

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## PLANNING APPLICATIONS COMMITTEE 19 October 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2478	26/06/2017
<b>Address/Site</b>	7 Calonne Road, Wimbledon, SW19 5HH
<b>(Ward)</b>	Village
<b>Proposal:</b>	Addition of additional storey to existing bungalow
<b>Drawing Nos</b>	EX01 (Site location plan), P01, P02, P03, P04, P05, P06
<b>Contact Officer:</b>	Arome Agamah (8545 3116)

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### RECOMMENDATION

**GRANT Planning Permission subject to conditions**

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#### CHECKLIST INFORMATION

- Heads of agreement: no
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice – Yes
- Site notice – Yes
- Design Review Panel consulted – No
- Number neighbours consulted – 11
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: No

#### 1. INTRODUCTION

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

#### 2. SITE AND SURROUNDINGS

- 2.1 The application site is a detached 3 bedroom bungalow located on the north side of Calonne Road in Wimbledon within the Wimbledon North conservation

area. It is a brick construction dating from the 1970s with a hipped roof and is not of particular design merit.

- 2.2 The layout of the subject site and the adjoining plots came about as a result of grounds that were formerly part of the larger plot serving number 9 Calonne Road, a locally listed residential property that has long since been subdivided into flats. At present the application site is adjoined to its flanks by number 9 Calonne Road and a group of 3 detached lock up garages. The subject site has to its rear the gardens of number 5 Calonne Road which benefits from a generous plot.

### 3. **CURRENT PROPOSAL**

- 3.1 The current application is for the enlargement of the existing bungalow by the formation of an additional storey and the reconfiguration of the internal layout. The proposed scheme will have a contemporary architectural aesthetic that will dramatically contrast with the existing building with respect to the materials, form and massing, and façade treatment. The ground floor will be reconfigured to accommodate a study, an ensuite bedroom to the rear, utility room, and living/dining areas opening onto the retained rear garden and a newly formed screened courtyard. The additional storey will accommodate three additional ensuite bedrooms.
- 3.2 The hipped roof will be replaced with a flat sedum (green) roof above the ground floor element and the first floor addition. The first floor will be clad with timber panel cladding and the ground floor will retain its current brick construction albeit with a new entrance porch and windows facing the front.
- 3.3 The massing of the additional storey will be set towards the front of the property in order to be well setback from the rear boundary and to avoid the flank windows of the upper flat of number 9 Calonne Road. The bedrooms will each have a single large south facing window. There are no openings to the east flank wall at first floor level.
- 3.4 The original footprint of the bungalow will be retained along with the ground level setbacks from the shared property boundaries, although the new storey will have an overhang above the building line of the front of the house. The existing off street parking will be retained at the front of the property
- 3.5 The current application is a follow-up to a previously withdrawn scheme on the same site. Pre-application advice was sought prior to submission and the form and massing of the current scheme is based on the feedback received from planning and conservation officers.

### 4. **PLANNING HISTORY**

- 4.1 17/P1285 – Erection of additional storey to existing bungalow. Withdrawn 19/05/2017.

- 4.2 89/P0460 – Erection of front, side and rear ground floor extensions. Granted 18/08/1989.
- 4.3 87/P1079 – Erection of a single storey rear extension with hipped roof. Granted 15/10/1987.
- 4.4 MER819/70 – Outline erection of bungalow and garage. Withdrawn

Planning history also includes details of approved tree works.

## 5. **CONSULTATION**

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

Six objections to the proposals were received on the following grounds:

- Inappropriate scale, massing and style for the setting
- Adverse impact on the character of the conservation area
- Disruption of the established building line
- Incorrect information presented as part of application
- Overbearing presence to the neighbouring property
- Loss of outlook and available light to neighbouring flats
- Overlooking and intrusion on privacy to neighbours

- 5.2 A representation was received from the Parkside Residents Association with objections on the following grounds:

- Adverse impact on the amenity of neighbours with respect to loss of outlook and intrusion on privacy
- Unsympathetic design with respect to the character of the conservation area

## 6. **POLICY CONTEXT**

### 6.1 Adopted Merton Core Strategy (July 2011)

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

### 6.2 Sites and Policies Plan (July 2014)

The relevant policies contained within the adopted Merton Sites and Policies Plan (July 2014) are DM D2 (Design Considerations in all developments) and DM D3 (Alterations and extensions to existing buildings).

## 7. **PLANNING CONSIDERATIONS**

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

#### Design and Impact on Conservation Area

- 7.2 The proposed scheme comprises of an expansion to the living spaces and massing of the existing property as well as a dramatic change to the visual appearance to a contemporary architectural style. In its current form the building is generally unremarkable with no particular architectural or historical merit, and arguably detracts from the overall visual character of the area.
- 7.3 The site is within a conservation area and the immediate neighbouring property at number 9 Calonne Road is on the local list. It is noted that on Calonne Road there is no singular style or architectural feature that is unique to this section of Calonne Road. Although the scheme has been assessed on its merits with respect to the specific context, the disruption of an established pattern of development is not a consideration in this instance. The proposed scheme is consistent with the pattern of development and the variation of styles that currently characterises the area.
- 7.4 The design and proposed materiality is considered to be an improvement to the character and visual quality of the existing building. The proportions, massing and bulk of the additional level is not considered to be excessive for the plot, or to result an excessively dominant or overbearing addition to the street scene.
- 7.5 The proposed materials for the scheme are timber cladding for the first floor addition and brickwork to the ground floor. The setback will be retained from the street and a new front brick and planting boundary treatment will be established, which taken together is expected to mitigate the visual impact of the scheme as well as make the plot more in keeping with the overall appearance of the area.
- 7.6 With respect to the neighbouring property at number 9, the proposed scheme will maintain the subordinate visual and volumetric relationship as currently established.

#### Impact on Neighbouring Amenity

- 7.7 The current scheme has been amended from the previously withdrawn proposal by shifting the massing of the first floor addition towards the front of the building to set it back from the rear boundary that adjoins the grounds of number 5 Calonne Road by ... metres. As such it is not expected that the addition will create an overbearing or unneighbourly presence to the occupiers of number 5, and it is also expected that the perception of overlooking and visual intrusion will be minimised.
- 7.8 The positioning of the first floor is also sited in such a way as to minimise the extent that it obstructs the views out from the windows to the upper flat of number 9 Calonne Road. The loss of non-protected views in itself is not a

material planning consideration, however consideration is given to the impacts brought about by the likely loss of available outlook and daylight. Some level of visual impact is to be expected given the location of the plots and their relative orientation. The massing has been reduced from earlier proposals and although some direct views towards Calonne Road may be reduced, it is considered that there is still sufficient outlook and access to the sky from the upper windows to not result in an unduly adverse impact to the users of the upper rooms. The single storey height of the scheme towards the rear is also expected to mitigate the visual and outlook impact of the massing of the proposals.

- 7.9 The flat sedum roofs to the ground and first floors are not presented as external amenity spaces for future occupiers of the dwelling and are not directly accessible from the internal spaces. To preclude the impact on neighbours by way of overlooking and noise intrusion, a condition will be attached prohibiting the use of the roofs as an external amenity space and allowing access for maintenance only.
- 7.10 The main openings at first floor level are the front windows to the bedrooms, which are south facing and overlooking Calonne Road. Their orientation is such that they do not face directly onto adjoining neighbours and they are well set back from the opposite plot at number 2 Calonne Road. There are no terraces or balconies proposed for the bedrooms and as such it is not expected that there would be a significant impact with respect to noise intrusion or overlooking. The other first floor level openings are to the rear and side (west) facing walls serving the ensuite bathrooms. To preclude the possibilities of overlooking onto neighbouring properties and gardens a condition will be attached requiring that they are glazed in obscured glass and non-opening to a height of 1.7 metres.

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

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

## **9. CONCLUSION**

- 9.1 The current scheme comprises of amendments that address the issues raised as part of the withdrawn previous application with respect to the design, massing and impact on the visual character of the area. The concerns of the neighbours have been noted; however it is considered that sufficient measures have been included in the design to minimise adverse impacts of the scheme on the amenity of neighbours.
- 9.2 A number of conditions have been recommended to safeguard the amenity of neighbouring properties and to require LPA approval for external materials used in the scheme.
- 9.3 Accordingly, it is recommended that planning permission be granted.

## **RECOMMENDATION**

### **GRANT PLANNING PERMISSION**

and subject to the following conditions:-

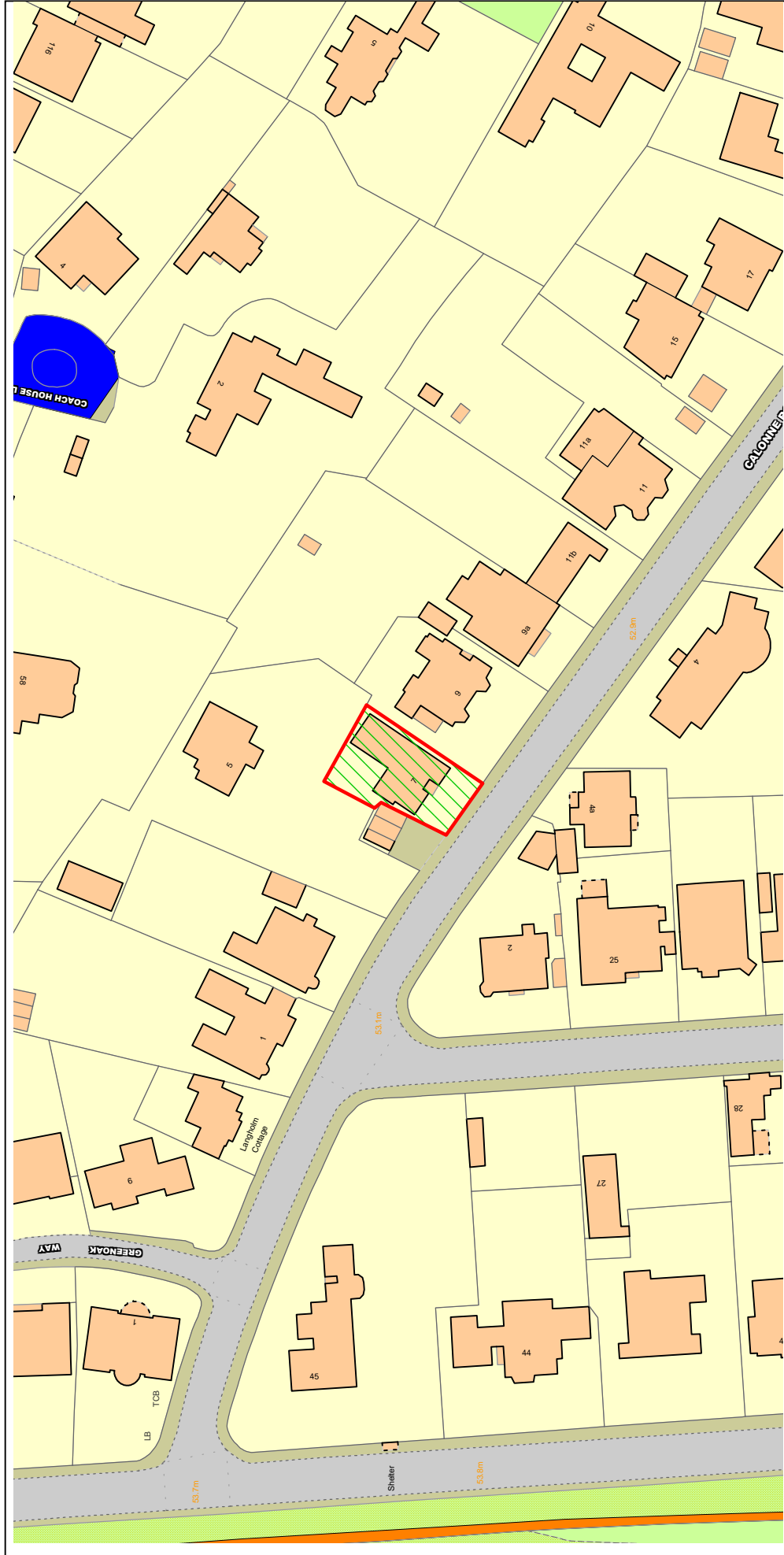
1. A.1 Commencement of Development
  2. A.7 Approved Plans
  3. B.4 (External Materials to be approved)
  4. B.5 (Boundary Treatment)
  5. C.1 (No Permitted Development – Extensions)
  6. C.2 (No Permitted Development – Windows and Doors)
  7. C.8 (No Use of Flat Roof)
  8. D.10. (Construction Times)
  9. F.1 (Landscaping)
  10. F.2 (Landscaping)
  11. H.4 (Provision of Vehicle Parking)
  12. H.14 (Gates)
- 

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# NORTHGATE SE GIS Print Template



Text Details **7 Calonne Rd**

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## PLANNING APPLICATIONS COMMITTEE

19th October 2017

**APPLICATION NO.**                      **DATE VALID**  
17/P2729                                      14.07.2017

**Address/Site**                      Land to rear of 145 Claremont Avenue, New Malden, KT3 6QP

**Ward**                                      West Barnes

**Proposal:**                              Erection of 3 bedroom single storey dwelling house

**Drawing Nos;**                      Site location plan and drawings and documents 196\_GA\_-20\_PP Rev 01, 196\_GA\_21\_PP Rev 01, 196\_GA\_50\_PP, 196\_GA\_51\_PP, 196\_GA\_200\_PP, 196\_GA\_201\_PP, 196\_GA\_-250\_PP, 196\_GA\_251\_PP, 196\_GA\_252\_PP, 196\_GA\_-400\_PP, 196\_GA\_500\_PP & 196\_GA\_501\_PP, Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733), 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1.

**Contact Officer:** Leigh Harrington (020 8545 3836)

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### RECOMMENDATION

Grant planning permission subject to conditions.

### CHECKLIST INFORMATION.

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 22
- Press notice – No
- Site notice – Yes
- External consultations: Environment Agency, Metropolitan Police
- Archaeological Priority Zone – No
- Controlled Parking Zone - No
- Number of jobs created: N/A

## 1      INTRODUCTION

1.1 The application has been brought before the Committee due to the level of public interest.

## **2. SITE AND SURROUNDINGS**

2.1 The site is a an irregularly shaped plot of garden land situated at the rear of 145 Claremont Avenue which borders the gardens of neighbouring houses on West Barnes Lane, Barnes End and Byron Avenue. The site is not located within a Conservation Area.

## **3. CURRENT PROPOSAL**

3.1 The proposal involves demolition of the single storey extension to the side of the house in order to open a combined vehicle pedestrian accessway to the land at the rear of the site which will be subdivided from the existing rear garden to provide the application site.

3.2 The site would then be used to accommodate a single storey three bedroom house. The house would be in two conjoined sections, the main one providing a combined Living/kitchen/dining room area and a double bedroom behind that with a corridor leading to two more double bedrooms either side of a central family bathroom. There would be a dedicated car parking space to the front whilst the house would be surrounded by two garden areas and a central decking area. The main house would be finished with a green sedum roof with a fibre glass roof for the smaller section whilst the walls would be finished in a combination of Cream brick work, timber cladding and vertical glazing panels.

## **4. PLANNING HISTORY**

4.1 17/P0540 Pre application advice prior to submission of this application.

## **5. CONSULTATION**

5.1 The application has been advertised by means of a site notice and letters to 22 neighbouring occupiers. In response to the consultations objections were received from 6 neighbouring occupiers raising the following concerns:

- Loss of Security to neighbouring houses as the site will now be accessible.
- Out of character with the local area using a land locked space
- Increased noise and disturbance from vehicles and activities in proximity to neighbours
- Loss of privacy.
- Reduces biodiversity.
- Increases environmental pollution.
- Increased noise and disturbance during construction.
- The building would be oppressive and overbearing.
- If more than one car parks there it would need to reverse and thereby cause safety issues.
- It will reduce on-site parking at 145 by 50% putting more pressure on the on street parking.

- Emergency services can't access the site
  - The acoustic fence is not long enough and no evidence it works.
  - It should be restricted from being a business or HMO.
- 5.2 Merton Trees officer. No objection to the proposals subject to the inclusion of conditions requiring the tree protection plan to be implemented and landscaping details to be approved.
- 5.3 Merton Transport planning. No objection confirming that the access was the minimum width for the average car but as the proposals was for a single property that was acceptable. As the refuse collection point would restrict this space for a short time each week further detailed drawings were required demonstrating how this would work. The one parking space on site meets standards as do the covered cycle spaces.
- 5.4 Merton Flood Risk officer. No objection to the proposals as the details shown in the Flood risk assessment were considered to satisfactorily deal the impacts of surface water flooding.
- 5.5 The Environment Agency. No comment other than advising of the flood risk standing advice.
- 5.6 Metropolitan Police Safer by Design Officer. Suggested the installation of a securable gate designed to eliminate climbing although suitable designed so as to not cause noise issues for neighbours. The buildings should not offer climbing aids.

## **6. POLICY CONTEXT**

- 6.1 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), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.13 (Sustainable drainage), 7.5 (Public realm), 7.6(Architecture) & 7.21 (Trees and woodlands).
- 6.2 DCLG Technical standards 2015
- 6.3 Merton LDF Core Strategy 2011. CS8 (Housing choice), CS 13 (Open Space, Nature conservation), CS 14 (Design), CS 15 (Climate change) & CS 20 Parking, Servicing & delivery
- 6.4 Merton Sites and Policies Plan 2014. DM D1 (Urban Design and the public realm), DM D2 (Design considerations in all developments), DM F1 (Flood risk management), DM EP 2 (Reducing and mitigating noise), DM H2 (Housing mix), DM 02 (Trees, hedges and landscape features), DM T2 (Transport impacts of development) & DM T3 (Car parking and servicing standards).

## **7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations in this case relate to the principle of development, the scale and design of the new house, the impact on occupier and neighbour amenity, parking

## 7.2 Principle

The National Planning Policy Framework 2012, London Plan 2015 policy 3.3 and the Council's Core Strategy policy CS9 all seek to increase sustainable housing provision where it can be shown that an acceptable standard of accommodation will also provide a mix of dwelling types.

7.3 Currently Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [July 2015] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. This proposal will provide a new family house and is therefore considered to accord with these policies.

7.4 Policy CS 13 within the Core Strategy states that proposals for new dwellings in back gardens must be justified against the;

- Local context and character of the site.
- Biodiversity value of the site.
- Value in terms of green corridors and green islands.
- Flood risk and climate change impacts.

The site is a well-kept and maintained area of lawn with larger trees and shrubs on the borders which limits the biodiversity value. The new house will be largely screened from public view and will be fitted with a green roof. The site is one at a risk from flooding but the impacts are considered to be suitably mitigated through the implementation of the FRA recommendations suggestions and therefore officers consider the proposal is not contrary to policy CS13.

## 7.5 Design

London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP policies DM D1 and DM D2 require well designed proposals to utilise materials and design that will respect the siting, rhythm, materials and massing of surrounding buildings as well as complementing, responding to and reinforcing, local architectural character, locally distinctive patterns of development as well as the character and local distinctiveness of the adjoining townscape.

7.6 The new house has been designed to sit as low as possible on the site such that it would be difficult to see from the street, thereby having little or no impact on the wider appearance of the area, whilst the green roof and the extensive tree planting around the boundary of the site are considered to reduce its impact when viewed from surrounding houses. The house has been designed to utilise light coloured materials with extensive glazed panelling to give it a modern and light appearance.

#### 7.7 Impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policy DM D2 require proposals not to have a negative impact on the amenity of neighbouring occupiers through loss of light, overshadowing, outlook, privacy, visual intrusion or disturbance.

#### 7.9 Loss of light;

The single storey house would be situated away from windows in neighbouring houses and at a height that is considered to have a negligible impact on light reaching neighbouring gardens.

#### 7.10 Loss of privacy;

Similarly, the design of the single storey house is such that the windows face the front and rear of the site where they would align with the boundary fencing whilst the closest openings by the boundary are a side door and a bathroom window and therefore the proposals are not considered to result in any loss of privacy for neighbours.

#### 7.11 Noise and disturbance

The proposed house has generated objections in regard to noise and disturbance being greater than currently experienced from the existing garden use. The issue of disturbance from residential developments such as this have frequently not been supported at appeals where the Inspector has considered that noise from a residential use would not normally be so detrimental to neighbour amenity as to warrant refusal of permission. In order to mitigate the impact of occasional car movements to the site an acoustic fence is proposed and this has been a commonly agreed mechanism for dealing with this issue at a number of sites throughout the borough.

#### 7.12 Suitability of accommodation.

Core Strategy policy CS 9 calls for the provision of well-designed housing and the DCLG Technical Standards and the London Plan policy 3.5 set out a number of required design criteria for new residential developments including room and space standards. This 98 sq.m. proposal provides a 3 bedroom 6 person unit which meets the minimum required Gross Internal Area requirements (95 sq.m.) for such a property. SPP policy DM D2 requires the provision of a 50 sq.m. private amenity space configured in a single usable space and this proposal provides a combined 204sqm of amenity space.

#### 7.13 Trees.

Core strategy policy CS13 and SPP policy DM O2 seek to protect landscape features such as trees. An arboricultural; report accompanied the application which identified that there were no 'High quality trees', 2 'Moderate quality trees' and 16 'Low quality trees, shrubs and hedges on the site. The proposal will require the removal of 2 low quality trees and 1 low quality shrub. Officers concur with the reports suggestion that their loss will have no impact on the character and appearance of the area or immediate treescape. The Council's

trees officer raised no objection to the proposal subject to suitable conditions to ensure the protection of the trees on site, site supervision and landscaping details to be approved.

#### 7.14 Safety and security

SPP Policy DMD2 requires proposals to provide safe and secure layouts. A number of objections were received from neighbours concerned with potential security matters should the rear of the site be opened. The Police have suggested that a climb resistant gate could be incorporated into the scheme to prevent access to the rear of site in order to keep it secure. A condition requiring details to be approved is recommended.

#### 7.15 Parking and Access

Core Strategy policy CS 20 and policy DM T2 in the Sites and Policies Plan require developers to demonstrate that their development will not adversely affect safety, the convenience of local residents or on street parking and traffic management. Although the proposal will introduce a new house it will use the existing off street parking space currently on site and therefore there is no anticipated increase in pressure on the on street parking capacity of the area. The site is confined however and a condition requiring details of the storage of materials and construction vehicles etc. during the construction process is recommended. A condition requiring the car parking space to be provided prior to occupation is recommended along with a condition that the hardstanding be permeable to mitigate impacts of water runoff.

#### 7.16 Flood risk

London Plan (policies 5.12, 5.13) and Merton's development management policies DM F1 and F2. Require schemes not to increase the risk of flooding in an area and to be designed so that they are resilient to the impacts of surface water flooding. The site is located in Flood Zone 2 and in terms of flood risk mitigation measures it is proposed that the finished floor level of the proposed building will be set minimum of 16.38mAOD which is 0.42m above the general ground level (i.e. 15.96mAOD) which is considered satisfactory.

7.17 In terms of sustainable drainage measures (SuDS), a geo-cellular underground storage tank (volume to be no less than 13m<sup>3</sup>) will be implemented to reduce the rate and volume of the surface runoff leaving the site. Flow will be limited to no more than 5/s into the surface water sewer in Claremont Avenue and will require Thames Water's permission. The freeholders will be fully responsible for regular repair and maintenance of the attenuation storage and associated drainage system in perpetuity. A green roof is proposed also.

Flood Resilient measures to be implemented include:

- Electrical sockets will be installed above the flood level for ground floors to minimise damage to electrical services and allow speedy re-occupation.



- Water, electricity and gas meters will be located above predicted flood level.
- Non-return valves will be used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- All service entries will be sealed (e.g. with expanding foam or similar closed cell material).
- Closed cell insulation will be used for pipes which are below the predicted flood level.
- Boiler units and ancillary devices will be installed above predicted flood level and preferably on the first floor of two-storey properties.
- Underfloor heating will be avoided on ground floors and controls such as thermostats will be placed above flood level.
- Wiring for telephone, TV, Internet and other services will be protected by suitable insulation to minimise damage.
- Engineering bricks (Classes A and B) will be used which has 'good' resilience in terms of water penetration, drying ability and retention of pre-flood dimensions and integrity.
- Building materials that are effective for a 'water exclusion strategy' will be used which include: engineering bricks, cement-based materials including water retaining concrete and dense stone.
- Building materials that are suitable for a 'water entry strategy' will be used which include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings.

7.18 These works are considered to be acceptable and a condition requiring their implementation is recommended.

## **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.

8.2 In order to ensure that the development is policy compliant a condition requiring CO2 reductions of not less than a 19% improvement on Part L of the Building Regulations 2013, and internal water usage rates of not more than 105 litres per person per day is recommended.

## **9. CONCLUSION**

9.1 The proposal will provide a new family sized house for which there is an identified need within the borough and London at large. The siting of the proposal is such that it would not be readily visible from the street and a combination of its single storey design and the amount of foliage on and around the site means that it would not readily be visible from the street. As the proposal is for a single house the level of noise and disturbance from general activities and limited car movements are not considered to be harmful to local amenity whilst the single storey design would have very

limited impact in terms of loss of light or privacy whilst the provision of a suitable security gate should ensure adequate security for neighbouring occupiers.

- 9.2 The new house provides off street parking for one car and therefore has no impact on parking for other residents. The proposal will provide a well-designed house which exceeds the minimum internal and external space standards whilst the sedum roof will assist with local biodiversity and help offset the loss of open space that currently exists on site.
- 9.3 In view of these factors officers consider that the proposals are acceptable and will not have a negative impact on the appearance and character of the local area or upon neighbour amenity and the proposal is therefore recommended for approval subject to appropriate conditions.

## **RECOMMENDATION**

### **Grant planning permission subject to planning conditions**

- 1 A1 Commencement of works
- 2 A7 In accordance with plans; Site location plan and drawings and documents 196\_GA\_20\_PP Rev 01, 196\_GA\_21\_PP Rev 01, 196\_GA\_50\_PP, 196\_GA\_51\_PP, 196\_GA\_200\_PP, 196\_GA\_201\_PP, 196\_GA\_250\_PP, 196\_GA\_251\_PP, 196\_GA\_252\_PP, 196\_GA\_400\_PP, 196\_GA\_500\_PP & 196\_GA\_501\_PP Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733), 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1'.  
Reason. For the avoidance of doubt and in the interests of proper planning
- 3 B1 External materials to be approved; No construction 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, windows and tiles (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 2015 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014
- 4 B5 Boundary treatments to be approved; No development shall take place until details of all boundary walls or fences including methods for the temporary security of the site during construction, and details of the entrance gate to the site, are 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 / the use of the development hereby approved shall not commence until the details are approved and works to which this condition relates have been carried out in accordance with the approved details. The walls and fencing shall be permanently retained thereafter. Reason. To ensure a satisfactory and safe development in accordance with the following Development Plan policies for Merton: policies 7.5 and 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D1 and D2 of Merton's Sites and Polices Plan 2014.

- 5 D11 Construction Times No demolition or construction work or ancillary activities such as deliveries shall take place before 8am or after 6pm Mondays - Fridays inclusive, before 8am or after 1pm on Saturdays or at any time on Sundays or Bank Holidays. Reason; To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policy DM EP2 of Merton's Sites and Polices Plan 2014.
  
- 6 H9 Construction Vehicles The development shall not commence until details of the provision to accommodate all site workers', visitors' and construction vehicles, loading /unloading and storage arrangements of construction plant and materials during the construction process have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.  
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 Polices Plan 2014.
  
7. Tree Protection: The details and measures for the protection of the existing retained trees as specified in the approved document 'Arboricultural Report and Tree Condition Survey for proposed development' dated 'June 2017' reference '0517-2123-JGS' including the drawing titled: 'Tree Removals & Tree Protection Plan' numbered 'TPP1' shall be fully complied with. The methods for the protection of the existing retained trees shall follow the recommendations of the report and the sequence of site monitoring/supervision for the protection of trees 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 retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2015, policy CS13 of Merton's Core Planning Strategy 2011 and policies DM D2 and 02 of Merton's Sites and Policies Plan 2014;
  
8. F1 Landscaping

9. F2 Landscaping
10. No permitted development (extensions) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority. Reason; The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area and for this reason would wish to control any future development to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Polices Plan 2014.
11. External lighting. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary. 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 Polices Plan 2014.
12. Hardstanding. The hardstanding and vehicle accessway hereby permitted shall be made of porous materials, or provision made to direct surface water run-off to a permeable or porous area or surface within the application site before the development hereby permitted is first occupied or brought into use. Reason; To reduce surface water run-off and to reduce pressure on the surrounding drainage system in accordance with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2015, policy CS16 of Merton's Core Planning Strategy 2011 and policy F2 of Merton's Sites and Polices Plan 2014.
13. Provision of vehicle parking. The vehicle parking area (including any garages hereby approved) shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason. To ensure the provision of a satisfactory level of parking and comply with the following Development Plan policies for Merton: policy 6.13 of the London Plan 2015, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.
14. The development permitted by this planning permission shall be carried out in accordance with the details and recommendations set out in the submitted Flood Risk Assessment (FRA) by UK Flood Risk Consultants dated 12/07/2017 (Ref; QFRA 733). The mitigation measures 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 ensure the development is does not lead to an increase in flood risk either to or from the site, in accordance with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

- 15 Before development commences, the detailed design, specification and planting scheme for the green roof shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved and retained in perpetuity thereafter.

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.

- 16 No development approved by this permission shall be commenced until a 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 LPA. 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 13m<sup>3</sup>) and control the rate of surface water discharged from the site to greenfield runoff rates (no more 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; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

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.

17. 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 CO<sub>2</sub> 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. 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:**

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; **AND**
- 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:

- Documentary evidence representing the dwellings 'As Built'; detailing:
- the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment);
- the size and details of any rainwater and grey-water collection systems provided for use in the dwelling; **AND**:
- Water Efficiency Calculator for New Dwellings; **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'

**Informative:**

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

NPPF informative.

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## PLANNING APPLICATIONS COMMITTEE

19<sup>th</sup> October 2017

### APPLICATION NO.

### DATE VALID

16/P4853

11/01/2017

### **Address/Site:**

Former Wolfson Neurological Rehabilitation Centre,  
Copse Hill, SW20

### **(Ward)**

Village

### **Proposal:**

Erection of 7 x flatted blocks with a maximum height of 5 storeys (including roof space and lower ground floor accommodation) to provide 75 residential units with associated arrangements including basement car parking and the provision of public and private landscaped spaces.

### **Drawing Nos:**

P\_001,P\_051(02), P\_101(P01), P\_102(03), P\_103(05),  
P\_104(05), P\_105(04), P\_106(04), P\_107(04),  
P\_111(03), P\_112(03), P\_201(P01), P\_212(P01),  
P\_211(P01), P\_202(P01), P\_203(P01), P\_221(P01),  
P\_222(02), P\_223(02), P\_224(02), P\_225(02),  
P\_226(02) P\_231(02), P\_232(02), P\_235(02), P\_241(01),  
P\_242(01), P\_243(02), P\_246(01), P\_245(02),  
P\_251(01), P\_255(02), P\_256(01), P\_265(01), P\_266  
P\_271, P\_272(01), P\_273(01), P\_275(01), P\_276(01),  
P\_401(01), P\_402(01), P\_421(01), P\_422(01), P\_431(01)

### **Contact Officer:**

David Gardener (0208 545 3115)

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## RECOMMENDATION

### **GRANT Planning Permission Subject to Conditions and S106 Agreement**

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#### CHECKLIST INFORMATION

- Heads of agreement: Affordable Housing
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: Yes (Pre-application stage)
- Number of neighbours consulted: 389
- External consultations: Transport for London, Natural England, Thames water, Historic England

## **1. INTRODUCTION**

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

## **2. SITE AND SURROUNDINGS**

- 2.1 The red line boundary of the application site covers approximately 0.96 hectares with a frontage to the south side of Copse Hill. The bus turning facility for the 200 bus service extends in front of almost half the Copse Hill front boundary. The site adjoins the former Firs site to the west which comprises 8 detached houses. Woodland wraps around the southwest and southern boundaries, and the majority of the east boundary adjoins a north-south orientated path between Copse Hill to the north and Cottenham Park Road to the south with the bulk of the former Atkinson Morley hospital where the residential redevelopment has recently been completed located on the other side of the path.
- 2.2 The site contains the marketing suite for the Berkeley suite for the Berkeley redevelopment of both Atkinson Morley and Wolfson and temporary office and welfare accommodation associated with the construction works. It formerly contained the Wolfson Centre building, a neurological rehabilitation centre vacated by the NHS in February 2012. There is a very steep fall in levels from the front to the back of the site.
- 2.3 There are a number of mature trees scattered across the site and along the street frontage and the site is covered by Tree Preservation Order No. 376 (2004).
- 2.4 The whole of the site is within the Copse Hill Conservation Area. The woodland to the west and south of the site, outside the application site boundary, forms part of an area designated as a Site of Importance for Nature Conservation (SINC) in the Merton Sites and Policies Plan and Policies Map July 2014. The land to the west and south is also part of a larger parcel of land designated as Metropolitan Open Land and this designation extends north beyond the boundary of the SINC to form a corridor extending either side of the access road running between the Firs and the Wolfson Centre site to link the main parcel of MOL land with Copse Hill. Part of this MOL corridor falls within the application site boundary behind the bus turning facility.
- 2.5 The site falls within an Archaeological Priority Zone. The site also has a Public Transport Accessibility (PTAL rating) of 1b (low) and is not within a controlled parking zone (CPZ).

## **3. CURRENT PROPOSAL**

- 3.1 There is consented scheme on the application site for a total of 16 houses, comprising 11 private houses permitted under 15/P2029, together with five private houses fronting the north-south link permitted under 15/P2027.

3.2 The current application as originally submitted proposed four buildings comprising a total of 85 flats. The application has been amended twice since it was first submitted. The first amendment increased the number of blocks from 4 to 7 with the number of flats reduced from 85 to 77 with the second and latest amendment reducing the number of flats further to 75. From the 75 flats, 57 will be private and 18 affordable. It should be noted that the amount of affordable housing has been reduced from 30% to 24% following the latest amendments.

Type	No. of bed per unit			
	1 bed	2 bed	3 bed	4 bed
Private	11	24	19	3
Affordable rent	0	0	0	
Intermediate	12	6	0	
<b>Total</b>	<b>23</b>	<b>30</b>	<b>19</b>	<b>3</b>

3.3 The proposal would have a traditional design approach with the proposed blocks ranging between 4 and 5 storeys including lower ground floor accommodation. The public square has also been relocated so that it is now framed by blocks B, E, F & G.

3.4 Block A & G

These blocks are located on the west side of the application site and have a maximum height of 4 storeys. Facing materials comprise red multi-stock brick and a slate roof. The front elevation of block G forms the western side of the relocated public square.

3.5 Block B

This block is centrally located within the site and has a maximum height of 5 storeys including lower ground floor accommodation. Facing materials would comprise buff London Stock brick and a slate roof. The front elevation fronts the relocated public square.

3.6 Blocks E & F

These blocks comprise the 18 affordable units and are 4 floors in height including mansard roof accommodation. The front elevation addresses Copse Hill and the rear elevation faces the public square. Facing materials comprise red multi-stock brick and a slate roof.

3.7 Blocks D & C

These blocks are located on the east side of the site with their frontages facing the north/south path. Block C is a maximum of 4 storeys including lower ground floor and mansard roof whilst Block D has is a maximum of 5 storeys including lower ground floor. Facing materials would comprise buff London Stock brick and a slate roof.

3.8 The applicant has advised that the current application is a response to the housing market and the wider economy since the original house-based

scheme was drawn up in 2012, and that the house-based development is no longer viable to deliver.

- 3.9 The application as originally submitted proposed a total of 90 car parking spaces with 86 of these spaces located in the basement and 4 located at ground floor level in front of Block C. Another 6 visitor parking spaces were proposed at ground adjacent to the north-south route level immediately to the south of the proposed concierge. These spaces would have required car access from the north/south path. The amended plans also propose 90 car parking spaces with 88 of these spaces now provided at basement level and 2 spaces in front of blocks E & F (formerly block C). The number of visitor car parking spaces, which will now be located at basement level has been increased to 10. A further 13 visitor spaces located within Phase 2 of the development will also be made available for visitors of the site if required. The basement car park would be accessed from Atkinson Close on the west side of the application site.
- 3.10 Above the new entrance road, a 4m wide footpath would be provided to create a link from the bus turning facility down into the main parcel of MOL land being transferred into public ownership as part of the Atkinson Morley hospital development.
- 3.11 The application originally proposed included giving land located in the southeast corner of the site over to MOL with a new pedestrian path linking the north/south path and east/west path within the MOL. This element of the proposal has now been omitted.

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

##### **4.1 Wolfson Centre**

The Wolfson Neurorehabilitation Centre opened in 1967, already flanked to the east by Atkinson Morley neurosurgical hospital and broadly contemporary with the construction of The Firs hospital staff accommodation to the west.

- 4.2 In December 2011, St George's Healthcare Trust declared the Wolfson Centre surplus to requirements. The building was vacated and the services were re-located in early 2012, prior to the sale of the site.

- 4.3 Planning permission was granted for redevelopment of the site for 8 detached family houses following completion of a legal agreement in May 2013, planning ref 12/P2157

- 4.4 The Wolfson Centre was subsequently demolished and the site is in use for Berkeley's marketing suite (granted temporary permission on 9<sup>th</sup> October 2014 until June 2017 (14/P2576) as well as site accommodation for construction works.

- 4.5 Permission was granted to vary planning ref 12/P2157 increasing the number of houses from 8 to 11 on 19<sup>th</sup> August 2015 (Ref: 15/P2029). This application was compatible with application ref 15/P2027 which was a simultaneous

application to replace three consented units on the Atkinson Morley hospital site with 5 smaller houses. This site also now forms part of the current application site.

## **5. POLICY CONTEXT**

### **5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014):**

DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM D4 (Managing Heritage Assets), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM H2 (Housing mix), DM H3 (Support for affordable housing), DM O1 (Open space), DM O2 (Nature conservation, trees, hedges and landscape features), DM EP2 (Reducing and mitigating noise), DM EP4 (Pollutants), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards)

### **5.2 Adopted Core Strategy (July 2011):**

CS8: Housing Choice: Requires new developments to be well designed, socially mixed and sustainable, and requires sites for 10 units or more to provide 40% affordable housing (60% Social Rented and 40% Intermediate)

CS9: Housing Provision: Supports provision of new housing and aims to facilitate delivery of the Borough's housing targets

CS11; Infrastructure: Requires new development to provide for any necessary infrastructure

CS13: Open Space, nature conservation, leisure and culture: seeks to protect and enhance the Borough's public and private open spaces including MOL, improve access to open space and nature conservation by sustainable forms of transport, expects development to incorporate and maintain appropriate elements of open space and landscape features such as trees, improve opportunities for the public to experience nature by enhancing biodiversity, encouraging green links and corridors and refusing development that has a significant adverse impact on protected or priority species and priority habitats, demonstrate that development will not adversely affect the nature conservation values of designated Sites of Importance for Nature Conservation, safeguard recreational and sporting facilities, require where appropriate, development to integrate new or enhanced habitat or design and landscaping that encourages biodiversity

CS14: Design. All development to be designed to respect, reinforce and enhance the local character of the area, conserving and enhancing Merton's heritage assets and wider historic environment and promoting high quality sustainable design. Development must comply with the most appropriate minimum space standards.

CS15: Climate Change. All major development required to demonstrate how it minimises water use and CO2 emissions, all new dwellings to achieve Code for Sustainable Homes Level 4

CS16: Flood Risk Management. Applies sequential test to avoid inappropriate development in relation to flood risk, seeks to implement Sustainable Urban drainage systems across the Borough and work towards effective management of surface water flooding

CS18: Active Transport Encourages walking and cycling through design of new developments, enhancement of pedestrian and cycle networks, and safe, covered cycle storage

CS19: Public Transport, Encourages support and enhancement of public transport network CS20: Parking, Service and Delivery. Seeks to implement effective traffic management.

### 5.3 London Plan March 2016:

Relevant policies comprise: Policy 3.3 - Increasing Housing Supply, 3.4 Optimising Housing Potential (provides a density matrix), 3.5 Quality and Design of New Housing Development (associated Table 3.3 sets out minimum GIA standards for different dwelling types), 3.6 Children and Young People's Play 3.8 Housing choice, 3.11 Affordable Housing Targets, 3.12 Negotiating Affordable Housing, 3.13 Affordable Housing Thresholds, 3.16 Protection and Enhancement of Social Infrastructure, Policy 5.2 Minimising Carbon Dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable Energy, 5.10 Urban Greening, 5.13 Sustainable drainage, 5.21 Contaminated Land, 6.7 Better streets and surface transport, 6.9 Cycling, 6.10 Walking, 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, 7.8 Heritage Assets and Archaeology, 7.14 Improving Air Quality, 7.17 Metropolitan Open Land – supports its protection from development having an adverse impact on its openness and from inappropriate development, 7.19 Biodiversity and Access to Nature, 7.21 Trees and Woodlands

### 5.4 Planning Policy Statement

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

The NPPF is a material consideration in planning decisions. It sets out a presumption in favour of sustainable development. Although it only makes reference to Green Belts and not MOL, MOL is generally deemed similar to Green Belts in the metropolitan context. It advises 74 that once Green Belts have been defined, L.P.A'S should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access, to provide opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity, or to improve damaged and derelict land. The Green Belt guidance in NPPF states that there is a general presumption against inappropriate development and such development should not be approved except in very special circumstances, where any harm is clearly outweighed by other considerations. It refers to new buildings (with a list of exceptions, including facilities for outdoor sport, and extensions or alterations to existing buildings provided that they are not disproportionate) as being inappropriate development. It also advises that once established, Green Belt boundaries should only be altered in exceptional circumstances. It states that in defining boundaries, physical features should be used that are easily recognisable and likely to be permanent.

### 5.5 Mayor of London Housing Supplementary Planning Guidance (March 2016)

- 5.6 Department for Communities and Local Government 'Technical housing standards – nationally described space standard'
- 5.7 The following Supplementary Planning Guidance (SPG) is also relevant:  
New Residential Development (September 1999)

## **6. CONSULTATION**

- 6.1 The application was advertised by means of statutory site and press notices and the dispatch of individual letters to neighbouring residents as well as local amenity groups.
- 6.2 The application was not required to be referred to the Mayor of London.
- 6.3 Representations have been received from 241 addresses whose concerns can be summarised as follows:
- Overdevelopment and too high density (in excess of London Plan density matrix) for the location given poor public transport accessibility (PTAL 1b), which is also considered to have a semi-rural character in the character appraisal. Change of open character/loss of views. Would not preserve or enhance the conservation area. Detached houses are more suitable for location given low density. Departure from previously agreed design principles
  - Too high and out of character with existing area. Would dominate views from Copse Hill and Morley Park/MOL. Wolfson by comparison had a low profile and permitted uninterrupted views
  - Impact on drainage and flooding from underground car park which has already been impacted by the Atkinson Morley development
  - Adverse effect on local traffic/congestion and safety. Not enough car parking spaces/ car parking spaces would be too expensive therefore encouraging residents to park elsewhere/overspill parking on surrounding streets. Inadequate space for manoeuvring vehicles in underground car park. Insufficient parking for blue badge holders/car parking spaces insufficient size to accommodate larger vehicles. Blocking of emergency vehicles on Copse Hill. Transport assessment is flawed. Noise from additional traffic. Provision for collection of refuse inadequate
  - Air pollution which on Copse Hill already exceeds safe limits (WHO and EU limits) with development only exacerbating this. A recent progress report published by LB Merton confirms that both nitrogen dioxide (NO<sub>2</sub>) and PM<sub>10</sub> levels continue to be exceeded at various locations in the borough with Copse Hill being one of these locations. Additional traffic and proposals mass/height would increase this
  - Overlooking/light pollution from windows, balconies and roof terraces
  - Privileged access to park is not acceptable particularly given security issues
  - Detrimental impact on SINC as well as wildlife including Bats and Badgers. Impact on bird flight paths. Loss of ecological value.
  - Wolfson Lawn should be excluded from the application site

- Too few affordable homes/affordable homes will not be affordable. Viability assessment should be made public
- Provision of larger houses improves borough housing mix which is under represented by larger houses
- Impact on trees
- Development is profit driven
- Development should be zero carbon
- Add further pressure on local infrastructure such as schools and GP surgeries/hospitals
- Developer should be providing an Environmental Impact Assessment
- Change in market conditions not planning related
- Impact on surrounding area during construction works

### **Local Groups and Organisations**

#### 6.4 LUNG

- The density of the proposed development (339 hr/ha) is far in excess of the recommended level (150 – 200 hr/ha) for a site with poor access to public transport
- The development would be inconsistent with the character of the Conservation Area which is a 'heritage asset' and described in the character appraisal as having a 'semi-rural' character, and the Copse Hill street scene
- High rise buildings would create canyon and therefore seriously impair views over the woodland to the rear
- Proposal given its scale would detract from the importance and impact of adjacent locally listed hospital building.
- Copse Hill are mainly large detached 2 storey houses, sitting on large plots with considerable gaps. The development would thus be contrary to policy which requires development to relate 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, use appropriate architectural forms, language, detailing and materials
- The close proximity of the development to MOL would have a seriously adverse impact on the amenity value of the MOL and therefore contrary to policy. This is amplified by steep slope of ground. Trees, particularly in winter would offer little shielding. Loss of feeling of openness.
- Overshadowing, loss of privacy. Light pollution into adjacent SINC woodland and impact on biodiversity and wildlife habitats. Flooding risk
- Poor quality private and public amenity space within the development
- Serious traffic and safety issues regarding refuse vehicles using Atkinson Close and visitor vehicles using the north/south path/turning circle in front of block B. No provision for larger delivery vehicles. Air pollution from additional vehicles
- Should not include Wolfson Lawn in development site. No boundary treatment shown and gated entrance between private land and Morley



Park is not acceptable. No requirement for additional path into Morley Park

- Misleading information concerning consented scheme boundary and strip of land proposed in previous application for inclusion in Morley Park
- Welcomes the proposed MOL designation of 1043sqm and transfer to the Council
- Affordable housing provision (30%) is below target level of 40%

#### 6.5 Wimbledon Society

- Site boundaries are incorrect as they include Wolfson Lawn and Firs access road.
- Overdevelopment as proposed density would exceed London Plan standards. Impact on Conservation Area with proposed buildings far exceeding height and density of Wolfson building.
- Effect on MOL with for example Block A adversely affecting the daylight to the MOL. Would also compromise the adjoining SINC.
- Loss of privacy to users of park and residents themselves. No part of MOL to the west of the North/South path should be seen as private. Unclear how private/public circulation interact
- Shortfall in terms of affordable housing provision
- Combined impact of all phases on local traffic movements is problematic. Additionally, the access route within the site appears to be a single two-way shared surface, with no protected footways so has to be shared with pedestrians. Parking and servicing to the east of block B also involves conflict between vehicles and pedestrians.
- All flats should be dual aspect
- Hydrology of site has been misunderstood and an independent hydrology assessment should be undertaken. Drainage strategy does not clearly propose how to overcome current flooding
- Omission of previously approved house on southern tip and inclusion of its site area is seen as a positive. Also use of a CHP scheme is seen as a benefit in terms of sustainability.

#### 6.6 Raynes Park & West Barnes Residents' Association

- Design approach does not preserve or enhance the character of the conservation area
- Excessive density and height of buildings. No requirement for additional units in borough given Merton is exceeding housing targets
- Detrimental impact on SINC and nocturnal wildlife
- Impact on traffic on Copse Hill including pollution

#### 6.7 Parkside Residents' Association

- Overdevelopment of site and excessive density given semi-rural character of area
- Impact on traffic pollution

#### 6.8 Belvedere Estates Residents Association

- Severe overdevelopment, excessive height and density for location which is also in a Conservation Area and adjacent to MOL and SINC. The area is semi-rural in character and has a poor public transport accessibility
- Overlooking, overshadowing, light pollution and disturbance to wildlife
- Excavation of basement would result in increased flood risk
- Impact on traffic and air pollution

#### 6.9 North West Wimbledon Residents' Association

- Claims made by the applicant regarding market conditions cannot be believed
- Significant departure from previously established design principles and would impact on character of wider area
- Light pollution to SINC
- Substantial blocks will seriously damage both character and appearance of Conservation Area which is characterised by large detached houses set back from the road and enhanced by landscaped settings. Undermines Atkinson Morley hospital building which is locally listed.
- Impact on MOL particularly from block A which is six storeys. Canyon effect when viewed from Copse Hill. Impact on SINC and applicant has not approached the welfare of protected species seriously.
- Ecological report and planning statement both fail to consider policy 7.19 of London Plan which states that development should take opportunities for positive gains for nature through its layout, design and materials. The proposal will cause significant noise pollution and impact on nocturnal animals such as badgers and bats
- Applicants claim that more affordable housing (currently below policy requirements) is not viable should not be believed
- Not sustainable location for size of development given low public transport accessibility. Furthermore the number of car parking spaces would add to existing traffic and pollution levels, particularly on Copse Hill.
- Have conducted own survey of fine particles in the air (PM10) on 26<sup>th</sup> January 2017, which is one of most common causes of air pollution alongside nitrogen dioxide. Show exceptionally high levels of particles in the air
- Excessive density of 339 hr/ha based on site size of 0.82 Hectares

#### 6.10 Ursuline High School

- Security concerns regarding the pavilion due to having a seamless boundary into the woodland from the proposed flats. This access seriously compromises security for both the park and Pavilion
- Safety concerns regarding UHS pupils using the north/south pedestrian route due to visiting vehicles also using this route

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

- The impact on the view from Copse Hill would be the virtual loss of open views, dominance and overshadowing by tall buildings and

creation of a canyon effect on the street. Impact on Locally Listed Atkinson Morley hospital.

- Two blocks of flats would dominate and overshadow the open lands and distant views beyond the MOL. All sense of openness from MOL would be lost. Loss of privacy and overlooking from flats as well as overshadowing of woodland. Impact on SINC including nocturnal wildlife from light and noise pollution
- Poor quality amenity space
- Misleading images presented in Design and Access Statement
- The treatment of the western MOL boundary is unclear and not clearly defined whilst the earlier transfers of land should be acknowledged. The amounts of open land being transferred to the Council and the land shown as available for new development are incorrect
- Welcomes proposed addition of new MOL land however new boundary treatment would be required and fencing/security proposals not clearly defined. New path not required as would require further gate to be locked. Serious security implications due to gate located on southern boundary of site allowing access to park
- Overdevelopment of site and cannot be sustained by local infrastructure. Too dense at 339 hr/ha which is above London Plan density matrix of 150-200 hr/ha
- Excessive pollution levels from car usage. Safety concerns on Atkinson close and north/south path. Refuse vehicle provision is inadequate as the application fails to demonstrate available space for vehicles to turn. Inadequate delivery vehicle provision.
- Flooding due to excavation of basement

#### 6.12 Stephen Hammond MP

- Building of 85 flats, which would be up to six storeys in height, will not be in keeping with the character of local area and semi-rural designation.
- Impact on MOL and wildlife
- Vastly denser than any other development in local area resulting in excessive traffic. Lack of car parking spaces and impact of this on surrounding road network
- Impact on local schools and health facilities.

#### 6.13 King's College School

- Concerns raised regarding increase in traffic and air pollution on Copse Hill.

### **AMENDED PLANS RECEIVED**

- 6.14 Following the initial consultation and in response to concerns raised, the scheme was amended and further consultation was carried out. All previous consultees, including all local residents and residents' groups were re-consulted on the proposal. Representations have been received from 92 addresses whose concerns can be summarised as follows:

- Amendments to the proposal are minor and make little difference to previous concerns, too high density given poor transport accessibility, overdevelopment, unsustainable, should not be able to off-set density figures of adjoining sites. Development more appropriate for a town centre
- Out of character with conservation area which is described in the character assessment as having a semi-rural character, influx of too many households would also impact on this character, loss of views from Copse Hill, completely different to approved scheme for 16 houses, visuals are inaccurate
- Excessive height and scale of development would dominate and adversely impact amenity value and views from of Morley Park/MOL/SINC, blocks A & C too close to MOL boundary,
- Poor quality materials, public square is unwelcoming
- Serious traffic and safety issues within site/north-south path and surrounding road network, not enough car parking provision for private cars or service vehicles, overflow parking in adjoining roads, impact on residential streets during construction, double bays unworkable, not clear which are visitor parking bays, some blocks have no direct access to basement parking, what measures are there to prevent parking on north-south link, parking in phase 2 should not be considered guaranteed
- Where will block C put its rubbish
- Buildings fronting Copse Hill are too large
- Does not address lack of larger family sized houses in borough, over reliance on small units
- Increased risk of flooding due to underground car park, potential for sewage overflow
- Affordable housing provision below Council target, developer claims that this would make the proposal unviable should be dismissed
- Pollution (light, air noise)
- Access to local amenities is limited
- Flats in this location would set a poor precedent
- Impact on wildlife
- Private access to Morley Park, overlooking from windows/balconies, loss of privacy
- Play area dangerously close to north-south path where vehicle movements will take place
- The profit of the developer should not be at expense of local residents, lack of demand for apartments
- Lack of local infrastructure
- 35% reduction in carbon emissions is inaccurate as it is 34%

#### 6.15 LUNG

- Too high, too dominant, too polluting and unsuitable in this area which is semi-rural in character. More appropriate for a town centre with good transport links which this site does not have
- Proposal would put unnecessary pressure on local roads, especially Copse Hill and No.200 Bus service
- Too dense. Density calculation should be stand-alone and not include the other developments on adjoining sites

- The proposed development would seriously detract from the setting of the locally listed Atkinson Morley hospital. New development would afford only glimpses of the woodland behind whereas before there were views over the building
- Close proximity to MOL would have a seriously adverse impact on the amenity of the MOL as well as open feeling. Visual dominance of blocks A & B. Trees will offer very little shielding.
- Loss of privacy from balconies and windows to both users of park and occupiers of flats
- Light pollution to adjacent SINC and adversely affect biodiversity including nocturnal wildlife
- The foul water strategy will result in an increased risk of further sewage spills. Flood risk from surface water flow
- Inadequate parking provision for residents, visitors, service visits and deliveries which would result in overspill parking and bring additional vehicles onto north/south path. Turning circle large wide enough for vehicles shown outside block C. Increase in vehicles would be dangerous. Increase in traffic volume and air pollution
- Affordable housing below Council target.
- Planning documents contain errors, inconsistencies and omissions

#### 6.16 Wimbledon Society

- Block A's closeness to the site edge adversely affects the MOL with only narrow openings remaining between buildings whereas previously there had been views over the building
- Density remains too high
- Introduction of block C not acceptable as no longer dedicating open space
- Loss of daylight/sunlight
- Design should incorporate more modern approach
- Car spaces too narrow
- Refuse store shown at corner of block F is too dominant and should be relocated
- Development should provide 40% affordable housing

#### 6.18 North West Wimbledon Residents' Association

- Significant departure from previously established design principles and would impact on character of wider area
- Light pollution to SINC and MOL
- Seven blocks will seriously damage both character and appearance of Conservation Area which is characterised by large detached houses set back from the road and enhanced by landscaped settings. Undermines Atkinson Morley hospital building which is locally listed.
- Development would block views from Copse Hill to MOL. Canyon effect when viewed from Copse Hill.
- Impact on SINC and applicant has not approached the welfare of protected species seriously.
- Ecological report and planning statement both fail to consider policy 7.19 of London Plan which states that development should take

opportunities for positive gains for nature through its layout, design and materials. The proposal will cause significant noise pollution and impact on nocturnal animals such as badgers and bats

- Lack of affordable housing not policy compliant
- Not sustainable location for size of development given low public transport accessibility. Furthermore the number of car parking spaces would add to existing traffic and pollution levels, particularly on Copse Hill as well as overspill parking
- Have conducted own survey of fine particles in the air (PM10) on 26<sup>th</sup> January 2017, which is one of most common causes of air pollution alongside nitrogen dioxide. Show exceptionally high levels of particles in the air
- Excessive density of 305 hr/ha based on site size of 0.82 Hectares which exceeds London Plan policy
- Do not accept developer claim that consented housing scheme is unviable

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

- The proposal would enclose the Copse Hill street frontage resulting in loss of open views and semi-rural setting and as such fails to comply with conservation area appraisal. Would obstruct views and impact on setting of Atkinson Morley Hospital
- Buildings would dominate views from MOL with loss of privacy due to overlooking. Light and noise pollution from block A given close proximity
- Proposal would generate unsafe levels of air pollution
- Adverse impact on existing traffic levels, public transport, safety and congestion including on access road generated by drivers waiting for space in the basemen car park, would conflict with buses attempting to park and turn. Insufficient number of car parking spaces with those without dedicated spaces parking on adjoin streets. Insufficient parking for delivery vehicles.
- Clarity required concerning hardstanding outside block C. Block C also has no refuse storage and explanation that refuse containers would be handles manually to a central collection point not credible
- Too dense
- Impact on surface and ground water flows and lack of provision for existing flows of sewage which is extending into surface water drainage systems. Recent mitigation measures have not addressed the sites overall lack of tolerance to further major changes
- Inadequate amount of affordable housing

#### 6.20 Friends of Morley Park

- The site is located on a slope which means the development would be very dominant when viewed from Morley Park
- Balconies and windows which overlook the park will also increase light pollution to the detriment of nocturnal wildlife
- Impact on drainage including impact of basement parking on groundwater and surface water flows

- Occupiers of blocks C & D likely to park on north-south path given distance to basement parking. Why is a turning circle shown outside block C if not for a vehicle?
- Applicant is trying to squeeze too much onto site to the detriment of the amenity and safety of park users

#### 6.20 Transport Planning

Transport Planning have assessed the application and considers the proposed application to be acceptable in terms of parking, trip generation and refuse and service vehicle provision. Transport planning have requested that conditions are attached requiring the submission of a travel plan, servicing and delivery plan, travel plan, parking management plan and construction logistics plan.

#### 6.21 Transport for London

It is considered that the proposal would not have any major impact on the Transport for London Road Network or Strategic Network. However, it is considered that the applicant should consider reducing the number of car parking spaces in order to meet the London Plan objective to reduce traffic and congestion levels and avoid undermining sustainable travel. The number of residential car parking spaces designated for disabled use, the number which are active Electric Vehicle Charging Points (EVCPs) or passive EVCPs as well as the number of cycle spaces is also welcomed. The information provided on delivery and servicing in the Transport Assessment is also welcomed however further details on this should be provided in a Delivery and Servicing Plan which should be secured by condition. It is also requested that a Construction Logistics Plan which identifies efficiency and sustainability measures to be undertaken while developments are being built is submitted to and approved by the LPA prior to commencement of works.

#### 6.22 Climate Change Officer

The submitted Energy & Sustainability Assessment Addendum (dated August 2017) indicates that the proposed development can achieve a 35% improvement in CO2 emissions on Part L 2013 (option 2) which meets the minimum sustainability requirements of a 35% improvement over Part L 2013 as required by Policy 5.2 of the London Plan (2016) and Merton's Core Planning Strategy Policy CS15 (2011) and therefore cannot be deemed policy compliant.

It is noted the intention for the development to utilise passive design and energy efficiency measures combined with on-site CHP and solar PV and we are broadly supportive of this approach, subject to the site achieving the necessary on-site emissions reductions. The applicant should demonstrate that they have referred and adhered to the technical design principles and concepts outlined in the GLA's London Heat Network Manual and ensure that any decentralised heating system is designed so as to allow connection to an existing or future heat network. The latter aspect will be dealt with by way of a suitably worded planning condition.

All residential major development proposals valid from the 1<sup>st</sup> of October 2016 will be liable to demonstrate compliance with the zero emissions target

outlined in Policy 5.2 of the London Plan (2015). Major residential developments will be expected to achieve a minimum on-site emissions reduction target of a 35% improvement against Part L 2013, with the remaining emissions (up to 100% improvement against Part L 2013) to be offset through cash in lieu contribution, and secured via Section 106 agreement. The zero carbon cash in lieu contribution will be collected according to the methodology outlined in the Mayor's Sustainable Design and Construction SPG. This will require each tonne of CO2 shortfall from the target saving to be offset at a cost of £60 per tonne for a period of 30 years (i.e. £1800 per tonne CO2). A S.106 will be finalised prior to planning approval to allow this collection.

The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day. The submitted Energy & Sustainability Assessment (dated December 2016) indicates that the development will target this level of consumption. I am therefore satisfied that this can be dealt with by way of a suitably worded condition alongside the onsite CO2 performance, once this matter has been resolved.

#### 6.23 Design and Review Panel

The proposal was considered at the meeting of the DRP on 24<sup>th</sup> November 2016 prior to submission of the planning application (it does not therefore take account of revisions made to the application following submission).

The Panel were aware of the previously approved plans for the site and the visually permeable feel they gave the site overall. It was also noted that the sum of the three adjacent sites was possibly less than could have been achieved than if they had been better co-ordinated. The current proposals were acknowledged as a completely different approach to the site that was equally legitimate. However, the contrast was as if a 'battlecarrier' had landed on the site, the comment being based on the uniform scale of the proposed buildings' height and continuous footprint. This had a significant impact on the feel of the development, irrespective of the amount of public and communal private space was being proposed (which was welcomed).

There was concern about the scale of some of the buildings, presenting quite tall elevations directly to the MOL – notably Block A – that would likely have a detrimental impact on the open space in the vicinity of the building. The Panel were concerned that the same traditional architectural style was being proposed for all of the blocks without any significant reference to the immediate context and that this was making the whole development have a monolithic feel. It was also suggested that an approach of free-standing pavilion blocks of flats – similar to those south of the original hospital building – might provide an open feeling, unify the scheme with the adjoining site and address the massing on the site.

The Panel had some concerns about the actual need for the E-W route and open space and that is simply provided a semi-private means for residents of the wider development to access the bus stop. This said, it also seemed to have the potential to be a place devoid of activity and life due to the



arrangement of public and private landscaped areas and the lack of front doors to ground level flats or front gardens. It could be a quite sterile space. The Panel were also quite critical in general that there were few entrances to the buildings – offering poor legibility - and none of the ground floor units had their front doors directly to the pedestrian spaces, particularly the principal area. The Panel felt there was a lack of clarity about what was public and private, whether there were ‘left over’ spaces and about the reliance on good management of the space instead of a sense of personal ownership and natural surveillance. They felt that a plan was required that showed just the landscaping, open spaces and access to dwellings that clearly indicated how these spaces would work and how people would be encouraged to use them. It was felt that fences and railings might be necessary rather than changes in level and could be detrimental to the concept. It was noted that the larger block had an unlit internal corridor and how light could be introduced into this needed to be explored.

It was noted that the parking was 1:1 ratio and this and all the cycle parking would be in an underground garage. It was felt that this would not help ensure activity in the open spaces above. The likelihood of future reductions in car ownership needed to be considered, as providing for car sharing could result in less parking being required. This meant that the underground space needed to be adaptable to other uses or this change needed to be anticipated and perhaps an underground option was not needed, with parking integrated into the open spaces on the surface.

VERDICT: **AMBER**

#### 6.24 Urban Design Officer

The urban designer considers that the proposed amendments have addressed a number of concerns raised by the Design and Review Panel which had commented on the scheme at pre-app stage immediately before its formal submission. There is now a clear rationale to the scheme with the inclusion of a public square whilst the reduction in the massing of block A in particular addresses concerns regarding the impact that this block will have when viewed from the MOL.

#### 6.25 Flood Engineer

The site is located in Flood Zone 1 as shown on Environment Agency flood maps. The site falls from north to south, falling in elevation from 40m to 25.46m AOD. The published surface water risk maps in the area show that the majority of the application site is at very low risk of surface water flooding, however, the wider site including the MOL have some pockets at high and medium risk of surface water flooding. The geology in the area is understood to comprise of the Claygate Formation. Ground investigation borehole results show made ground (sands and gravels) between 0.3m and 2.7m thick, overlying London Clay.

As mentioned in previous comments, it is evident that in this location a perched water table is present, sitting above the London Clay. As mitigation in this revised scheme to reduce the risk of a backwater effect occurring around

the structure/s, the application proposes waterproofing of the basements and the installation of perimeter land drainage system around the propose retaining walls. This will comprise of gravel filled trenches with perforated pipes around the basement structure, in order to maintain the passage of waters within the made ground. These trenches are proposed to eventually disperse into a series of drainage dispersal fields (x3 locations) as indicated on the proposed Below Ground Drainage drawing (produced by JSA Dwg No: L16083/DS/02 Rev P4). While this is acceptable in principle, further work is required prior to commencement of construction in order to appropriately demonstrate that these dispersal fields will not cause an adverse impact to ground stability or encourage overland flow points/surcharging, during times of peak rainfall exceeding the infiltration capability of the soil.

The drainage strategy is not a detailed design but it is indicative of the proposed arrangement and has undertaken hydraulic modelling to demonstrate that the scheme will not increase flood risk either onsite or offsite. The proposal seeks to utilise attenuation volume within the already constructed attenuation pond, which is already restricted to discharge at no more than 10l/s. We will require details to demonstrate that the attenuation pond is being maintained as part of the agreed wider site drainage and maintenance operation & maintenance plan. Soft landscaping is proposed on the podium deck (between 45%-55% coverage) of total deck area. We strongly advise that further external areas include permeable paving in the final drainage design. Attenuation tanks have been designed to accommodate the 1 in 100 year climate change (+40%) flows. The attenuation provision and restricted discharge rates proposed are compliant with planning policy including the London plan 5.13, the supporting design and construction SPG and Merton's policy DM F2.

#### 6.26 Planning Policy – Biodiversity/Open Space

No longer proposing to designate any land as MOL which is welcomed as it is considered that this would not be the optimum use of land due to the development being located close to a number of local open spaces and the area is not identified as having insufficient access to open space. Direct access to the MOL has been removed which is welcomed, reducing the potential for disturbance and impact on the MOL. Private areas for residents have also been made more distinctive as previously requested. Protected trees are being retained to ensure screening between the proposed development and woodland/MOL. Planting is encouraged as shown in the landscaping plans to enhance the linkages with the open space and improve biodiversity. The height of buildings has been reduced and setbacks increased between the development and the MOL and SINC. The applicant provided new wireline drawings to show the proposed buildings when viewed from the MOL which illustrate the reduced visual impact.

The Ecological report addendum has addressed concerns regarding the identified badger setts to the south of the site and considers that there will be no direct or indirect effects on these from the development, particularly bearing in mind that the setts have been recently surveyed as inactive. However it also identifies the need for a resurvey of the setts and surrounding

area prior to commencement to ensure protection. It is recommended that a suitably worded condition be included to ensure that a survey of the identified badger setts and surrounding land be carried out immediately prior to commencement of the development to confirm the current status of these and the need, or otherwise, for a license to carry out work in proximity to an active badger sett. This is to ensure that the development protects the species under the Protection of Badgers Act 1992. A suitably worded condition should also be included to ensure that there is no damage or harm to the adjoining MOL, SINC or any protected species during the construction of the development.

The reduction in height and scale and the increased setbacks of Block A are welcome changes to the previous proposal and are likely to have less of an effect on bats. The reduction in the number of windows on Block A facing the western SINC/MOL boundary will lessen the extent to which this building may impact on bats through harmful artificial light. The newly proposed building which forms Block C was not in the original application and also has potential to impact indirectly on bats in the SINC through being an additional artificial lighting source. Although this building is close to the MOL, it is further setback from the SINC and as identified by the Ecological survey is positioned where a previous building was located and where previous planning approval has been granted for two houses. As such the impact of this building on bat activity is likely to be minimal. The Ecological report addendum also identifies that fewer windows will reduce the illumination and considers that the three species of bats recorded in 2012 are more likely to adapt quickly to new buildings. In addition, given the proximity of the site and proposed buildings to the MOL and SINC it is necessary to ensure that any other external lighting minimises the impact on bats and wildlife.

#### 6.27 Planning Policy – Child’s Play Space

The proposed doorstep play area would benefit from a play feature for ages 0-3 (for example a small sandpit area). This has not been included in the amended Landscape Strategy and there has been no other provision of a specific and suitable play area for 0-3 year olds. Images included in the Landscape Strategy indicate that the stepping play structures will be appropriate for 3-5 year olds which is considered suitable. The proposed sensory play planting by the doorstep play space is a suitable feature. In line with SPG Table 4.6, there should also be some provision of seating for parents / guardians supervision close to the doorstep play area. The applicant appears to have included additional play features in the playable woodland space as per previous comments to better cater for 5-11 year olds.

The former Atkinson Morley Hospital Site (re-developed by the applicant) situated next door to the proposed site provides a play space for under 5 year olds which includes a number play features including a playhouse, turning tyre and wood chipped area. This space is located approximately 350 metres from the site (approximately a 2-3 minute walk). This play space was approved under Application 12/P2030 and condition 4 of the decision notice for this approval required the development of this play space. This condition was discharged on 7<sup>th</sup> March 2013 under Application 11/P0346. The applicant needs to ensure that there is a safe accessible walkway between

the two sites for residents with children to be able to access and use the under 5 play space.

6.28 Tree Officer

No arboricultural objection is raised to the proposed development provided the trees are protected during the course of all site works. The two trees referred to as 109 and 110 are shown for removal (and replacement). This had been previously approved under LBM Ref: 15/P2029. The landscaping provides a good overview of the approach to be taken with early indications of the species of new trees to be planted. However, more detailed information is required and should be made subject to a planning condition.

6.29 Environmental Health Officer

The Environmental Health Officer has assessed the Air Quality Assessment Addendum and considers the proposed development to be acceptable in terms of its impact on building and traffic emissions. The proposal is also considered to be acceptable in terms of its impact during the construction phase subject to final details of mitigation measures being approved by the Local Planning Authority.

6.30 Natural England

Have not assessed the application and associated documents for impacts on protected species. However, Natural England has published Standing Advice on protected species and has advised that this should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

6.31 Historic England

Have concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

6.32 Thames Water

No objections with regard to water infrastructure.

Surface water drainage – Responsibility of the developer to ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. Where 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.

**7.0 PLANNING CONSIDERATIONS**

**7.1 Principle of Development**

7.2 The principle of the redevelopment of the site for residential use has already been established through the grant of permission LBM Ref: 12/P2157 for eight houses and then subsequent permissions 15/P2027 and 15/P2029 to increase the number of houses to a total of 16. This includes 5 houses in the Atkinson Morley development which now forms part of the site. A valid start has been made on site so the planning permission can still be implemented and as such it is therefore a material consideration since it provides a backstop position.

### **7.3 Design, Appearance and Impact on Copse Hill Conservation Area**

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

7.5 The majority of the Wolfson site itself prior to demolition of the buildings, was covered with either existing buildings or associated hardstanding areas, with very little soft landscaping other than the deep front curtilage between the building and Copse Hill and within the central courtyard. There were views through to the woodland/MOL behind and to the west of the site as a consequence of (i) the low profile of the building on the Copse Hill frontage (with a marked increase in height towards the rear of the site on the southern boundary with the woodland due to the steep gradient of the site) and (ii) views down through the access road on the western boundary. Although the actual buildings which made up the Wolfson Centre all sat to the east of the MOL, parts of its associated structures and hardstanding lay in it.

7.6 The Design Review Panel's comments on the scheme in November 2016, just prior to its submission, are set out in para. 6.23. The proposal was given an amber rating. There were concerns about the scale of some of the buildings, presenting quite tall elevations directly to the MOL – notably Block A – that would likely have a detrimental impact on the open space in the vicinity of the building. The Panel had some concerns about the actual need for the E-W route and open space and that it simply provided a semi-private means for residents of the wider development to access the bus stop whilst it also had the potential to be a place devoid of activity and life due to the arrangement of public and private landscaped areas and the lack of front doors to ground level flats or front gardens. It could be a quite sterile space. The Panel were also quite critical in general that there were few entrances to the buildings – offering poor legibility - and none of the ground floor units had their front doors directly to the pedestrian spaces, particularly the principal area.

7.7 The application has been significantly amended since it was first submitted and it is considered that it has addressed a number of concerns raised by the Design and Review Panel. The large footprint of buildings, combined with the similar building heights despite the steep slope of the site, gave the development as originally submitted a monolithic feel. The footprint of blocks

A, B & C has now been substantially reduced with the creation of a number of smaller blocks or pavilion style buildings. The proposed building heights have also been amended so that they better respond to the sloping ground levels of the site and surrounding buildings with a clear stepping down in building heights from the north/east to the south/west part of the site. For example, block A, which is located in the southwest corner of the site reduced from 6 to 4 storeys and is now only a single storey taller than the previous building that was on this part of the site. The proposed buildings are also significantly lower than the buildings in the Atkinson Morley hospital development although it is noted that this in part is due to the lower ground levels. Nevertheless it is considered that the proposal would also offer a sensitive transition between the Atkinson Morley hospital development and the lower density Firs development. The proposal will have a traditional design approach with blocks E & F being similar in terms of their design approach to the houses from the Firs development fronting Copse Hill with two storey massing plus accommodation within the roofspace lit by dormers to the road frontage, with a lower ground floor on the rear elevation. In terms of facing materials the buildings would comprise buff London Stock brick, red multi-stock brick and slate roofs which is also consistent with other buildings in this part of the conservation area. In terms of the visual impact of the proposal when viewed from the north-south path it should be noted that the consented house scheme would have a similar appearance to the proposal with block D having a similar massing to the three consented town houses in this location whilst it is considered that block C would have less of an impact given one of the consented houses in this location would be a storey taller.

- 7.8 The east-west path originally submitted has now been replaced by an attractive public square which is framed by blocks E & F to the north, block G to the west and block B to the south. The blocks would all have entrances which open directly onto the square whilst the square would feature seating to encourage activity as suggested by the DRP. It should be noted that the current Atkinson Morley Hospital development features two pavilion buildings which positively frame the main hospital building when viewed from the south with a private landscaped garden located between. Borrowing an element of this design approach, blocks E & F have been split so that a gap is created offering a glimpse of the public square when viewed from Copse Hill with the central part of block B framed behind the square to the south. The submitted drawings show block B topped off with a clock tower to give this building more visual interest however the final design of this is indicative at this stage. Accordingly, a condition will be attached requiring detailed 1:20 scale drawings of this element are submitted prior to commencement of works. The council's Urban Design officer has reviewed the amended scheme and considers that the current scheme has addressed the concerns raised by the Design and Review Panel. The proposal is therefore considered to comply with policy DM D2 of the adopted Sites and Policies Plan July 2014.

### **7.9 Impact on MOL**

- 7.10 Part of the application site is within land designated as Metropolitan Open Land (MOL), which is the urban equivalent of Green Belt. The parcel of land

still within the application site is rectangle in shape and is located on the northern part of the western site boundary, sitting between the bus turning facility to the north and the woodland to the south. It forms part of a larger rectangle shape area of MOL which forms a physical and visual connection between the road along Copse Hill and the much larger parcel of MOL woodland and open space which were the former Atkinson Morley Hospital sports grounds. This is to be transferred into public ownership as part of the legal agreement for the redevelopment of the former Atkinson Morley hospital and Firs sites.

- 7.11 There are a number of policies within the Adopted Sites and Policies Plan and Policies Maps, Core Strategy, London Plan and NPPF which relate to MOL. Policy DM O1 of the Sites and Policies Plan and Policies Maps states that development in proximity to and likely to be conspicuous from MOL will only be acceptable if the visual amenities of the MOL will not be harmed by siting, materials or design. Within the Justification section of Policy DM 01 it states that development of land outside the boundaries of MOL, but in proximity to it, may damage the open character of the MOL. MOL therefore needs to be protected from development proposals which would be visually intrusive, particularly high buildings or other high structures.
- 7.12 No built development is proposed within the part of the site which is located in the MOL to the east of block G. This land will comprise a 4m wide footpath abutting the west side of the access road and a landscaped parcel of land between the footpath and block G. Block G has also been further amended with the top floor now mansard further reducing its bulk and massing. There would be a 33.5m gap between the walls of the nearest houses on the Firs and this block which is similar to the gap maintained in the current consented house scheme (LBM Ref: 15/P2029). It is therefore considered that the development would preserve the visual link with the MOL beyond along and this western aspect. It is considered that although there would be some loss of view over the site from Copse Hill due to the low profile of the previous building the proposed scheme is still acceptable. In addition to the preservation of the aforementioned visual link, an 11m wide corridor between blocks A & G and B & F which gives clear views to the woodland behind would also be created.
- 7.13 It is considered that the proposed development would not have an unacceptable impact on views from within the MOL to the south and west with a thick layer of trees which are located within the MOL enclosing the sites south and west boundaries. These trees would screen the development from longer views from within the MOL in summer and still offer significant screening in winter. Block A, which is located in the southwest corner of the site is considered to be the most sensitively sited building given the steep drop in land levels immediately to the west. The tree layer is also thinner within the MOL to the west of this building and the path linking the ecological area with Copse Hill is located close to the site boundary. This building, on the advice of council planning officers, has been substantially reduced in size with it height reduced from six to four storeys whilst its footprint also reduced. It should be noted that the previous building built on site was itself three storeys

in this location and as such the proposed building would only be a single storey taller which is considered acceptable. Block B would be five storeys when viewed from the south given the drop in ground levels with the lower ground floor visible from this direction. However, it is considered that the impact of this block is also acceptable with the top two floors set back reducing its bulk and massing. The footprint of this building has also been substantially reduced following the original submission with blocks A and C also helping to screen views of this building from the west and southeast. It should be noted that the Atkinson Morley hospital development itself features two five storey pavilion buildings which sit adjacent the MOL and these are not considered to have an unacceptable impact on the MOL.

- 7.14 It was originally proposed to include a gate in the southern boundary of the application site which would have given residents private access to the MOL/Morley Park. This has now been removed from the proposal given security concerns as the park will be locked at night. A condition will also be attached requiring details of the boundary treatment given the importance of how the private amenity areas of the development interact with the MOL. The proposal is considered to comply with policy DM O1 of the Sites and Policies Plan.

#### **7.15 Ecology/Nature Conservation/SINC**

- 7.16 Policy CS13 advises that the Council will refuse development that has a significant adverse effect on the population or conservation status of protected or priority species and priority habitats, and will require any development proposals likely to affect a Site of Importance for Nature Conservation (SINC) to demonstrate that it will not adversely affect the conservation values of the site. The woodland blocks to the west and south of the site are designated as a SINC.
- 7.17 The Ecological report addendum has addressed concerns regarding the identified badger setts to the south of the site and considers that there will be no direct or indirect effects on these from the development, particularly bearing in mind that the setts have been recently surveyed as inactive. However it also identifies the need for a resurvey of the setts and surrounding area prior to commencement to ensure protection. A condition will be attached requiring that a survey of the identified badger setts and surrounding land be carried out immediately prior to commencement of the development to confirm the current status of these and the need, or otherwise, for a license to carry out work in proximity to an active badger sett. This is to ensure that the development protects the species under the Protection of Badgers Act 1992.
- 7.18 On the advice of council planning officers the applicant has significantly reduced the massing, height and footprint of block A with the number of storeys reduced from six to four and the rear elevation reduced in depth by approx. 2.4m. In terms of its impact on the adjoining SINC it is important to consider the impact of the previous building. Block A would be only a single storey taller than the southwest element of the previous building whilst its rear elevation would be located approx. 4.5m further away from the facing south



boundary of the site. Concerns have been raised regarding the impact that artificial light would have on nocturnal wildlife such as bats. It should however be noted that the previous building also featured a number of large windows in its west elevation, whilst the number of windows in this block has also been substantially reduced compared to the originally submitted scheme lessening the extent to which this building may impact on bats through harmful artificial light. Block B is taller than Block A however it is considered that it would have less impact given it is located much further away from the SINC than block A. It should also be noted that the rear elevation has also been reduced in depth whilst its top two floors are set back.

7.19 The newly proposed building which forms Block C was not in the original application and also has potential to impact indirectly on bats in the SINC through being an additional artificial lighting source. Although this building is close to the MOL, it is further setback from the SINC and as identified by the Ecological survey and is positioned where a previous building was located and where previous planning approval has been granted for two houses. As such the impact of this building on bat activity is likely to be minimal. The Ecological report addendum also identifies that fewer windows will reduce the illumination and considers that the three species of bats recorded in 2012 are more likely to adapt quickly to new buildings. Given the proximity of the site and proposed buildings to the SINC it is necessary to attach a condition requiring details of lighting to ensure that it minimises the impact on bats and wildlife. Another condition will also be attached ensuring that there is no damage or harm to the adjoining SINC or any protected species during the construction of the development.

**7.20 Housing Provision – Mix/Density/Affordable Housing**

7.21 Mix

Policy DM H2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that residential proposals will be considered favourably where they contribute to meeting the needs of different households such as families with children, single person households and older people by providing a mix of swelling sizes, taking account of the borough level indicative proportions concerning housing mix. Therefore in assessing development proposals the council will take account of Merton’s Housing Strategy (2011-2015) borough level indicative proportions which are set out as follows:

<b>Number of bedrooms</b>	<b>Percentage of units</b>
One	33%
Two	32%
Three +	35%

7.22 It is considered that the proposal provides a good mix of properties with 23 one bedroom units (31%), 30 two bedroom units (40%) and 22, three + bedroom units (29%) proposed which is similar to the requirement in the above table. There is a small in-balance of two bedroom and three + bedroom

units however given how minor this is it would not warrant a refusal of the application.

7.23 Density

Policy 3.4 of the London Plan advises that Boroughs should seek to ensure that development optimises housing output for different types of location within the relevant density range shown in Table 3.2 of the Plan and should resist proposals which compromise this policy. This advice is re-stated in paragraph 18.27 of the Core Planning Strategy.

7.24 The application site has poor Public Transport Accessibility with a PTAL rating of 1b and sits within a suburban setting with predominantly lower density development. It is also within the Copse Hill Conservation Area. The appropriate density range within the London Plan matrix would be 150-200 habitable rooms per hectare (ha/hr), or given the average dwelling size 40-65 units per hectare (u/ha). The red line boundary area shown in the application drawings is 0.96 hectares however this includes the Wolfson Lawn which is a parcel of land to be transferred to the Council. The application site would be 0.875 hectares if this parcel of land is not included, giving a density of 298 ha/hr per hectare and 86 u/ha.

7.25 Although the figures in the previous paragraph illustrate that the proposed development would provide for a density that exceeds the recommended density range for both units and habitable rooms, it is not considered to be excessive. This view is supported by the fact that despite the low PTAL rating there is a bus stop which serves the No.200 bus route located directly outside the development offering regular and direct services to Wimbledon Town Centre, Raynes Park and Mitcham. It is also important to assess the application in this respect in the wider context. It should be noted that there is extensive parkland, which includes sports playing pitches located to the south and west of the site which is soon to be transferred to public ownership. In addition, occupiers of the units would also have access to the private south lawn to the south of the Atkinson Morley development. Finally, it is considered that although this is a stand-alone development the density of all three phases should be taken into consideration which gives a figure of 170 hr/ha which sits comfortably within the 150-200 hr/ha London Plan density range.

7.26 Affordable Housing

A total of 18 affordable units (12 x 1 bed & 6 x 2 bed) are proposed within the development in the two blocks (blocks E & F) which front Copse Hill. Terraces and balconies are provided for all of the units whilst the public square is located immediately to the south of these blocks.

7.27 The proposed housing offer equates to 24% of the total number of units and all 18 units would be intermediate housing units with no social rent proposed. This falls short of the 40% affordable housing target with a 60/40 split between social rented/intermediate sought by policy CS.8 of the Core Planning Strategy however the applicant have submitted an Affordable Housing Viability Appraisal, which the Council has independently assessed by specialist consultants, who conclude that the affordable housing offer has

been maximised in relation to financial viability. In this instance the provision of intermediate housing enables the applicant to maximise the amount of affordable homes on site. It should be noted that on-site affordable housing is being proposed on the Wolfson site for the first time, as the current planning consent for 16 houses provided no on site affordable housing, and a payment of £2.86m towards offsite provision instead. It is considered that if Social Rent were to be delivered instead of Shared Ownership or a mixture of the two then, the overall quantum of delivery would be significantly reduced. This would mean that private homes would have to be located in one of these blocks to fill it, and Registered Providers are unlikely to accept mixed tenure blocks due to management and service charge issues.

## **7.28 Residential Amenity**

7.29 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.

7.30 In terms of any impact on properties facing the development from the opposite side of Copse Hill, the closest blocks are E & F which are set back approximately 11m from the Copse Hill road frontage with their front elevations flush with the front elevation of the adjacent block (Ambrose House) on the Atkinson Morley development. These buildings would generally have a massing of two-storeys plus mansard when viewed from Copse Hill, although due to the drop in levels at the corner with the bus turn the west facing flank wall of block F would be three storeys plus mansard. There would be a 33m minimum separation distance between these two blocks and the houses on the opposite side of Copse Hill. Accordingly, it is considered that there will be no adverse impact on these properties. It is also considered that the development would not have an unacceptable impact on the adjacent block, Ambrose House, with Block E sited approx. 5.4m from the side elevation and only projecting 1.1m beyond the rear wall of this block. The north facing side elevation of block D which fronts the north/south path is located approx. 16m from the rear elevation of Ambrose House. Although this distance is 5m short of the minimum separation distance set out in the Council's SPG it should be noted that the flank wall of this block is very similar in terms of its height and siting to the flank wall of a house that forms part of an extant permission (LBM Ref: 15/P2027). A condition will be attached requiring the windows in the north facing elevation of Block D, are obscure glazed to protect privacy.

7.31 The application site wraps around the southern end of the bus turning facility with Block G located in the northwest corner of the site and set back approx. 10m from the sites frontage with the turning facility. The closest properties to this block are located on the eastern part of the former Firs site (1 Atkinson Close & 39 Copse Hill). Block G has a similar appearance to blocks E & F given it is also two/three storeys plus mansard. The west elevation of block G,

which is three storeys plus mansard is located directly to the east of 1 Atkinson Close however it is not considered that it would have an adverse impact on this property given there would be a 33m separation distance whilst only being visible from the side elevation of this property which is not a principle elevation. Although Block G would be visible at an oblique angle from the rear elevation of No. 39 Copse Hill it is considered that given there would be a separation distance of 38m that it would also not have an adverse impact on this property. The proposal is therefore considered to comply with policies DM D2 of the Adopted Sites and Policies Plan.

### **7.32 Standard of Accommodation**

7.33 The technical housing standards – nationally described space standard (March 2015) as well as the London Plan 2015, and Table 3.3 of policy 3.5 of the London Plan (March 2016) sets out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.

7.34 The proposed residential units all meet national and regional standards in terms of gross internal floor size and bedroom sizes. The vast majority of flatted units within both the affordable and private blocks are dual aspect and all have adequate levels of light and outlook. The proposed flats all have private balconies and terraces which comply with the minimum space standards set out in policy DM D2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) which requires for flatted dwellings, a minimum of 5sqm of private outdoor space should be provided for 1-2 person flatted dwellings with an extra 1sqm provided for each additional occupant. It should also be noted that residents would benefit from a new public square which will be enclosed by units B, E, F & G as well as access to the private south lawn to the south of the Atkinson Morley development. This is in addition to public access to the MOL to the south and west of the application site.

### **7.35 Parking and Traffic**

7.36 Policy CS.18 of the Core Planning Strategy states that the Council will promote active transport by supporting schemes that prioritise the access and safety of pedestrian, cycle and other active transport modes. Policy CS.18 also encourages design that provides attractive, safe, covered cycle storage,

cycle parking and other facilities (such as showers, bike cages and lockers). Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 of the London Plan (March 2016), Table 6.2 states that flats of 1-2 bedrooms should have no more than one car parking space, 3 bedroom units should have no more than 1.5 spaces per unit and units of 4 or more bedrooms a maximum of 2 car parking spaces although in outer London areas with low PTAL boroughs should consider higher levels of provision.

7.37 The application site has a PTAL rating of 1b which indicates that it has poor access to public transport services. The proposal comprises a total of 53 1-2 bed units, 30, 2 bed units, 19, 3 bed units and 3, 4 bed units which means, a total of 87.5 car parking spaces should be provided in the development if it is to comply with London Plan policy. The proposal would comprise 90 car parking spaces with 88 car parking spaces located in a basement car park with 2 spaces located at ground level outside blocks E & F and as such it is considered that the number of car parking spaces proposed is acceptable. It should be noted that although the site has a low PTAL rating it is considered that it is not necessary to provide more car parking spaces in this instance given the proposal is a flatted development which means car ownership rates are likely to be lower. In addition, although Copse Hill is not located in a Controlled Car Parking Zone (CPZ) there is only a small amount of on-street parking located to the east of the site along Copse Hill. It should be noted that the Council is expected to consult on additional parking controls i.e. double yellow lines along that section of Copse Hill therefore reducing the threat of significant overspill car parking on adjoining roads. The proposal would include a total of 10 visitor car parking spaces which would be located in the basement car park and a further 13 will be located in the Atkinson Morley hospital development. The visitor car parking would be controlled by a concierge with visitors allocated a car parking space when they arrive.

7.38 The proposed peak AM and PM residential vehicle trips are summarised in the table below:

Time Period	Arrivals	Departures	Two-Way
Weekday AM Peak (0800-0900)	3	14	17
Weekday PM Peak (1700-1800)	8	6	14

The data detailed in the table above is the result of a robust assessment of the trip rates from the proposal using the TRICS database to test the proposal in comparison with other sites with similar characteristics and PTAL ratings which is then cross referenced with census data from the local ward area. This showed that there is likely to be only 17 two-way peak AM vehicle movements and 14 peak PM two-way vehicle movements which amounts to one less than every 3 minutes. It should be noted that this amounts to a 1.2%

increase in vehicle movement along Copse Hill during AM peak hours based on the number of car movements observed along Copse Hill in an October 2016 survey. It is considered that an increase of less than 5% is not considered significant for a road of this type. Accordingly the proposal impact on traffic is considered to be acceptable. It is also recognised that there was an existing hospital use on site which also generated traffic.

7.39 Refuse is stored in the basement with refuse collection proposed to be undertaken from the existing access road to the west of the application site. It should be noted that refuse vehicles currently use this access to service the existing houses in the Firs development to the west of the site. The refuse vehicle would reverse along Atkinson close with refuse collected at the bottom of the access road. The applicant has provided swept path analysis which shows that there will be enough space for a car to pass whilst refuse is being collected. There is also a dedicated parking space for smaller service vehicles in the basement. The applicant has estimated that there will be a total of 16 service trips generated per day (9 arriving and 9 departing) with deliveries booked in through the concierge. Transport Planning have assessed the application and have raised no objections. Accordingly it is considered that the proposed servicing arrangements are acceptable. Conditions will be attached requiring the submission of a travel plan, servicing and delivery plan, travel plan, parking management plan and construction logistics plan.

#### 7.40 **Drainage and Flood Risk**

7.41 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) requires proposals that incorporate basements and subterranean development to include a hydrology report which set out the impacts of the development on groundwater and surface water movements and how these will be addressed. In accordance with this requirement the applicant has submitted a flood risk assessment and drainage strategy with the application. The council Flood Engineer has assessed the application and has raised no objections.

7.42 The site is located in Flood Zone 1 as shown on Environment Agency flood maps. The site falls from north to south, falling in elevation from 40m to 25.46m AOD. The published surface water risk maps in the area show that the majority of the application site is at very low risk of surface water flooding, however, the wider site including the MOL have some pockets at high and medium risk of surface water flooding. The geology in the area is understood to comprise of the Claygate Formation. Ground investigation borehole results show made ground (sands and gravels) between 0.3m and 2.7m thick, overlying London Clay.

7.43 It is evident that in this location a perched water table is present, sitting above the London Clay. As mitigation in this revised scheme to reduce the risk of a backwater effect occurring around the structure/s, the application proposes waterproofing of the basements and the installation of perimeter land drainage system around the propose retaining walls. This will comprise of gravel filled trenches with perforated pipes around the basement structure, in order to

maintain the passage of waters within the made ground. These trenches are proposed to eventually disperse into a series of drainage dispersal fields (x3 locations) as indicated on the proposed Below Ground Drainage drawing (produced by JSA Dwg No: L16083/DS/02 Rev P4). A condition will be attached requiring further details are provided prior to commencement of construction which appropriately demonstrate that these dispersal fields will not cause an adverse impact to ground stability or encourage overland flow points/surcharging, during times of peak rainfall exceeding the infiltration capability of the soil.

- 7.44 The drainage strategy is not a detailed design but it is indicative of the proposed arrangement and has undertaken hydraulic modelling to demonstrate that the scheme will not increase flood risk either onsite or offsite. The proposal seeks to utilise attenuation volume within the already constructed attenuation pond, which is already restricted to discharge at no more than 10l/s. A condition will be attached requiring details which demonstrate that the attenuation pond is being maintained as part of the agreed wider site drainage and maintenance operation & maintenance plan. Soft landscaping is proposed on the podium deck (between 45%-55% coverage) of total deck area. It will be a requirement as part of the final drainage design that further external areas include permeable paving. Attenuation tanks have been designed to accommodate the 1 in 100 year climate change (+40%) flows. The attenuation provision and restricted discharge rates proposed are compliant with planning policy including the London plan 5.13, the supporting design and construction SPG and Merton's policy DM F2.

#### **7.45 Sustainability and Energy**

- 7.46 The development will utilise passive design and energy efficiency measures combined with on-site CHP and solar PV and this is supported, subject to the site achieving the necessary on-site emissions reductions. A condition will be attached requiring the applicant to demonstrate that they have referred and adhered to the technical design principles and concepts outlined in the GLA's London Heat Network Manual and ensure that any decentralised heating system is designed so as to allow connection to an existing or future heat network.

All residential major development proposals valid from the 1<sup>st</sup> of October 2016 will be liable to demonstrate compliance with the zero emissions target outlined in Policy 5.2 of the London Plan (2015). Major residential developments will be expected to achieve a minimum on-site emissions reduction target of a 35% improvement against Part L 2013, with the remaining emissions (up to 100% improvement against Part L 2013) to be offset through cash in lieu contribution, and secured via Section 106 agreement. The zero carbon cash in lieu contribution will be collected via S106 according to the methodology outlined in the Mayor's Sustainable Design and Construction SPG and will require each tonne of CO<sub>2</sub> shortfall from the target saving to be offset at a cost of £60 per tonne for a period of 30 years (i.e. £1800 per tonne CO<sub>2</sub>). The submitted Energy & Sustainability Assessment Addendum (dated August 2017) indicates that the proposed

development can achieve a 35% improvement in CO2 emissions on Part L 2013 (option 2) which meets the minimum sustainability requirements of a 35% improvement over Part L 2013 as required by Policy 5.2 of the London Plan (2016) and Merton's Core Planning Strategy Policy CS15 (2011) and therefore cannot be deemed policy compliant. The estimated zero carbon cash in lieu contribution will be £153,622

The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day. The submitted Energy & Sustainability Assessment (dated December 2016) indicates that the development will target this level of consumption. It is considered that this can be dealt with by way of a suitably worded condition alongside the onsite CO2 performance, once this matter has been resolved.

#### **7.47 Impact on Air Quality**

- 7.48 Policy DM EP4 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that development should be designed to mitigate its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development. A number of objections have raised concerns regarding the developments impact on air pollution in particular. Policy DM EP4 seeks in accordance with the aims of the National Air Quality Strategy and the Mayor's Air Quality Strategy to minimise the emissions of key pollutants and to reduce concentration to levels at which no, or minimal effects on human health are likely to occur. To meet the aims of the National Air Quality Objectives, the council has designated the entire borough of Merton as an Air Quality Management Area (AQMA). Therefore development that may result in an adverse air quality including during construction, may require an Air Quality Impact Assessment in order for the Council to consider any pollution impact linked to development proposals.
- 7.49 The applicant submitted an Air Quality Assessment and a further Air Quality Assessment Addendum following comments from the council's Environmental Health Officer. The Environmental Health Officer has assessed the Air Quality Assessment Addendum and considers the findings in the report to be acceptable with the development proposed to be air quality neutral which is a requirement of policy 7.14 of the London Plan and the Mayor's Air Quality Strategy, based on studies and data review (The London Borough of Merton Air Quality Annual Status Report for 2016 Date of publication: April 2017 is available on the Council's website). Nitrogen oxides (NOx) and particulate matter (PM10) levels were calculated for transport and building emissions. In terms of the developments impact during the construction phase a qualitative assessment of dust levels was also carried out where it was considered that the impact of dust soiling and PM10 can be reduced to negligible through appropriate mitigation measures. Conditions will be attached requiring that the provisions stipulated and referred to in the air quality assessment are adhered too during construction works and following the developments completion with details of construction and mitigation submitted for approval by the LPA. He



proposal is therefore considered to comply with DM EP4 of the Adopted Merton Sites and Policies Plan 2014.

#### **7.50 Trees and Landscaping**

- 7.51 Policy DM O2 of the Adopted Merton Sites and Policies Plan and Policies Maps (July 2014) states that development will only be permitted if it will not damage or destroy any tree which is protected by a tree preservation order, is within a conservation area; or, has significant amenity value. Policy CS.13 in the Core Planning Strategy is similarly protective of trees with amenity value.
- 7.52 The trees within the site are subject to the Tree Preservation Order 366 of 2003 & 376 of 2004. A tree survey report and arboricultural assessment report was submitted with the application. This advises that there are currently 16 trees located on the site with 6 being category A , 4 category B, 5 category C and a single category U. The proposal retains the principle trees with only two (1 x category U & 1 x category C) Sweet Chestnuts (No.109) and a category C broadleaf group being removed. It should be noted that approval has already been given for the removal of these trees under the extant permission LBM Ref: 15/P2029.
- 7.53 The Council's tree officer has assessed the proposal and is satisfied that the development would not have a detrimental impact on the remaining trees with the proposal respecting the RPA of the retained trees with the basement and lower ground floor set outside the RPA of adjacent trees. For example block A to the west of the site broadly is located within the footprint of the former building and outside the RPA's of trees in the adjacent woodland.
- 7.54 Provision is made within the proposed scheme for tree planting and soft landscaping including two replacement trees adjacent to Copse Hill in mitigation of the removal of the two Sweet Chestnut trees. It is considered that this would contribute positively to the future tree cover within the local landscape. Suitable tree protection, supervision of works and landscaping conditions are proposed including conditions relating to boundary treatment and drainage/service runs.

#### **7.55 Children's Play space**

- 7.56 The current landscape strategy includes stepping play structures which is considered to be suitable for 3-5 year olds, whilst the proposed sensory play planting by the doorstep play space is also considered to be a suitable feature. The proposed doorstep play area would benefit from a play feature for ages 0-3 such as a small sandpit area. In line with SPG Table 4.6, there should also be some provision of seating for parents / guardians supervision close to the doorstep play area. The applicant also appears to have included additional play features in the playable woodland space to better cater for 5-11 year olds. It should be noted that the landscape strategy at this stage is indicative and a condition will be attached requiring that final details of children's play space are submitted and approved by the Local Planning Authority and this shall include a play space for 0-3 year olds and seating for

parents/guardians as well as details on the playable woodland space. Concerns have been raised regarding the safety of the proposed play area given its close proximity to vehicle traffic on the north-south route. The Mayor's SPG on Children's Play and Informal Recreation identifies the need for recognisable physical barriers for formal play areas to identify the edge of the play space and to provide safe access. Given the proximity of the north-south corridor to the east of the proposed play areas and the fact that a portion of this will be a shared pedestrian / vehicular space, it will be necessary to ensure that there is safe access to and from the play space with no potential for conflict with the vehicles on the adjoining site. A condition will therefore be attached requiring further details in this respect.

In addition, it should be noted that the former Atkinson Morley Hospital Site (re-developed by the applicant) situated next door to the proposed site provides a play space for under 5 year olds which includes a number of play features including a playhouse, turning tyre and wood chipped area. This space is located approximately 350 metres from the site (approximately a 2-3 minute walk). This play space was approved under Application 12/P2030 and condition 4 of the decision notice for this approval required the development of this play space. This condition was discharged on 7<sup>th</sup> March 2013 under Application 11/P0346.

## **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 development would deliver a high quality design and layout which preserves the character and appearance of the Merton (Copse Hill) conservation area. It is also considered that the proposal would not have an unacceptable impact on views to and from within the MOL whilst it would not harm the adjoining SINC or any protected species during the construction of the development. The proposed development is also considered to have an acceptable impact on neighbouring properties, traffic/parking and trees. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

## **RECOMMENDATION**

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

- 1) Provision of 24 affordable housing in blocks E and F (100% intermediate housing units)
- 2) Zero carbon cash in lieu financial contribution (Estimated to be £153,622)
- 3) Paying the Council's legal and professional costs in drafting, completing and monitoring the legal agreement.

**And subject to the following conditions:**

1. A.1 (Commencement of Development)
2. A.7 (Approved plans)
3. B.1 (External Materials to be Approved)
4. B.4 (Details of Surface Treatment)
5. Final design of central tower feature on block B to be submitted and agreed by the Local Planning Authority prior to commencement or works
6. Full details of lighting to be submitted and approved by the Local Planning Authority prior to commencement or works
7. B.5 (Details of Walls/Fences)
8. B.6 (Levels)
9. C.7 (Refuse and Recycling (Implementation))
10. C.10 (Hours of Construction)
11. F.1 (Landscaping)
12. F.2 (Landscaping (Implementation)).
13. F.5 (Tree Protection)
14. F.8 (Site Supervision)
15. Utility and Service Routes
16. MOL/SINC and protected species protection measures
17. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The

approved details must be implemented and complied with for the duration of the construction process.

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

18. H.4 The disabled parking space shown on the approved plans P\_102(03), P\_103(05) & P\_402(01) shall be provided and demarcated as disabled parking spaces before first occupation of the development and shall be retained for disabled parking purposes for occupiers and users of the development and for no other purpose.

Reason: In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to the provision of satisfactory access to buildings for people with disabilities and to ensure compliance with policy CS20 of the Adopted Merton Core Planning Strategy 2011.

19. H6 (Cycle Parking – Details to be Submitted)
20. H.8 (Travel Plan)
21. H.11 (Parking Management Strategy)
22. H.12 (Delivery and Servicing Plan to be submitted)
23. H.13 (Construction Logistics Plan to be Submitted)
24. The development permitted by this planning permission shall be carried out in accordance with the details and recommendations set out in the submitted Flood Risk Assessment (FRA) by JSA Consulting Engineers (Ref: L16083 dated 16/09/17 Rev 3.0).

Reason: To ensure the development is does not lead to an increase in flood risk either to or from the site, in accordance with the NPPF, Merton's policies CS16, DMF2 and the London Plan policies 5.12 and 5.13.

25. No development approved by this permission shall be commenced until a 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 LPA. 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 and control the rate of surface water discharged from the

site to greenfield runoff rates (no more than 4l/s), and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

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.

26. 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.

27. Unless otherwise agreed in writing 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 CO2 reductions of not less than a 35% improvement on Part L Regulations 2013 (Option 2: Energy and Sustainability Assessment Addendum August 2017), and wholesome water consumption rates of no greater than 105 litres per person per day.

Reason: To ensure that the development performs in accordance with the approved plans, 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.

28. 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 the 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.

29. Survey of all trees to be removed to be undertaken prior to felling to confirm the presence or not of a bat roost.
30. Details of bird boxes and bat boxes
31. All provisions stipulated and referred to in the Air Quality Assessment Addendum (dated August 2017 - Ref: PC-16-0237-RP2) shall be adhered too during construction and permanently thereafter following occupation of the development unless agreed in writing by the Local Planning Authority.

Reason: In order to protect the health of future occupiers of the site and adjoining areas

32. The Construction and Mitigation requirements that are to be produced in accordance with Air Quality Assessment Addendum (dated August 2017 – Ref: PC-16-0237-RP2) shall be submitted for approval by the LPA and shall be strictly adhered to during construction works.

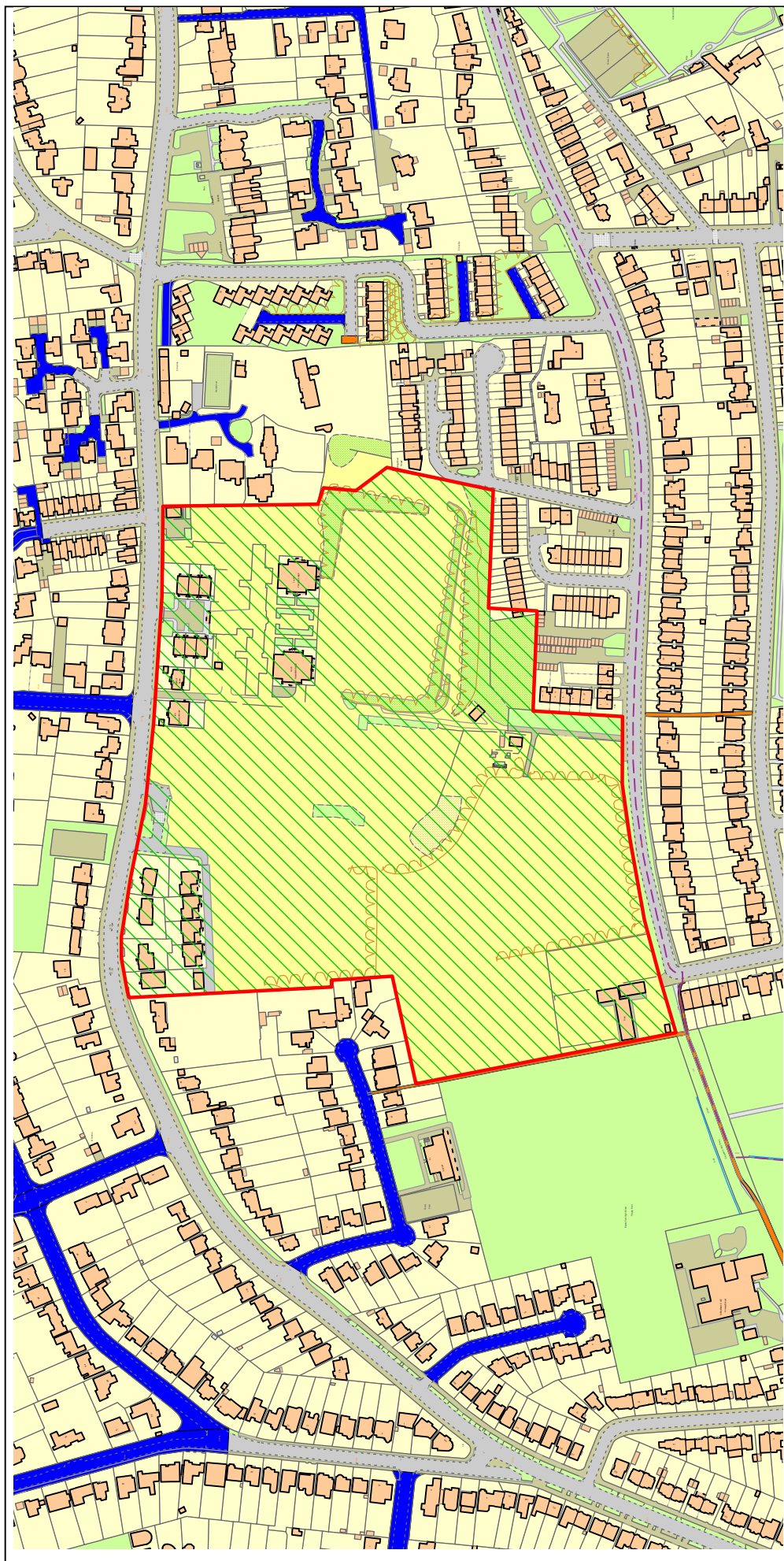
Reason: In order to protect the health of future occupiers of the site and adjoining areas

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[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**  
**19 October 2017**

**APPLICATION NO.**

**DATE VALID**

17/P2332

14/06/2017

**Address/Site** Belvedere Court, 1A Courthope Road, Wimbledon Village SW19 7RH

**Ward** Village

**Proposal:** Demolition of the existing building and erection of a three storey building (with accommodation at basement level and within the roof space) comprising 9 x 2 bedroom flats together with associated car parking and landscaping.

**Drawing Nos** 525 1, 2, 3F, 4F, 6, 7, 8C, 9 and Design and Access Statement

**Contact Officer:** Richard Allen (8545 3621)

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**RECOMMENDATION**

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

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**CHECKLIST INFORMATION**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice-Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted - 29
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

1. **INTRODUCTION**

- 1.1 Planning permission has previously be granted by the Planning Applications Committee for the demolition of the existing building and erection of a three storey building comprising 9 x 2 bedroom flats (LBM Ref.16/P0298). The planning permission was subject to the development being 'permit free' secured through a S.106 Agreement. The current application seeks revisions to the approved scheme, increasing the parking provision and removal of the 'permit free' requirement. There are no proposed changes to the approved building. The application has been brought to the Planning Applications Committee due to the number of objections received.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site comprises a detached building containing eight flats situated on the south west side of Courthope Road. The building is set well back from the site frontage and has rear access and off street parking accessed from High Street. Courthope Road is residential in character with mixed commercial , with some residential above commercial premises in the High Street, which back onto High Street Mews at the rear of the site. The application site is within the Merton (Wimbledon North) Conservation Area. The Wimbledon North Conservation Area Assessment – (Sub Area 4 Belvedere) states that the building is an uncharacteristic block of flats set well back form the road. The application site is within a Controlled Parking Zone (CPZ Von).

## **3. CURRENT PROPOSAL**

- 3.1 The current application involves the demolition of the existing building and the erection of a three storey building (with accommodation at basement level and within the roof space) comprising 9 x 2 bedroom self-contained flats together with associated car parking and landscaping.
- 3.2 The proposed building would be 14.5 metres in length, 13.5 metres in width and the proposed building would be set back from the Courthope Road frontage by between 20 and 22 metres. The rear elevation of the building would be set back 2.5 metres from the High street Mews frontage. The building would be set off the boundary with 3 Courthope Road by 2.5 metres and by between 1.5 and 3 metres from the boundary with 1 Courthope Road. The building would have an eaves height of 10 metres and have a hipped roof with an overall height of 13 metres.
- 3.2 Internally, at lower ground floor level 2 x two bedroom flats would be formed, each flat having a combined kitchen/living room. Light would be provided by light wells to the front and side elevations of the building. Each flat would have a gross internal floor area of 70m<sup>2</sup> and 71.4m<sup>2</sup> respectively. Each flat would have a rear garden of 26m<sup>2</sup> and 32.7m<sup>2</sup>. At upper ground floor level 2 x 2 bedroom flats would be formed with a gross internal floor area of 70.2m<sup>2</sup>. At first and second floor levels 2 x 2 bedroom flats would be formed (with an identical footprint0, the flats on each floor having a gross internal floor area of 64.8m<sup>2</sup> and 70.6m<sup>2</sup> respectively. The flats on the upper ground, first and second floor levels would each have a rear balcony. At third floor level a two

bedroom flat would be formed within the roof space (Gross internal floor area of 92m<sup>2</sup>). The third floor flat would have a roof terrace of 10m<sup>2</sup>.

- 3.3 Off street car parking for 7 cars would be provided. Six spaces within the front curtilage and one space provided at the rear of the building. A traditional design approach has been adopted for the proposed building which would be constructed in handmade Flemish brick, cast stone detailing, painted stucco bay windows, painted timber sash windows and a clay tiled roof.

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

- 4.1 In May 2017 planning permission was granted by the Planning Applications Committee for the demolition of the existing building and erection of a three storey building (with accommodation at basement level and within the roof space) comprising 9 x 2 bedroom self-contained flats together with associated car parking and landscaping (LBM Ref.16/P0298). The planning permission was subject to the development being designated 'permit free'.

#### 5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 8 objections have been received. The grounds of objection are set out below:-

-The owners of 1 Courthope Road object to the proposed increase in parking bays in front of the property from five to six and to provide a new parking space at the rear of the property and to remove one or maybe more on-street parking spaces and to remove the S.106 restriction of the flats being 'permit free'. The proposal would exacerbate parking problems in the road.

-The Council should keep to its original decision and keep the S.106 restriction that the development be 'permit free'

-There is no capacity for additional parking in Courthope Road and the nature and scale of the development means that it is likely that car ownership will be higher than at present.

#### 5.2 The Wimbledon Society

The Wimbledon Society state that the site is within the Wimbledon north Conservation Area, and the adjoining building (1 Courthope Road) is a Locally Listed building. The Council's Conservation Area Character Assessment describes the building as a 'less attractive, uncharacteristic form of development' and of 'high density'. The new building would have nine two bedroom flats and is a significant increase in density to the eight one bedroom flats in the existing building. The proposal is regarded as one storey too high and out of scale with Courthope Road, which is predominately 2 and 3 storeys high. The proposed eaves line is well above that of other local buildings. An increase in parking spaces from 5 to 7 spaces results in a loss of greenery in the local street scene. As the site is with an Archaeological Priority Zone, any permission for the development should include conditions safeguarding archaeological aspects. Trees should also be protected during construction.

5.3 Belvedere Estates Residents Association

The street scene could be improved by moving the building forward more in line with the houses along Courthope Road and keeping the parking spaces to the rear of the building so as not to add to congestion at this end of Courthope Road. This would allow for more greenery at the front of the building. If any trees are removed then replacement trees should be planted. The current proposal looks like a boring urban car park and will detract from the street scene. The application should be refused until a more considerate parking solution is considered and adopted.

5.4 Transport Planning

The scheme put forward with this application reflects that for a separate nine unit scheme permitted under LBM Ref.16/P0298, other than with the level of off-street parking provision increased from five spaces to seven spaces with one of these spaces located to the rear. The application also seeks to not have a restriction put on the scheme restricting access to on-street parking permits, unlike with the consented scheme. Against this background of this assessment it is considered that there is no reason why residents of the proposed nine two bed units should not have the same access to parking permits as that available to the residents of the existing eight one bedroom units.

6. **POLICY CONTEXT**

6.1 The relevant planning policy contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS.14 (Design) and CS15 (Climate Change).

6.2 The Relevant Policies contained within the Merton Site and Policies Plan (July 2014) DM O1 (Nature Conservation, Trees, Hedges and Landscape Features), DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM D3 (Alterations to Existing Buildings) and DM D4 (Managing Heritage Assets).

6.3 The relevant policies contained within the London Plan (July 2011) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 7.4 (Local Character) and 7.6 (Architecture).

6.4 Mayor of London's London Plan Housing Supplementary Planning Guidance (March 2016) and Housing Standards, Minor alterations to the London Plan (March 2016).

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern design and conservation issues, standard of residential accommodation, neighbour amenity, basement construction, trees, parking, sustainability and developer contribution issues.

## 7.2 Design and Conservation Issues

The existing building is an unattractive building that does not make a positive contribution towards the character of the conservation area and there are no objections to the demolition of the existing building. The design of the proposed building is the same as that previously approved by LBM planning permission Ref.16/P0298 (Dated 23 May 2017) and the proposed building is considered to be acceptable in design terms and the proposal would preserve the character and appearance of the Merton (Wimbledon North) Conservation Area and accord with policies CS14 and DM D4.

## 7.3 Standard of Residential Accommodation

The proposed development would comprise 9 x two bedroom flats. The gross internal floor area of each flat is set out below together the minimum standard requirement as set out in the London Plan.

	Layout	GFI	London Plan Standard
Flat 1	2 bed/three person	71.4m <sup>2</sup>	61m <sup>2</sup>
Flat 2	2 bed/three person	70m <sup>2</sup>	61m <sup>2</sup>
Flat 3	2 bed/three person	71.5m <sup>2</sup>	61m <sup>2</sup>
Flat 4	2 bed three person	70m <sup>2</sup>	61m <sup>2</sup>
Flat 5	2 bed/three person	70.6m <sup>2</sup>	61m <sup>2</sup>
Flat 6	2 bed/three person	64.8m <sup>2</sup>	61m <sup>2</sup>
Flat 7	2 bed/three person	70.6m <sup>2</sup>	61m <sup>2</sup>
Flat 8	2 bed/three person	64.8m <sup>2</sup>	61m <sup>2</sup>
Flat 9	2 bed/three person	92.2m <sup>2</sup>	61m <sup>2</sup>

The proposed amenity space provision is set out below:-

	Amenity Space Provision	London Plan Standard
Flat 1	26m <sup>2</sup> garden	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 2	32.7m <sup>2</sup> garden	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 3	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 4	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 5	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 6	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 7	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 8	6m <sup>2</sup> balcony	5m <sup>2</sup> + 1m <sup>2</sup>
Flat 9	10m <sup>2</sup> roof terrace	5m <sup>2</sup> + 1m <sup>2</sup>

The London Plan requires that 2 bedroom flat developments provide a minimum of 5m<sup>2</sup> amenity space for each flat with an additional 1m<sup>2</sup> for a three person unit. Flats 3 to 8 have 6m<sup>2</sup> amenity space which is the minimum requires for a three person unit. However, it should be noted that the existing flats have no private amenity space albeit that they benefit from a communal front garden. The existing flats are single bedroom units despite having a floor area of 60m<sup>2</sup> with an alcove that could accommodate a single bed. The existing building does not have a lift. The proposed flats are all two bedroom units and the internal layout and gross internal floor area of each flat is acceptable. In terms of amenity space each flat would have access to a balcony or in the case of flats 1 and 2, a garden. The amenity space provision is therefore considered to be acceptable in terms of policy CS8 and DM D2.

#### 7.4 Neighbour Amenity

A number of representations suggest that the proposed building should be sited further forward to align with neighbouring houses in Courthope Road. However, if the building were positioned further forward on the site, this would have an adverse impact upon existing windows within the side elevation of 1 Courthope Road. The proposed building would not therefore be sited any further forward than the existing building and the front elevation would be constructed in the same position as the existing building. The proposed building would however, have a larger footprint due to the rear elevation of the building projecting 3.5 metres rearward than the existing building (occupying the space occupied by the existing external staircase. This projection was approved by the previous decision. The proposed building would be no higher than the existing building. Indeed the proposed building would be slightly lower than the upper section of the existing building, albeit with a larger roof form due to the proposed pitched roof. The lower ground floor flats would each have a garden accessed via patio doors, whilst the upper ground, first, second and third floor flats would each have a balcony or a terrace. The balconies and terrace would face onto the rear elevation of commercial properties in High Street Mews. Balcony screening to a height of 1.7 metres would mitigate any potential problems of overlooking. A planning condition regarding balcony screening is therefore considered to be appropriate in this instance. To the south of the site is an electricity sub-station building and the side elevation of 3 Courthope Road. Given the separation distance between properties, the position of the balconies and terrace is acceptable with adequate balcony/terrace screening secured through a planning condition. The proposal is therefore considered to be acceptable in terms of policy DM D2.

#### 7.5 Basement Construction

A number of representations have been received concerning the provision of a basement. However, the extant planning permission (LBM Ref.16/P0298) included a basement and as part of the previous planning application a basement construction method statement was submitted and a ground survey undertaken. The Council's structural engineer examined the reports submitted with the previous application (and resubmitted with the current application) and Council's Flood Risk Engineer has raised no objections to the proposal

subject to conditions being imposed requiring the submission of a detailed basement construction method statement and details of a sustainable drainage scheme in accordance with policy DM F2.

#### 7.6 Trees

There is a mature Beech tree on the site frontage. However, soft landscaping would be retained beneath the canopy of the Beech tree. The Council's tree officer has confirmed that excavations for the basement and foundations would be in close proximity to the Beech tree. Therefore tree protection conditions would be required to be imposed on any grant of planning permission in accordance with policy DM O1.

#### 7.7 Parking

A number of representations have been received concerning parking provision for the development and problems of parking in the area. The previously approved scheme (LBM Ref.16/P0298) provided five off-street parking spaces involving the formation of a new vehicular access onto Courthope Road. The current application would provide seven parking spaces, six within the front curtilage and one space at the rear and the removal of the requirement for the development to be designated 'permit free' that formed part of the previous planning permission (LBM Ref.16/P0298). The Councils Transport Planning section has examined the current proposal and with the increased parking provision there is no reason for the 'permit free' requirement given that the existing eight flats have access to parking permits. The proposal is therefore considered to be acceptable in terms of policy CS20.

#### 7.8 Sustainability Issues

On 25 March the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

7.9 Until amendments to the Building Regulations come into effect the government expects local planning authorities not to set conditions with requirements above Code level 4 equivalent. Where there is an existing plan policy which references the Code for sustainable Homes, the Government has also stated that authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard.

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

#### 7.11 Developer Contributions

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. However, the Mayor of London's and Merton's CIL would still apply.

9. **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

10. **CONCLUSION**

Planning permission has previously been approved for the demolition of the existing building and the erection of a new building comprising 9 flats (LBM Ref.16/P0298). The increase in on-site parking provision and the removal of the requirement for the development to be designated 'permit free' is considered to be acceptable given that seven off street parking space are now proposed. Accordingly, it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

And subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 External Materials to be Approved
4. C.2 No Additional or Enlarged Window or Door Openings
5. C.4. Obscure Glazing (Bottom sashes to Bathroom and Kitchen windows as Shown on drawing numbers
6. C.6 Refuse and Recycling (Details to be Submitted)



7. C.9 Balcony Screening
8. D.10 External Lighting
9. D.11 Hours of Construction
10. F.1 Landscaping Scheme
11. F.2 Landscaping
12. F.5 Tree Protection
13. F.8 Site Supervision - Trees
14. Design of Foundations (6 Metres radius of existing Beech tree)
15. F.9 Hardstanding
16. H.1 New Vehicular Access
17. H6P Details of Cycle Parking
18. H9P Construction Vehicles
19. 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 unless otherwise approved in writing by the Local Planning Authority.

Reason for condition: In the interest of neighbour amenity and to comply with policy DMN D2.

20. 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 15m<sup>3</sup> 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.

INFORMATIVES:

21. 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).
22. INF1 Party Wall Act
23. INE7 Hardstandings
24. INF8 Construction of Vehicle Access

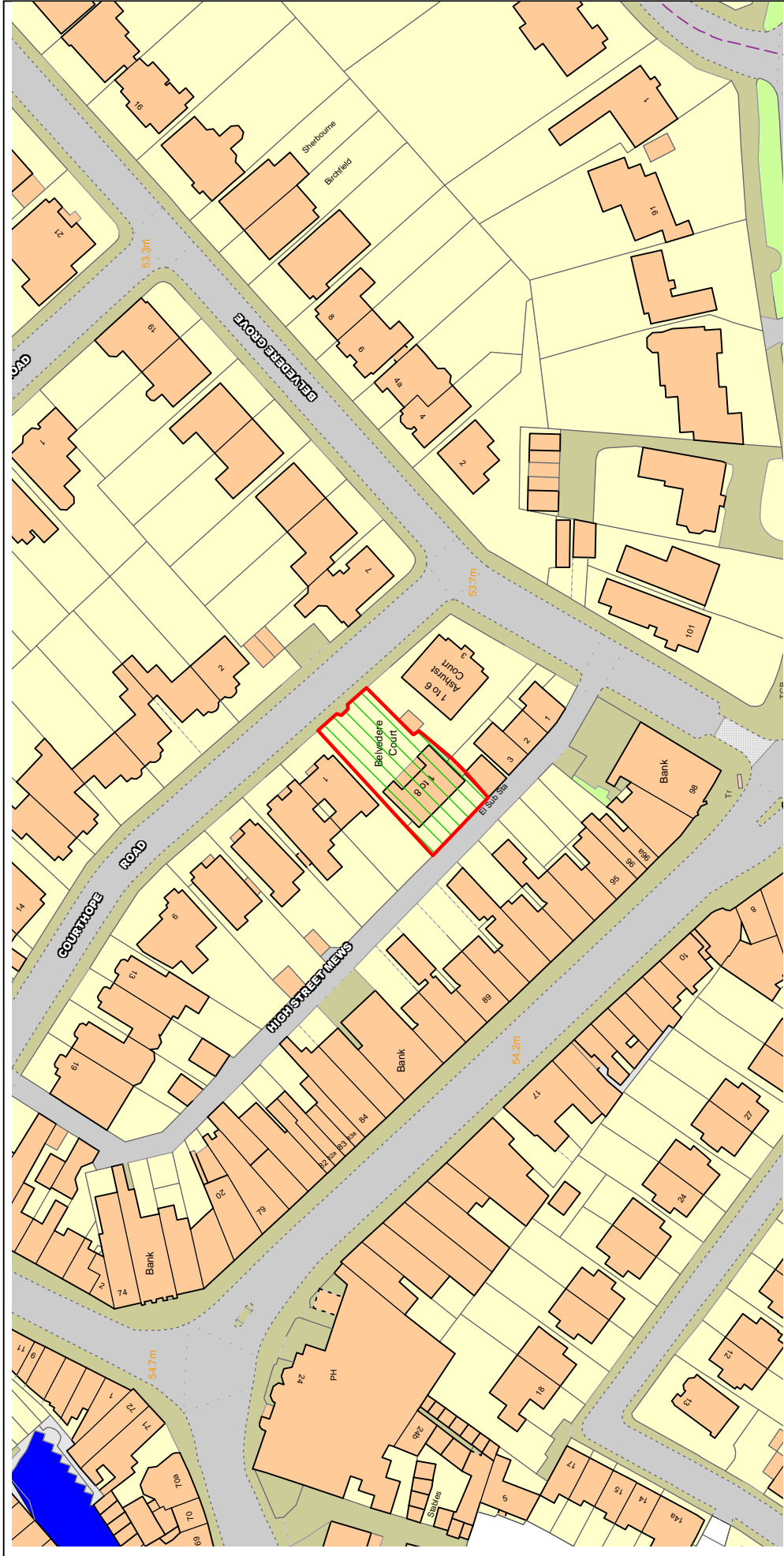
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **Belvedere Court, 1a Courthope Rd**

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**PLANNING APPLICATIONS COMMITTEE**  
**19<sup>th</sup> October 2017**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
17/P1682	21/04/2017
<b>Address/Site</b>	Birchwood, 7 Ellerton Road, West Wimbledon, SW20 0ER
<b>Ward</b>	<b>Village</b>
<b>Proposal:</b>	Demolition of existing dwellinghouse and erection of 2 detached dwelling houses plus alterations to existing vehicular crossover
<b>Drawing Nos</b>	4C, 5C, 6C, 7C, 8D, 9C, 10B, 11A, 12B, 13, 14, 15, and 16
<b>Contact Officer:</b>	Stuart Adams (0208 545 3147)

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**RECOMMENDATION**

**GRANT Planning Permission subject to conditions**

**CHECKLIST INFORMATION.**

Heads of agreement: - None  
Is a screening opinion required: No  
Is an Environmental Statement required: No  
Has an Environmental Impact Assessment been submitted – No  
Press notice – Yes  
Site notice – Yes  
Design Review Panel consulted – No  
Number of neighbours consulted – 8  
External consultations – GLAAS.  
PTAL Score – 1b  
CPZ – N/A

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1. **INTRODUCTION**

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

officer recommendation to grant permission subject to conditions.

## 2. **SITE AND SURROUNDINGS**

- 2.1 This application relates to a large property on the southern side of Ellerton Road, roughly 50m to the east of the junction with Barham Road. Ellerton Road is a private road characterised by large detached properties set within spacious plots.
- 2.2 The existing property has a footprint of 250sqm and the application site is just under 1700sqm. The architectural style is mixed within the locality which reflects that each plot was developed independently rather than on a whole estate basis. The site has a slight gradient such that the western part of the site is lower than the eastern edge.
- 2.3 Wimbledon Common is roughly 400m to the north and is both a SSSI and a SAC. The site is within the Drax Avenue Conservation Area and an Archaeological Priority Zone and has a PTAL of 1a.

## 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for demolition of existing dwellinghouse and erection of 2 detached dwelling houses plus alterations to existing vehicular crossover

### House A

- 3.2 House A would be a two storey, 6 bedroom Arts and Crafts house. The house would have a handman clay tile roof, cast iron gutters, soft red handmade brick elevations and oak framed bay and casement windows. The house would have two car parking spaces, one within the integral garage and one within the front drive area.

### House B

- 3.3 House B would be a two storey, 6 bedroom Arts and Charts house. The house would have a natural light grey slate roof, cast iron gutters, fine roughcast render elevations, honey coloured natural stone bay & cornice with lead roof and honey coloured natural stone plinth. The house would have up to three car parking spaces, one within the integral garage and up to two within the front drive area.
- 3.4 The floor space (GIA) and amenity space standards of individual residential units are as follows compared to London Plan 2015 requirements and Merton planning policy DM D2 Design considerations in all developments).

<u>Proposal</u>	<u>Type(b)bed (p) person</u>	<u>Proposed GIA</u>	<u>London Plan</u>	<u>Amenity Space (sq m)</u>	<u>London Plan/ Merton requirement</u>
House A	<u>6b12p</u>	<u>475</u>	<u>134</u>	<u>465</u>	<u>50</u>
House B	<u>6b12p</u>	<u>480</u>	<u>134</u>	<u>433</u>	<u>50</u>

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

- 4.1 16/P1621 - Demolition of existing dwellinghouse and erection of 2 detached dwelling houses – Refused permission on 28/07/2016 for the following reasons:

The application has failed to provide any reasoned or sufficient justification for the demolition of the existing dwelling which is considered to make a positive contribution to the Drax Avenue Conservation Area. Furthermore the proposal would by virtue of its design and materials result in a growing homogeneity of built form within the Drax Avenue Conservation Area which would not be in keeping with its character and appearance. As a result the proposal would have a detrimental impact on the Conservation Areas character and appearance such that it would result in substantial harm to a designated heritage asset. The proposal is therefore contrary to policies DMD1, DMD2 and DMD4 of the Sites and Policies Plan (2014), Policy CS14 of the Core Strategy, Policies 7.4, 7.6 and 7.8 of the London Plan and paragraphs 132 and 133 of the National Planning Policy Framework.

The refusal was also dismissed at appeal (Ref – APP/T5720/W/16/3161105). The planning inspector raised concerns that the design of the houses would appear for all intents and purpose a mirror image of each other. Therefore the proposal would fail to either preserve or enhance the character or appearance of the DACA.

- 4.2 88/P1214 - Erection of a conservatory extension at rear – Grant - 27/09/1988.

#### 5. **CONSULTATION**

- 5.1 The application has been advertised by Conservation Area procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, 7 letters of objection received. The letters raise the following points:

## Design

- Not in keeping with street scene. Characterised by detached dwellings standing in their own plots, where overall scale and bulk of development on each plot is much the same
- The current building is charming and adds to the pleasant nature of the conservation area of the Drax Estate, two new dwellings would detract from these aspects.
- The dwellings are still basically mirror images of each other (reason that appeal was dismissed). They are very similar size, width and shape, the proposed dwellings materials are slight and cosmetic.
- The current application does not go far enough to rectify the inadequacies of the previous application.
- The proposal fails to take opportunities available for improving the character and quality of an area as required by NPPF.
- Does not preserve or enhance conservation area

## Trees

- Loss of trees

## Highways

- Construction traffic, request that a construction method statement is produced by the applicant prior to any works
- Impact on the already limited public transportation accessibility in the Ellerton Road area.
- Ellerton Road is a private highway maintainable at the residents expense. Construction traffic is likely to cause abnormal wear and damage to the road. It would be wholly unreasonable for the residents to suffer financial detriment for this. Request that the Council secure an undertaking from the developer to pay for initial condition surveys and for any such damage and wear so caused following a final condition survey.

## Flooding

- A hydrology report should be provided before the application is considered.
- The water table is in grave risk of being diverted by the construction of two dwellings, even those without basements.

## Neighbour amenity

- Disruption during construction
- Subsidence to neighbouring properties.



- Visual intrusion
- Overlooking from balcony and windows to the south-west combined with a reduction in the tree crown spread.
- Overbearing in design and leads to inevitable problems of overlooking and loss of privacy. The current application is too close to the boundary and threatens to damage boundary features such as well-established trees and fencing.

#### Other considerations

- Overdevelopment of site
- Set precedent
- Planning Guideline for the DACA has been removed from the Council website resulting in scrutiny of development applications being lax both in preparation and approvals.
- Merton is already meeting housing targets
- Impact upon drainage systems

- 5.3 Following amendments to the scheme (design alterations to House A), one letter of objection has been received stating that the deletion of the proposed roof lights from the front roof slope of House A is a minor change and does not overcome original objection.

Officer comment – note that the changes made to House A involve considerably more changes than just deletion of a front roof light. See section 7.2.3 of committee report for full details of amendments.

- 5.2 Tree Officer – No objections subject to conditions
- 5.3 Flood Officer – No objections subject to conditions
- 5.4 Greater London Archaeological advisory Service - The applicant site falls outside the Archaeological Priority Zone so no comment
- 5.5 Climate Officer - In this instance I am satisfied that a pre-commencement condition can be applied in order to demonstrate compliance with the 19% improvement target as no significant barriers to meeting the targets have been identified in relation to this application.

## 6. **POLICY CONTEXT**

- 6.1 Merton Core Planning Strategy (July 2011)

CS8 Housing choice  
 CS9 Housing provision  
 CS11 Infrastructure

- CS13 Open space, nature conservation, leisure and culture
- CS14 Design
- CS15 Climate Change
- CS 16 Flood Risk management
- CS17 Waste Management
- CS18 Active Transport
- CS19 Public Transport
- CS20 Parking, Servicing and Delivery

## 6.2 Adopted Merton Sites and Policies Plan (July 2014)

- DMH2 Housing mix
- 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
- DM F1 Support for flood risk management
- DM F2 Sustainable urban drainage systems (SUDS) and, wastewater and water infrastructure
- DM EP2 Reducing and mitigating noise
- DM EP3 Allowable solutions
- DM EP4 Pollutants

## 6.3 London Plan (July 2011)

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 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
- 7.8 Heritage assets and archaeology

## 7. PLANNING CONSIDERATIONS

7.1 The principal planning considerations related to this application are the principle of development, the design of the new houses and the impact upon the Ellerton Road street scene and the Drax Avenue Conservation Area (DACA), the standard of accommodation provided, impact upon neighbouring amenity, flooding, trees, ecology and parking/highways considerations.

### 7.2 Amendments

7.2.1 A strong material planning consideration in this instance is the previous planning refusal and associated dismissed appeal. In dismissing the planning appeal the planning inspector considered that the principle of redevelopment of the site could be acceptable subject to high quality replacement houses that appear different in design. The concern with the appeal scheme was the proposed houses would be a mirror image of each other. This approach had been taken elsewhere in the DACA and the planning inspector considered that this approach should not be repeated.

7.2.2 In order to overcome the concerns raised by the planning inspector, the original plans were amended. It was considered that the design of houses didn't go far enough to ensure that they were remarkably different. Whilst of different materials and detailing, the houses had a similar footprint and form which included a single front bay and subordinate two storey side addition with ground floor garage.

7.2.3 Offices were happy with the design approach taken for House B, however the form of House A was considered too similar to House B and improvements could be made to the design and detailing of House A. The changes made to House A include high quality materials and better detailing, introduction of an integrated garage with accommodation above (rather than a two storey side addition) and two front bays (rather than one). The proposed changes are now considered to achieve a high quality design approach that ensures that each house has its own quality and appear remarkably different from each other (and other houses in the DACA) to ensure that the DACA is conserved as required by planning policy DM D4 (Managing heritage assets)

#### Comparison to Appeal Scheme

7.2.3 In comparison to the appeal scheme, the design rationale and materials for each house is remarkably different helping rectify the potential homogeneity approach being seen in the DACA. The changes include lowered ridge and eaves heights and a notable reduction in the eaves

levels between each house (0.8m). The front building line of House B has also been pushed further back into the site, creating a staggered front building line. This approach creates visual interest and helps contribute towards ensuring that the houses are different. Overall, the heights, form, materials and detailing of each house now ensures that they are remarkably different in appearance and character.

### 7.3 Principle of Development

7.3.1 The principle of development of the site has already been established under the previous planning application on the site, 16/P1621. Planning application 16/P1621 was refused planning permission (see reasons in section 4.1 of the committee report) and was subsequently dismissed at appeal, however in the appeal decision; the planning inspector acknowledges that the principle of a redevelopment of the site could be achieved. He stated that:

“The existing dwelling therefore has a degree of charm about it and notwithstanding clear evidence of changes that have been made to it over time; the front elevation appears to be largely original. This, when coupled with its prominent street frontage location means it makes a positive contribution to the character and appearance of the Drax Avenue Conservation Area. This is not to necessarily say however that the existing dwelling is sacrosanct and harm would be caused by its loss, providing of course that any treatment of the land afterwards, in terms of buildings or otherwise, would in itself serve to preserve or enhance the character and appearance of the Drax Avenue Conservation Area.

7.3.2 The above appeal decision is a material planning consideration. The appeal decision is appended to the committee report for reference.

7.3.3 The requirement for additional homes is a key priority of the London Plan and the recently published Further Alterations to the London Plan (FALP) seeks to significantly increase the ten year minimum housing target across London from 322,100 to 423,887 (in the period from 2015 to 2025), and this equates to an associated increase in the annual monitoring target across London to 42,389. The minimum ten year target for Merton has also increased by more than 30% to 4,107, with a minimum annual monitoring target of 411 homes per year. The delivery of 1 new residential unit at this site will contribute to meeting housing targets and the mix of unit sizes will assist in the delivery of a mixed and balanced community in a sustainable location. New housing is considered to be in accordance with the objectives of the NPPF, London Plan targets, and LBM policy.

## 7.4 Design

- 7.4.1 The DACA was laid out from the 1920's with the Arts and Crafts movement heavily influencing development during this early period. The host property was built around 1930 however right up until the late 1950's and early 1960's there were empty plots, given this period of time the DACA is characterised by detached properties of varying design, styles and materials situated within large plots. However more recently the increasing need for housing has resulted in subdivision and infill development which has decreased plot sizes and introduced a more contemporary and similar range of building styles.
- 7.4.2 As set out above, the principle of redevelopment has already been accepted subject to suitable replacements. In dismissing the appeal, the planning inspector raised concerns that the design of the houses would appear for all intents and purpose a mirror image of each other. Whilst he acknowledged that this approach has been taken elsewhere in the DACA, further use of it would, to his mind, further dilute one of the defining characteristics of it. Specifically, and amongst other things, a group of buildings of obvious quality in their own right, and clearly of differing design and appearance.
- 7.4.3 The planning inspector raised no concerns with the bulk, height or massing of the proposal. The proposed houses would follow on from the principles established under planning application 16/P1621. The height, bulk and massing is therefore considered to be acceptable. The pair of detached houses would have a staggered front building line, with a suitable separation between each pair, highway and all site boundaries to ensure that the proposals retain a degree of openness and the semi-rural character that responds to the context to the site and its surroundings.
- 7.4.4 In order to ensure that the site retains an open and semi-rural character, a positive element of the area, permitted development rights can be removed in regards to extensions and boundary treatment. This planning condition would allow the Council to control future development.
- 7.4.5 The proposed dwellings, following amendments, are now considered to overcome the planning inspectors concerns. The two building are considered to be quality buildings in their own right. Both houses would have an Arts and Craft style, however as clearly shown on the CGI images, the proposed houses are remarkably different in appearance due to form, materials and detailing to ensure that the proposed houses conserve the DACA.

## 7.5 Neighbour Amenity

- 7.5.1 Objections have been received in regards to overlooking from the proposed rear terraces, however it must be noted that a large first floor balcony already exists with no obscured screening. The proposed balconies are smaller in size and would include 1.8m high side screens to prevent views towards neighbouring gardens. A planning condition retaining the side screens would ensure that there is no undue loss of amenity.

### 3 Ellerton Road

- 7.5.2 The flank wall of House A would be inset away from the site boundary with this neighbouring property. There would be a separation distance of 4.9m between the proposed flank wall and the flank wall of the neighbour. In addition existing vegetation would also help screen the proposed development. House A would have a staggered rear building line, stepping away from this neighbouring property. The level of separation and staggered building form would help maintain suitable light levels and reduce the visual impact of the proposal when viewed from the neighbouring property and rear garden area.

### 11 Ellerton Road

- 7.5.3 The flank wall of House A would be inset away from the site boundary with this neighbouring property. There would be a separation distance of 2.7m between the proposed flank wall and the flank wall of the neighbour. In addition existing vegetation would also help screen the proposed development. House A would have a staggered rear building line, stepping away from this neighbouring property. The level of separation and staggered building form would help maintain suitable light levels and reduce the visual impact of the proposal when viewed from the neighbouring property and rear garden area.

## 7.7 Standard of Accommodation

- 7.7.1 The proposed houses would provide a satisfactory standard of accommodation for future occupiers with each house exceeding the London Plan Gross Internal Area minimum standards. Each room would be capable of accommodating furniture and fittings in a satisfactory manner. Each habitable room has good outlook, levels of light, storage spaces and circulation areas. Each house would have direct access to 465 square metre and 433 square metre of private amenity space at the rear of the houses which exceeds the Council's minimum requirement of 50 square metres.

## 7.8 Traffic, Parking and Highways

- 7.8.1 The proposal provides for two off street vehicle parking spaces for each property, one in the garage and one more on the driveway. This would accord with the maximum residential parking standards as set out in the London Plan. This level of provision is therefore considered to be acceptable. Moreover the Council's Transport Planner raises no objection to the proposal, although a construction traffic management plan is sought which is considered reasonable given the nature of the road network and can be dealt with by a condition.
- 7.8.2 For dwellings of this size, two cycle storage spaces would be required for each property. No details have been submitted and it is therefore necessary to require a condition requiring further details to be submitted. Similarly refuse storage has not been detailed and a condition seeking further details can be attached to any permission.
- 7.8.3 Neighbours have expressed concern that construction traffic is likely to cause abnormal wear and damage to the road. They consider that it would be wholly unreasonable for the resident to suffer financial detriment for this. Residents request that the Council secure an undertaking from the development to pay for initial condition surveys and for any such damage and wear so caused following a final condition survey. However Ellerton Road and surrounding streets are private roads. Therefore the Council would have no jurisdiction to impose such conditions on the planning permission as this would relate to private matters outside the scope of planning. The applicant is however reminded to seek the relevant permissions (if required) from interested parties before works commence.

## 7.9 Trees

- 7.9.1 The applicant has provided an arboricultural report with the application that assesses the impact on trees on the site. There would be a total of 40 trees being retained unaffected by the proposal and four trees and one shrub that would be removed to facilitate the proposed development. The trees and shrub to be removed are all category C trees (small, low quality trees), therefore there no objection to the removal of these trees. The Council's tree officer has confirmed that she has no objection subject to conditions.

## 7.10 Flooding

- 7.10.1 Objections have been received from neighbours regarding the proposed development affecting ground water and the condition and capacity of the existing sewerage system in Ellerton road. Neighbours have also requested that a hydrology report is submitted with the application.

7.10.2 It must be noted that the proposed development does not include the construction of a basement. Therefore the proposed build would not require the type of deeper excavations usually associated with a scheme that includes a basement. It is therefore not considered necessary that the applicant includes a hydrology report as requested by neighbours. In light of objections from neighbour about ground water, the applicant has provided a Site Investigation Report with the application. The report states that:

“Groundwater is present at a relatively shallow depth, generally around 800mm to 900mm below the ground level at the site, which is fairly typical of the Claygate Beds in general”.

“There are no water courses on or in the vicinity of the site and there is no evidence to suggest the possible presence of any subterranean water course; the geology of the site precludes the presence of any natural underground river or stream”.

“The proposed method of construction for the two new properties, using the Housedeck system with a suspended slab supported on piles, will not incorporate down standing elements in the ground that could block or impede groundwater movement and, therefore, will not result in any change in the groundwater regime”

7.10.3 The proposed method of construction would use a ‘Housedeck’ system with a suspended slab supported on piles, will not incorporate downstanding element in the ground that could block or impede groundwater movement and, therefore, will not result in any change in the groundwater regime. The Councils Flood Officer is in agreement with the report findings and conclusions. He has confirmed that he has no objections to the proposal subject to conditions.

7.10.4 Concerns raised by neighbours in regard to the condition and capacity of the existing sewerage system in Ellerton Road would be a matter for Thames Water. They are the waste water sewerage company for this location. Details relating to impact upon the sewerage system are therefore none planning matters; however a planning informative can be added to the planning permission requiring the applicant to contact Thames water.

## 8 Ecology

8.1 The application is supported by an ecological appraisal prepared by Elmbridge Ecology dated 11 April 2016. This notes that an extended phase 1 habitat survey was undertaken as was a bat survey. In relation to



- badgers, hedgehogs, birds, reptiles/amphibians and invertebrates there was no sign of these on site and given the species poor grassland and non native planting it is unlikely that these species would be supported on site. The house was in a good state of repair, with only a few minor openings being considered suitable for bats. However these were inspected using an endoscope and no evidence was found.
- 8.2 Both statutory and non statutory biodiversity sites were considered to be too far away with intervening development or roads which would substantially limit any potential impact of the development on these sites.
- 8.3 The report concludes that the site has negligible potential to support bats or other species and no signs of badgers were found. The Ecology report has been assessed by the Councils policy team who note that the methodology, findings and recommendations of the ecology statement are acceptable, subject to an informative regarding works during the bird nesting and bat roosting seasons. Given this the proposal would have no significant impact on the ecology or biodiversity of the site.
9. Sustainability
- 9.1 The applicant has confirmed that he is willing to accept a pre-commencement planning condition requiring confirmation that the development will achieve a CO2 reduction of not less than a 19% improvement on Part L Regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day. In this instance the Councils Climate Officer has confirmed that there are no foreseen barriers preventing the applicant meeting the above targets.
10. Local Financial Considerations
- 10.1 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 1<sup>st</sup> 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.
11. **SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

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

## 12. **CONCLUSION**

12.1.1 The design of the development is considered to be of high quality in terms of appearance and character, offering two new dwellings that are materially different in design, respecting the street scene and conserving the Drax Avenue Conservation Area. The proposed buildings would provide high quality residential accommodation with no undue impact upon neighbouring amenity, flooding, trees or highway considerations. The proposal is in accordance with Adopted Sites and Policies Plan, Core Planning Strategy and London Plan policies. The proposal is therefore recommended for approval subject to conditions.

## **RECOMMENDATION**

### GRANT PLANNING PERMISSION

Subject to the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B1 Materials to be approved
4. B4 Details of Surface Treatment
5. F09 Hardstandings
6. B5 Levels
7. B5 Details of boundary treatment
8. C06 Details of refuse & recycling
9. C07 Refuse implementation
10. C08 Use of Flat Roofs
11. C09 Balcony Screening

12. D11 Construction Times
13. F05 Tree protection
14. F8 Site Supervision (Trees)
15. F1 Landscaping
16. F2 Landscaping implementation
17. C04 Obscured glazed (flank windows at upper levels obscured glazed up to 1.7m above internal floor level)
18. H06 Cycle Parking – Details to be submitted
19. H07 Cycle Parking to be implemented
20. H10 Construction Vehicles, washdown facilities etc.
21. Removal of pd rights (extensions and boundary treatment)
22. No part of the development hereby approved shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority confirming that the development will achieve a CO2 reductions of not less than a 19% improvement on Part L Regulations 2013, and wholesome water consumption rates of no greater than 105 litres per person per day.  
  
Reason - The condition is required 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.
23. Prior to commencement of development, intrusive site investigation (boreholes) shall be undertaken and groundwater shall be monitored by way of a groundwater standpipe. The ground investigation report (including the borehole scans) shall be submitted to the approval of the Local Planning Authority and shall inform a Construction Method Statement and address the risk of potential changes to hydrological setting with particular regard to groundwater impacts. Should dewatering be required during construction, the Construction Method Statement will need to address the measures to minimise silt dispersal and where waters will be discharged to.

Reason: To reduce the risk of flooding to the proposed development and future users, and ensure groundwater 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.

22. No development approved by this permission shall be commenced until a 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 LPA. 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) and control the rate of surface water discharged from the site to greenfield runoff rates, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

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.

### Planning Informative

1. 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).

2. 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).
3. Damage caused by the construction of the proposed development shall be made good by the applicant.
4. Carbon emissions evidence requirements for design stage assessments must provide:
  - Detailed documentary evidence outlining the Target Emission Rate (TER), Dwelling Emission Rate (DER) and percentage improvement of DER over TER based on 'As Designed' SAP outputs (i.e. dated outputs with accredited energy assessor name and registration number, assessment status, plot number and development address).

Water efficiency evidence requirements for Design Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Designed'; and Water Efficiency Calculator results to demonstrate that the dwelling will achieve no for greater than 105 litres per person per day.
5. Demolition of buildings and tree felling should avoid the bird nesting and bat roosting seasons. Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use, or who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981. Buildings and trees should be inspected for bird nests and bat roosts prior to demolition or felling by an appropriately qualified person. If bats are found, Natural England should be contacted for advice.

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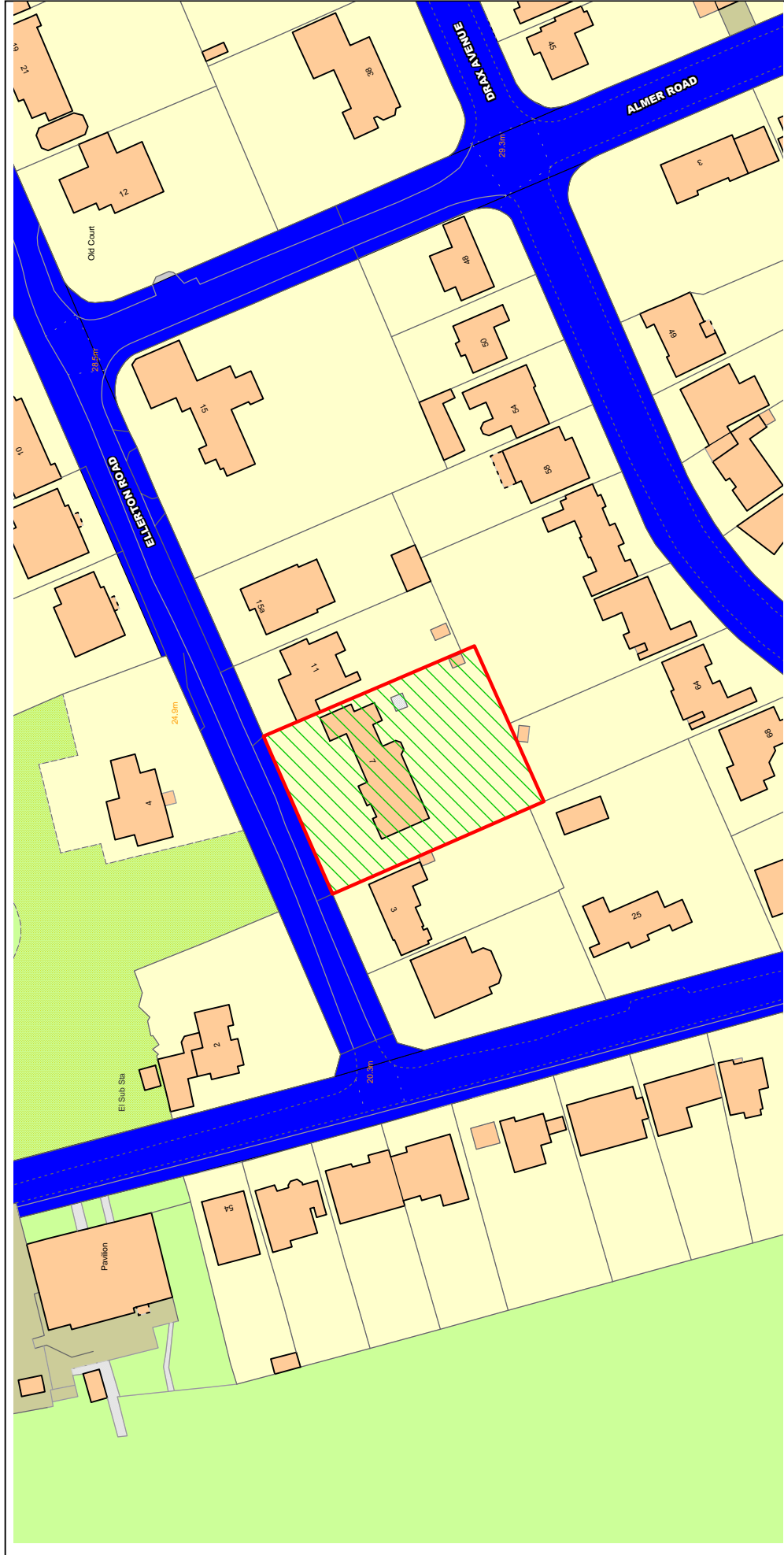
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE  
19 OCTOBER 2017**

**APPLICATION NO.**

**DATE VALID**

17/P3360

04/09/2017

**Address/Site**

21 Goodenough Road, Wimbledon, SW19 3QW

**Ward**

Dundonald

**Proposal:**

Retention of a part single/part two storey rear extension and an L-shaped rear roof extension.

**Drawing Nos**

Site Location Plan, Block Plan, Volume calculations plan, and 1724/202 (Plans and Elevations).

**Contact Officer:**

Tim Lipscomb (0208 545 3496)

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**RECOMMENDATION**

**Grant planning permission subject to planning conditions.**

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**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: 7
- External consultations: No
- Controlled Parking Zone: Yes (W5)
- Flood Zone: Flood Zone 1 (Low risk)
- Conservation Area: No
- Listed Building: No
- Protected trees: No

1. **INTRODUCTION**

- 1.1 This application is being brought to the Planning Applications Committee for determination at the request of Councillor Grocott.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a two-storey, mid-terrace dwelling to the western side of Goodenough Road.
- 2.2 Building works to construct a part two-storey, part first floor extension with a roof extension above are currently at the latter stages of construction. The current application seeks to retain these works.
- 2.3 The surrounding area is suburban in character.
- 2.4 The site is not in a Conservation Area.
- 2.5 The dwelling is not statutorily or locally listed.

### **3. CURRENT PROPOSAL**

- 3.1 The application seeks planning permission for the retention of the existing part single, part first floor extension and an L-shaped roof extension above.
- 3.2 The part single storey, part first floor extension has been previously granted permission under application ref. 17/P1446 and comprises the following:
- The erection of an L-shaped single storey rear extension which spans the width of the site with an eaves height of 2.7m.
  - The erection of a rear first floor extension, above the previously existing single storey outrigger. This extension has a mono-pitch roof with an eaves height of 5.1m.
- 3.3 In addition, the current application seeks retention of the L-shaped dormer window which has been constructed above the first floor extension and to the roof of the main dwelling and for the insertion of two rooflights to the front elevation.
- 3.4 The dormer window covers the majority of the two-storey outrigger below. The parapet walls to either side of the roof extension have been raised. The chimney has also been removed as part of the proposals. The dormer includes two rear facing windows (one of which is a Juliet balcony).
- 3.5 The dormer window would be a flat roof, L-shaped dormer with a total volume of 39.86 cubic metres.
- 3.6 Construction materials for the parapet walls are brickwork, the roof extension is slate-hung.
- 3.7 The proposed roof extension is not higher than the ridgeline of the property and the proposal does not involve raising the height of the main ridgeline.

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

##### **Application site:**

- 4.1 17/P1446 - PART DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND ERECTION OF A PART SINGLE/PART TWO STOREY REAR EXTENSION. Grant Permission subject to Conditions 11-07-2017.
- 4.2 17/P2569 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE ERECTION OF AN L-SHAPED REAR ROOF EXTENSION WITH JULIETTE BALCONY AND THE INSTALLATION OF 2 X ROOF LIGHTS TO THE FRONT ROOF SLOPE. Refuse Certificate of Lawfulness 25-08-2017 for the following reason:
1. The proposed roof extension, by reason of being part of a single building operation with the construction of a part single/part two-storey extension , would exceed the permitted development tolerances set out in Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) (England) Order 2015. Planning permission would therefore be required.

#### **5. CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. 7 letters of representation have been received objecting on the following grounds:
- Property has been over-extended.
  - Unacceptable reduction in garden space.
  - The roof is overly dominant.
  - Overlooking.
  - Previous application should never have been permitted.
  - Undesirable precedent
  - Out of character with the area
- 5.2 One letter received from the office of Stephen Hammond MP making the following comments:
- The scale of the development has a considerable impact on the gardens behind in Cochrane Road.
  - The size of the development is significant in relation to the size of the original dwelling and leaves very little garden.
  - The rear facing windows are large, meaning that it gives little privacy to neighbours.
  - Consequent loss of light.
  - Increase in noise as useable part of the retained garden is now adjacent to the rear boundary.

- If large developments such as this go ahead there will be a change to the nature of the roads and a consequent pressure on schools and other infrastructure.
- I believe much of this is permitted development but perhaps it would be worth seeking amendments to reduce the size of the windows.

## 6. **POLICY CONTEXT**

### 6.1 Adopted Sites and Policies Plan (July 2014):

DM O2	Nature Conservation, Trees, hedges and landscape features
DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings

### 6.2 LDF Core Planning Strategy (July 2011)

CS6	Wimbledon Sub-Area
CS13	Open space, nature conservation, leisure and culture
CS14	Design

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

7.4	Local character
7.6	Architecture
7.19	Biodiversity and access to nature

## 7. **PLANNING CONSIDERATIONS**

7.1 The key planning issues in this assessment are the impact on the character and appearance of the area, the impact on the amenities of neighbouring occupiers and the reduction in garden space.

### 7.2 **Impact on the character and appearance of the area**

7.2.1 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. Policy DMD2 also seeks to ensure that trees are protected from adverse impacts from development. Core Planning Policy CS14 supports these SPP Policies.

7.2.2 The part single storey, part first floor extension has been previously assessed and permitted under application ref. 17/P1446. Therefore, this element of the proposals has been previously established as being acceptable in planning terms. Consequently, the key consideration will be the impact of the roof extension above.

- 7.2.3 It is of note that if the dormer window extension had been carried out after the substantial completion of the part single storey, part first floor extension, then the proposed extensions would not have required further planning permission. However, the roof extension was carried out in conjunction with the part single storey, part first floor extension and as such represented one single building operation, which, in its entirety, would not have fallen within the tolerances of Permitted Development. Notwithstanding, it should be noted that the proposed extensions could have been carried out lawfully if they had been carried out as separate building operations. Equally, if the roof extension were removed, it could be reinstated as a single building operation, which would not require planning permission. Officers consider this to be a material consideration of significant weight in the assessment.
- 7.2.4 There are a number of roof extensions in the locality, including L-shaped roof extensions. It is of note that an L-shaped roof extension was permitted at 11a Goodenough Road under application ref.15/P2376. This roof extension projects 3.5m beyond the rear wall of the two-storey dwelling (the same depth as that currently proposed at the application site).
- 7.2.5 An L-shaped roof extension has also been granted permission at 13 Goodenough Road, under application ref. 15/P2126. This roof extension projects 3m beyond the rear wall of the two-storey dwelling.
- 7.2.6 The applicant has also referenced a number of other proposals:
- 15 William Road (16/P4624)
  - 21 William Road (15/P0976)
  - 14 Newton Road (15/P0609)
  - 25 Caroline Road (15/P0511)
- 7.2.7 The proposal at 15 William Road was for an L-shaped roof extension which projected beyond the main rear wall of the dwellinghouse by 3.5m
- 7.2.8 The proposal at 21 William Road was for an L-shaped roof extension, involving raising the ridge level, which projected beyond the rear wall of the main dwelling by 3.3m.
- 7.2.9 The application at 14 Newton Road was for a Lawful Development Certificate and as such is not directly comparable. An L-shaped roof extension which projected beyond the main rear wall of the dwellinghouse by 5.6m was concluded to not require planning permission.
- 7.2.10 The proposal at 25 Caroline Road was for an L-shaped roof extension which projected beyond the main rear wall of the dwellinghouse by 4.3m.

- 7.2.11 Whilst the examples cited above are in fairly close proximity to the site, on streets with similar characteristics to Goodenough Road and made under the same policy background (same Development Plan policies), each application must be assessed on its own merits. However, the examples cited do make it clear that there are a number of L-shaped roof extensions in the locality and that the proposed development is not an alien form of development but one that would be fairly commonplace in the area.
- 7.2.12 The key consideration in this case is that the resultant extensions (part single storey, part first floor extension and roof extension) could have been constructed lawfully, if they had been separate operations. This is a fall-back position which must be recognised in the assessment.
- 7.2.13 The fact that the works could have been completed lawfully, if carried out separately and the fact that this type of roof extension is not uncommon in the area, is such that it is considered that the proposal is acceptable in terms of its impact on the character and appearance of the area.

## **7.5 Neighbouring Amenity**

- 7.5.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.5.2 The part single storey, part first floor extension has been granted under application ref. 17/P1446 and therefore it would not be reasonable to revisit this conclusion as part of the current application.
- 7.5.3 The addition of a roof extension above significantly increases the bulk and massing of the extensions permitted under 17/P1446, particularly by virtue of the parapet walls to either side.
- 7.5.4 The addition of the roof extension does result in some marginal reduction in light to the neighbouring properties, 17 and 21 Goodenough Road. It is noted that there is a two-storey outrigger at No.21, which adequately mitigates against the impact of the roof extension. The proposed roof extension would project 1.7m beyond the existing two-storey outrigger and this relationship is not considered to be materially more harmful than the relationship permitted under application ref.17/P1446.
- 7.5.5 The roof extension is separated from the boundary with No.17 by 1.5m and this is considered sufficient to avoid an adverse impact on the amenities of the occupiers of No.17.
- 7.5.6 In terms of overlooking to the rear, the extensions approved under application ref. 17/P1446 included a rear facing first floor window at a distance of 7.8m from the rear boundary of the site. The proposed roof

extension includes a second floor bedroom window at a distance of 8.8m from the rear boundary of the site. Therefore, whilst there would be additional windows to the rear, these windows would be at a further distance from the neighbouring properties to the rear than the approved first floor windows.

- 7.5.7 In terms of a perception of overlooking, there are now more rear facing windows at a high level than previously, which would result in a perception of overlooking to some degree. Whilst the concerns of neighbouring residents are noted, it is considered that it would not be reasonable to refuse permission on this basis, given that the windows are further from the boundary than previously permitted and overlooking is possible in any event from existing windows at the application site and neighbouring properties.
- 7.5.8 The separation distance to properties to the rear is such that it is considered that there would be no material harm caused by way of loss of light to the properties to the rear.
- 7.5.9 As set out above, if the roof extension had been carried out as a single building operation, following the construction of the part single storey, part first floor extension, it would have been lawful under Permitted Development rights rules. This represents a material consideration of significant weight.
- 7.5.10 Officers conclude that the proposed roof extension would not result in additional overlooking over and above that approved under application ref. 17/P1446. It is noted that the rear of houses along Goodenough Road and Cochrane Road are in fairly close proximity (as are a number of roads in the vicinity), however, the current proposal would not result in significant additional overlooking.
- 7.5.11 It is considered that the proposed extension would not result in unacceptable impacts on neighbouring amenity and the proposal is considered to comply with Policy DM D2 in this regard.

## **7.6 Garden space**

- 7.6.1 Policy DM D2 seeks to retain an appropriate amount of garden space for dwellings. The policy states that "For all new houses, the council will seek a minimum garden area of 50sqm as a single useable regular shaped amenity space". The garden space retained would be approximately 21sqm. However, this policy relates to the provision of new houses and is not directly applicable in relation to extensions to existing houses.
- 7.6.2 Notwithstanding the above, under application ref. 17/P1446, the retained garden space was not objectionable and as such this matter has been established and the current application would not result in any further loss of garden space.

## **7.7 Highway, traffic and parking considerations**

7.7.1 The proposal is for extensions to an existing dwelling and there is unlikely to be a significant increase in traffic movements associated with the development.

## **7.8 Other matters**

7.8.1 The points raised by the neighbouring property have been carefully considered, however, the following response is also offered:

- In terms of noise, under application ref. 17/P1446, the useable garden space was located at the rear of the site. There is no change of use and whilst the useable garden area is condensed towards the rear of the site, this arrangement has already been granted permission and as such it would not be reasonable to revisit this aspect of the proposal. Any unreasonable noise levels would be a matter for Environmental Health legislation.
- Whilst the dwelling is now significantly larger than when first constructed, this is not a planning consideration. The impact on the character of the area and the impact on neighbours are the key considerations.
- In terms of setting a precedent, each application is assessed on its own individual merits and it is very unlikely that two sites will be identical. However, in this case the principle of development is acceptable. There is no concern regarding the setting of a precedent, as substantial two-storey extensions and L-shaped roof extensions have been permitted in the immediate locality already.
- There is no increase in the number of dwellings and it would not be consistent with other planning decision to refuse this application for residential extensions on the basis of increased pressure on school places and other infrastructure.

## **8. CONCLUSION**

8.1 There is no objection in principle to the proposed development.

8.2 The part single storey, part first floor extension has previously been assessed as being acceptable and subsequently granted planning permission. The proposed roof extension above would have been permitted development if it had been carried out as a separate operation, which is a material consideration of significant weight.

8.3 The proposed development is not considered to result in material harm to the character of the area and having regard to the impact on neighbours as a result of 17/P1446 and the fact that the end result could have been achieved lawfully if constructed separately, it is



considered that the proposal is acceptable in terms of the impact on neighbouring amenity.

### **RECOMMENDATION**

Grant Permission subject to Conditions.

1. A1 Commencement of development
2. A7 Approved Plans. Site Location Plan, Block Plan, Volume calculations plan, and 1724/202 (Plans and Elevations).
3. B3 External Materials as Specified.
4. C02 No Permitted Development (Windows and Doors). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window or door other than those expressly authorised by this permission shall be constructed in the northwest or southeast (side facing) elevations of the extensions hereby approved without planning permission first obtained from the Local Planning Authority.

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

### **INFORMATIVES**

1. INF 01 Party Walls Act
2. INFORMATIVE  
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 application was acceptable as submitted and no further assistance was required.

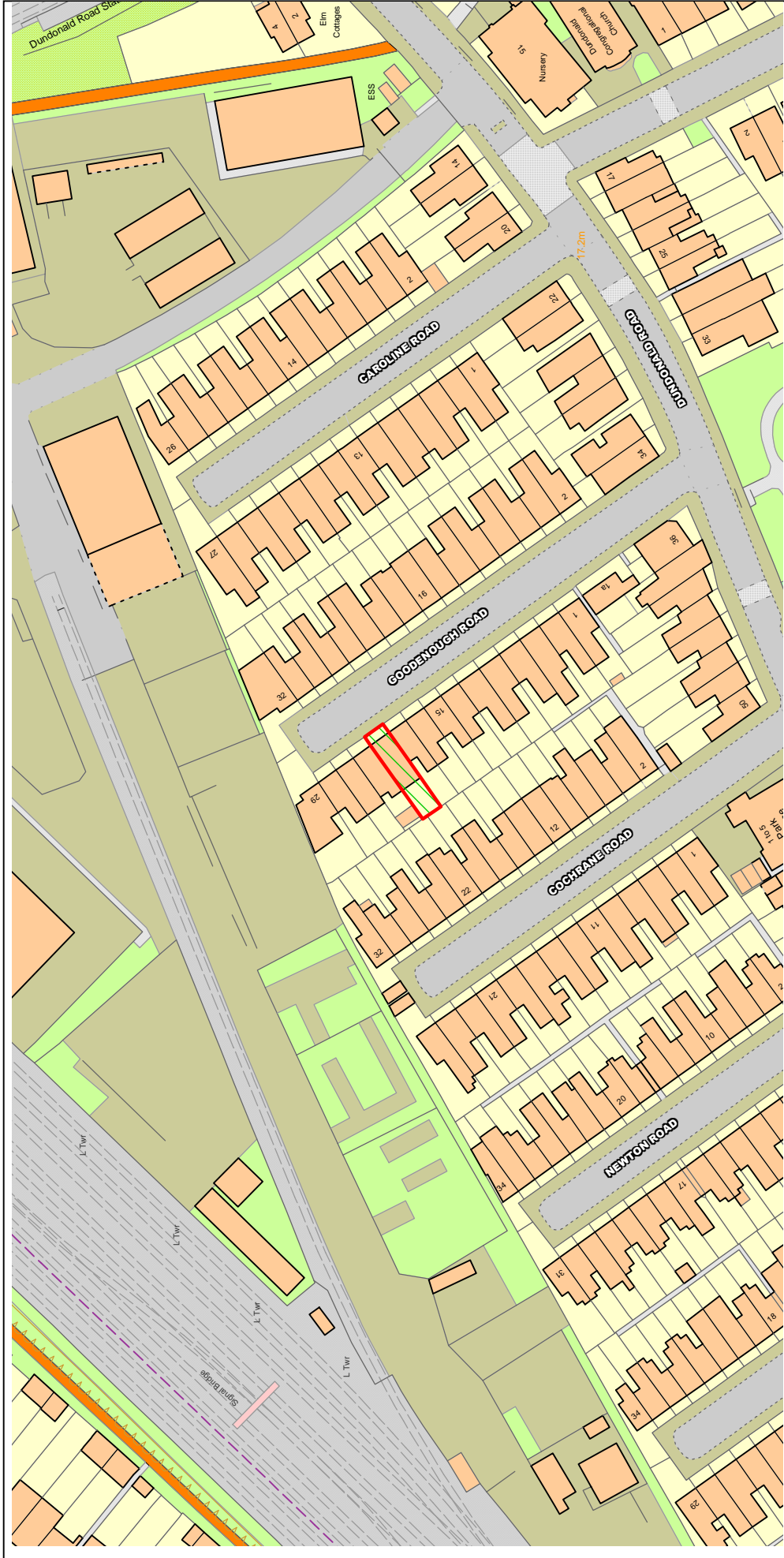
ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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[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 19th October 2017

### APPLICATION NO.                      DATE VALID

17/P1089

27/03/2017

**Address/Site:**            Unit 7, Priory Retail Park, 131 High Street Colliers Wood, SW19  
2PP

**Ward**                                      Colliers Wood

**Proposal**                                Demolition of existing retail unit (Class A1) and the erection of a  
bank (Class A2) with 2 x ATMs, associated car parking and  
landscaping.

**Drawing No's**                        Existing site location plan ES1.0 and drawings S1.2, A0.0, A1.0,  
A1.1, A3.0, A3.1, A3.2, A4.0, A4.1, A4.2, A5.0, A5.1, A6.0, A7.1, &  
T460\_04A and Flood Risk Assessment (FRA) February 2017/  
2160673 / Water Environment Ltd

**Contact Officer**    Leigh Harrington (020 8545 3836)

### RECOMMENDATION

#### **REFUSE Planning Permission**

### CHECKLIST INFORMATION

- Heads of agreement: None
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 16
- Press notice - No
- Site notice - Yes
- External consultations – Transport for London, Metropolitan Police, Environment Agency and GLAAS
- Plot ratio – 0.33 to 1
- Number of jobs created – 15 Full Time & 10 Part time.

## **1. INTRODUCTION**

- 1.1 This application is brought before the Planning Applications Committee at the request of the Cabinet Member for Regeneration, Environment and Housing, Councillor Whelton.

## **2. SITE AND SURROUNDINGS**

- 2.1 The application site (1,400 sq.m) is an irregular shaped plot of land to the south east of the new Britannia Point (Formerly Brown and Root Tower) development in Colliers Wood and is currently occupied by the vacant Car Phone Warehouse building.
- 2.2 The site forms part of an island that is encircled by part of Transport for London's strategic road network (Red Route) with residential development and Wandle Park to the west, the main part of Priory Retail Park to the south, and to the east is the site of the former Brown and Root car park which is currently open land with the buildings having been cleared.
- 2.3 The site is located within a Controlled Parking Zone (CPZ) and has a public transport access level (PTAL) of 5 (1 being poor and 6 being excellent) and as such is considered to be well served by public transport.
- 2.4 The site is not located within a Conservation Area but is within an Archaeological Priority Zone and a flood plain.

## **3. CURRENT PROPOSAL**

- 3.1 The proposal is for the demolition of the existing vacant Car Phone Warehouse premises (328 sq.m) and the erection of a new bank (475 sq.m) with associated ATMs (automatic telling machines) parking and landscaping.
- 3.1 The new building would be of a modern design with the main body of the building being around 6m high, albeit single storey, and with a 7.5m high feature tower above the main entrance. The street facing elevations including the tower would be predominantly glass with rendered panels to the rear. The two ATMs would be located by the main entrance.
- 3.2 Vehicular entrance to the site would be from High Street Colliers Wood, leading to a car parking area (12 spaces of which 1 is a designated disabled bay) to the north of the proposed bank building. Landscaping would be in the form of new areas of grass and low level hedges that would be situated around the street elevations of the site.

## **4. PLANNING HISTORY**

- 4.1 93/P1053 Planning permission granted for the change of use of former petrol filling station to car and light van sales facility, involving the refurbishment of existing buildings, together with the erection of boundary fencing and associated landscaping.
- 4.2 99/P0513 Planning permission granted for the erection of retail unit with associated off street car parking for 12 vehicles (details of siting, external appearance, landscaping and design pursuant to outline planning permission granted 19 September 1996 LBM ref 95/P1147).
- 4.3 17/P0206/NEW pre application advice for the demolition of existing unit and the erection of a bank with associated car parking.
- 4.4 17/P1090 Concurrent application for advertisement consent for proposed bank. Determination of application temporarily in abeyance pending outcome of application for bank.

Land and buildings adjoining application site to north and east - formerly known as Brown and Root Tower.

- 4.5 03/P0202 Planning permission granted for the demolition of the existing multi-storey car park, conversion of, and alterations / extensions to the tower block; erection of a new building (combined ) to provide 218 residential units, 2 retail ( a1 ) units (370 square metres), a new public library facility (629 square metres), class b1 business/office adaptable space (923 square metres), a cafe / bar (a3 ) (102 square metres), creation of public open space, together with car and cycle parking provision and landscaping.
- 4.6 10/P2784 Planning permission granted for demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218 flats, 2 retail (A1) units, a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café/bar (102 square metres), creation of public open space together with car and cycle parking provision and landscaping. Application under S73 for amendments to conditions, attached to planning permission reference 03/P0202 to enable a phased development.
- 4.7 15/P2647 - Planning permission granted for variation of Condition 2 (Approved plans) attached to LBM Planning Permission 10/P2784 for:- The demolition of the existing multi-storey car park, conversion of and alterations / extensions to the tower block; erection of a new building (combined) to provide 218 flats, 2 retail (A1) units, a new public library facility (629 square metres), Class B1 business/office adaptable space 923 sq.m, a café/bar (102 square metres), creation of public open space together with car and cycle parking provision and landscaping (Application under S73 for amendments to conditions, attached to planning permission reference 03/P0202 to enable a phased development). Amendments include flexible A1/A2/A3 use of the commercial units, enlarged

commercial unit in north extension, internal reconfiguration, reduction of flats overall by 5, increase in flats in phase 1 to 177 from 150, reduction in flats in phase 2 to 36 from 68.

- 4.8 16/P4298 – Application for retention of 5 additional self-contained flats in the Brown and Root Tower conversion raising the number of units in Phase 1 from 177 to 182 flats. Application under consideration.

- 4.9 Land adjoining Unit 1 Tandem Centre Tandem Way Colliers Wood SW19  
13/P2748 Planning permission for the erection of a new unit (469 sq.m) for use as a bank (use within Class A2) with associated alterations to car parking and hard landscaping. Permission lapsed September 2016.

## 5. **CONSULTATION**

- 5.1 The application was advertised by means of neighbour notification letters and a site notice.
- 5.2 No representations have been received from local residents.
- 5.3 Councillor Draper. Concerns that the proposal is in effect an ‘island’ development, bearing no relation to its surroundings, relying on its own car park, encouraging customers to drive to and from the bank. The Planning Statement which accompanies the application makes little or no reference to Colliers Wood as a community.
- 5.6 Transport for London. Amended layout and site access a layout considered acceptable subject to conditions.
- 5.7 The Metropolitan Police Designing out Crime Officer. No objection in principle. Comments made relating to need for quality CCTV coverage, protection of ATMs, landscaping and boundary treatments.
- 5.8 Greater London Archaeological Advisory Service. No objections to the proposals.
- 5.9 LBM Urban Design Officer - The proposal is essentially a replacement building that will perpetuate the ‘retail park in a town centre’ feel of Colliers Wood. It would undermine existing and future regeneration proposals. The proposals perpetuate a car-driven approach to retail, for which there is no precedent for banks. The proposal would not further the Council and TfL’s policies on reducing the need to travel by car and would detract from initiatives to promote walking, cycling and public transport in this area.
- 5.10 LBM Highways. No objections.



- 5.11 LBM Flood Risk Manager. In terms of flood risk mitigation, the Council require acceptance of the flood plain compensation measures proposed by the Environment Agency as there is an increase in the footprint of the buildings footprint compared to the existing situation.

## **6. POLICY CONTEXT**

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

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

### 6.2 London Plan (2015).

- 2.13: Opportunity Areas & Intensification Areas (South Wimbledon/Colliers Wood),
- 2.15 Town Centres.
- 4.7 Retail and town centre development.
- 5.2 Minimising carbon emissions.
- 5.3 Sustainable design and construction.
- 5.12 Flood risk management.
- 5.13 Sustainable drainage.
- 6.13 Parking
- 7.4 Local Character.
- 7.5 Public Realm.
- 7.6 Architecture.

### 6.3 Merton LDF Core Planning Strategy (July 2011)

- Strategic Objectives 2b, 2c, 2d, 3a, 3b, 4a, 5f, 8a, 8b & 8c,
- CS1 Colliers Wood and South Wimbledon
- CS7 Centres (particularly Table 17.2),
- CS14 Design.
- CS15 Climate change.
- CS16 Flood risk management.
- CS18 Active Transport (specifically provision of facilities in buildings and the design of the public realm)
- CS20 Parking, Servicing & Delivery.

### 6.4 Merton Sites and Policies Plan (2014)

- DM D1 Urban Design.
- DM D2 Design considerations.
- DM O1 Open space,
- DM O2 Trees, hedges and landscape features.
- DM F1 Support for flood risk management.
- DM F2 sustainable urban drainage systems.

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.

Merton's Tall Building Background Paper (2010).

## **7.0 PLANNING CONSIDERATIONS**

- 7.1 The main planning considerations include use of the site as a bank, intensification of the use of the site, the design of the new bank building, traffic and access, flood risk and archaeology .

### **Principle of an A2 (Financial and professional services) use.**

- 7.2 Core Strategy policies CS1, CS7 and CS12 seek to promote the development of uses in Colliers Wood that will offer an improved range of town centre uses, especially financial and business services which increase employment opportunities and contribute to a diverse economic base. Policy seeks to ensure that Merton's hierarchy of centres is protected and serviced by appropriate forms of development in order that the vitality and viability of areas is not compromised. No objection is raised to the provision of a bank in this location and the applicants were granted planning permission for a new bank to be built nearby on the Tandem Centre (13/P2748 – Officers understand that issues associated with car parking rights for existing tenants on the retail park hampered this being implemented).

### **7.3 Intensification of the site**

The site is identified within section 2.13 of the London Plan as an intensification site and policy seeks to optimise residential and non-residential output and densities and where appropriate contain a mix of uses in these areas. Policy 2.15 of the London Plan encourages promoting high density, residential led, mixed use development and policy 3.4 seeks to optimise housing potential whilst Core Strategy policy CS9 seeks the provision of new residential development and policy CS7 encourages tall buildings where they are compatible with the existing setting and wider context. Within London the intensification areas are deemed to be capable of accommodating 8000 new jobs and a further 8,650 homes and it is considered essential that a high quality residential environment and public realm is secured in these areas. SPP policy DM D1 requires developments in town centres to provide a mix of compatible uses appropriate to their location which support regeneration initiatives whilst impacting positively on the character and quality of the public realm. SPP policy DM D2 similarly expects proposals to relate positively and appropriately to the siting, scale, density, proportions, height and massing of surrounding buildings and urban layout. In relation to its built form Core Strategy policy CS1 and Merton's Tall Building Background Paper note that the Brown and Root Tower can form the basis for a coherent group of buildings that relate well to each other in terms of scale, massing, form and architecture. In

relation to housing, LDF policy CS9 sought to provide 500-600 new homes in Colliers Wood and South Wimbledon and whilst the Council has met the relevant housing targets set it, there remains an identified need for more housing in London and the overall strategy for Colliers Wood is to encourage further intensification through a mixed use town centre that can support an increase in housing adjacent to a PTAL 5 Underground Station such as Colliers Wood.

- 7.4 London Plan policy 7.7 and Core Strategy policy CS 14 note that tall buildings may be suitable in London's identified intensification areas and areas of the borough where; regeneration is envisaged, there is good public transport accessibility and there is existing high building precedent, all factors present at the application site. This policy, Core Strategy policies CS1 and CS 7 and Merton's Tall Building Background Paper identify Colliers Wood as being suitable for tall building development where they are compatible with the existing setting and wider context. This proposal would consequently not accord with these policy aspirations.
- 7.5 However the proposed development of a single storey bank building on the site is considered to represent a gross underdevelopment of the site in terms of use and physical scale; given its context in a town centre, adjacent to an Underground station, in a GLA Area for Intensification and adjacent to a 19 storey tower.
- 7.6 At the pre application stage the applicants were advised that whilst officers were not suggesting that this site should be another 19 storey tower, it should form part of a perimeter block along with the tower and its second phase site so as to provide meaningful development along the street frontages to the island site. The proposals would be wholly out of context and scale with the emerging pattern of development locally which includes the Holiday Inn Express and Colliers Wood Library redevelopments nearby. It is therefore disappointing that the applicants have not followed officer advice and have submitted the single storey proposals now before members.
- 7.7 **Urban design principles**  
In terms of urban design various policies, ranging from Merton's Local Plan to the London Plan's Area for Intensification, point towards redeveloping Colliers Wood at higher densities and recreating a sense of urbanity that the retail park developments have eroded. This sense of urbanity, is based around recreating the traditional role of well-defined streets and spaces, with active ground floor commercial uses and residential or other mixed use above and London Plan policy 7.4 states that development should have regard to form, function, scale, mass and orientation of surrounding buildings. Every opportunity to re-instate the form of a back-of-pavement, perimeter urban blocks will be essential to establishing a new character for Colliers Wood. Whilst the proposal for a new bank is welcomed, officers consider that the built form and layout of the proposal requires a fundamental rethink to respond to Council policies around growth, and to transform Colliers Wood from an out-of-town format retail centre into a

genuine, mixed use local urban centre. The current proposals bear no relation to either the alignment of the street edge or the shape of the site in general. The existing retail park character is reinforced with the proposal, rather than being urbanised. Officers consider that the proposals fail to accord with Council and GLA aspirations for the site and that this represents underdevelopment that would be grounds for refusal.

#### **7.8 Design of the building.**

London Plan policy 7.6, Core strategy Policy CS 14 and SPP policy DMD2 all require high quality design that makes a positive contribution to a coherent public realm designed to be appropriate to its context. The design of the proposed new bank is of a modern design, similar to other free standing Metro Bank buildings. However although the proposed bank replaces the existing retail park unit, it makes no attempt to improve the site in terms of urban design and significantly undermines the opportunity to create a perimeter block development with the adjacent development. The proposal remains a single storey 'box' with forecourt parking. The parking at the front (instead of the rear) undermines a sense of urbanity and retains the retail park style format. The proposed building does not relate to the sweeping curve of the Priory Road junction, which could create the opportunity for a more pronounced corner building that responds to the site's context. The rectangular box sits uncomfortably on the site, neither addressing what should be a curved building line, and leaves 'left-over' wedges of space to be landscaped and the site boundaries. With a coordinated design across both sites, a mutually beneficial solution can be found. The proposals are generic, and do not respond to either the exiting or historic context of the locality. This high profile site is an opportunity to create a new identity and style for Colliers Wood and officers consider that these proposals are a missed opportunity.

#### **7.9 Design and the public realm.**

In addition to the issues raised in regards to the overall appearance of the building there are also detailed design concerns. The proposals would appear to include no footpath leading from the street and only from the car park which hampers accessibility for pedestrians. The public realm finishes of 'poured concrete sidewalk' would appear uncomfortably out of character in an area where there has just had significant investment in the public realm. The grass at the eastern wedge of the site will not be utilised as any form of useable space and will undoubtedly collect litter and become unsightly.

7.10 The design is considered to be particularly weak in terms of expressing anything in regard to rhythm, proportions and materials. The primary visual identity of the building comes from the glazed walls and high profile advertising and officers consider that the entire approach to the design and redevelopment of the site needs further work.

7.11 In relation to the local urban and historic context it is noted that this is an important, high profile site that is essentially the gateway into Colliers Wood High

Street and has long views from Merton High Street. It can help better define the difference between the two adjacent high streets and the more open space between where the River Wandle flows. The design is considered to fail to address this wider context.

7.12 Colliers Wood is best characterised as a Victorian suburb of south London with a rich creative and industrial heritage that has largely been lost with large retail parks and extensive car parks that have eroded the original urban grain and human scale of the place. There is no coherence to the architectural style or quality of the retail park developments. This proposal is not considered to be an improvement in the built form.

7.13 Merton's regeneration ambitions for Colliers Wood have centred on the transformation of the 19 storey Colliers Wood tower (now nearing completion) The Council and Mayor of London have invested heavily in the public realm and streetscape of Colliers Wood, complemented by a new range of active ground floor retail units at the tower due to open shortly; offering a more human-scale urban experience compared to the retail parks.

7.14 The Council's planning policies are designed to support this and work towards designation of Colliers Wood as a District Centre in the next London Plan and revised Core Strategy, both of which are about to start. The proposal as currently presented would undermine this aim and the implementation of council policies and the successful regeneration of Colliers Wood on such an important site.

7.15 **Landscaping**

The proposals include little in the way of landscaping proposals and London Plan policy 7.5 and SPP policy DM D2 encourages the provision of the highest quality landscaping that forms an integral part of any new development. The landscape strategy is brief and the forecourt is primarily parking. The numerous 'left-over' spaces are simple grass that is likely to become worn as people cut across the site. Some shrubs line the edge of the site and build in a thin barrier. There is no planting around the perimeter with the street and the edge of the site. The approach to landscaping further undermines any edge to the site and coherence to the urban form. Much of the perimeter to the street does not even have a boundary. Where there is a boundary – an existing wall – this partly impedes access to the building as this coincides with the entrance location. The layout embraces the vehicular-orientated form of the existing site and does not promote sustainable means of travel.

7.16 **Strategic objectives**

Merton's Core Strategy sets out a number of strategic objectives for the development of the borough and proposals are expected to accord with these wherever possible. Strategic Objection (SO) 2 b&c seek to meet the needs of the local community by creating an attractive, thriving and safe borough through the

regeneration of Colliers Wood amongst other centres. SO 3 a&b seeks to deliver higher density new homes through incremental growth in residential areas and associated infrastructure that takes into account public transport accessibility, character and infrastructure of an area. SO 4 a and SO 5 f look for Colliers Wood town centre to be attractive, safe and accessible to local residents. SO 8 seeks to promote a high quality environment through good design that enhances the public realm.

For the reasons listed previously the proposals are not considered to effectively meet these strategic objectives particularly with regards to the amount of development proposed for the site, and provide a further policy backdrop as to why the proposals are recommended for refusal.

#### **7.17 Traffic impacts**

The site is located on the A24, a busy TfL trunk road with a complicated layout outside the site. The initially submitted details for the access were not sufficient but following extended discussions and meetings between TfL and the applicant's transport consultants TfL are now satisfied that access to and from the site could take place without presenting a hazard to other road users.

#### **7.18 Flood risk**

The area is one at risk from flooding and as the proposals involve an increase in the footprint of the building and some minor lowering of levels the application was accompanied by a Flood Risk Assessment. The Environment Agency raised no objection to the proposals as the FRA was considered satisfactory. Had the scheme been recommended for approval both the EA and the council's Flood risk manager would have required the inclusion of conditions.

#### **7.19 Archaeology.**

The site is located within an Archaeological Priority Zone but GLAAS were of the opinion that the proposals were unlikely to have a significant effect on heritage assets of archaeological interest.

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

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

### **9. CONCLUSION**

- 9.1 The applicant participated in the pre application process at which point they were advised that officers would not support an application for a single storey bank on this site. The applicants were advised that this was a site identified at both a local

and London level as a site for intensification. The applicant was advised to work with other landowners on the adjacent site as well as the council with the intention of formulating development which would allow for the bank to be provided at ground floor level with suggestions being put forward for a small tower of 4-6 storeys providing offices or flats. This basic core objection has not been pursued by the applicant along with a number of smaller design issues and essentially the same pre application scheme was submitted for determination.

- 9.2 Officers consider that there are flaws in the design and the layout of the site whilst the proposals completely ignore the site's physical context and strategic planning policy context and it results in an underdevelopment of the site which the Council do not support. The proposals also significantly undermine urban design and wider planning aspirations for the adjacent tower site in terms of achieving a tall mixed use, urban perimeter block which could provide residential and employment opportunities that would be lost through this underdevelopment of the potential of this site. In view of these considerations the proposals are accordingly recommended for refusal.

### **RECOMMENDATION**

#### **Refuse planning permission on the following grounds:**

The proposed development by reason of design, size, scale, character and location represents a poor standard of design that fails to impact positively on the character and quality of the public realm, failing to relate positively and appropriately to the siting, rhythm, scale, density, height and massing of surrounding buildings and urban layout and undermines the policy goals for the intensification of use of this site to the detriment of the future development of the wider area. The proposals fail to accord with the objectives of policies; DM D1 and DMD2 of the adopted Merton Sites and Policies Plan 2014, Strategic Objectives 2b, 2c, 3a, 3b, 4a, 5f, 8b & 8c & policies CS1, CS7, CS9 & CS14 of the Merton Core Strategy 2011, policies 2.13, 2.15, 3.4, 7.4, 7.5, 7.6 & 7.7 of the London Plan 2016 and supported by the contextual framework of Merton's Tall Building Background Paper (2010).

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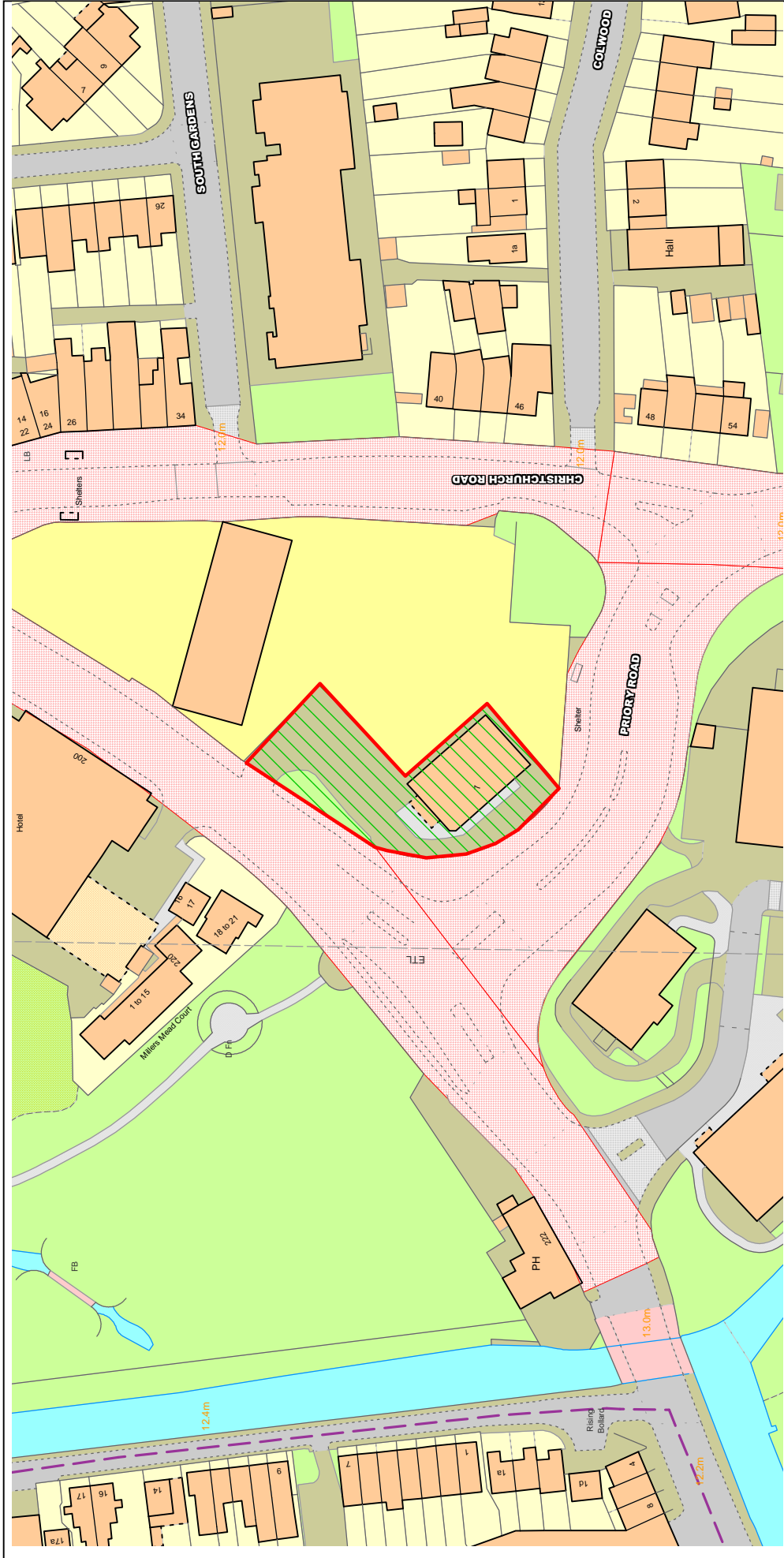
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# NORTHGATE SE GIS Print Template



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**PLANNING APPLICATIONS COMMITTEE  
19 OCTOBER 2017**

**APPLICATION NO.**  
17/P0763

**DATE VALID**  
27/02/2016

**Address/Site** 577 Kingston Road, Raynes Park, SW20 8SA

**(Ward)** Dundonald

**Proposal:** DEMOLITION OF EXISTING CHURCH BUILDING (NO.577 KINGSTON ROAD – USE CLASS D1) AND ERECTION OF A PART 5 STOREY BUILDING (TO KINGSTON ROAD) AND PART 3 STOREY BUILDING (TO ABBOTT AVENUE) TO PROVIDE REPLACEMENT CHURCH BUILDING (USE CLASS D1) AT GROUND, FIRST AND PART SECOND FLOOR AND 15 RESIDENTIAL UNITS (USE CLASS C3) AT SECOND, THIRD AND FOURTH FLOOR; RETENTION OF CAR PARKING; PROVISION OF CYCLE PARKING AND LANDSCAPING TO KINGSTON ROAD; TOGETHER WITH PROVISION OF WASTE STORAGE AT GROUND FLOOR LEVEL

**Drawing No's:** 0002 REV PL1; 0100; 0101; 0102; 0203; 0205; 0206; 0300; 0301; 0302; 1100; 1101; 1102 REV C; 1103 REV B; 1104 REVA; 1105REVA; 1110 REV; 1203 REVA 1205 REVA; 1206 REVA; 1300 REVA; 1301 REVA; 1302 REVA; 1303 REVA; TK01 REV A;

**Documents:** Design & Access Statement; Affordable Housing Viability Assessment; Daylight/Sunlight and Overshadowing Report; Planning Statement; Transport Statement; Church Travel Plan; Construction Management Plan; Energy Statement; Land Contamination Report; Noise Impact Assessment; Planning Statement; SUDS Report and Drainage Strategy; Transport Statement; Tree Report

**Addendum Plans/Documents:** additional daylight & sunlight assessments 25.08.2017 and 09.05.2017; energy statement addendum (June 2017); CGI view 21.08.2017; accommodation schedule

**Contact Officer:** John Vale (020 8545 3296)

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**RECOMMENDATION**

GRANT PERMISSION SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT AND CONDITIONS.

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## **CHECKLIST INFORMATION.**

- S106 Heads of agreement: Yes
  - Is a screening opinion required: No
  - Is an Environmental Statement required: No
  - Has an Environmental Impact Assessment been submitted –No
  - Design Review Panel consulted – Yes
  - Number of neighbours consulted – 611
  - Press notice – Yes
  - Site notice – Yes
  - External consultations: Greater London Authority, Transport for London, Environment Agency, Metropolitan Police, Thames Water Utilities, Network Rail
  - Number of jobs created – 25
  - Public Transport Accessibility Level (PTAL): Level 5 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
  - CPZ A1
- 

### **1. INTRODUCTION**

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

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

- 2.1 The application site is located at 577 Kingston Road; the site has frontage to Kingston Road, along the southern boundary of the site and Abbot Avenue, along the northern boundary of the site. The site is regular in shape. The site has an approximate area of 0.14 hectare and has a public transport access level (PTAL) of 5 very good (1 being poor and 6 being excellent).
- 2.2 The site is currently occupied by a two-storey flat-roof building and a single-storey dual pitched building (1,259 sqm GIA of floorspace) that front both Kingston Road and Abbot Avenue and are occupied by the Dundonald Church (Use Class D1).
- 2.3 The site is located to the south of a private cul-de-sac of two-storey residential properties on Abbot Avenue. To the east the site is bordered by low-rise commercial properties that extend the full depth of the site. To the south of the site lies Kingston Road that is characterised by two storey terraced properties, typically with a ground floor commercial use and residential above. To the west of the site is a cleared site that was previously occupied by the Manoplastics factory. This site and the adjoining property (No.587 Kingston Road) have been combined to form an application for redevelopment to provide a mix of office and residential uses.

- 2.4 To the immediate rear of the site on Abbot Avenue are 4 x TPO trees consisting of 3 Pine Trees and 1 Yew tree.

**3. PROPOSAL**

- 3.1 This application seeks planning permission for the demolition of all buildings on site and the redevelopment of the site to provide a part two, part five storey mixed use building comprising church and ancillary community facilities at ground, first floor and part second floor level with three storeys of residential accommodation at second, third and fourth floor (incorporating set back) levels above, set back from the rear elevation. The proposed building would provide 2,006 sqm (GIA) of church (Use Class D1) and ancillary floorspace (an increase of 747sqm GIA) and 15 residential units with the following unit size mix: 5 x 1 bed 2 person; 9 x 2 bed 4 person and 1 x 3 bed 5 person units. The amended plans also show that tree work to the 4 x existing TPO trees at the rear site at the end of Abbot Avenue will be required.
- 3.2 Pedestrian access for both uses would be provided from Kingston Road. Access into the church would be from a central entrance in the front elevation. Access to the residential units would be from a separate residential entrance on the left hand side of the front elevation.
- 3.3 The ground floor level for the residential element would comprise a residential entrance and lobby, refuse and bike storage, lift core, stair core and locker space. The remaining ground floor level for the place of worship would comprise the entrance foyer for the church, circulation space, stair and lift core, kitchen and café, toilets, church hall (485sqm with space for a maximum 450 people), recording studio, meeting room, crèche, storage space, escape stair and separate bin storage for the place of worship positioned on the right hand side of the front elevation.
- 3.4 The first floor level would comprise ancillary church accommodation, including office space (145 sqm), meeting room and youth hall, mezzanine/lecture room, toilets, plant and lift and stair cores. An emergency staircase would provide access to the rear of the site on Abbott Avenue
- 3.5 The second floor level would comprise a children's room (62sqm) and ancillary storage for the church as well as glazed rooflights for the church hall. In addition the following residential accommodation would be provided: 2 x 1bed 2 person and 4 x 2bed 4 person units outdoor amenity space on the front and rear elevations in the form of balconies and terraces. The roof of the church would be utilised to provide photovoltaic panels, sedum mats and an air handling unit (AHU). An emergency staircase would provide access to the rear of the site on Abbott Avenue.

- 3.6 The third floor level residential layout would generally replicate the layout of the second floor to ensure the stacking of rooms providing 2 x 1 bed 2 person; 3 x 2 bed 4 person and 1x 3 bed 5 person units with outdoor amenity space on the front and rear elevations in the form of balconies and terraces. An emergency staircase would provide access to the rear of the site
- 3.7 The proposed fourth floor level would incorporate a set-back from the front elevation providing 1 x 1 bed 2 person and 2 x 2 bed 4 person units (including 1 x wheelchair accessible unit) with outdoor amenity space on the front, side and rear elevations. An emergency staircase would provide access to the rear of the site. All residential floors would be served by a stair core and lift on the western side of the building.
- 3.8 The proposed building would be contemporary in design and would have a regular footprint with the proposed church and ancillary accommodation occupying the full extent of the site at ground and first floor levels. The existing church building is set back from the existing pedestrian footway and 7 x parking spaces are currently provided in front. The proposed building would retain the same set back and would provide 6 parking spaces (including 1 x disabled parking space. Cycle parking for the new residential units is located at ground floor level accessed from the main entrance. Cycle parking for the place of worship use is located on the eastern side of the front elevation at ground floor level.
- 3.9 The lower elevations on Kingston Road would be defined by a two storey full height glass atrium providing the main entrance into the church, surrounded by stained glass and identifiable as a church building with accompanying lettering and a cross. In addition, a full height church tower constructed of brick has been introduced on the corner of the site. The building would have a maximum height of 18.3m to the top of the church tower on the eastern corner. The lift overrun would also have a height of 18.3m but would set back 7m from Kingston Road. The upper floor balconies would be recessed and the highest level of accommodation (ground plus four stories) would consist of metal cladding and set back 3.8m from the ground floor front elevation. The rear elevation would have a height of 7.6m on the boundary with Abbot Avenue.
- 3.10 Following the initial submission of the application along with subsequent discussions between the developer and London Borough of Merton, revised plans were submitted which addressed concerns relating to the impact on the amenity of neighbouring properties, the internal daylight and sunlight levels and some minor design matters. These plans were the subject of a 14-day re-consultation.
- 3.11 The applicant has engaged with the local community via a number of means including leaving plans and feedback leaflets in the Church Hall throughout the design process, meeting with leaders of the Dundonald

Residents Association and holding an exhibition on the 21<sup>st</sup> November 2016 advertised via a leaflet drop.

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

- 4.1 06/P0907 - Change of use from industrial purposes to use within Class D1 (Non-residential institutions) to allow use as a place of worship and for community purposes. Planning permission granted subject to conditions.

Land adjoining application site to west - formerly known as Manuplastics site (579-583 Kingston Road)

- 4.2 10/P1963 - Demolition of existing buildings and redevelopment of site to provide new self-storage (Class B8), light industrial and office (Class B1) accommodation in a building of up to **5 storeys** including parking, access, servicing, engineering, landscaping and other associated works. Planning permission granted 24.02.2011.
- 4.3 14/P1165 - Discharge of Condition 1 (Development Expiry) attached to Planning Permission 10/P1963. Approval granted 27.05.2014 confirming that development has formally commenced.

Existing building adjoining former Manuplastics site to the west (587 Kingston Road)

- 4.4 14/P4537 - Demolition of the existing two storey buildings (at No.587 Kingston Road) and the construction of a part three, part four, part five storey replacement building providing 193 sqm at ground floor level to be used for A1, A2, A3 or D1 and 20 flats at the rear of the ground floor and on the upper floors with 22 cycle parking spaces, associated landscaping and highway works to provide a new layby in Kingston Road for servicing and two disabled parking bays. Planning permission granted 29.04.2015.

#### **5. CONSULTATIONS**

Statutory Consultation

- 5.1 The planning application was publicised by means of site and press notices, together with individual letters to 609 nearby addresses. Three consultations were undertaken. In all 39 responses were received, the outcome of the consultation process is summarised as follows:
- 5.2 Fifteen letters of support.
- 5.3 Eight neutral representations with queries regarding the impact of the development.
- 5.4 Sixteen letters of objection:
- Exacerbate existing parking pressures when services are held (parking provisions insufficient).

- Compromised highway safety.
- Increased traffic congestion on roads that are overflowing when services are held and parking on yellow lines on Kingston Road
- Existing resident permits don't cover residents when church services are on.
- Travel Plan is misleading.
- Excessive density.
- Excessive scale and height.
- Out of keeping with the surroundings.
- Lack of affordable housing.
- Refuse storage provision is unclear.

Design Review Panel

- 5.5 The Panel were very positive and complementary about the design for the new church. They thought it was well articulated and a significant improvement on the original design. The inclusion of the tower was welcomed as a positive element of the design, but it was noted that the crucifix would be less visible when approaching at an angle. It was also noted that this was not in the traditional church form in relation to the entrance. It was felt inappropriate to locate the bin store at the bottom of the tower.
- 5.6 The entrance was also seen as a positive element; however, the applicant seemed to have left the external part of the site – between the building and the footway – untouched. The Panel felt that this was an important part of the setting of the church and also needed to be used as part of a strategy to manage the large numbers of people entering and exiting the building and to prevent its abuse by motorists here. It was felt this had not really been addressed at all but was a very important element of making the church work visually and practically. It was suggested that an external foyer, recessed into the entrance, could work.
- 5.7 The proposal to retain the frontage parking forecourt, was considered inappropriate as it would obstruct the church windows. Some aspects of this were also operationally unworkable and needed re-thinking. Given that the amount of parking was never going to cater for most of the congregations, it was suggested that the applicant should be more relaxed about the amount provided, perhaps limiting it to essential users only. There was also discussion on how use of the spaces would be effectively policed, relating to the residential users and general parking from passers-by. It was suggested that the space needed to be properly landscaped and utilised as a gathering area for church members going in and out of the church.
- 5.8 At the rear, there was a lack of information on how the applicant saw the interface with the small residential cul-de-sac the church backed on to and this relationship needed to be better articulated. The



consideration of sound pollution was welcomed. The large existing trees just outside the site boundary provided screening for residents, but it was unclear whether these could be retained with the footings required for the new building. This would have an adverse visual impact on residents at the rear, which needed to be addressed.

- 5.9 The Panel were less convinced about the residential element of the proposal. The entrance was a bit narrow and mean and the door to the cycle store could be improved. The two floors of flats were almost all single aspect from a central corridor. Although the number of flats was not high, the Panel felt this was not an acceptable design approach and alternative solutions needed to be considered within structural constraints. An example in the Barbican was cited. The Panel were also keen that some of the roof of the church could be utilised for communal amenity spaces for residents, though they noted the structural issues raised by the applicant. At least the roof needed to make best use for green infrastructure.
- 5.10 The Panel felt that the interior of the building was well laid out and that it was flexible enough to accommodate other community uses. Overall the Panel were impressed with the design and, but for the single aspect flats, would have been happy to give a Green verdict.

VERDICT: AMBER

**Internal:**

- 5.11 Transport/Highways officers: No objection. Advised that on the basis of the parking surveys dated 13<sup>th</sup> and 15<sup>th</sup> July 2016 (the parking survey incorrectly refers to them as being undertaken in 2014) there has been no significant change to the parking characteristics. On this basis and what will be a minimal increase in size of congregation (maximum 5% increase) level of trip generation is acceptable.
- 5.12 Flood Risk Engineer: No objection. Advised that the site is not considered to be at risk of flooding; however Abbots Avenue is at high risk of surface water flooding and Kingston Road is at medium risk. It should be noted that in June 2017, Abbots Avenue suffered from sewage flooding which is understood to be associated with the foul sewer network and failure of the Thames Water pumping station. This flood event resulted in internal flooding of 577 Kingston Road. Due to risk of surface water flooding, advised that conditions confirming that finished floor levels raised more than 100mm or consideration of flood risk resilience measure if not achievable and SUDS are secured.
- 5.13 Trees Officer: No objection. Advised conditions including that proposed tree work is carefully supervised.
- 5.14 Environmental Health Officer: No objection. Advised conditions to mitigate the impact of noise, light spill/pollution, odours, impacts during

construction and highlighted the need for contamination investigations and remediation strategies.

- 5.15 Climate Change Officer: No objection. Advised the residential component should achieve a 40% improvement on Part L 2013 requirements which meets relevant policy requirements. Recommended a condition requiring evidence that the proposed improvements, along with relevant water consumption standards, are achieved prior to occupation. The residential component falls short of the zero CO2 emissions target by 16.25 tonnes, this must be offset by a cash in lieu payment of £29,250 and secured by way of s106 agreement. Non-domestic element should achieve a 40% improvement on Part L 2013 requirements which meets relevant policy requirements. Recommended a condition requiring evidence that the proposed improvements are achieved prior to occupation and BREEAM excellent rating. The residential component falls short of the zero CO2 emissions target by 11.65 tonnes, this must be offset by a cash in lieu payment of £50,226 and secured by way of s106 agreement.
- 5.16 Urban Design Officer: No objection. Advised the scale and height of the building now appears to relate more successfully to adjacent proposals. In terms of the form and detailing of the side and rear elevations, they are both highly visible and as such brick is considered the most appropriate material to use on all elevations (roof level set back aside).

**External:**

- 5.17 Metropolitan Police – Designing out Crime Officer: No objection. Advised various technical standards should be met to ensure a high level of security.
- 5.18 Thames Water: No objection subject to advising that a condition relating to the provision of a piling method statement should be applied.
- 5.19 Environment Agency: No objection. Advised conditions relating to contamination investigations, remedial strategies and measures to stop the mobilisation of contamination.
- 5.20 Network Rail: No objection.
- 5.21 TfL: No objection. TfL considers the impacts of the application can be accommodated on the public transport and highway network. TfL sought reassurance that parallel spaces adjacent to the bus stop could be accessed safely.

**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;
- 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.
8. Promoting healthy communities.
10. Meeting the challenge of climate change/flooding

6.2 London Plan (2016) relevant policies include:

- 2.6 Outer London: Vision and strategy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing
- 3.16 Protection and enhancement of social infrastructure

- 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 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 H2 Housing mix
- DM H3 Support for affordable housing
- DM C1 Community facilities
- 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 EP3 Allowable solutions  
DM T1 Support for sustainable travel and active travel  
DM T2 Transport impacts of development  
DM T3 Car parking and servicing standards  
DM T4 Transport infrastructure

6.5 Supplementary guidance.

London Affordable Housing and Viability SPG– August 2017  
DCLG Technical Housing Standards - 2015  
London Housing SPG – 2016

**7. PLANNING CONSIDERATIONS**

7.1 The main planning considerations include assessing the following:

- Principle of development
- 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 development

7.2 Paragraph 70 of the NPPF considers that planning decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

7.3 Policy 3.16 of the London Plan 2015 states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population.

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.

7.5 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.

- 7.6 Core Strategy policy CS11 seeks to support the provision and improvement of infrastructure of the borough for those living, working and visiting Merton.
- 7.7 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. The site has a PTAL rating of 5 that is considered to be very good. The site is considered to be under-utilised and is considered to be suitable for redevelopment. It is further noted that the site is surrounded by residential development.
- 7.8 Policy DM C1 a) of the SPP supports proposals for new development and improvements (including expansion) to existing community facilities, including places of worship where a number of criteria can be met:
- i) services are co-located where possible;
  - ii) facilities are provided in accessible locations with good links to public transport;
  - iii) the size of the development proposed is in relation to its context;
  - iv) appropriate access and parking facilities are provided, relative to the nature and scale of the development;
  - v) the proposed facilities are designed to be adaptable and suitable to accommodate a range of services; and
  - vi) the use(s) do not have an undue adverse impact on the amenities of nearby residents and businesses.
- 7.9 The application is proposal is considered to fully comply with the requirements of Policy DM C1 a) as set out above. In addition, the proposal, which seeks to intensify the use of the site to provide a mixed use Place of Worship/ Residential development, also presents an opportunity to increase employment generation on the site through the expanded church.
- 7.10 In addition, the proposal for 15 dwellings would contribute to the objectives of Policy CS9 of the Core Strategy. This policy seeks to maximise the supply of additional homes in the borough to meet and exceed the annual housing target for Merton as set out in the London Plan for the period of the local development plan. The London Plan (March 2016) has set an annual target for Merton of 411 new homes (per year) with a minimum ten year target of 4,107 new homes (2015-2025). The proposal would be a positive contributor to these housing targets.
- 7.11 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

7.12 The area has a public transport accessibility level (PTAL) of 5 which is considered to be very good level of accessibility. It is considered that the site is located within a suburban area.

7.13 The resultant density is calculated to be as follows:

Units per hectare:

$1/0.1452 \text{ ha (site area)} \times 15 \text{ (number of units)} = 104 \text{ units per hectare.}$

7.14 Table 3.2 of the London Plan 2016 advises that sites with a PTAL rating of 4 to 6 within a suburban setting should provide for a density range of between 45- 130 units/ha.

7.15 The figures above illustrate that the proposed development would provide for a density that is in line with the recommended density range provided in the London Plan on a unit basis. In addition, in terms of PTAL (application site has PTAL of 5), the closest bus stop to the site is directly outside the site on Kingston Road which offers three regular services. Additional bus services are available from bus stops adjacent to Raynes Park station. The site is approximately 500m to the east of Raynes Park station that provides regular train services to local and regional destinations.

7.16 In addition, 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 and community facility development is better considered in the context of its bulk, scale, design, sustainability, amenity, including both neighbour and future occupier amenity, and the desirability of protecting and enhancing the character of the area and the relationship with neighbouring sites.

Design and impact upon the character and appearance of the area

7.17 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.

7.18 It should be noted that the Design Review Panel were supportive of the overall design approach taken.

Massing and height.

7.19 The proposals, along with other proposals under consideration along this part of Kingston Road would introduce a further building the massing and height of which is materially greater than the existing buildings on the south side of the road. As a matter of

judgement, officers consider that the proposals would respond satisfactorily to the surrounding context, utilising the opportunity to bring enhanced activity to this stretch of Kingston Road just outside the town centre of Raynes Park and members may consider that a suitable approach to massing would be achieved in this instance. The massing of the building would be focussed toward the southern side (toward Kingston Road) of the site taking advantage of the wide streetscape (separation distance of approximately 20m between properties on the south side of Kingston Road and habitable windows) and stepping down towards the town houses to the north at the rear of the site on Abbot Avenue. The stepped approach provides a continuous building line on Kingston Road and would increase levels of natural surveillance. The building would have a maximum height of 18.3m to the top of the church tower on the eastern corner. The lift overrun would also have a height of 18.3m but would set back 7m from Kingston Road.

- 7.20 It is noted that there are no five storey buildings in the immediate vicinity of the site. However, it is noted that the third and fourth floors would be set back with fifth and highest storey set back even further. It is considered that the stepping back would reduce what might otherwise appear as an overbearing impact of the massing on Kingston Road whilst maximising the opportunity to reinvigorate the streetscene.
- 7.21 In terms of the relationship with existing residential properties at the rear of the site, the development would provide a suitable transition in height from the neighbouring residential development by stepping down in height towards the houses on Abbott Avenue from five to two storeys (the rear wall would be 7.6m high onto Abbott Avenue), which, as a matter of judgement, officers consider to be acceptable in conjunction with the separation distance of approximately 11m between the edge of the proposal site and nearest property on Abbott Avenue and approximately 30m between habitable windows. In terms of the relationship with the consented scheme on the former Manoplastics site, approval has been granted for buildings to up 5 storeys in height (approximately 17m). It should be noted that the planning consent has been implemented.

#### Layout

- 7.22 The footprint utilises the entire site at ground and first floor levels and provides considerable active frontage to Kingston Road. The footprint allows for the provision of separate residential and church entrances on Kingston Road, the church entrance in the middle of the elevation. The individual residential units on the upper floors are outward facing, providing a high level of connectivity between the public realm and the development.
- 7.23 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 with more active windows and balconies when compared to the existing place of worship. It is considered the approach will enhance the character and vitality of the area.

- 7.24 More detailed design issues pertaining to the rear elevation of the site where the proposals extend up to the site boundary are addressed below.

#### Design and appearance

- 7.25 The design approach to the external appearance of the development, which includes the proposal to use a pallet of materials influenced by the character of the wider area is supported. The introduction of the clock tower as a landmark is welcomed. The incorporation of simple religious devices into the architecture of the building are welcomed.
- 7.26 In terms of the front elevation this has the subject of discussion between officers and the applicant. The form and detailing of the upper residential floors is considered to appear subservient to the church façade and does not compete with the clock tower; that includes a clock on the eastern elevation and a cross on the southern elevation. Further amendments have been made to the clock tower by introducing perforated bricks onto its southern elevation. These have the dual function of adding detailing to the clock tower and improving the daylight and sunlight levels of residential units.
- 7.27 The tower and the rest of the development would be constructed from multi stock yellow buff brickwork. The introduction of recessed and balconies and setback on the upper floor with dark metal cladding, allows for a greater distinction to be made between the uses and allows the tower and the church façade to become the focal point. The main entrance into the church would be double height and with the use of coloured glass creates an impressive focal point. The details of the coloured glass would be conditioned.
- 7.28 The rear of the site currently presents a somewhat unattractive elevation onto the western end of Abbott Avenue. It currently presents to the residents of this end of Abbott Avenue very much the back of the building. The applicant's design has endeavoured to balance the functional aspects of the overall design, which does not constitute an active frontage like the Kingston Road elevation, with adding interest to what might otherwise appear a somewhat imposing and rather dominant elevation arising from the 7.6m high rear "wall". The design treatment of the rear elevation to the redevelopment proposals has been amended but would be hard up against the edge of the site and the TPO'd trees beyond, with no strip to service the rear of the building or more conventional boundary treatment in the form of a fence. Exiting from the rear of the building in the case of an emergency would be directly onto the naturalised perimeter containing the TPO'd trees

outside the application site. It would be for the applicant to ensure that the detailed design of such arrangements complied with Part B of the Building Regulations and planning officers would wish to ensure that the detailed design, and any consequent adjustments to the planning drawings did not compromise the health of the TPO'd trees. The use of double height coloured glazing in the front elevation is continued through onto the rear elevation. The use of multi stock yellow buff brickwork across the rear elevation is considered to reflect the prevailing palette of yellow London stock brick in this area.

- 7.29 The inclusion of ground floor windows glazed with opaque glass adds interest to the rear elevation at street level without necessarily compromising neighbour amenity for those houses located to the north. A condition requiring these windows to be fixed shut is essential to mitigate against noise breakout.
- 7.30 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 all materials to be submitted for approval prior to the commencement of the development.

#### Unit size mix and affordable housing

- 7.31 The development proposes 15 residential units with the following size mix: 5 x 1 bed 2 person, 9 x 2 bed 4 person and 3 x 1 bed 4 person which equates to 33.3% 1 bed, 60% 2 bed and 6.6% 3 bed. Policy DM H2 of the SPP seeks to create socially mixed communities by providing a range to dwelling sizes, the policy indicates a borough wide housing mix of 33% 1 beds, 32% 2 beds and 35% 3 beds to be appropriate.
- 7.32 The 2011 Census data for the Merton area identifies the following unit size mix 7.1% 1 bed, 14.4% 2 bed and 78% 3 bed. There is a very high proportion of larger dwellings in Merton, thus the proposal would contribute to balancing the housing choice in Merton as a whole
- 7.33 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.
- 7.34 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.

7.35 Having regard to characteristics such as financial viability issues and other planning contributions Core Strategy policy CS 8 states that for developments providing 10 or more units 40% of the new units should meet this provision and be provided on site. The LDF notes that where a developer contests that it would not be appropriate to provide affordable housing on site or wishes to deviate from the affordable housing requirements set out in the policy, the onus would lie with the developer to demonstrate the maximum amount of affordable housing that could be achieved on the site viably.

7.36 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 affordable housing contribution and a reasonable target profit margin. An independent assessment of the FVA was undertaken, which found the appraisal to be fair and reasonable. In this case, the requirement for affordable housing could be reasonably waived.

Impact upon neighbouring amenity

7.37 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

7.38 Light spill from the proposal is not expected to be significant however external lighting will in all likelihood be required around the entrance to the place of worship that itself is immediately below residential units. As such, it is recommended to include a condition which would require details of external lighting to be submitted to, and approved prior to occupation.

Visual intrusion and loss of light

7.39 Given the building would be a maximum of five storeys in height (with setback) and would be replacing two storey and 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 Kingston Road, away from the dwellings to the north.

7.40 The developer has provided a detailed daylight/sunlight and overshadowing report in support of the proposal (subsequently updated following discussion with officers) which has been undertaken in accordance with BRE guidelines; the methodology used is the vertical sky component (VSC) and no sky line (NSL) for daylight and annual probable sunlight hours (APSH) for sunlight. Habitable rooms from all immediately surrounding dwellings have been assessed, as follows:

- 72-86 Abbott Avenue – In relation to daylight all windows and rooms within these properties retain levels of daylight in excess of BRE guidance. In relation to sunlight, all relevant windows indicate full compliance with BRE guidelines recommendations.
- 506-520 Kingston Road – In relation to daylight, 25 of the 42 windows retain levels of daylight in excess of BRE targets. Of the remaining 17 windows, they experience retained values of 0.7 times their former values, only marginally below the 0.8 times BRE target. The VSC levels are all in excess of 22%. The BRE guidance suggests that the targets can be applied flexibly. In this instance, as the levels are only marginally below the target, it is considered that there is a degree of flexibility in their application. The proposal will deliver a new place of worship and 15 x high quality residential units and as such officers consider that the results are in line with the intention of the BRE criteria. In relation to sunlight, windows only face north and not relevant for BRE assessment.
- 522-534 Kingston Road - – In relation to daylight all windows and rooms within these properties retain levels of daylight in excess of BRE guidance. In relation to sunlight, windows only face north and not relevant for BRE assessment.

7.41 On balance, whilst the results of the daylight and sunlight assessment would result in a marginal loss of daylight to some windows of properties on Kingston Road, when considered in the round and the benefits of providing enhanced community infrastructure and the delivery of 15 x residential units, officers consider it would be unreasonable to withhold permission on this basis alone.

7.42 In addition, the daylight and sunlight amenity provided within the proposed residential accommodation has been assessed using the ADF and APSH tests following the methodology of the BRE guidance. The daylight and sunlight assessment of daylight levels within the proposed units finds the following:

- In terms of daylight, all of the proposed rooms will receive levels of ADF in excess of the criteria for their respective uses.
- In terms of sunlight, at least one room in all of the south facing apartments will meet the BRE sunlight targets. The results for north facing units reflect their limited access to sunlight. Following negotiation with the applicant, all north facing units have private amenity space in excess of the minimum requirements and have maximised the size of window openings.

7.43 In addition to the above, an assessment of the daylight sunlight impact of the proposal on No.71 Abbot Avenue to the north east of the application site. An assessment of the impact of the development on the lowest west-facing window within the flank elevation confirms that

the proposal will not cause any material impact to the daylight or sunlight received as set out the BRE guidance.

#### Privacy

- 7.44 Concerns have been raised that the proposal would result in direct overlooking to neighbouring properties. The northern elevation is directed towards the southern elevation of properties on Abbott Avenue. There is a minimum separation distance of approximately 30m between windows. This is considered to be an appropriate window to window distance and does not raise any concerns in respect of overlooking of neighbouring properties.

#### Noise

- 7.45 It is considered that the impact of noise from the place of worship use and any plant can be suitably addressed by way of conditions. As the remainder of the scheme is residential, the noise generated is expected to be comparable to surrounding development.
- 7.46 The proposals provide the opportunity to remove buildings that weren't specifically designed to accommodate a place of worship. The scheme presents an opportunity to build a purpose built, high quality, soundproof, contemporary place of worship that with appropriate conditions will ensure will be a positive addition to the area.

#### Construction phase

- 7.47 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.

#### Standard of accommodation

- 7.48 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.
- 7.49 As demonstrated by the table below, all units either meet or exceed London Plan standards. All habitable rooms are serviced by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants.

Second Floor Level		mt	ft	unit	Amenity Space (m2)
<b>Church Building</b>		68	732		
<b>Residential Core (Stairs/Lifts)</b>		30	323		
<b>Residential Corridor</b>		51	549		
<b>Residential</b>					
	Flat 1.1	50	538	1 bed	5
	Flat 1.2	74	797	2 bed	8
	Flat 1.3	74	797	2 bed	8
	Flat 1.4	52	560	1 bed	5
	Flat 1.5	73	786	2 bed	18
	Flat 1.6	82	883	2 bed	24
	<b>Ancillary</b>	15	161		
	<b>Resi Sales Total</b>	405	4359		
	<b>Resi GIA</b>	535	5759		
	<b>GIA Total</b>	607	6534		
	<b>GEA</b>	829	8923		
	<b>Terrace &amp; Balconies</b>	72	775		

Third Floor Level		mt	ft	unit	unit
<b>Residential Core (Stairs/Lifts)</b>		19	205		
<b>Residential Corridor</b>		51	549		
<b>Residential</b>					
	Flat 2.1	50	538	1 bed	5
	Flat 2.2	74	797	2 bed	8
	Flat 2.3	74	797	2 bed	8
	Flat 2.4	52	560	1 bed	5
	Flat 2.5	98	1055	3 bed	20
	Flat 2.6	72	775	2 bed	14
	<b>Resi Sales Total</b>	420	4521		
	<b>Resi GIA</b>	524	5640		
	<b>GEA</b>	564	6071		
	<b>Terrace &amp; Balconies</b>	64	689		

Fourth Floor Level		mt	ft	unit	unit
<b>Residential Core (Stairs/Lifts)</b>		19	205		
<b>Residential Corridor</b>		26	269		
<b>Residential</b>					
	Flat 2.1	52	560	1 bed	18
	Flat 2.2	78	840	2 bed	36
	Flat 2.3	85	915	2 bed	40
	<b>Resi Sales Total</b>	215	2314		
	<b>Resi GIA</b>	340	3660		
	<b>GEA</b>	364	3918		
	<b>Terrace &amp; Balconies</b>	92	990		

### Schedule of Accommodation

- 7.50 A dual aspect dwelling is defined as one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (London Housing SPG 2016). 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).
- 7.51 Nine of the 15 units (60%) would offer dual aspect units. Whilst this is below the percentage that is expected for a scheme of this size, the remaining 6 single aspect units have either oversized private amenity space and/or larger windows.

- 7.52 In accordance with the London Housing SPG, policy DMD2 of the SPP states that there should be 5sq.m of external space provided for 1 and 2 person flats with an extra square metre provided for each additional occupant. All units are provided with either private balconies or terraces, the sizes of which all meet or exceed the relevant standards. The scheme does not provide communal amenity space. Following negotiation with the applicant, it was considered that the location was more appropriate for mainly 1 and 2 bedroom flats, as opposed to family sized accommodation. As such, it was not felt necessary to provide on-site amenity space.
- 7.53 It is noted that lifts serve all floors providing step free access and that 10% of units meet M4(3) of the Building Regulations in accordance with London Plan policy 3.8. The one wheelchair unit required is Unit 3.3 on the northern elevation.
- 7.54 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

- 7.55 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.
- 7.56 The Council's Transport Planner has reviewed this application and their comments are integrated into the assessment below.

Vehicle parking provision

- 7.57 The residential element of the development would be entirely car-free. Census car ownership data for the Dundonald ward suggests that for the residential element, a maximum of 18 vehicles would be associated with the development. It is noted that this is a conservative estimate given the census data is largely based off dwellings with a higher occupancy (3 bed dwellings), thus the scheme which proposes predominantly 1 and 2 bed units, would likely generate less vehicles than Census data would suggest. Furthermore, the developer has undertaken a parking survey during peak residential times (on the 13<sup>th</sup> and 15<sup>th</sup> July 2016, the parking survey incorrectly refers to them as being undertaken in 2014) within a 200m walk distance of the site which finds a 16% parking capacity on the surrounding resident permit holder bays network and 96% parking capacity on the single yellow

network; the parking survey is considered to be robust and reasonable. Given the above, it is considered that any impact upon parking pressure in the area would be negligible.

- 7.58 The place of worship (net increase of 747 sqm) would provide 6 vehicle parking spaces on site (including 1 x disabled parking space). In addition to the parking survey described above, the developer undertook an additional survey at 08:30 (pre-service) and 10:45 (peak usage) on Sunday 29<sup>th</sup> January 2017 within 200m walk distance of the site. The survey found that 97 pay and display/permit holder bays were available at 10:45. The applicant has advised that the increase in floorspace would result a small maximum increase of 5% in the size of the congregation from 700 to 735. Given the above, it is considered that any impact upon parking pressure in the area is likely to be negligible.
- 7.59 The place of worship, in addition to increased church hall, also includes the provision of a crèche, café and additional meeting space. To this end, the applicant has confirmed that 4 of the 6 car spaces will be for the use of visitors to the site. These details will be confirmed in the car park management plan as part of the suite of conditions.
- 7.60 Given the above, it is considered that the surrounding network can accommodate the vehicles associated with the development. It is not considered that the level of parking proposed would compromise sustainable travel objectives.

#### Delivery, servicing and the highway network

- 7.61 The Transport Assessment and further correspondence with the applicant states that in terms of service and refuse generation, there would be 2-3 vehicle movements associated with the residential component and 4-5 vehicle movements associated with the commercial component per day, these would be predominantly light goods vehicles with possibly one heavy goods vehicle per day. It is considered that the highway network can comfortably accommodate these vehicles.
- 7.62 There would be no changes to the existing vehicle entrance and dropped kerb on Kingston Road. Deliveries for both uses would take place from Kingston Road, approximately 30m from the site, where yellow lines have no restrictions on loading/unloading. The above provisions are considered to be acceptable. Refuse stores are considered to be suitably located to allow collection.
- 7.63 Given the above, it is considered the development would be acceptable in terms of its impact upon the highway network.

#### Sustainable Travel

- 7.64 The developer has provided a Travel Plan in support of the application which seeks to promote sustainable travel for employees, residents



and visitors; it is considered that the Travel Plan is robust and reasonable; however, it is recommended to include a condition which would require details of separate Travel Plans for the residential component and the non-residential component of the development.

- 7.65 In accordance with London Plan policy 6.9 and table 6.3, 20 long term cycle storage spaces have been proposed for the residential component at ground floor and a bike store for five spaces on the fourth floor. The church will maintain the bike stands at the front of the site that provide space for 12 bicycles. The spaces are considered to be suitably secure and accessible.

#### Refuse storage

- 7.66 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.
- 7.67 The location of the refuse storage is considered to be appropriate and easily accessible by residents, the place of worship and Council (for collection). Collection would be directly from Kingston Road approximately 30m from the site, where yellow lines have no restrictions on loading/unloading. As such, it is considered the a condition could reasonably be added requiring details of refuse storage for each use to be submitted to, and approved by, Merton Council prior to occupation.

#### Sustainability

- 7.68 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water. London Plan policy 5.2 now sets a zero carbon target for residential development, whereas non-residential development remains at a 35% improvement on Part L of the Building Regulations 2013.
- 7.69 The developer has submitted an Energy and Sustainability Statement and addendum (June 2017) in support of the application which states the domestic element of the development will achieve a 40% improvement on Part L 2013, which is compliant with policies 5.2 of the London Plan and CS15; the statement is considered to be robust and reasonable. However, it also highlights a carbon shortfall of 16.25 tonnes (short of zero target); this shortfall translates into a cash in lieu payment of £29,250. The submitted Energy and Sustainability Statement and addendum indicate that there will be a shortfall in the emissions from the non-domestic element due to the structural and financial implications of adding solar PV provision onto the roof space beyond that indicated. The carbon shortfall of 11.65 tonnes (short of zero target) translates into a cash in lieu payment of £20,976. The applicant has however indicated in the submitted Financial Viability

Assessment that making any carbon shortfall payment would render the scheme unviable. An independent assessment of the FVA was undertaken, which found the appraisal to be fair and reasonable. In this case, the requirement for a cash in lieu payment for carbon shortfall could be reasonably waived.

- 7.70 It is recommended to include conditions confirming that the development has achieved CO2 reductions of not less than a 40% improvement on Part L regulations 2013 and a conditions which confirms that water consumption standards will not exceed 105 litres per person per day. Subject to compliance with the above conditions, it is considered the proposal would be policy compliant in terms of sustainability.

#### Other matters

##### Flooding and sustainable urban drainage

- 7.71 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.
- 7.72 The site is not considered to be at risk of flooding; however Abbots Avenue is at high risk of surface water flooding and Kingston Road is at medium risk. It should be noted that in June 2017, Abbots Avenue suffered from sewage flooding which is understood to be associated with the foul sewer network and failure of the Thames Water pumping station. This flood event resulted in internal flooding of 577 Kingston Road.
- 7.73 Finished floor levels of the new building are due to be raised by 100mm. It is recommended that this is increased further due to the risk of internal flooding to the building which has occurred in the past. However, if this is not possible due to other constraints such as DDA access compliance, then flood risk resistance or resilience measures should be considered. On this basis, it is recommended to include a condition that no development shall take place until final details of the proposed finished floor levels of the development, together with proposed site levels taking into consideration flood risk to the site, have been submitted to and approved in writing by the LPA.
- 7.74 In terms of surface water drainage, Sedum 'green roofs' are proposed at 1<sup>st</sup> and 4<sup>th</sup> floor. Attenuation tanks will be provided to slow runoff to agreed rate at 5l/s for the 1 in 100 year storm event plus an allowance for climate change, which is acceptable. On this basis, a number of conditions are recommended relating to a programme of surface water drainage (SUDS) and measures to reduce the risk of flooding to and from the development prior to the commencement of development.

#### Site contamination

- 7.75 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.
- 7.76 In light of the former commercial uses on the application site, there is a potential for the site to suffer from ground contamination. Planning conditions are recommended that seek further site investigation work and if contamination is found as a result of this investigation, the submission of details of measures to deal with this contamination.

#### 7.77 Trees

An arboricultural assessment was submitted with the planning application. The canopies of TPO trees overhang the rear of the proposal site and would require careful pruning. Following further submissions by the applicant and amendments to the rear elevation (the subject of a 14-day reconsultation) it is recommended that conditions are attached requiring designs showing tree protection and the design of foundations in addition to site supervision condition.

#### Landscaping/Open Space

- 7.78 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.
- 7.78 The application site is dominated by hard-standing and buildings and the application site is considered to be of negligible intrinsic ecological and nature conservation importance. There are limited opportunities to enhance biodiversity on the site. The roof of the church hall will provide a sedum roof and a condition require the submission of details. Furthermore, private terraces at all levels and defensible space on the ground floor would also include space for planting. Additionally, the front of the site provides opportunities to introduce street planting. The applicant has submitted an initial landscaping plan at ground floor level on the front elevation as part of the application submission. It is recommended that a condition is attached requiring the submission of a full landscaping plan showing details of landscaping towards the front of the site.

#### Developer contributions

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

- 7.80 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.
- 7.81 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.
- 7.86 In this instance the CPZ permit exemptions for new residents of the scheme would be secured by via a S106 legal agreement.
- 7.82 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.
- 7.83 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 fit-for-purpose, redeveloped place of worship for members of Dundonald church along with residential units, and potentially increasing employment on site.
- 8.2 The proposals, as amended, are considered to be well designed, and may reasonably be judged to appropriately respond to the surrounding context in terms of massing, heights, layout, architectural cues and materials. The proposal is considered to make a positive contribution to the Kingston Road streetscene and would, subject to careful construction techniques being followed so as to safeguard protected trees and noise breakout being controlled by conditions, not detract from the amenities of residents of Abbott Avenue in terms of visual amenity and noise.
- 8.3 The proposals would provide a satisfactory standard of accommodation for prospective occupants. The proposal would not unduly impact upon the highway network. The proposal would achieve suitable refuse provisions.
- 8.4 The submitted financial viability appraisal determined it would not be viable to provide affordable units or carbon offset payments while

achieving a reasonable profit margin.

- 8.5 The proposal would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case.
- 8.6 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. CPZ permit exemptions for new residents of the scheme
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];
3. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

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

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. No development other than demolition shall take place until samples and a schedule of all materials to be used on all external faces (including the roof and the proposed stained glass on the front and rear elevations) of the development hereby permitted, including window frames, including a drawing to show reveals, doors, copings and soffits, rainwater goods and balconies (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. Non-standard condition [Parking Management Plan]: Prior to the occupation of the development (excluding demolition) a Parking Management Strategy shall be submitted in writing to and approved by the Local Planning Authority. The development shall not be occupied until this strategy has been approved and the measures as approved have been implemented. Those measures shall be maintained for the duration of the use unless the prior written approval of the Local Planning Authority is obtained to any variation.

Reason: 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.

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 first occupation of the development hereby

permitted and shall be so maintained for the duration of the use, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

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

8. Standard condition (Construction management plan): Noise from the operation or use of the premise shall not be audible at the boundary of the nearest residential property between the hours of 22.000 and 07.00 hours on any day and shall not increase the ambient noise level by more than 2 dB between the hours of 07.00 and 22.00 on any day when expressed as a LAeq,15 hour, as measured at the boundary of the nearest 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 2016, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

9. Amended standard condition [Travel Plan]: Prior to the occupation of the relevant part of the development hereby permitted a detailed Travel Plan 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 [noise levels plant/machinery]: Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery from the place of worship 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.

11. Non-standard condition [noise levels insulation]: Recommendations to protect noise intrusion into the dwellings as specified in the Scotch Partners, Noise Impact Assessment Report Revision 02 dated 20 January 2017, shall be implemented as a minimum standard to protect future residents from noise.

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.

12. 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.

13. The windows to the ground floor rear elevation shall be installed with opaque glass and designed so as to be fixed shut. Reason. To safeguard neighbour amenity including privacy and to mitigate against noise breakout from the use of the building.

14. Standard condition [kitchen extraction systems]: Prior to first occupation of the development details, plans and specifications of a kitchen ventilation system, including details of sound attenuation for a kitchen ventilation extract system and odour control measures 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.



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

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

16. Any external lighting shall be positioned and angled to prevent any light spillage or glare beyond the site boundary.

Reason: 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 Polices Plan 2014.

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

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

18. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted (excluding demolition), 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), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation (volume of no less than 50m<sup>3</sup> to be provided) and control the rate of surface water discharged from the site;
- 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 (excluding demolition) 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 residential 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 'Energy and Sustainability Statement' revised and dated December 2016, and internal water usage consumption standards 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 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. No development shall take place until final details of the proposed finished floor levels of the development, together with proposed site levels taking into consideration flood risk to the site, have been submitted to and approved in writing by the LPA, and no development shall be carried out except in strict accordance with the approved levels and details.

Reason: To reduce the risk of flooding to the proposed development and future users of the associated development in accordance with Merton's policies CS16, DM F1 and DMF2 and the London Plan policies 5.12, 5.13.

21. Unless otherwise agreed in writing by the Local Planning Authority, no part of the non-residential part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good', and evidence demonstrating that the development has achieved CO2 reductions in accordance with those outlined in the approved energy statement addendum (dated June 2017).'

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

22. Non-standard condition [Contamination investigations]: Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A site investigation scheme, based on the PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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

23. 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. Prior to the commencement of development (excluding demolition), the detailed design, specification and planting scheme for the green roof shall be submitted to and approved in writing by the Local Planning Authority. The design and planting shall be carried out as approved and retained in perpetuity thereafter.

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. Amended standard condition [Use of flat roof]: Access to the flat roof (including green roofs) of the development hereby permitted, outside of those areas specifically identified as terraces and as shown on the approved plans, shall be for maintenance or emergency purposes only,

and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: 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. Non-standard condition [Hours of use]: The place of worship use (Use Class D1) hereby permitted shall operate only between the hours of 7:00-22:00 Monday to Sunday, unless otherwise agreed in writing by the Local Planning Authority.

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, and policy DM EP2 of Merton's Sites and Policies Plan 2014.

28. Prior to the commencement of the development hereby permitted (excluding demolition), a Delivery and Servicing Plan (the Plan) shall be submitted to and approved by the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

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

29. No cables, wires, aerials, pipework (except any rainwater downpipes as may be shown on the approved drawings) meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the development and the visual amenities of the area and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

30. No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by

the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

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 2016, 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.

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

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

32. Before occupation of the development, details of secure cycle parking facilities for the occupants of, and visitors to, the relevant part of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the relevant part of the development and thereafter retained for use 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 2016, policy CS18 of Merton's Core Planning Strategy 2011 and policy DM T1 of Merton's Sites and Policies Plan 2014.

33. The relevant part of the development (residential or non-residential) shall not be occupied until a scheme for the storage of refuse and recycling for that part of the development 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 relevant part of 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.

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

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

35. No development shall commence until details of the proposed design, materials and method of construction of the foundations to be used within 7m of the existing retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority and the work shall be carried out in accordance with the approved details.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

36. Site supervision: The details of the Arboricultural Method Statement and Tree Protection Plan shall include the retention of an arboricultural expert to supervise, monitor and report to the LPA not less than monthly the status of all tree works and tree protection measures throughout the course of the construction period. At the conclusion of the construction period the arboricultural expert shall submit to the LPA a satisfactory completion statement to demonstrate compliance with the approved protection measures.

Reason: To protect and safeguard the existing retained trees in accordance with the following Development Plan policies for Merton: policy 7.21 of the London Plan 2016, policy CS13 of Merton's Core Planning Strategy 2011 and policy O2 of Merton's Sites and Policies Plan 2014.

37. Details of glazing and screening to windows and terraces at 2<sup>nd</sup> 3<sup>rd</sup> and 4<sup>th</sup> floor levels in the east facing elevation and at 4<sup>th</sup> floor level in the west facing elevation shall be submitted to, approved and the

development implemented in accordance with such details as are approved before the residential part of the development is occupied. Reason. To ensure that the implementation of the development does not compromise the achievement of adequate levels of privacy in the event of similar proposals coming forward on adjoining sites and which may unduly constrain development opportunities and to comply with Sites and Policies Plan policy DM.D2..

## INFORMATIVES

- 1 No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 2 The applicant is advised 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 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](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
4. 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.
5. 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](http://thameswater.co.uk/buildover).

- 6 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.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 8 No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
- 9 The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

NPPF Informative. The applicant is advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, The London Borough of Merton takes a positive and proactive approach to development proposals focused on solutions. The London Borough of Merton works with applicants or agents in a positive and proactive manner by suggesting solutions to secure a successful outcome; and updating applicants or agents of any issues that may arise in the processing of their application. In this instance the Planning Committee considered the application where the applicant or agent had the opportunity to speak to the committee and promote the application.

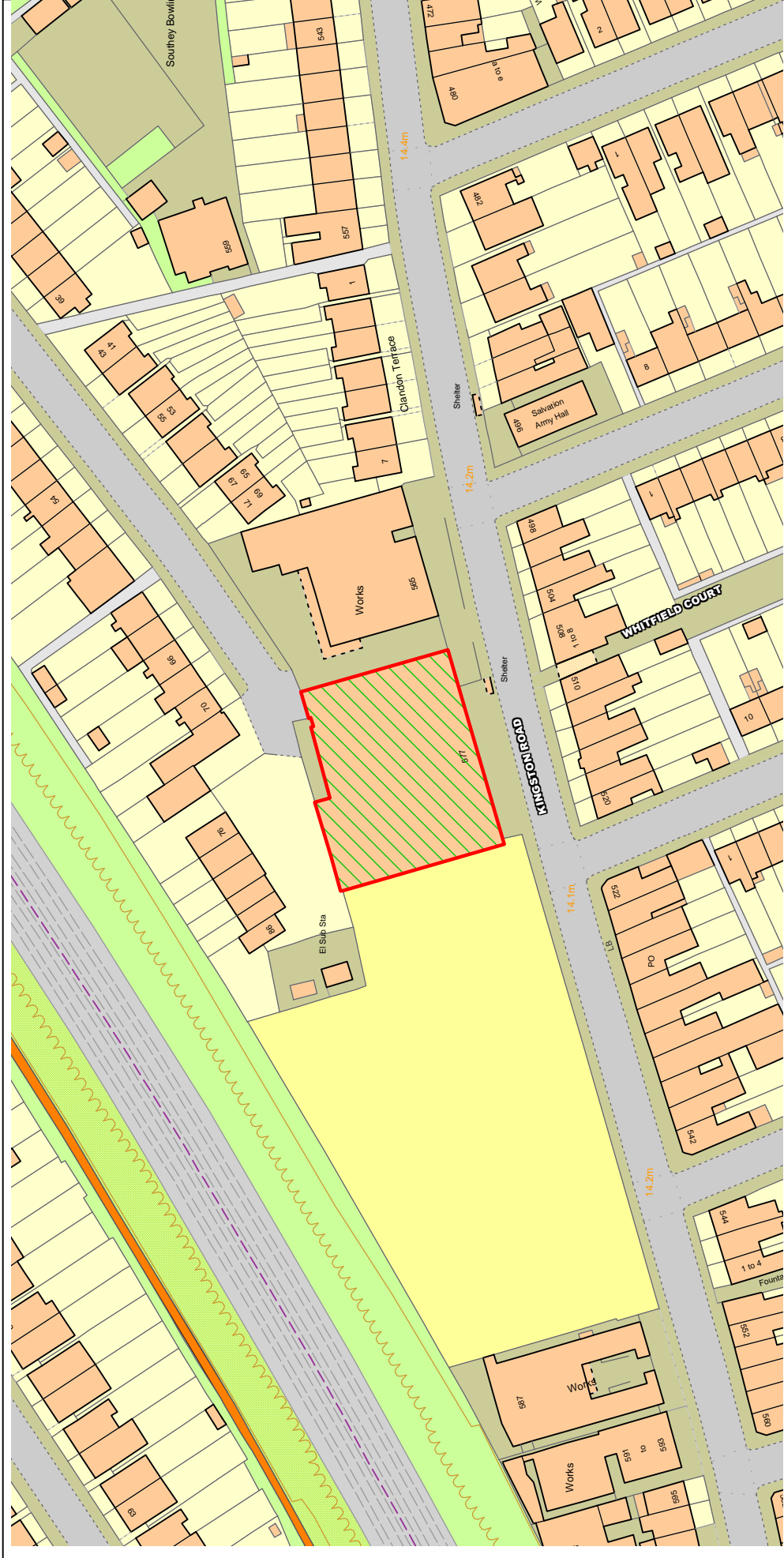
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## PLANNING APPLICATIONS COMMITTEE 19 OCTOBER 2017

### APPLICATION NO.

17/P3102

### DATE VALID

22/08/2017

**Address/Site** 119 Merton Hall Road, Wimbledon Chase SW19 3PY

**Ward** Merton Park

**Proposal:** Erection of a single storey rear and side extension following demolition of existing side extension.

**Drawing Nos** Site Location Plan, Block Plan, Proposed Floor Plans, Proposed Ground Floor Plan, Proposed Elevations, Proposed Section Rear Extension Detail, & Roof Plans.

**Contact Officer:** Tim Lipscomb (0208 545 3496)

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### RECOMMENDATION

**Grant planning permission subject to planning conditions.**

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### 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: 2
- External consultations: No
- Controlled Parking Zone: Yes (5F)
- Flood Zone: Flood Zone 1 (Low risk)
- Conservation Area: Yes (Merton Hall Road)
- Listed Building: No
- Protected trees: No

#### 1. INTRODUCTION

1.1 This application is being brought to the Planning Applications Committee for determination at the request of Councillor Foley.

#### 2. SITE AND SURROUNDINGS

- 2.1 The site comprises a No.119 Merton Hall Road, a two-storey, mid-terrace dwellinghouse located to the eastern side of Merton Hall Road.
- 2.2 The dwelling has a rear facing dormer window to the main roof of the dwelling and a two-storey rear outrigger, shared with the neighbouring property, No.117. There is also a small lean-to style extension to the side of the two-storey out-rigger.
- 2.3 The rear garden is enclosed by close board fencing to a height of 1.8-2.0m.
- 2.4 The neighbouring property, No.121, has been extended to the rear by way of a single storey extension, projecting 3.5m beyond the rear building line of the application dwelling.
- 2.5 The Merton Hall Road Conservation Area Character Appraisal identifies the host dwelling as making a positive contribution to the character and appearance of the Conservation Area and describes Nos 101-141 Merton Hall Road as follows:

“Two long terraces of 2 storey houses each with a gabled roof at one end and a hip at the other. Pairs of houses display symmetry. Two storey square bays project slightly forward, and have hipped roofs and either pairs of sash windows, or wide central sash flanked by 2 narrower sashes. The porches are recessed, with either a gothic style arch with keystone, or a classical inspired pediment with round-headed arch below. A mix of ornate glazed tiled panels and incised stone panels are used between the upper and lower windows in each bay”.

- 2.5 The dwelling is not statutorily or locally listed.

### **3. CURRENT PROPOSAL**

- 3.1 The application proposes the erection of a rear and side single storey infill extension.
- 3.2 The single storey extension would infill the space between the existing two-storey outrigger and the boundary with No.117 and would project 3.5m beyond the existing rear building line of the application dwelling.
- 3.3 The proposed single storey extension would have a gabled roof with a central ridge. The eaves would measure 2.85m on the boundary with No.121 and 2.982m on the boundary with No.117.
- 3.4 The extension would accommodate rooflights to either roofslope.
- 3.5 Construction materials would match the existing.

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

##### **Application site:**

- 4.1 00/P1712 - APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR A PROPOSED SINGLE STOREY REAR EXTENSION. Issue Certificate of Lawfulness 29-09-2000.
- 4.2 96/P0591 - RETENTION OF LOFT CONVERSION INCORPORATING ERECTION OF DORMER AT REAR AND INSTALLATION OF ROOF-LIGHTS TO FRONT ROOF SLOPE. Application Granted 23-08-1996.
- 4.3 96/P0696 - LOFT CONVERSION. Deemed Withdrawn 09-07-1996.

##### **Neighbouring property, No.121 Merton Hall Road:**

- 4.4 16/P0140 - ERECTION OF SINGLE STOREY REAR/SIDE EXTENSION AND L SHAPED REAR MANSARD ROOF EXTENSION. Grant Permission subject to Conditions 07-03-2016.

#### **5. CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to neighbouring occupiers. 1 letter of representation has been received objecting on the following grounds:
- Overbearing impact due to the size of the proposed extension and its proximity to the main living areas at No.117.
  - Loss of daylight and overshadowing to No.117.
  - Noise disturbance to No.117.
  - Adverse impact on biodiversity due to development on green garden space.
  - Proposal would adversely affect the enjoyment of the garden at No.117.
  - Request that if permission is granted the hours of working and parking of construction vehicles are restricted.

#### **6. POLICY CONTEXT**

- 6.1 Adopted Sites and Policies Plan (July 2014):
- |       |   |
|-------|---|
| DM O2 | Nature Conservation, Trees, hedges and landscape features |
| DM D2 | Design considerations in all developments                 |
| DM D3 | Alterations and extensions to existing buildings          |
| DM D4 | Managing heritage assets                                  |
- 6.2 LDF Core Planning Strategy (July 2011)
- |      |  |
|------|--|
| CS6  | Wimbledon Sub-Area                                   |
| CS13 | Open space, nature conservation, leisure and culture |
| CS14 | Design   |

- 6.3 London Plan (2015) policies (as amended by Minor Alterations to the London Plan March 2016):
- 7.4 Local character
  - 7.6 Architecture
  - 7.8 Heritage assets and archaeology
  - 7.19 Biodiversity and access to nature
  - 7.21 Trees and woodlands

## **7. PLANNING CONSIDERATIONS**

7.1 The key planning issues in this assessment are the impact on the character and appearance of the Merton Hall Road Conservation Area, including the impact on trees and the impact on the amenities of neighbouring occupiers. The impact on biodiversity is also a planning consideration.

### **7.2 Impact on the character and appearance of the Merton Hall Road Conservation Area**

7.2.1 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. Policy DMD2 also seeks to ensure that trees are protected from adverse impacts from development. Policy DM D4 seeks to ensure that development in Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. In addition, the policy seeks to ensure that harm is not caused to heritage assets. Core Planning Policy CS14 supports these SPP Policies.

7.2.2 The key features of the Conservation Area are the historic architectural detailing. The proposed single storey extension would not affect the frontage of the dwelling and due to its modest height and size would not adversely affect the core form of the dwelling and would not alter how the building is visually read in the streetscene.

7.2.3 The proposed extension is almost identical to one recently granted at the neighbouring property, No.121. The form and design of the proposed extension is considered to complement the existing building. It is considered that the proposal would satisfactorily preserve the character and appearance of the Merton Hall Road Conservation Area. The proposal is considered to comply with Policies DM D2, D4 and D4 in regards to visual amenity.

### **7.4 Impact on trees**

7.4.1 Whilst there are trees located towards the rear boundary of the site, the separation distance is such that it is considered that there would be no



associated adverse impact on trees and no objection is raised on this basis.

## **7.5 Neighbouring Amenity**

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

### **7.5.2 Impact on No.117 (to the north):**

7.5.3 The proposed single storey extension would project beyond the rear building line of No.117 by 3.5m, with an eaves height of approximately 3m. It is of note that under permitted development rights, an extension of 3m in depth and 3m in height to the eaves could be erected. Therefore, the proposed extension is 0.5m deeper than could be erected without the need for planning permission.

7.5.4 The rear projection of 3.5m is not considered to be excessive and whilst it is acknowledged that there would be some reduction in sunlight and daylight it is considered that this impact would not be so harmful as to amount to material harm to amenity. It is also noted that the two rear facing ground floor windows at No.117 serve a dual aspect room, with a further window providing light to the side elevation, thereby reducing the overall impact in terms of light loss to the internal rooms of No.117.

7.5.5 It is important to note that under application ref. 16/P0140, planning permission was granted for a single storey extension at the neighbouring property, No.121, which allowed an L-shaped single storey extension to project beyond the rear building line of No.119 by between 3.5m and 8.8m, with an eaves height of 2.85m. This approved extension is a material consideration, being a similar arrangement to that currently proposed and decided under the same policy background. The currently proposed extension would have a similar impact on neighbouring amenity than the recently approved scheme at the neighbouring property.

### **7.5.6 Impact on No.121 (to the south):**

7.5.7 The proposed extension would project to the rear to the same depth as the recently approved and constructed extension at No.121 (application ref. 16/P0140) and when constructed, the two extensions would stand in line. Therefore, the presence of the extension at No.121 would mitigate for the impact of the proposed extension.

7.5.8 It is considered that the proposed extension would not result in unacceptable impacts on neighbouring amenity and the proposal is considered to comply with Policy DM D2 in this regard.

## **7.6 Highway, traffic and parking considerations**

7.6.1 The proposal is for extensions to an existing dwelling and there is unlikely to be a significant increase in traffic movements associated with the development.

## 7.7 **Other matters**

7.7.1 The points raised by the neighbouring property have been carefully considered. However, the proposed extension is considered to be a reasonable proposal which would not result in material harm to neighbouring amenity.

- In terms of noise disturbance, the use would remain as a single family dwelling and as such it would not be reasonable to refuse the application based on noise disturbance.
- If specific occupiers make unreasonable amounts of noise this would be a matter for Environmental Health legislation.
- In terms of biodiversity, the proposed extension would retain a reasonable garden space and there is no indication that there would be a significant impact on biodiversity.
- A condition to control working hours is a reasonable restriction to make. However, for a scheme of this size it is not considered to be necessary to impose a condition relating to the parking of construction vehicles.

## 8. **CONCLUSION**

8.1 There is no objection in principle to the proposed development.

8.2 The proposal is considered to be acceptable in terms of the impact on the character and appearance of the Conservation Area, the impact on neighbouring amenity, impact on trees and parking. The proposal is considered to be acceptable in planning terms.

## **RECOMMENDATION**

Grant Permission subject to Conditions.

1. A1 Commencement of development
2. A7 Approved Plans. Site Location Plan, Block Plan, Proposed Floor Plans, Proposed Ground Floor Plan, Proposed Elevations, Proposed Section Rear Extension Detail, & Roof Plans.
3. B3 External Materials as Specified.
4. D11 Construction Times
5. C02 No Permitted Development (Windows and Doors). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that

Order with or without modification), no window or door other than those expressly authorised by this permission shall be constructed in the northwest (side facing) elevation without planning permission first obtained from the Local Planning Authority.

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

### INFORMATIVES

1. INF 01 Party Walls Act

2. INFORMATIVE

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 application was acceptable as submitted and no further assistance was required.
- ii) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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**PLANNING APPLICATIONS COMMITTEE  
19 OCTOBER 2017**

**APPLICATION NO.**  
16/P3551

**DATE VALID**  
21/09/2016

**Address/Site**            **12A Ravensbury Terrace, Wimbledon Park SW18 4RL**

**Ward**                      **Wimbledon Park**

**Proposal:**                Demolition and redevelopment of the site to provide office accommodation (318m<sup>2</sup>) on the ground floor with 24 residential units on the first, second, third, fourth and fifth floors, together with eight car parking spaces including two disabled spaces and associated landscaping, cycle and refuse storage.

**Drawing Nos**            3540/001 B, 002, 003 G, 010, 020, 047 B, 048 A, 049, 050 F, 100 I, 101E, 102 E, 103 E 104 E, 105 E, 106 A, 111, 112 A, 200 G, 201 F, 202 G, 203 D, 300 C, 400 E, 401, 402 B, Planning Statement, Design and Access Statement, Flood Risk Assessment, Surface Water Strategy and Sustainable Drainage Systems Assessment and Transport Statement

**Contact Officer:**      Richard Allen (8545 3621)

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**RECOMMENDATION**

**GRANT Planning Permission subject to a S.106 Agreement and conditions**

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**CHECKLIST INFORMATION**

- Heads of agreement: No
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice-Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted - 107
- External consultants: Yes
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone: Yes

## 1. **INTRODUCTION**

- 1.1 This application has been brought to the Planning Applications Committee as a major application.

## 2. **SITE AND SURROUNDINGS**

- 2.1 The application site comprises a collection of industrial buildings occupying a site area of 924m<sup>2</sup> that run along the west side of Ravensbury Terrace. To the rear of the site is the River Wandle. To the north of the site is a tributary of the River Wandle. Both the River Wandle and the tributary are inaccessible due to the collection of outbuildings that abut the site boundaries. To the front of the site, fronting Ravensbury Terrace is a single storey warehouse style building, currently occupied as offices. To the south side of the site is a large brick warehouse, containing residential and office facilities. Ravensbury Terrace comprises a mix of two storey housing of various architectural styles and industrial buildings of various architectural qualities. The site is close to the borough boundary with the London Borough of Wandsworth and the site is not within a conservation area.

## 3. **PLANNING BACKGROUND**

The planning background for both 12 and 12A Ravensbury Terrace, the adjoining Haslemere Industrial Estate and the recently constructed building at 20 Thornsett Road on the opposite side of the River Wandle (within the London Borough of Wandsworth) are all relevant to the consideration of the current application.

### 3.1 12 Ravensbury Terrace

This building is occupied by a small number of businesses and a residential unit, and is currently arranged over a ground floor, first floor and a second floor which extends across the front half of the building closest to the street. Its authorised use comprises a studio at lower ground floor, offices and a residential unit at upper ground floor, and offices at first floor front level.

### 3.2 12A Ravensbury Terrace

Planning permission has previously been granted (Subject to legal agreement) for the a part 3/ 4 and 5 storey building designed to wrap around the retained single storey office building on the site frontage with undercroft parking at ground floor, six office suites at first floor and nine flats arranged over second, part third and part fourth floor levels. The proposed building would be faced in brickwork with a parapet detail designed to form a series of gable ends to shields an array of solar panels on the roof referencing a warehouse architectural form. The planning permission has not been implemented.

### 3.3 Haslemere Industrial Estate

The access to the Haslemere Industrial Estate sits immediately to the south of 12 Ravensbury Terrace and comprises a series of low level commercial units sitting between the rear of houses in Dawlish Avenue and Haslemere Avenue to the west and the River Wandle and the railway embankment to the east. It



is identified within Merton Council's Sites and Policies plan 2014 for potential redevelopment (Site 64) and is allocated for business/light industrial (B1) or suitable employment led redevelopment. The key issues in respect of redevelopment of this site are the same as for 12A Ravensbury Terrace, with the addition that the eastern boundary of the site is designated as a site of importance for nature conservation and a green corridor and is also designated as safeguarded for Crossrail 2 (Wimbledon-Hackney line). The site is also within the functional floodplain (Flood Zone 3b) and is susceptible to surface water flooding in the south and east of the site.

3.4 20 Thornsett Road (London Borough of Wandsworth)

This site was formerly occupied by a two storey warehouse and office building and has now been redeveloped by a four storey office building (with additional offices within the roof space). The building has an 'L' shaped foot print and has dormer windows facing the River Wandle. The three storey element of the building fronting Thornsett Road is 13.2 metres in height to eaves and 18.8 metres to the ridge. The four storey element (with a fifth floor within the roof space) facing obliquely across the River Wandle is 17 metres in height to eaves level and has a ridge height of 22.6 metres. The building (now known as the 'Banham building') is constructed of facing brickwork with zinc clad roof and anodised aluminium clad dormer windows.

4. **CURRENT PROPOSAL**

4.1 The current application involves the demolition and redevelopment of the site to provide office accommodation (318m<sup>2</sup>) on the ground floor with 24 residential units on the first, second, third, fourth and fifth floors, together with 8 car parking spaces, including two disabled spaces and associated landscaping, cycle and refuse storage.

4.2 The proposed building would be 27 metres in length along the Ravensbury Terrace frontage and 36 metres in length along the River Wandle frontage. It would be between 6.5 and 13 metres in width arranged around a podium deck courtyard and would be between 16.4 and 22.2 metres in height along the River Wandle frontage and be between 12.2 and 18.2 metres in height along the Ravensbury Terrace frontage. The River Wandle frontage would have pitched gabled roofs reflecting an industrial/warehouse style of architecture, whilst the Ravensbury Terrace frontage would have a mixture of gabled and flat roofed elevations.

4.3 Internally, at ground floor level 318 m<sup>2</sup> of office floor space (Class B1a) would be provided together with the residential entrance hall, residential and commercial refuse storage areas, cycle storage for both commercial and residential elements of the proposal and 8 car parking spaces including 2 disabled parking spaces. Five car parking spaces would also have electric car charging facilities. At first floor level six flats would be provided (5 x 2 bedroom and 1 x 3 bedroom units). At second floor level six flats would be provided (5 x 2 bedroom and 1 x 3 bedroom units). At third floor level 5 flats would be formed (4 x 2 bedroom and 1 x 3 bedroom units). At fourth floor level five flats would be formed (3 x 1 bedroom, 1 x 2 bedroom and 1 x 2 bedroom units). At

fifth floor level a further two flats would be provided (1 x 1 bedroom and 1 x 2 bedroom units). Each flat would have amenity space provided as a balcony. Details of the floor space of each unit are set out below:-

Unit	Type	Floor	Number of Bed spaces	Size m2 (GIFA)	London Plan Minimum
1	3 bed	1 <sup>st</sup>	6	104.2m2	95m2
2	2 bed	1 <sup>st</sup>	4	70.7m2	70m2
3	2 bed	1 <sup>st</sup>	3	74.9m2	61m2
4	2 bed	1 <sup>st</sup>	4	76.0m2	70m2
5	3 bed	2 <sup>nd</sup>	6	66.0m2	95m2
6	2 bed	2 <sup>nd</sup>	4	70.0m2	70m2
7	3 bed	2 <sup>nd</sup>	6	104.3m2	95m2
8	2 bed	2 <sup>nd</sup>	4	70.6m2	70m2
9	2 bed	2 <sup>nd</sup>	3	74.9m2	61m2
10	2 bed	2 <sup>nd</sup>	4	76.4m2	70m2
11	2 bed	2 <sup>nd</sup>	3	66.0m2	61m2
12	2 bed	2 <sup>nd</sup>	4	73.4m2	70m2
13	3 bed	3 <sup>rd</sup>	6	104.1m2	95m2
14	2 bed	3 <sup>rd</sup>	4	70.6m2	70m2
15	2 bed	3 <sup>rd</sup>	3	74.8m2	61m2
16	2 bed	3 <sup>rd</sup>	4	76.4m2	70m2
17	2 bed	3 <sup>rd</sup>	3	65.8m2	61m2
18	2 bed	4 <sup>th</sup>	4	89.6m2	70m2
19	1 bed	4 <sup>th</sup>	2	54.2m2	50m2
20	3 bed	4 <sup>th</sup>	5	104.0m2	86m2
21	1 bed	4 <sup>th</sup>	2	52.2m2	50m2
22	1 bed	4 <sup>th</sup>	2	49.5m2	50m2
23	2 bed	5 <sup>th</sup>	4	82.4m2	70m2
24	1 bed	5 <sup>th</sup>	2	51.6m2	50m2

4.4 In terms of amenity space, private amenity space would be provided in the form of balconies in accordance with London Plan standards:-

- 5m2 for 1-2 person units
- 6m2 for 3 person units
- 7m2 for 4 person units
- 8m2 for 5 person units

In addition to the provision of balconies, the podium deck courtyard would provide communal amenity space for all occupiers of the development.

4.5 In terms of car parking, the development would provide 8 car parking spaces to be used for residential occupiers, with two of the spaces for disabled use. Five of the parking spaces would also have electric charging points. It is recommended that residents of the development would be excluded from

applying for on-street parking permits. It is also proposed that 45 secure cycle parking places be provided for the development in a designated bike store at ground level between the car park and the riverside walkway. Refuse storage for residential occupiers would be at ground floor level within a designated store with direct access from the northern side of the building. The refuse storage area would also be within 10 metres of the public highway to enable convenient servicing.

- 4.5 The application site is located adjacent to the River Wandle and a Flood Risk Assessment has been undertaken and a Sustainable Urban Drainage System (SUDS) is proposed to ensure effective management of surface water. This will include porous paving, underground storage tank and controlled outflow from the site and green roofs. Flood protection measures are to be incorporated into the fabric of the building in accordance with advice from the Environment Agency.
- 4.6 The majority (90%) of the residential units have been designed to comply with Part M4 (2) Accessible and Adaptable Dwellings of the Building Regulations and 10% will meet the requirements of Part M4 (3) Wheelchair User dwellings of the Building Regulations.
- 4.7 The proposed building has been designed so that the residential units are all dual aspect enjoying views both out of the site and over the internal courtyard. The adopted architectural style is reminiscent of a group of industrial buildings with varying roof heights. The top floor of the building is recessed and would be clad in a dark material to reduce the overall impression of a sixth storey. The proposed building would be mainly constructed in facing brickwork with glass fronted balconies and dark cladding to recessed upper parts of the building. The proposed development also reserves a 2 metre wide strip of land adjacent to the River Wandle to enable the provision of a walkway for the Wandle Trail. In addition a section of land has been reserved adjacent to the River Wandle to accommodate a pedestrian bridge at a future dated.

## 5. **PLANNING HISTORY**

- 5.1 In March 2014 planning permission was granted by the Planning Applications Committee for the demolition of the existing buildings and erection of nine residential units (Class C3) and six offices (Class B1) with associated access arrangements, parking and landscaping (LBM Ref.13/P2904). The application was subject to completion of a S.106 legal agreement in respect of affordable housing, education and sustainable transport initiatives in the Borough and the development being designated 'permit free'.
- 5.2 A pre-application meeting was held in July 2015 in respect of the demolition of the existing building and the erection of a five storey building to provide accommodation across ground and first floors and 25 x residential flats across all five floors, together with the provision of 13 car parking spaces and two disabled spaces and associated landscaping cycle and refuse storage (LBM Ref.15/P1797/NEW).

5.3 Following the pre-application meeting, the applicant presented a revised scheme to the Design Review Panel on 24 September 2015. Key points arising from the Design Review Panel were:-

-The Panel welcomed the courtyard and deck access to enable a communal amenity space and dual aspect flats to the whole development.

-Accommodating the future footbridge was supported but questioned whether the 2 metre width was sufficient for pedestrians and cyclists.

-The overall design of the scheme needed to be restrained and simplified to make the building appear more harmonious.

-the building should be designed so that the scale of the development could be increased should the site to the south be redeveloped in the future; and

-The ground floor facing the street should have an active frontage.

In summary, the Panel concluded *'This was a promising design that was aiming high and contained a lot of creativity. The issues to address were mainly architectural, but important in developing the overall appearance and feel of the building'*. AMBER

5.4 In September 2016 an application to discharge planning conditions 2 (External materials), 7 (Refuse), 15 (Construction Method Statement), 16 (Demolition Statement) and 20 attached to LBM planning permission ref.13/P2904 in respect of the demolition of the existing buildings and erection of nine residential units (Class C3) and six offices (Class B1) with associated access arrangement and car parking (LBM Ref.16/P3630).

5.5 In September 2016 an application for the discharge of conditions 3, 4, 11, 13 and 17 attached to LBM planning permission 13/P2904 relating to the demolition of existing buildings and erection of nine residential units (Class C3) and six offices (Class B1) with associated access arrangements, parking and landscaping (LBM Ref.16/P3716).

## 6. **CONSULTATION**

6.1 The application has been advertised by major site and press notice procedure. In response 30 letters of objections have been received. The grounds of objection are set out below:-

-The development would result in more cars.

-Huge impact on resources in area, schools, doctor's surgeries etc.

-Local sewers have already overflowed in the area.

-Buildings too high. Any development should be in keeping with the scale of the area, the Banham building is too high.

-The nearby Banahm building is an eyesore on the skyline a mistake made by Wandsworth Council that Merton should not repeat.

- It is understood that Wandsworth want to reduce the height of 8 Ravensbury Terrace developments to 3 storeys.
- Design is ugly.
- Development out of keeping with 1900-130's housing.
- Wandsworth Council have refused planning permission for a similar development at 8 Ravensbury Road
- There are three applications for development in the area with a combined total of just under 200 dwellings and there is no joined up traffic management plan.
- The area will become grid locked with traffic.
- Lack of parking for the development, 13 spaces insufficient for 25 flats.
- The site should be developed for low rise family housing in keeping with the area.
- The nearby Waterside development caused chaos during construction with local roads blocked.
- The height of the buildings will set a dangerous precedent.
- The proposed building is too close to the banks of the Wandle and would give rise to potential flooding problems and may affect the ecology of the river.
- A five storey development with limited parking and outside space is clearly over development of the site.
- Residents already have to put up with the disastrous Banham building and the cross rail link is yet to come.
- The proposed development is too large.
- Invasive and ugly and out of keeping.
- Will be detrimental to neighbour amenity due to increased traffic.
- The Plough lane development provided a reasonable amount of parking. Even so on-street parking has still increased dramatically. New developments require a reasonable amount of parking.
- Gardens of properties in Brooklands Avenue and Lucien Road have already been subject to flooding and there remains a flood risk.
- A lower density development more in keeping with the area would get the support of the local community.
- Having construction traffic using Wandsworth roads to access the site is unacceptable. Penwith Road has become a main road and has become very dangerous.
- The sheer number of homes being built has put pressure on the junction between Ravensbury Terrace and Penwith Road and traffic backs up to Garratt lane.
- The shortage of parking is the main issue. If more off-street parking were proposed then more people would become sympathetic to the proposals.
- This is not a derelict piece of land in the middle of nowhere, but in the middle of a neighborhood where people have set up homes and families live. The development would turn the area upside down and threaten the community.
- Construction traffic would have to come along residential roads in Merton due to the width restriction planned by Wandsworth Council on Ravensbury Terrace. This would result in residents of Haslmere Avenue, Dawlish Avenue, Acuba Road and Brooklands Avenue having problems getting out of their homes.
- How will lorries get to the site?

- No benefit to the public, with no commitment to build a walkway over the River Wandle or to provide any amenity space.
- An alley way covered by an oversized block of flats would provide space for anti-social behaviour and crime.
- The Transport statement is misleading. The parking stress level is 100% late in the evenings.

## 6.2 Wandle Valley Forum

The Wandle Valley Forum state that the application site is in a significant location adjacent to the River Wandle on a potential route both across and along the River Wandle. It is one of a number of concurrent development plans for the area including 8 Ravensbury Terrace and the Haslemere Industrial Estate which also cross the local authority boundary into Wandsworth. The Wandle Valley Forum Charter identifies a need for development to *'leave space along the river bank, support public access, encourage a naturally functioning river and respect the Wandle's local character'*. It also identifies a need to *'provide public access for all along the river without urbanising the landscape and putting wildlife at risk and close gaps in the Wandle trail at Earlsfield....'* In order to complete the Wandle Trail. Policy CS5 and paragraph 21.13 of Merton Councils Core Planning Strategy is relevant. The Wandle Vally Forum welcome provision of access along the Wandle and future provision of a pedestrian and cycle crossing and ask the proposals are further refined to:

- Show how they contribute to a coherent strategy for providing new public access along and across the Wandle and links in the Wandle trail and across to Earlsfield Station, including the provision of a pedestrian and cycle bridge.
- Provide details of the new public access along the river front, including the provision of a 3 metre wide public frontage, designation as a permanent right of way and provision for connections to adjacent sites, including to 8 Ravensbury Terrace which is also being redeveloped.
- Require contributions from this and adjacent developments to fund the new crossing and enhance the Wandle and Wandle Trail as part of a pooled Wandle Fund drawing on developer contributions across the borough boundary (as highlighted as a priority in the Wandle valley Forum Charter).
- Emphasise views along the small tributary running along the boundary shared with 8 Ravensbury Terrace.

## 6.3 Sustainability Officer

The Council's Climate Change officer has examined the proposal and states that:-

### CO2 Emissions

-All new developments comprising the creation of new dwellings should demonstrate how the development will comply with Merton's Core Planning Strategy Policy CS15 Climate Change (parts a-d), and the policies outlined in Chapter 5 of the London Plan (2015), through submission of a detailed energy strategy. The strategy should demonstrate how the sustainability policy objectives will be met and should include a breakdown of how emissions reductions are achieved at each level of the energy hierarchy.

-While it is noted that the submission of an energy strategy for the development, the strategy does not confirm whether the residential element will meet the 35% improvement target over Part L, as required for major residential applications. Furthermore, I'm unable to locate the Target Emissions Rate (TER) figure in the submitted SAP calculations for the development and so I'm unable to verify the project improvement of the Dwelling Emissions Rate over Part L. I will therefore require the applicant to confirm the level of carbon emissions improvements against Part L 2013 and provide an indication of the emissions savings at each level of the energy hierarchy to ensure policy compliance.

-As the proposal is a major residential development valid from 21st September 2016 it will not be required to demonstrate compliance with the London Plan zero carbon emissions target.

-It is noted that it is the intention for the development to minimise water consumption through the use of water saving fittings and appliances. In accordance with the policy requirements under Policy CS15 of Merton's Core Planning Strategy (2011), the development should achieve internal water usage rates not in excess of 105 litres per person per day (equivalent to Code for Sustainable Homes Level 4). The Climate Change officer is satisfied that this issue can be dealt with via condition, as detailed below.

-Subject to submission of the additional information re: to CO2 performance, I would recommend applying the Standard Sustainable Design and Construction (New Build Residential) Pre-Occupation Condition is applied to the development:

#### Low carbon technologies

-It is noted that it is intended for the development to utilise CHP for the space and water heating requirements for the residential development, in accordance with the London Plan energy hierarchy. The applicant should note that, whilst there are not currently any decentralised heat networks operating in the location, the nearby Haslemere Industrial Estate mixed-use application (16/P2672: 128 residential units and 826sqm of commercial space) is proposing to utilise a site-wide CHP network. This could potentially provide an opportunity for 12A Ravensbury Terrace to connect to this network, subject to sufficient capacity and techno-economic feasibility. The applicant should therefore demonstrate that they have explored any opportunity to connect to nearby heat networks, in accordance with London Plan Policy 5.6 (part B).

-The district heat policy to be dealt with by way of condition and it is recommended that the two conditions are applied to the development in respect of decentralised heat networks in respect of pre-commencement and pre-occupation conditions.

-The non-residential element of the development has a GIA of 318.4m<sup>2</sup> and thereby falls below the 500m<sup>2</sup> threshold for BREEAM under Policy CS15 of Merton's Core Planning Strategy (2011) and below the 1000m<sup>2</sup> threshold for

major development under the London Plan (2015). However, it is noted from the submitted Sustainability and Energy Statement that the applicant is proposing to meet BREEAM Very Good standard for the commercial element of the development

It is noted that the development will achieve a 35% improvement over Part L (2013) of the Building Regulations as required for major residential applications and in accordance with policy 5.2 of the London Plan (2015) and policy CS15 Merton's Core Planning Strategy (2011).

#### 6.4 Transport Planning

The site has a PTAL of 5 with bus, train, tube available within the PTAL calculation area. The site is located within in an immediate proximity of the proposed Wandle River pedestrian cycle bridge. The proposed development has safeguarded sections of land which includes a safeguarded section of land along the northern boundary for the link to the bridge measuring 3 metres for 15m from the Site boundary before extending to a maximum width of 4.3 metres at the north easterly edge. A second section is safeguarded along the eastern boundary which is approximately 2m. These safe guarded sections of land can be found in highlighted in the ground floor plan (ST16108-1/1 23 plan shown at Appendix A).

6.5 The proposed development is located within a Controlled Parking Zone (P3 Zone), there is also a CPZ to the north of the development which is operated by Wandsworth council. Census car ownership data (2011) for this ward (Wimbledon Park) indicates that there could be a maximum of 17 vehicles associated with above proposals. A parking survey has been undertaken and it is clear that the over spill 9 vehicles can be accommodated on street at peak times of residential parking demand. On street stress levels average at 57 and 59% on the two survey days. Given the high PTAL score and the surrounding CPZ we suggest that the above application is exempt from the surrounding CPZ.

6.6 Trip generation by the proposed development will not have a significant impact on the surrounding highway network; the intensification of use generated by the residential aspect will not create a perceivable increase in traffic movement. No alterations to the highway or footways are required in association with the above application. All servicing will be undertaken from an on street location. Given the small nature of the B1 commercial floor space and the residential aspect, service trip generation is not thought to be of a significant level to impact on the operation of the surrounding highway network. 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 a reasonable proximity from the public highway and can be easily accessed by refuse operatives. Pedestrian, cycle and vehicular access to the site is from Ravensbury Terrace the access arrangements do not impact on the pedestrian or driven visibility splays. No details have been submitted regarding the gates of the vehicular access. These arrangements should not cause vehicles to be stationary in the highway for elongated periods while waiting to gain access to the parking area.



- 6.7 London Plan minimum cycle parking levels state that a development of this nature should have three spaces for the commercial/ office use and 44 residential spaces, the two uses should have segregated cycle stores. We appreciate that the current standards associated with the latest iteration of the London plan are reasonably onerous, therefore we request the proposed cycle parking facilities are a mixture of space efficient cycle parking and easily accessible horizontal cycle parking facilities so those who aren't able to lift their cycle are able to store and retrieve bikes are catered for. A Construction management plan will need to be submitted that fully considers the impacts which are generated by a construction phase, and fully mitigates the impact derived by the construction phase. 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.
- 6.8 Environment Agency  
The Environment Agency has been consulted and initially raised an objection to the proposed development. However, following discussions between the applicant and the Environment Agency and the submission of a revised flood risk assessment and site layout plans, the Environment Agency consider the proposal to acceptable subject to conditions being imposed on any grant of planning permission in respect of finished floor levels, River wall level and no residential use below first floor level in the development.
- 6.9 Historic England (Archaeology)  
The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Wandle Valley Earlsfield. Appraisal of this application using the Greater London Historic environment Record and archaeological baseline appraisal submitted with the application indicates the need for filed evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a condition would provide an acceptable safeguard. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by appropriate conditions.
- 6.10 London Borough of Wandsworth  
The London Borough of Wandsworth have been consulted and have objected to the proposed development.
- 6.11 Amended Plans  
In order to address concerns raised by the Environment Agency the design and layout of the car parking area was amended to include a shallow ramped access and the disabled parking spaces repositioned close to the main entrance. The Flood Risk Assessment was also amended. A reconsultation

has been undertaken and a further two letters of objection have been received. The grounds of objection are set out below:-

- Any increase in residential or commercial capacity would result in more cars looking to park in the already overcrowded surrounding streets. Those cars must not join any existing parking zone and the number of dwellings must reflect the available parking available. Eight spaces are no enough.
- The additional traffic will pose a risk to children in the nearby Wimbledon park primary school.
- In 2016 local sewers overflowed in Haslemere and Acuba Roads. The additional buildings will increase the risk of this being repeated.
- The neighbouring Banham building is too high and any development on this site should be a maximum of three storeys.
- The design look ugly and a bigger effort is needed not to repeat the eyesore of the Banham building.
- The cumulative impact of developments in Halsemere Avenue and Ravensbury Terrace will result in further unneeded strain parking.

## 7. **POLICY CONTEXT**

- 7.1 The relevant planning policy contained within the Adopted Merton Core Strategy (July 2011) are CS8 (Housing Choice), CS9 (Housing Provision), CS.14 (Design) and CS15 (Climate Change).
- 7.2 The Relevant Policies contained within the Merton Site and Policies Plan (July 2014) DM O1 (Nature Conservation, Trees, Hedges and Landscape Features), DM D1 (Urban Design and Public Realm), DM D2 (Design Considerations in all Developments), DM D3 (Alterations to Existing Buildings) and DM D4 (Managing Heritage Assets).
- 7.3 The relevant policies contained within the London Plan (July 2011) are 3.3 (Increasing London's Supply of Housing), 3.4 (Optimising Housing Potential), 3.5 (Quality and Design of Housing), 3.8 (Housing Choice), 7.4 (Local Character) and 7.6 (Architecture).
- 7.4 Mayor of London's London Plan Housing Supplementary Planning Guidance (March 2016) and Housing Standards, Minor alterations to the London Plan (March 2016).

## 8. **PLANNING CONSIDERATIONS**

- 8.1 The main planning considerations relate to the provision of Office Accommodation outside Town Centres, Design, Standard of Residential Accommodation, Neighbour Amenity, Parking, Sustainability, Flood Risk and Developer Contributions.
- 8.2 Provision of Office Accommodation Outside Town Centres  
The application site is identified within the Adopted Merton Sites and Policies Plan as site proposal 64 and is allocated for Office (B use class) and residential (Use Class C3). The current application proposes 337.3m<sup>2</sup> of

office floor space (Class B1) and the existing office floor space is 354m<sup>2</sup> in total. The proposal therefore would result in a very small reduction in the amount of commercial floor space on the site. However, the small reduction in floor area is outweighed by the provision of new quality office floor space.

### 8.3 Design

A number of objections relate to the design and height of the proposed development. The proposed development would range in height from three to six storeys in height, with the highest part of the development located on the River Wandle frontage opposite the Banham building. The proposed development would however, be lower than the neighbouring Banham (office) building. The lower parts of the development would be adjacent to the existing office building at 12 Ravensbury Terrace, with the higher elements of the development facing onto the River Wandle. In design terms the development would comprise tall narrow elements and pitched roofs to echo the character of the retained buildings on the adjacent site at 12 Ravensbury Terrace. It should also be noted that planning permission has been granted (subject to completion of a S.106 Agreement) for an building comprising four flats on the adjacent site at 12 Ravensbury Terrace (LBM Ref.15/P4016) which echo's the style adopted for the development at 12A.

8.4 The development would be constructed in a mix of facing brickwork and cladding and incorporate mainly pitched roofs arranged around a raised courtyard area. The flats would all have access to balconies providing features to the elevations of the development. The current application has been subject to pre-application discussions and the proposal has been considered by the Council's Design Review Panel who gave the proposal an 'Amber' score. The current proposal has been formulated following pre-application discussions and developed from comments made by the design Review Panel. The development would deliver 24 residential units and 318m<sup>2</sup> of quality office space on a site that is currently underutilised. The proposal is therefore considered to be acceptable in terms of its design scale and massing and complies with the aims of policies CS14 and DM D2.

### 8.5 Standard of Residential Accommodation

The proposal provides a range of units for single occupants through to three bedroom flats, suitable as six-person units. The largest proportion of the units are however two bedroom units (66%), with a smaller number of one bedroom units (17%) and three bedroom units (17%). The design and layout of the proposed residential accommodation has had regard to the requirements of the London Plan Housing SPG. The room sizes of all the flats accord with minimum room size standards. Each unit would also be dual aspect with their own amenity space provided in the form of balconies.

### 8.6 Neighbour Amenity

The nearest residential accommodation is within 12 Ravensbury Terrace. However, the position of the proposed building and the orientation of windows would not result in any overlooking or loss of privacy to the occupiers of the residential accommodation in number 12. The rear elevations of numbers 140 to 154 Ravensbury Terrace are two storey dwellings and the closest property,

number 154 Ravensbury Road would be over 20 metres from the corner of the application site. The proposed development would not therefore result in any overlooking and/or loss of privacy and the proposed development is considered to be acceptable in terms of policy DM D2.

#### 8.7 Parking

A number of objections to the proposed development relate to parking provision and parking problems in the surrounding area. The development is for 24 residential units and 318m<sup>2</sup> of B1 (Office) floor space. The development would provide eight car parking spaces (including two disabled car parking spaces). Five parking spaces would be provided with electric vehicle charging points. Secure cycle parking would be provided for both the commercial floor space and the residential units. The Council's Transport Planning section has examined the proposal and considers the parking provision is acceptable in this instance. However, it is recommended that the development be designated 'permit free' given the high PTAL score and the surrounding Controlled parking Zone. The parking and cycle provision accord with the Council's standards and comply with policy CS.20.

#### 8.8 Sustainability

The Council's Climate Change officer has examined the proposal and notes that the development achieves a 35% improvement over part L of the Building Regulations in terms of Co<sub>2</sub> reduction. The proposal therefore accords with the requirements of policy 5.2 of The London Plan (2015) and policy CS15 of the Adopted Merton Core Planning Strategy (2011).

#### 8.9 Flood Risk

The Environment Agency has examined the proposal and following discussions between the developer and the Environment Agency the layout of the parking area has been amended. The environment Agency considers the changes to the parking layout and the revised Flood risk Assessment to be acceptable and the Environment Agency has no objections to the proposed development.

#### 8.10 Developer Contributions

In accordance with policy CS8 the developer is required to provide affordable housing within the development and/or make a financial contribution towards affordable housing. The financial viability of the development has been assessed by Affordable Housing Solutions who have reviewed the developer's financial model. The financial appraisal concluded that the development can deliver two affordable units within the development and make a financial contribution towards affordable housing of £115,000 (to be paid on implementation of the consent). The Mayor of London and Merton's CILL would also apply.

### 9. **ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS**

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

10. **CONCLUSION**

The redevelopment of the site has been subject to pre-application discussions and the current application has been submitted following advice given at the pre-application stage. The proposed building has been designed to reflect an industrial/warehouse style and would have a range of roof heights with the building stepping down in height along the Ravensbury Terrace frontage. The height and massing of the proposed building is considered to be appropriate for this location and is lower than the neighbouring office building on the opposite side of the River Wandle in Thornsett Road. There is adequate separation distance between the proposed building and residential properties in Ravensbury Road and the proposal would not therefore be detrimental to neighbour amenity. Accordingly, it is recommended that planning permission be granted.

**RECOMMENDATION**

**GRANT PLANNING PERMISSION**

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

1. That the developer provides two affordable housing units within the development and a payment of £115,000 towards affordable housing provision in the borough.
2. That the development be designated 'permit free'.
3. That the developer pays the Councils legal and professional costs 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 (External Materials to be Approved)
4. C.2 (No Additional or Enlarged Window or Door Openings)
5. C.6 (Refuse and Recycling (Details to be Submitted))
6. C.9 (Balcony Screening)
7. D.10 (External Lighting)
8. D.11 (Hours of Construction)
9. F.1 (Landscaping Scheme)
10. H6P (Details of Cycle Parking)

11. H9P (Construction Vehicles)
12. 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 15m<sup>3</sup> 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.

21. 'No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO<sub>2</sub> reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4. Evidence requirements are detailed in the "Schedule of Evidence Required" for Post Construction Stage from Ene1 & Wat1 of the Code for Sustainable Homes Technical Guide (2010).

Reason for condition: In order to comply with policy CS15 of the Adopted Merton Core Planning Strategy (July 2011).

22. Decentralised heat networks - Pre-commencement condition  
'No development shall commence until the applicant submits to, and has secured written approval from, the Local Planning Authority on evidence demonstrating that the development has been designed to enable connection of the site to an existing or future district heating network, in accordance with the Technical Standards of the London Heat Network Manual (2014).'
- Decentralised heat networks - Pre-occupation condition  
'Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until evidence has been submitted to the council that the developer has uploaded the

appropriate information pertaining to the sites Combined Heat and Power (CHP) system has been uploaded onto the London Heat Map (<http://www.londonheatmap.org.uk/>)’

23. BREEAM  
‘Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to ‘Very Good’ has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will meet the London Plan C02 reduction targets.’
24. Stage 1. No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included in the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
25. Stage 2. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which has archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the Local Planning authority. For land that is included in 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 sit 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, publications and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

#### INFORMATIVE

The written scheme 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.

22. The development shall be carried out in accordance with the Approved Flood Risk Assessment (FRA) dated September 2017 Ref.2017/2017s5405 Rev3 by JBA Consulting and the following mitigation measures detailed within the Flood Risk Assessment:

1. Minimum Finished floor levels are set no lower than the levels shown in figure 6-1 in the Flood Risk Assessment.

2. The River wall is set no lower than 9.43 AOD.

3. No residential use below first floor level within the development.

The mitigation measures shall be fully implemented prior to occupation of the development 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 for condition: To ensure additional floodplain capacity and to ensure that the development will not affect overland flows and will increase the existing floodplain capacity and to reduce the risk of flooding to the proposed development and future occupants.

23. The development shall not commence until a detailed design for a new river wall is submitted to and approved in writing by the Local planning Authority in consultation with the Environment Agency. It shall incorporate the following:-

-The applicant will provide drawings, plans and sections showing clearly in detail how the proposed flood defences will form a continuous line with neighbouring sites.

-Plans, drawings, sections and calculations, demonstrating defences are designed to adequately manage anticipated loadings.

Reason for condition: To reduce the risk of flooding to the proposed development and future occupants over the lifetime of the development.

#### INFORMATIVE:

Flood Risk Activity Permit (FRAP)

Under the Environment Permitting (England and Wales) Regulations 2016 you must submit plans to the Environment Agency and apply for a FRAP if you want to do work:

-In, over or under a main river.

-Within 8m of the bank of a main river, or 16m if it is a tidal main river.

-Within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river. Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.



INFORMATIVE:

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

24. INF1 Party Wall Act

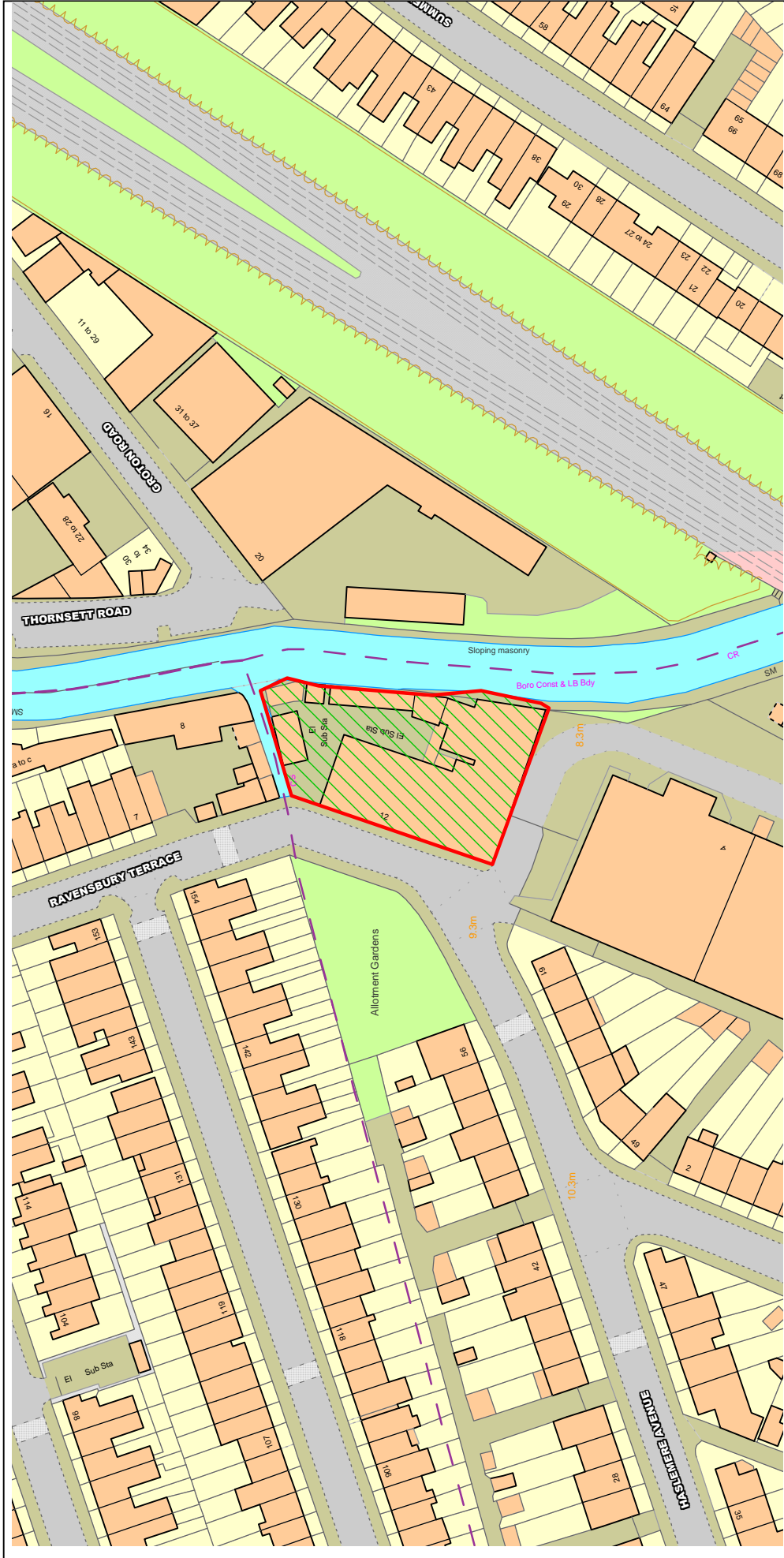
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[Click here](#) for full plans and documents related to this application.

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# NORTHGATE SE GIS Print Template



Text Details **12a Ravensbury Terrace**

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**PLANNING APPLICATIONS COMMITTEE**  
**19 October 2017**

<b><u>APPLICATION NO.</u></b>	<b><u>DATE VALID</u></b>
17/P0438	30/01/2017
<b>Address/Site</b>	12 Waterside Way, Tooting, SW17 0HB
<b>Ward</b>	Wimbledon Park
<b>Proposal:</b>	ERECTION OF A CONCRETE BATCHING PLANT WITH ASSOCIATED STOCK BAYS, BATCH CONTROL CABIN, CAR & CYCLE PARKING AND ANCILLARY STRUCTURES
<b>Drawing Nos</b>	2712/10 Rev E, 2712/20 Rev A, 2712/21 Rev A and 2712/31 Rev A.
<b>Contact Officer:</b>	Tim Lipscomb (0208 545 3496)

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**RECOMMENDATION**

**Grant planning permission subject to conditions.**

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**CHECKLIST INFORMATION**

- S106: Not required.
- Is a Screening Opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: No
- Design Review Panel consulted: No
- Number of neighbours consulted: 250
- External consultations: Yes (Environment Agency)
- Controlled Parking Zone: No
- PTAL: 1b (poor)
- Flood Zone: Flood Zone 3a (high probability)
- Conservation Area: No
- Listed Building: No
- Protected trees: No

## 1. **INTRODUCTION**

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

## 2. **SITE AND SURROUNDINGS**

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

estate.

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

To the immediate west and south of the site is:

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

### 3. **CURRENT PROPOSAL**

- 3.1 The proposal is for the erection of a concrete batching plant with associated stock bays, batch control cabin, car and cycle parking, and ancillary structures.
- 3.2 The machinery would be located along the southern part of the site. There would be a ground feed hopper, aggregate feed conveyor, wedge pit, water tanks, mixer house and loading point, batch control cabin and covered overhead storage bins and integrated cement silos. The highest part of the structure would be 15.8m above ground level (The application has been amended since it was originally submitted and the structure proposed has been reduced in height to 15.8m).
- 3.3 Three car parking spaces, two motorcycle parking spaces and four covered cycle parking spaces are proposed.
- 3.4 The existing vehicular access to the east would be widened from 5m

- to 7m. New sliding gates would be provided to both accesses.
- 3.5 Four new floodlights would be installed, rather than using the existing lights on the southern boundary. These lights would be directed to the north and east, fitted with LED or low pressure sodium bulbs and would be operational
- 3.6 The plant/site will be operated as follows:
- dampened aggregate will be delivered to the site by road and tipped into the ground level aggregate receiving hoppers.
  - Aggregate will then be transferred by covered conveyor to the overhead aggregate storage bins;
  - There will also be ground aggregate storage bays for any aggregate overflow;
  - Cement will be delivered by road to the site by cement tanker and discharged by a sealed pipe system under pressure into the cement silos;
  - Cement will be transferred from the cement silos into the batching plant by sealed pipes;
  - The mixing and loading of concrete is computer controlled and undertaken within the integral batching plant and controlled with the batching cabin;
  - Aggregate, cement and water are mixed within the plant mixer and then discharged into the waiting truck mixer within the mixer loading point beneath the batching plant.
- 3.7 Concrete would not be crushed on site.
- 3.8 The application sets out that the following HGV movements are anticipated:
- Aggregate in – 14 loads per day equating to 28 daily movements;  
Cement in – 4 loads per day equating to 8 daily movements;  
Concrete out – 25 loads per day equating to 50 daily movements.
- 3.9 The application states that 35% of the total amount of aggregate used in the concrete production at the site would be recycled material from Cappagh's recycling facility at Riverside Road (approximately 1 mile away).
- 3.10 The operating hours of the site applied for are 0700 to 1900 Monday to Friday, 0700 to 1300 Saturdays and No Sunday or Bank Holiday working.
- 3.11 The agent anticipates that the proposed concrete batching plant would



employ 5 drivers, 2 plant staff and 2 office staff. The office staff would be based at the offices housed on the adjoining site.

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

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

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

4.11 Other relevant history:

8 Waterside Way:

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

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

5. **CONSULTATION**

- 5.1 Standard 21-day site notice procedure and individual letters to 250 neighbouring occupiers. A petition with 108 signatories in objection to the scheme has been received. 108 letters of representation (note that where multiple letters have been sent from the same individual it is counted as one objection overall) have been received, including from nearby businesses, residential properties, The Wimbledon East Hillside Residents' Association, Wimbledon Park Residents' Association, Clean Air Merton, Garfield Primary School, Havelock Allotments & Garden Association, Merton Green Party, Wimbledon Society Planning & Environment Committee, Wandle Valley Regional Park Trust, the Wandle Valley Forum, the Wandle Trust and objecting on the following grounds:

*Air pollution/dust and water pollution*

- The Hanson concrete plant already billows out cement dust not far away – we do not want another operator in the area.
- Concern over impact on water quality discharge into River Wandle.
- Noise and dust/air pollution – affecting residential properties, St. George's hospital, allotments, schools – including Garfield Primary School and The Priory School, playground, offices nearby and nearby glass manufacturers.
- The area is already congested and polluted. There is no air monitoring in place and the application should not even be considered until

pollution monitoring is put in place.

- Air quality information does not consider whether the nearby neighbours are particularly vulnerable to changes in air quality (such as whether nearby residents suffer from asthma etc).
- Very large lorries would be used, thus increasing air pollution.
- Query accuracy of air quality report presented.

#### *Traffic*

- Concern that road surface would deteriorate.
- Concern that road would not be kept clean and spillages/debris cleared.
- Increase in traffic flow and congestion.
- Query traffic data
- Insufficient parking.
- Road safety – particularly children.
- Displacement, additional on-street parking as site currently accommodates parked vehicles.
- Cappagh's Waterside Way plant is due to be closed as a result of Crossrail. Therefore the assertion that 35% of aggregate will be from local sources will be incorrect. If not, there would be significantly more traffic movements.
- These operations should be rail-fed to minimise HGV movements.
- Assertion that there is no existing planning permission for 'diesel transport vehicles', so there would be a huge increase in traffic movements.
- The site is not served well by public transport and promotes use of private cars.
- Query where truck-mixers would be parked overnight.
- Query whether the number of truck-mixers would be limited by condition if permission granted.
- Alternative traffic survey indicates much lower existing movements than stated in application.

#### *Visual impact*

- The visual impact is unacceptable – structures are too tall.
- In winter the trees will offer limited screening.
- Height reduction does not allay concerns.

#### *Biodiversity/Wandle Valley*

- Suggestion that site be made into a nature reserve.
- Adverse impact on wildlife and amenity of adjacent River Wandle corridor. A full assessment of the social impact of this increase in noise levels and usage of the nature park during the day should be required.
- Adverse impact on recreational use of adjacent Wandle Valley –

impact on adjacent path.

#### *Noise*

- Impact on local properties, other commercial properties, adjacent Regional park, playground, allotments, cemetery and other nearby uses.

#### *Surface Water Run-off*

- The site is on a floodplain – concern that there would be run-off in times of heavy rainfall.

#### *Other*

- A Masterplan for the Industrial area should be produced by Merton Council.
- There is no benefit to the wider public.
- Concerns over notification process (did not include enough properties).
- Concern that concrete batching plant will serve Heathrow Runway 3 construction
- Query whether CIL contributions should be made.
- Concern over impact on archaeological heritage of the area.
- A previous proposal for waste management with similar demands on the environment and infrastructure has been refused, therefore, so should this proposal.
- Concern that residential properties in the area have not been notified, as they were for the waste incinerator proposal.
- The site is not big enough to accommodate 5 truck-mixers, tankers and general deliveries.
- There is no pre-established designation for a concrete plant at this site and there is sufficient supply of ready-mix concrete currently. There is no need for the proposal.
- The starting time is too early, the finishing time is too late – causing increased and unreasonable distress and disruption to local residents.
- Working hours are too long – start too early and finish too late.
- Concern that any hours of working condition would be breached.
- Concern that the proposal has been directed to an area with a large ethnic population – tantamount to environmental racism.
- Adverse impacts from vibration
- Query if the concrete batching plant would be used for plough Lane development.

#### Wimbledon East Hillside Residents Association:

- Applicant has ignored that this is a floodplain – concerns over run-off.

- Inappropriate location for heavy industrial use
- Traffic movements
- Air pollution
- Opportunity to introduce CPZ into the area.
- Impact on Regional Park and Metropolitan Open Land.
- Impact on archaeological heritage.
- Conflict with Wandle Valley regeneration Plan.
- Masterplan for the industrial estate should be prepared.
- Amendments to scheme do not overcome concerns raised.

Wandle Valley Forum:

- Impact on amenity
- Impact on air quality
- Impact on nature
- Impact on water quality

Wandle Trust:

- Ecological survey should be carried out in summer
- Adverse impact on aquatic species
- Surface water runoff

Wimbledon Society planning & Environment Committee:

- Air and water quality
- Impact on Garfield primary School
- Traffic movements

Wandle Valley Regional Park Trust:

- Impact on river and biodiversity
- Noise
- Traffic
- Existing Cappagh workers park on nearby roads

Clean Air Merton:

- Air pollution.
- Children's health
- Concerns over accuracy of data

Wimbledon Park Residents' Association:

- There are no traffic movements currently – the site is simply used for

- parking of vehicles.
- Traffic movements
  - Air pollution, noise and dust.
  - Previous schemes for a waste management facility have been refused.
  - Displacement parking
  - Proximity to Wandle Valley regional Park, allotments and school

Merton Green Party:

- Children's health
- Concerns over air pollution data modelling.
- Concerns over impact on vulnerable residents
- The site is hard to access by public transport

Havelock Allotments and Garden Association

- Impact of dust on allotments.

1 letter received from Stephen Hammond MP making the following points:

- The nature of a concrete batching plant means that inevitably the site will emit noise and dust – it is very likely that these pollutants will have an effect outside of the site.
- The impact of pollution on the River Wandle, the Wandle Meadow National Park, Garfield Park (allotments), residential housing and Garfield School must be considered.
- The proposal is likely to have a negative impact on traffic locally. In the future these impacts will worsen with Crossrail 2 and the Plough Lane Stadium development.

1 letter of support, supporting for the following reasons:

- Good use of brownfield site.
- Will create jobs.

5.2 Environment Agency:

Thank you for consulting us on the above application. The letter Ref: LUK11-24252\_3 by Ramboll Environ dated 04 May 2017 has satisfactorily addressed the points raised in our previous response. We therefore **remove our objection** to the proposed development.

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out section 1 below.

**Flood risk****Condition 1**

The development hereby permitted shall not be commenced until such time as a pre-works condition survey of the flood defence has been submitted to, and approved in writing by, the local planning authority. The survey should include details of how the applicant will monitor the defence during construction. Upon completion of work the applicant should undertake a flood defence condition survey visual checks.

**Reason**

To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding. The flood defences play a vital role in reducing flood risk up to a 50 year event at this location and it is essential the defences are not damaged as a result of this development.

**Biodiversity****Condition 2**

The proposed development will be built out in accordance with the following ecological mitigation recommendations, as per the Preliminary Ecological Appraisal dated January 2017.

- All trees that demarcate the southern and south-western boundary of the site should be retained and protected in accordance with BS5837:2012.
- The existing lights located on the southern boundary of the site should not be used. The proposed new lighting (four lights only) should be set back and directed away from the River Wandle and the adjacent tree line to avoid light spill into the river corridor and impacts on foraging and commuting bats. The proposed new lights should only be in operation during working hours (07.00 – 19.00).

**Reason:** To enhance to river corridor and protect biodiversity.

**Groundwater and contaminated land**

The site has industrial usage. The application form indicates that ground contamination is neither known nor suspected, but no information has been provided to confirm this.

**Condition 3**

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 preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) 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.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

**Reason:** For the protection of Controlled Waters. The site is located over a Secondary Aquifer and adjacent to the River Wandle and it is possible that the site may be affected by historic contamination.

#### **Condition 4**

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:** There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

#### **Condition 5**

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:** Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

#### **Condition 6**

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:** The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

**NOTE:** It is understood that all surface waters will be stored and used as part of the site processes. On this basis, we have not requested a condition relating to SUDS.

**Informative** Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent (Flood Risk Activity Permit) of the Environment Agency is required for any proposed works either affecting or within 8 metres of a main river (River Wandle).

#### **Section 2: Advice to applicant**

### **Construction and demolition waste - waste duty of care code of practice**

The waste duty of care code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe, make sure it's dealt with responsibly and only given to businesses authorised to take it.

To ensure your development complies with environmental legislation and avoid prosecution you should follow the steps below

- Check you and your contractors are complying with the waste duty of care code of practice
- Check the Public Register to ensure contractors carrying out waste excavation and/or treatment activities have got the correct authorisation and are in fact the legal operator under that authorisation
- Check the Public Register to ensure companies removing demolition and construction waste are registered and follow the guidance in rightwaste rightplace website to ensure any waste from your development site is being processed correctly
- Report any illegal activity, pollution incidents or unsuspected contamination to our 24 hour environment incident hotline 0800 80 70 60
- If reusing waste ensure that the principles of the CL;AIRE Definition of Waste Code of Practice are upheld and that the waste being reused does not present a risk to the environment and/or human health- relevant link <http://www.claire.co.uk/projects-and-initiatives/dow-cop>

### **Activities near to watercourse**

The site is adjacent to a main river. Construction works and operation of the site have the potential to pose a pollution risk to the water environment. We recommend that applicant review the relevant pollution prevention guidance,

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgps-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

#### **5.3 Flood Risk Officer:**

Site is within Flood Zone 3A as shown on the Environment Agency flood risk maps. The proposed use is classified as being 'less

vulnerable' use class as per the NPPF definitions. Topographic levels on the site vary between 10.2m and 10.6m AOD and it is relatively flat.

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

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

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

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

The operation of the concrete batching plant facility requires the use of significant volumes of water for various uses. It is proposed to reuse all surface water runoff from within the application site as part of the on-site operational processes. A 45m<sup>3</sup> above ground recycled water tank would be used and it is anticipated that all rainwater collected within this tank would be reused daily on-site. To ensure operation on-site is able to continue unaffected during periods of dry weather, a back-up fresh water tank, supplied by Thames Water mains water, is also proposed as part of the proposed development.

The recycled water tank, wedge and sump pit and hopper pit will provide a total volume of 281m<sup>3</sup> available storage for surface water runoff on Site. This is greater than the 136m<sup>3</sup> total volume of rainfall to be accommodated within the Site for the 1-in-100 year 6 hour storm, including allowances for climate change over the lifetime of the development.

The design life of the development is considered to be 25 years. Buildings proposed as part of the new development in relation to

operation of the concrete batching facility would be designed to be floodable. The FRA states that 'although operation of the application site would need to cease during a flood event, it is not anticipated that ingress/ egress of flooding water to these parts of the application site would have any significant long term detrimental impacts on the operation of the application site'.

We would expect further detail on the measures to address water quality and pollution control to be submitted to the satisfaction of the Environment Agency and of our Environmental Health department.

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

- i. Provide information about the design storm period and intensity and the method employed to attenuate flows to sewer or main river. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;

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

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

writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the submitted Flood Risk Assessment document included and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

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

**Informative:**

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

5.4 Transport Planning:

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

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

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

The TA states that there may be further reductions in HGV movements on the surrounding highway network given linked trip between the two sites (the owner has another site nearby). This may

be true however for the purpose of this assessment a worst case scenario has been assumed which is the uplift in movements between those associated with the current use that those associated with the proposed batching plan.

It is thought that the circulation of the site is suitable to accommodate vehicles, it's unlikely that all associated vehicles will be on site during the course of the day, at the start and finish of the day multiple vehicles may be stored on site, which currently happens, the management of these vehicles during this time can be dealt with by the operators of the site.

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

#### 5.5 Highways:

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

We do not have any objections to the proposal.

#### 5.6 Crossrail

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

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

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

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

The development shall be carried out in all respects in accordance with the approved design and method

statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.

Informative:

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

#### 5.7 Sustainability:

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

#### 5.8 Environmental Health:

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

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

Prevention and Control Act 1999 and associated Regulations.

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

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

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

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

#### 5.9 Biodiversity Officer:

The Site:

The site is designated within the WVRP\_Buffer\_400m - Brangwyn Crescent and Green chain (ID 7) runs through the site and the southern boundary of the site is designated as SINC - Wandle Trail Nature Park and Lower River Wandle with Wandle Valley MOL adjacent to the southern boundary.

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

Preliminary Ecological Appraisal:

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

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

Key report recommendations:

As confirmed in the report it is considered that the boundary tree line running along the Wandle river corridor is likely to act as a commuting or foraging corridor for bats. This report also confirms that several



trees in the boundary tree line would be considered to support features of low value for roosting bats. No further survey are therefore recommended, however if any trees are subject to direct disturbance a precautionary approach should be taken, with works overseen by a licenced bat ecologist.

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

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

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

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

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

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

The application proposes to install 4no. flood lights some 10m away from the boundary, towards the centre of the site, attached to the new plant itself. The lights would be directed towards the north and east, fitted with LED or low pressure sodium bulbs and will only be used within the operational hours of the plant (07:00 – 19:00). The proposed lighting is considered appropriate to ensure safe operation of the plant,

whilst not creating conflict or light pollution in respect of the Green Corridor and SINC designation of the land to the south, as confirmed within the Ecology Appraisal.

I also note that the report notes that enhancements could be achieved through the provision of bird and bat boxes in the tree line. However the applicant has not provided details of bird and bat boxes. Policy CS13 (g Nature Conservation) of the Core Strategy instructs Council to “Require, where appropriate, development to integrate new or enhanced habitat or design and landscaping which encourages biodiversity ..”. In this case it is considered that there is an opportunity to enhance the biodiversity value of the site through the provision of bird and bat boxes in the tree line adjacent to the River Wandle. As such I advise that the planner request the applicant submit details of bird and bat boxes to be provided as noted in the submitted report.

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

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

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

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

A suitably worded condition instructing the applicant that the removal of any vegetation with the potential to support breeding birds should be carried out between the months of September to February inclusive. Should any vegetation clearance be

undertaken during the breeding season the applicant must appoint a suitably qualified ecologist to undertake a nest survey and submit a report to the Local Planning Authority for approval prior to works being undertaken. This report shall list the nests and proposed mitigation measures to ensure the proposed works do not adversely affect birds nesting on site. This is to ensure there are no adverse effects on bird nesting on site during the breeding season and to ensure compliance with bird breeding protection rights under the Wildlife and Countryside Act 1981.

## 6. **POLICY CONTEXT**

6.1 The following policies are relevant to this proposal:

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

DM E1	Employment Areas in Merton
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D2	Design considerations in all developments
DM EP2	Reducing and mitigating noise
DM EP4	Pollutants
DM F1	Support for flood risk management
DM F2	Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure
DM T1	Support for sustainable transport and active travel
DM T2	Transport impacts of development
DM T3	Car parking and servicing standards
DM T5	Access to the Road Network

### LDF Core Planning Strategy (July 2011)

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

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

2.17	Strategic Industrial Locations
5.1	Developing London's Economy
4.4	Managing Industrial Land and Premises
5.1	Climate change mitigation

- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

Other guidance:

National Planning Policy Framework (2012)  
 National Planning Policy Guidance (2014)  
 Process Guidance Note 3/01(12) - Statutory guidance for blending, packing, loading, unloading and use of cement – DEFRA 2012  
 Noise Policy Statement for England - DEFRA 2010

7. **PLANNING CONSIDERATIONS**

7.1 **Principle of the Proposed Development**

7.1.1 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.

7.1.2 The site is located within a Strategic Industrial Location wherein Policy DM E1 supports redevelopment of vacant or underused existing employment land for employment uses (B Use Classes). The policy states that all proposals for developments should:

- i. Have layout, access, parking, landscaping and facilities that are secure and appropriate to the site and its surroundings;
- ii. Not unacceptably affect the operation of neighbouring businesses; and

- iii. Not adversely affect traffic movement, road safety or local amenity.
- 7.1.3 The use of the site as a concrete batching plant falls with Use Class B2.
- 7.1.4 The principle of development is acceptable, subject to compliance with the above policy and other policies of the Development Plan.
- 7.1.5 As the site is within a Strategic Industrial Location there is no requirement to justify the proposal by demonstrating a 'need' for the proposed concrete batching plant. Therefore, it would not be appropriate to refuse permission on the basis of lack of need for a concrete batching plant, as this is not a requirement of the policy.
- 7.1.6 The proposal does not constitute a waste management process. For clarity, a waste management process is defined as: "a facility on a site where waste is sorted, processed, recycled, composted or disposed of or a facility on a site where waste is mainly delivered for bulking prior to transfer to another place for processing, recycling, composting or disposal. Therefore, the South London Waste Plan and other waste policies are not relevant to this application. However, it is important to note that the industrial site, to the northwest of the stadium (Site 651 in the Waste Plan Consultation 2009), has been previously considered for waste management purposes but was discounted due to its proximity to residential properties.
- 7.2 Compliance with Policy DM E1
  - 7.2.1 The existing lawful use of the site is for B2 and B8 uses. The proposed use as a concrete batching plant would be a B2 use and as such there is no material change of use. The operational development would, however, require planning permission.
  - 7.2.2 The plans show a layout, access, parking and facilities that are secure and appropriate to the site and surroundings. The equipment would be located to the southern and eastern peripheries of the site, against a backdrop of substantial trees and an electricity pylon.
  - 7.2.3 Subject to overall traffic movements, which the Council's Transport Planner has confirmed would result in a reduction over the existing situation, and suitable mitigation of noise and air pollution, the proposed development would not have an unacceptable impact on the operation of neighbouring businesses or adversely affect traffic movement, road safety or local amenity.

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

### 7.3 Visual impact

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

7.3.2 Policy DMD2 seeks to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Core Planning Policy CS14 supports this SPP Policy.

7.3.3 The proposed development would be viewed against a backdrop of trees, the majority of which are over 15m in height, and a substantial electricity pylon. Having regard to the location within an established industrial area and the backdrop mentioned above, it is considered that the proposed development would not appear out of context or harmful in its setting.

7.3.4 The Wandle Valley Regional Park is a legacy of the Industrial Revolution and the contrast of industrial uses adjacent to the Regional Park is a key characteristic of the character of the Wandle Valley. There would be some limited visual disturbance to users of the adjacent path, although it is noted that the existing industrial processes occurring within the Industrial estate are also prominent when viewed from this path. The site is within a Strategic Industrial Location and it is considered that a contrast between the Industrial estate and the adjacent Regional Park is in keeping with the wider and historic character of the Wandle Valley.

7.3.5 The applicant has submitted computer generated images to indicate the likely visual appearance of the proposed structure. The views in from the adjacent cemetery and Wandle Valley Regional Park would change but it is considered that the level of change would not be so harmful as to result in harm to the character of the area.

7.3.6 It is noted that the structure would not be visible when viewed from the playground and recreation ground to the southwest of the site, due to the intervening screening, railway embankment and separation distance.

7.3.7 The proposed structures are indicated to be goose wing grey in colour and this is considered to be a suitable external finish. A condition is recommended to ensure that there is suitable boundary screening to the southern boundary of the site.

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

#### 7.4 Neighbouring Amenity

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

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

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

#### 7.4.3 Noise impact

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

*“Planning policies and decisions should aim to:*

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- recognise that development will often create*

*some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

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

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

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

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

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

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

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



7.4.9 The Council's Environmental Health Officer (EHO) has commented on the scheme and raises no objection in terms of noise generation. The EHO has recommended a condition to limit noise generation, when measured at the boundary of the nearest residential property. (The nearest residential dwellings are approximately 125m away, with Garfield Primary School being approximately 160m away). For comparison, the closest residential properties to the existing Hanson operated concrete batching plant, adjacent to Durnsford Road, to the northwest of the application site, are 120m away.

7.4.10 Subject to compliance with this noise limit condition, which the Council's Environmental Health Officer has recommended, it is considered that there would not be a materially harmful effect on residential properties or the nearby primary school.

7.4.11 The Council's Environmental Health Officer has recommended a condition to ensure that the activity does not start before 8am on Saturdays, in order to minimise disturbance to neighbours. Therefore, whilst the application proposes a 7am start, this would be restricted by condition to be no earlier than 8am.

7.4.12 A number of objections have raised concern regarding the impact on adjacent offices. However, it is important to note that these offices are within the Strategic Industrial Location and are ancillary to other industrial/commercial primary uses. Industrial type development is guided towards Strategic Industrial Locations as an appropriate use. Therefore, whilst there may be some transient disturbance to office workers when windows are open, this is not considered to warrant a reasonable reason for refusal for this suitable form of development in a Strategic Industrial Location.

7.4.13 It is of note that an application for a mobile concrete crushing unit on a nearby site in the Strategic Industrial Location was refused under application ref. 94/P0132. However, the current proposal is not comparable to this scheme as it does not involve the crushing of blocks of concrete, which is an inherently more noisy and dust generating activity, in comparison to a concrete batching plant.

#### 7.4.14 Air pollution

7.4.15 Policy DM EP4 states that to minimise pollutants, development:

- a) Should be designed to mitigate against its impact on air, land, light, noise and water both during the construction process and lifetime of the completed development.
- b) Individually or cumulatively, should not result in an adverse impact against human or natural environment.

- 7.4.16 The site is within an area of poor air quality currently and the entirety of the borough is classified as an Air Quality Management Area.
- 7.4.17 The application is accompanied by an Air Quality Assessment which concludes that the proposal would reduce the number of vehicle movements, thus improving air quality. The Assessment goes on to conclude that dust emissions would be very low and unlikely to have a significant adverse impact on residential properties. It is of note that a number of objections have raised doubt over the traffic movement figures. However, the Council's Transport Planner concludes that there would be a reduction in vehicle movements and in any event, there would be a condition to limit the number of movements.
- 7.4.18 The proposed use as a concrete batching plant would be required to obtain an Environmental Permit, which would require mitigation measures to ensure that there are no significant releases to air. This Environmental Permit is specific to the unloading of bulk cement into storage and concrete batching and, as such, relates specifically to this process/activity. The precise mitigation measures would be determined by the Environmental Permit. However, the applicant has outlined that all plant machinery would be electric, thus negating the need for any combustion plant. In addition, cement dust would be transferred into the batching plant by way of a sealed pipe, thus further minimising discharges to the air. Also, the applicant has confirmed that the site would be operated in accordance with the best practice measures as defined in the Defra publication: "Process Guidance Note 3/01 (12) – Statutory guidance for blending, packing, loading, unloading and use of cement" (2012). This document includes the following potential mitigation measures:

**Table 5.1 - Summary of control techniques**

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

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

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

## 7.5 Lighting

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

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

7.5.3 The proposed external lighting is shown on the plans and the approach is considered to minimise the impact outside of the site and would be an improvement over the existing situation.

## 7.6 Flooding and Runoff

- 7.6.1 Site is within Flood Zone 3A as shown on the Environment Agency flood risk maps and is in close proximity to the River Wandle. The proposed use is classified as being 'less vulnerable' use class as per the NPPF definitions. Topographic levels on the site vary between 10.2m and 10.6m AOD and it is relatively flat.
- 7.6.2 The existing site is 100% impermeable. In the post development scenario, the site will remain 100% hardstanding.
- 7.6.3 The EA's flood mapping shows the majority of the application site to have a 'low' susceptibility of surface water flooding, considered to have between a 1-in-100 and 1-in-1000 annual probability of flooding. The EA maps also show that flood depths are expected to be between 0.3m and 0.9m deep and flow velocities less than 0.25m/s.
- 7.6.4 The operation of the concrete batching plant facility requires the use of significant volumes of water for various uses. It is proposed to reuse all surface water runoff from within the application site as part of the on-site operational processes. A 45m<sup>3</sup> above ground recycled water tank would be used and it is anticipated that all rainwater collected within this tank would be reused daily on-site. To ensure operation on-site is able to continue unaffected during periods of dry weather, a back-up fresh water tank, supplied by Thames Water mains water, is also proposed as part of the proposed development.
- 7.6.5 The recycled water tank, wedge and sump pit and hopper pit will provide a total volume of 281m<sup>3</sup> available storage for surface water runoff on Site. This is greater than the 136m<sup>3</sup> total volume of rainfall to be accommodated within the Site for the 1-in-100 year 6 hour storm, including allowances for climate change over the lifetime of the development.
- 7.6.6 The design life of the development is considered to be 25 years. Buildings proposed as part of the new development in relation to operation of the concrete batching facility would be designed to be floodable. The FRA states that 'although operation of the application site would need to cease during a flood event, it is not anticipated that ingress/ egress of flooding water to these parts of the application site would have any significant long term detrimental impacts on the operation of the application site'.
- 7.6.7 A number of conditions have been recommended by the Environment Agency which will control any potential impacts of water pollution or flooding. No objection is raised by the Environment Agency subject to the imposition of these conditions. The proposal is considered to be acceptable in terms of flooding and run-off.

## 7.7 Impact on Wandle Valley Regional Park

7.7.1 In line with Chapter 15 'Wandle Valley Sub-Area - Policy 5' of the Core Planning Strategy 2011, in creating a linked green infrastructure network, development within 400m of the Wandle Valley Regional Park boundary will be required to consider its relationship to the park in terms of visual, physical and landscape links, to ensure that new development enhances the accessibility and attractiveness of the park. The Council's aspiration is to ensure the arrangement of buildings within new developments complement the existing green corridors and prevent disjointed pedestrian and cycle accessibility, removing physical barriers such as railings and built form that disrupt continuity and access into and around the park.

7.7.2 The site is laid to hardstanding and does not have a significant bio-diversity value in and of itself. However, it is adjacent to land which does have a high biodiversity value, with the following designations:

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

7.7.3 The proposed structures and use has the potential to adversely impact on this adjacent land and therefore it is important that necessary mitigation measures are incorporated.

7.7.4 The treeline adjacent to the site has the potential to accommodate foraging bats. No works to these trees are proposed. However, if pruning work need to be carried out for overhanging branches, a condition is recommended to ensure that this does not adversely impact on bats or nesting birds.

7.7.5 The submitted Design and Access Statement sets out that there are four existing lighting columns which would remain on site but would not be used. Instead, new lighting columns would be located further into the site, 10m away from the boundary. These lights would be fitted with LED or low pressure sodium bulbs to reduce light pollution to the adjacent land. The lighting would only be used throughout hours of operation (7am to 7pm Monday to Friday and Saturday 8am to 1pm). The Council's Bio-diversity Officer raises no objection subject to the lighting being controlled by way of condition.

7.7.6 A condition is recommended to ensure that lighting is angled and designed to maintain a 'dark corridor' to ensure that wildlife and

- general amenity is not adversely affected. It is not possible to impose a condition for the provision of bird and bat boxes as the wooded area is outside of the site area and the ownership of the applicant.
- 7.7.7 Further conditions are recommended in relation to the control of dust to ensure that a construction and environmental management plan is submitted to minimise any impact on the adjacent Wandle Valley Regional Park. It is noted that dust emissions would be governed by the Environmental Permit, however, the additional condition is intended to deal with the potential effects of dust on the adjacent land with high biodiversity value, as opposed to minimising dust emissions with a view to maintaining neighbouring amenity.
- 7.7.8 There are no opportunities to improve connectivity across the Regional Park as a result of this scheme as the site would be fully enclosed by fencing due to the industrial nature of the use.
- 7.7.9 The proposal would be separate from the Wandle Valley Regional Park and would not physically encroach onto the area. To the immediate south of the site is woodland, beyond this is a Footpath, the River Wandle and the railway line on a raised embankment, beyond this is further woodland. The closest path in the Regional Park runs adjacent to the southern boundary of the site and passes a number of industrial units within the Industrial Park.
- 7.7.10 The Wandle Valley Regional Park is a legacy of the Industrial Revolution and the contrast of industrial uses adjacent to the Regional Park is a key characteristic of the character of the Wandle Valley. There would be some limited visual and noise disturbance to users of the adjacent path, although it is noted that the existing industrial processes occurring within the Industrial estate are also visually and audibly prominent when viewed from this path. The site is within a Strategic Industrial Location and it is considered that a contrast between the Industrial estate and the adjacent Regional Park is in keeping with the wider and historic character of the Wandle Valley.
- 7.7.11 The proposal is considered to not have an adverse impact on the adjacent Wandle Valley Regional Park, subject to conditions.
- 7.8 Parking/Highways
- 7.8.1 The PTAL is 1b (poor) with bus available as the only public transport mode available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there one likely to be in place by the time the development is occupied. The access route into

- the site (Waterside Way) is heavily parked. The length of Waterside Way has unrestricted parking.
- 7.8.2 There is a current intensive industrial use on site, which is likely to generate a significant amount of vehicular trip generation in the AM and PM peaks.
- 7.8.3 Trip generation by the proposal would be significantly decreased, as at present the site produces 238 vehicle movements, of which 182 are HGVs, currently the site has an office and repair use associated with it. The proposed batching plan would generate 96 total vehicle movements a day, of those 86 would be HGVs. The reduction in movements reduces vehicular movements at the junction of Watermill Way and Plough lane by 3%.
- 7.8.4 The Transport Assessment states that there may be further reductions in HGV movements on the surrounding highway network given linked trip between the two sites (the owner has another site nearby). This may be true however for the purpose of this assessment a worst case scenario has been assumed which is the uplift in movements between those associated with the current use that those associated with the proposed batching plan.
- 7.8.5 It is thought that the circulation of the site is suitable to accommodate vehicles, it is unlikely that all associated vehicles will be on site during the course of the day, at the start and finish of the day multiple vehicles may be stored on site, which currently happens, the management of these vehicles during this time can be dealt with by the operators of the site.
- 7.8.6 The site would likely accommodate nine members of staff, although two would be based at the adjacent offices operated by Cappagh. The provision of three car parking spaces, two motorcycle parking spaces and four covered cycle parking spaces is considered to be sufficient for the intended use.
- 7.8.7 The agent has confirmed that the mixer trucks would park on the site overnight, or on the adjacent Cappagh owned site (within the blue line area on the site location plan), as opposed to being parked on the highway network.
- 7.8.8 The proposal is likely to significantly improve the performance and safety of the immediately surrounding highway network, as such no objection is raised on this basis.
- 7.9 Crossrail 2



- 7.9.1 The site is within the Crossrail 2 Safeguarding Area. The safeguarding team has been consulted as future works are potentially proposed in close proximity to the site, including the access road.
- 7.9.2 The Crossrail safeguarding team has not raised objection subject to a condition to ensure details of construction are submitted, so as to avoid interference with future Crossrail projects.
- 7.9.3 No objection is raised on this basis.

## **8. Conclusion**

- 8.1 The proposed development would utilise a site for employment purposes in an established designated Strategic Industrial Location and is considered to be acceptable in principle.
- 8.2 The application is considered to have satisfactorily demonstrated that traffic movements would not increase, that parking would be adequate and that issues of noise and dust would be sufficiently mitigated by way of condition and requirements in order to gain an Environmental Permit to avoid material harm to residential amenity.
- 8.3 It is acknowledged that the activity would generate some noise and dust, however, these impacts would be sufficiently mitigated. On balance, having regard to the site's location with a Strategic Industrial Location, the proposal is considered to be acceptable.
- 8.4 The proposal has demonstrated that the proposed use as a concrete batching plant would be a 'less vulnerable' use and not at significant risk in terms of flooding. Subject to conditions, the impact on the adjacent watercourse and flood issues are considered to be acceptable.
- 8.5 The proposal is considered to be acceptable subject to conditions.

## **RECOMMENDATION**

Grant planning permission subject to the following conditions:

### **Conditions**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2712/10 Rev E, 2712/20 Rev A, 2712/21 Rev A and 2712/31 Rev A.

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

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

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

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

Reason: To safeguard the amenities of surrounding area and to ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015, policy CS7 of Merton's Core Planning Strategy 2011 and policy DM EP2 of Merton's Sites and Policies Plan 2014.

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

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

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

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

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

7. Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in all respects in accordance with the approved Construction Logistics Plan for the duration of the construction works, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

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

8. Development shall not commence until a Delivery and Servicing Plan (the Plan) has been submitted in writing for approval to the Local Planning Authority. No occupation of the development shall be permitted until the Plan is approved in writing by the Local Planning Authority and implemented in accordance with the approved plan. The approved measures shall be maintained, in accordance with the Plan, for the duration of the use, unless the prior written approval of the Local Planning Authority is obtained to any variation.

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

2011 and policies DM T2, T3 and T5 of Merton's Sites and Policies Plan 2014.

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

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

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

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

10. Noise levels, (expressed as the equivalent continuous sound level) LAeq (15 minutes), from any fixed new plant/machinery from the commercial use shall not exceed LA90-5dB at the boundary with the closest residential/noise sensitive property.

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

11. The rating level of sound from machinery and operations within the premises boundary shall not exceed the background sound level by more than 5dB(A) at any time. The measurement and assessment shall be made at the boundary of the closest residential/noise sensitive property in accordance with BS4142:2014.

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

12. There shall be no HGV vehicle movements to and from the site other than between the hours of 7am-7pm Monday-Friday and 8am-1pm on Saturdays.

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

13. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority and in consultation with Thames Water. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. Provide information about the design storm period and intensity and the method employed to attenuate flows to sewer or main river. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. Include a timetable for its implementation;
  - iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime;

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

14. 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.

15. No development shall commence until a Construction and Environmental Management Plan detailing dust and pollutant spillage controls, which shall include details of the physical and operational measures proposed to mitigate dust during the operation of the plant and site (this shall as a minimum, provide for all the measures detailed at Section 6.1-6.7 of the Air Quality Assessment (January 2017) and Appendix 1 of the Air Quality Technical Note (September 2017)) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved plan.

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

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

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

17. The development hereby permitted shall not be commenced until such time as a pre-works condition survey of the flood defence has been submitted to, and approved in writing by, the local planning authority. The survey should include details of how the applicant will monitor the defence during construction. Upon completion of work the applicant should undertake a flood defence condition survey visual checks.

Reason

To ensure the structural integrity of existing flood defences thereby reducing the risk of flooding. The flood defences play a vital role in reducing flood risk up to a 50 year event at this location and it is essential the defences are not damaged as a result of this development and to comply with Merton's policies CS16, DMF2 and the London Plan policy 5.13

18. The proposed development shall be built out in accordance with the following ecological mitigation recommendations, as per the Preliminary Ecological Appraisal dated January 2017.
- All trees that demarcate the southern and south-western boundary of the site should be retained and protected in accordance with BS5837:2012.

Reason: To enhance to river corridor and protect biodiversity and to accord with Merton policies CS13, DM O2 and London Plan Policy 7.19.

19. 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 preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) 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.
  - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and adjacent to the River Wandle and it is possible that the site may be affected by historic contamination and to comply with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

20. 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: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters and to comply with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

21. 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: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use and to comply with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

22. 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: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on



contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters and to comply with Merton's policies CS16, DMF2 and the London Plan policy 5.13.

23. No breaking out of hardened concrete inside truck mixer drums shall take place on the site.

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

24. There shall be no more than an average of 90 HGV movements per day to and from the site (i.e. 45 in and 45 out) on a five day average (Monday to Friday), with a maximum of 100 HGV movements (i.e. 50 in and 50 out) on any one day.

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

25. Records of all HGV movements to and from the site (including the vehicle's registration, operating company's identity and time/date of movement), shall be available for inspection by the Local Planning Authority at the site office and a copy of these records shall be maintained for a minimum period of one year (from the date of the first use of the concrete batching plant) and made available to the Local Planning Authority within five working days of such records being requested.

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

26. The use hereby permitted shall not include any aggregate crushing or concrete recycling and no such activity shall take place on the site.

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

27. The area allocated for parking on the submitted plan (2712/20 Rev A) shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

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

28. HGVs associated with the use hereby permitted shall not be parked overnight on Waterside Way.

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

29. Prior to the commencement of the development hereby permitted, all vehicles operating from the site shall be fitted with white noise reversing sounders and no other reversing sounders shall be used on the site, unless first agreed in writing by the Local Planning Authority.

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

30. Prior to the commencement of development, details of the treatment of the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to the first use of the concrete batching plant hereby approved and shall be retained thereafter.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton:

policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

## INFORMATIVES

1. INFORMATIVE

An Environmental Permit is required for the proposed development. Therefore, the applicant is advised that an application must be 'duly made' for a Permit to meet the requirements of the Pollution Prevention and Control Act 1999 and associated Regulations.

2. INFORMATIVE

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

3. INFORMATIVE

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be co-ordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in Merton. Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be co-ordinated by them in liaison with the London Borough of Merton, Network Coordinator, (telephone 020 8545 3976). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are co-ordinated to take place wherever possible at the same time.

4. INFORMATIVE

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

5. INFORMATIVE

No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

6. INFORMATIVE

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

7. INFORMATIVE

This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice.

8. INFORMATIVE

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent (Flood Risk Activity Permit) of the Environment Agency is required for any proposed works either affecting or within 8 metres of a main river (River Wandle).

9. INFORMATIVE

The waste duty of care code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales.

The law requires anyone dealing with waste to keep it safe, make sure it's dealt with responsibly and only given to businesses authorised to take it.

To ensure your development complies with environmental legislation and avoid prosecution you should follow the steps below

- Check you and your contractors are complying with the waste duty of care code of practice
- Check the Public Register to ensure contractors carrying out waste excavation and/or treatment activities have got the correct authorisation and are in fact the legal operator under that authorisation
- Check the Public Register to ensure companies removing demolition and construction waste are registered and follow the guidance in rightwaste rightplace website to ensure any waste from your development site is being processed correctly
- Report any illegal activity, pollution incidents or unsuspected contamination to our 24 hour environment incident hotline 0800 80 70 60
- If reusing waste ensure that the principles of the CLAIRE Definition of Waste Code of Practice are upheld and that the waste being reused does not present a risk to the environment and/or human health-relevant link  
<http://www.claire.co.uk/projects-and-initiatives/dow-cop>

10. INFORMATIVE

The site is adjacent to a main river. Construction works and operation of the site have the potential to pose a pollution risk to the water environment. We recommend that applicant review the relevant pollution prevention guidance:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

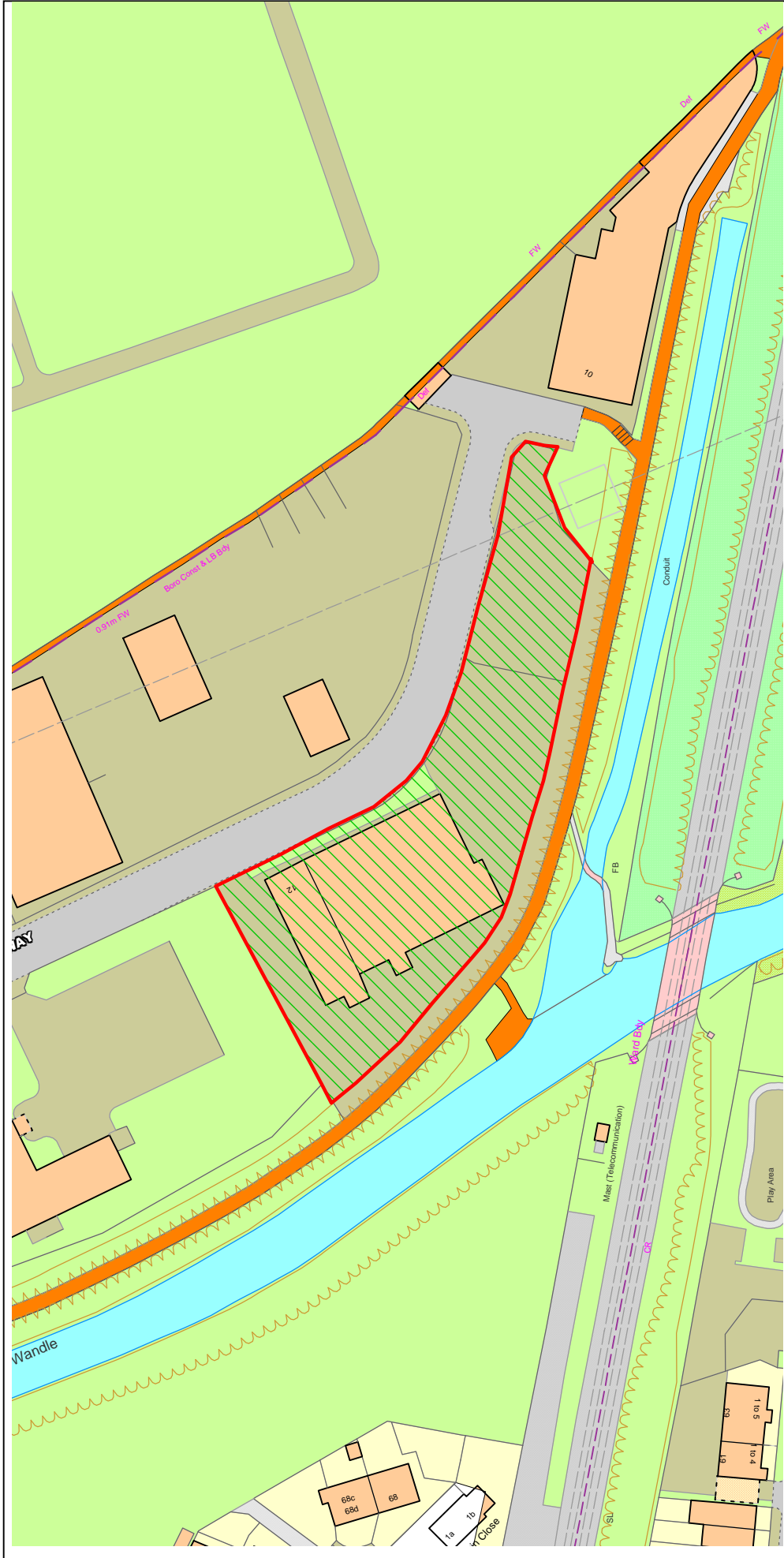
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[Click here](#) for full plans and documents related to this application.

Please note these web pages may be slow to load

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# NORTHGATE SE GIS Print Template



Text Details **12 Waterside Way**

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## **Committee:** Planning Applications Committee

**Date:** 19th September 2017

**Wards:** Dundonald Ward

**Subject:** Tree Preservation Order (No.712) at 15 Kingswood Road,  
Wimbledon, SW19 3ND

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

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

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

### **Recommendation:**

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That the Merton (No.712) Tree Preservation Order 2017 be confirmed, without modification.

---

#### **1. Purpose of report and executive summary**

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

#### **2. Details**

2.1 On the 5 June 2017, the council received a s.211 notice proposing the removal of a Cedar tree located in the rear garden of 15 Kingswood Road.

2.2 The applicant provided the following reason for the proposal:

‘Excessive shading, overhanging branches over neighbouring properties on both sides, inappropriately placed when first planted, very large tree in a small garden. Presents a danger to tram lines and houses if blown down in strong

winds. Historically, branches have been blown off in strong winds and could damage fencing, sheds belonging to neighbouring properties.'

- 2.3 The council received 3 objections to the proposed loss of this tree from local residents.
- 2.4 The Tree Officer inspected the site and the tree and concluded that the tree should be retained. The issues described in connection with the branches could be addressed by instructing a qualified arboricultural expert to assess the tree with a view to carrying tree work that is suitable for the tree and in the interests of good arboricultural management.
- 2.5 As this was s.211 notice, the council is required to make a tree preservation order if the tree is to be retained. This is known as the Merton (No.712) Tree Preservation Order 2017, and took effect on the 24 May 2017. A copy of the tree preservation order plan is appended to this report.

### **3. Legislative Background**

- 3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 10 reasons were given that include references to the visual amenity value of the tree in the area; that the tree has an intrinsic beauty; that the tree is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and that the tree protects against climate change.
- 3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

### **4. Objection to the Order**

- 4.1 In June 2017, the Council received letters of objection to the Order from the owner of no.15 and from the neighbours located either side of the property.
- 4.2 The objections to the Order are summarised as follows:
  - The tree is disproportionate to its setting;
  - Disagree with the level of public visibility of the tree;
  - The tree is not a landmark quality tree and makes little contribution to the character and appearance of the conservation area;

- Question the value of this tree within the notion of the urban forest ;
- The tree causes heavy shade over the garden;
- The presence of the tree affects the growth of other nearby trees and plants;
- The tree is not particularly valuable to wildlife.

## **5. Planning Considerations**

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

- Cedar trees are a large species of tree and this tree is estimated by the owner to be over 100 feet tall and have a spread of 43 feet. This tree is located midday down the rear garden. The garden is approximately 21 metres long and the distance between the canopy of the tree and the end wall of the extension to the property is approximately 4 metres. It is considered that this garden is fully capable of supporting this tree;
- The tree can be clearly seen in the gap between nos. 13 & 15 Kingswood Road. The tree can also be seen from the railway crossing on Kingston Road and to users of the tram-line;
- Although the tree cannot be said to be a landmark tree, it is nevertheless part of the greenery of this local area and its loss would cause detrimental harm to the character and appearance of this conservation area;
- The notion of the urban forest is the result of a comprehensive project assessing the value and importance of all of London's trees, both public and privately owned. Contributors to the project include the Forestry Commission; Greenspace Information for Greater London; London Tree Officers Association; Natural England; Greater London Authority; The Tree Council; Trees for Cities, amongst many other individual contributors. The report was published in the House of Lords on the 2<sup>nd</sup> December 2015;
- The tree could be assessed with a view to carrying appropriate tree work that could lessen the level of shading experienced in the garden;
- The tree could be assessed with a view to finding an appropriate level of management that would be suitable for the garden and any neighbouring vegetation;
- Cedar trees are a non-native species of tree and therefore their value to nature conservation is limited. However, the legislation considers this to be a lesser consideration to the more important factor of the overall amenity value of the tree.

## **6. Officer Recommendations**

6.1 The Merton (No.712) Tree Preservation Order 2017 should be confirmed without modification.

**7. Consultation undertaken or proposed**

None required for the purposes of this report

**8. Timetable**

N/A

**9. Financial, resource and property implications**

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

**10. Legal and statutory implications**

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

**11. Human rights, equalities and community cohesion implications**

N/A

**12. Crime and disorder implications**

N/A

**13. Risk Management and Health and Safety implications.**

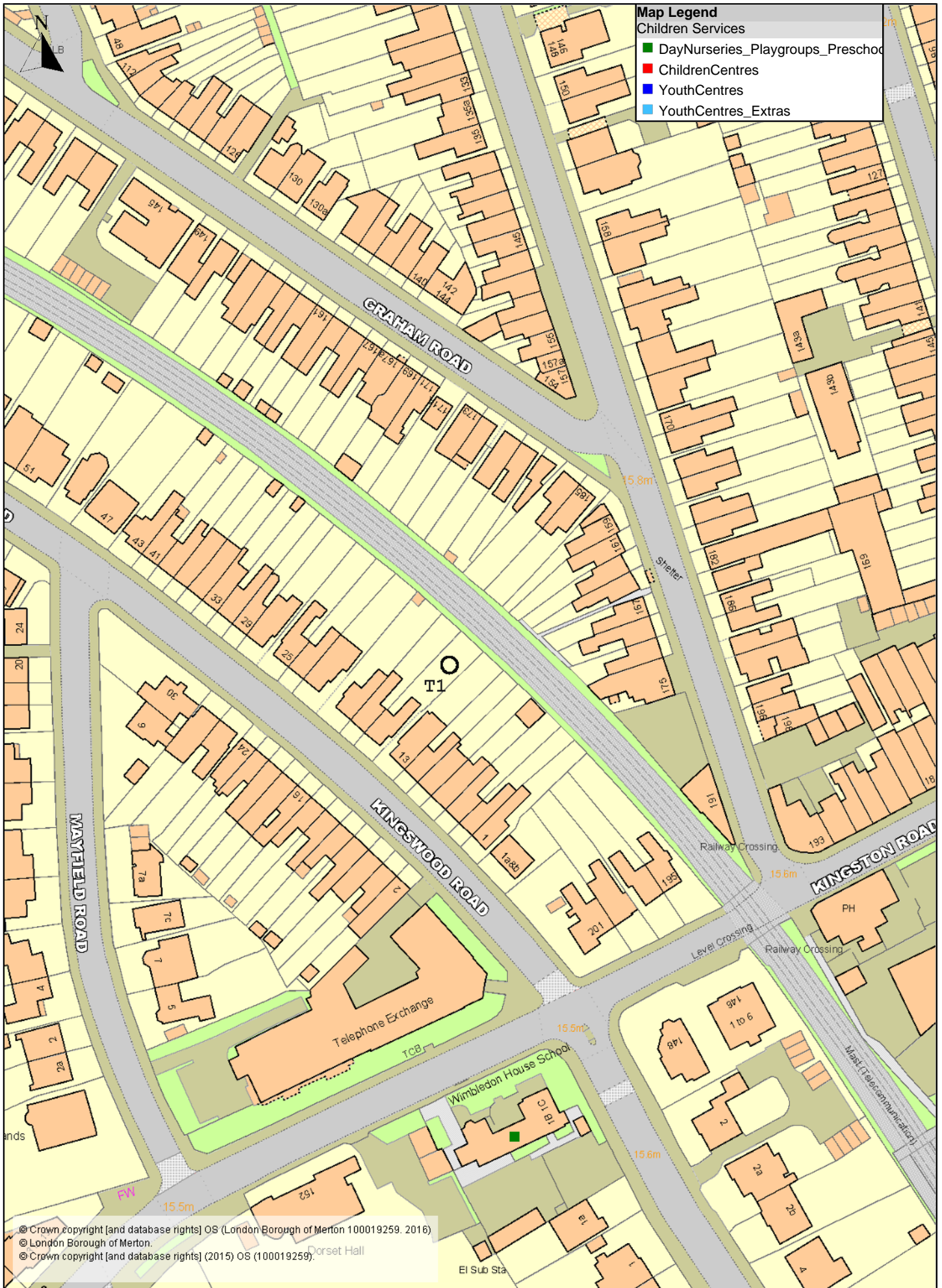
N/A

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

Tree Preservation Order plan

**15. Background Papers**

The file on the Merton (No.712) Tree Preservation Order 2017  
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.



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**Merton (No.712) Tree Preservation**  
**Order 2017 - 15 Kingswood Road**

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MERTON COUNCIL

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**Committee:** Planning Applications

**Date:** 19 October 2017

:

**Wards:** All

## **Subject:** Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

**Contact appeals 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](http://www.merton.gov.uk/council/committee.htm?view=committee&com_id=165)

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### **DETAILS**

Application Numbers: **15/P4421**  
Site: 190 London Road, Mitcham CR4 3LD  
Development: Demolition of existing building and erection of 2 x detached blocks of four and three storeys, comprising nine flats with ground floor retail space  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 4<sup>th</sup> October 2017

**[Link to Appeal Decision Notice](#)**

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Application Numbers: **16/P1872**  
Site: 134 Merton Road, South Wimbledon SW19 1EH  
Development: Creation of 1 x flat, involving demolition of two-storey outrigger and erection of single storey and two storey rear extensions plus rear roof extension  
Recommendation: Refused (Committee Decision)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 28<sup>th</sup> September 2017

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/P0132**  
Site: South Park Residential Home, 193 South Park Road, Wimbledon SW19 8RY  
Development: Erection of first floor extension to create 1 X additional bedroom  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 26<sup>th</sup> September 2017

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/T0185**  
Site: 21 Southdown Drive, West Wimbledon SW20 8EZ  
Development: Removal of 2 x lime trees, repollarding 2 x lime trees, reshaping holly and selective removal of conifers  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 7<sup>th</sup> September 2017

## [Link to Appeal Decision Notice](#)

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Application Numbers: **17/T1256**  
Site: 14 Pine Grove, Wimbledon SW19 7HE  
Development: Removal of lime tree  
Recommendation: Refused (Delegated)  
Appeal Decision: **DISMISSED**  
Date of Appeal Decision: 7<sup>th</sup> September 2017

## [Link to Appeal Decision Notice](#)

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## **Alternative options**

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

## **1 CONSULTATION UNDERTAKEN OR PROPOSED**

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

## **2 TIMETABLE**

- 2.1. N/A

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

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

## **4 LEGAL AND STATUTORY IMPLICATIONS**

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

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

- 5.1. None for the purposes of this report.

## **6 CRIME AND DISORDER IMPLICATIONS**

6.1. None for the purposes of this report.

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

7.1. See 6.1 above.

## **8 BACKGROUND PAPERS**

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

## **Committee:** Planning Applications Committee

**Date:** 19<sup>th</sup> October 2017

**Wards:** All

**Subject:** PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

**Lead officer:** HEAD OF SUSTAINABLE COMMUNITIES

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

**Contact Officer** Ray Littlefield: 0208 545 3911  
Ray.Littlefield@merton.gov.uk

### **Recommendation:**

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That Members note the contents of the report.

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#### **1. Purpose of report and executive summary**

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

#### **Current staffing levels in the Planning Enforcement Section.**

It should be noted that this section currently comprises of:

The Deputy Planning Enforcement Manager (full time).

Two Planning Enforcement Officers (full time) **one position currently vacant.**

Two Tree Officers (one full time one part time).

The Planning Enforcement Manager resigned in February 2017 and this position is not being filled as the team has been reduced from four to three Planning Enforcement Officers in the recent round of savings.

<b>Current Enforcement Cases:</b>	<b>659</b>	<sup>1</sup> (645)	<b>New Appeals:</b>	(0)	(1)
<b>New Complaints</b>	<b>36</b>	(38)	<b>Instructions to Legal</b>	<b>1</b>	(1)
<b>Cases Closed</b>	<b>22</b>		<b>Existing Appeals</b>	<b>5</b>	(6)
No Breach:	15		<hr/>		
Breach Ceased:	7		<b>TREE ISSUES</b>		
NFA <sup>2</sup> (see below):	0		<b>Tree Applications Received</b>	<b>72</b>	<b>(50)</b>
Total	22	(17)	<b>% Determined within time limits:</b>	<b>71%</b>	
<b>New Enforcement Notices Issued</b>			<b>High Hedges Complaint</b>	<b>0</b>	<b>(0)</b>
Breach of Condition Notice:	0		<b>New Tree Preservation Orders (TPO)</b>	<b>0</b>	<b>(2)</b>
New Enforcement Notice issued	0	(0)	<b>Tree Replacement Notice</b>	<b>0</b>	
S.215: <sup>3</sup>	1		<b>Tree/High Hedge Appeal</b>	<b>0</b>	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
<b>Prosecutions: (instructed)</b>	<b>1</b>	<b>(1)</b>			

Note (*figures are for the period (15<sup>th</sup> September to 10<sup>th</sup> October 2017*). The figure for current enforcement cases was taken directly from M3 crystal report.

<sup>1</sup> Totals in brackets are previous month's figures

<sup>2</sup> confirmed breach but not expedient to take further action.

<sup>3</sup> S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

## 2.00 New Enforcement Actions

- **9 Albert Road, Mitcham.** The property has been converted into 2 self-contained flats without planning permission. The service of a planning enforcement Notice has now been authorised.

**18 Warminster Way, Mitcham, CR4 1AD.** The council issued an Enforcement Notice on the 20th March 2017 for 'erection of a single storey rear extension on the Land. The notice requires the structure to be demolished and would have taken effective on 27th April 2017. An appeal has now been lodged, and is in progress. Awaiting appeal site visit date

**1 Cambridge Road, Mitcham, CR4 1DW.** The council issued a S215 notice on 21st August 2017 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 took effect on the 21st September 2017.

## Some Recent Enforcement Actions

- **28 Byards Croft.** On 8th May 2017 the Council issued an Enforcement Notice requiring the demolition of detached out building. The Notice will come into effect on 16th June 2017 with a compliance period of one month, unless an appeal is lodged. No appeal has been lodged. The Enforcement Notice has now been complied with.
- **117 Haydons Road South Wimbledon SW19.** The Council reserved an Enforcement Notice on 9<sup>th</sup> February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18<sup>th</sup> 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 27<sup>th</sup> August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

Listed Building Consent was granted on 3<sup>rd</sup> 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 29<sup>th</sup> April 2016 concluded that the required works have mostly been carried out to an acceptable standard.

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

A pre-app has been submitted which covered converting the upper floors to residential and proposal for new development at the rear and at the side. Proposals included improvements to the cricket pavilion. A pre-app report has been made.

At the site visit it was observed that there is a new ingress of water from the roof. This was pointed out to the owner asking for immediate action. The property has again been occupied by squatters. Steps have been taken to remove them.

- **13 Fairway, Raynes Park SW20.** On 2nd December 2016, the Council issued an amenity land notice against the untidy front and rear gardens of the property to require the owner to trim, cut back and maintain the overgrown bushes, weeds and trees. The compliance period is within one month of the effective date. No action has been taken by the owner. The Next step is to either take direct action or prosecution. This case is now to proceed to prosecution.
- **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 was expected at the end of March 2017. Site visit to be undertaken to check for compliance.

### 3.00 New Enforcement Appeals

None

### 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. The appeal site visit will be held on 29th January 2018
- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Waiting for the inspectorate decision.
- **218 Morden Road SW19.** An Enforcement Notice was issued on 23rd January 2017 for the demolition of the current roof to its original condition prior to the breach in planning control or construct the roof pursuant to the approved plans associated with planning permission granted by the Council bearing reference number 05/P3056. The Notice would have taken effect on the 28th February 2017, giving two months for one of the options to be carried out. An appeal against this Notice was submitted. The appeal site visit will be held on 29th January 2018.
- **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 have come into effect on 15/4/17. An appeal has now been lodged and a start date has now been given.

Appeal statement has been submitted to the inspectorate, now awaiting for site visit date.

- **58 Central Road Morden SM4.** An Enforcement Notice was issued on 10th January 2017 for the demolition of an outbuilding. The Notice would have taken effect on the 15th February 2017, requiring the demolition of the outbuilding to be carried out within 2 months. An appeal was lodged, and started. An appeal statement in support of the demolition of the outbuilding has been submitted. Awaiting for the inspectorate decision.

- **3.2 Appeals determined**

**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 was lodged. The site was visited by the Planning Inspectorate on the 11th July, 2017. The appeal was dismissed, the time period for compliance with the Enforcement Notice was extended to 12 months from 20<sup>th</sup> July 2017.

**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. The Structure is still present. No compliance, awaiting prosecution.

**Swinburn Court, 32 The Downs SW19.** The Council served an enforcement notice on 15th March 2016 against the erection of a single storey outbuilding (garden shed) in the front/side garden of the block of flats. The requirement is to demolish the structure within three months of the effective date. The appeal was dismissed on 10/1/17 and the appellant had three months to comply. The structure was removed as required by the given date of by 26<sup>th</sup> July 2017.

**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 was submitted. 11<sup>th</sup> April 2017 Appeal dismissed and Notice upheld. The compliance date was 12<sup>th</sup> May 2017, however additional time has been agreed to allow for an acceptable scheme to be submitted for consideration.

**2 and 2A Elms Gardens, Mitcham.** An enforcement notice was issued on 12th January 2017 against the erection of a single storey bungalow at the rear of the property. The notice would have come into effect on the 18th February 2017 but an appeal has been submitted. The Appeal start date was 19th March 2017 and a statement has been sent. The planning appeal site visit is to be held on 1st September 2017. It was found on the appeal site visit that the building had been altered and could no longer be considered by the inspector to be a “bungalow” and as such the enforcement Notice referring to a “bungalow” was quashed by Decision letter dated 27th September 2017. The Council is now considering issuing a new enforcement Notice referring to the building as 3 garages.

**36A Cromwell Road, SW19** – Following a complaint about a **high hedge** at this address, the council served a Remedial Notice on the owner to reduce the hedge to the specified height of 3.9 metres. The subsequent appeal was dismissed and the effective date for the Notice has been re-set to 1 September 2017. The owner has 3 months to carry out the specified work. After that time, the council can decide what form of enforcement action is appropriate for this case.

### **3.3 Prosecution cases.**

- **170 Elm Walk Raynes Park** The council issued a S215 notice on 4th August 2016 to require the owner to repair and paint or replace windows and doors to the property as well as clear the weeds and cut back on overgrown bushes in the front and rear gardens. The notice came into effect on 1/9/16 as there was no appeal and the compliance period is one month. A site visit on 4th October 2016 confirmed that the notice has not been complied with and prosecution documents have been forwarded to Legal Services for further action. This case is to be re-allocated to a new officer.
- **Land, at 93 Rowan Crescent Streatham, SW16 5JA.** The council issued a S215 notice on 29th July 2016 to require the following steps to trim and cut back overgrown bushes from the front and rear gardens, tidy the site, clean, repair and paint the front windows and repaint the front of the proper. The notice came into effect on 28/08/16 and the compliance period expired on 23/09/16. As the notice has not been complied with, a prosecution document has been forwarded to Legal Services for legal proceedings to be instigated. The front garden has been cleared, however the bulk of the requirements of the Notice have not been complied with. Direct action is now under consideration.
- **55-61 Manor Road, Mitcham.** An enforcement notice was issued on 3rd August 2016 against the unauthorised change of use of the land from a builder’s yard to use as a scrap yard and for the storage of waste and scrap metals, scrap motor vehicles and waste transfer. The notice came into effect on 2/9/16 no notification of an appeal was received. The



requirement is to cease the unauthorised use and remove any waste and scrap materials including scrap and non-scrap vehicles from the site by 8/10/16. Following a site inspection, the occupier was reminded of the enforcement action and advised that as he failed to comply with the notice, the Council was progressing prosecution proceedings. However, the owner stated that the Notice would be complied with by 21st April 2017. However the Notice was not complied with and prosecution proceedings have now been instigated. A prosecution statement in consultation with the legal services is now in progress.

**3.4 Requested update from PAC**

None

**4. Consultation undertaken or proposed**

None required for the purposes of this report

**5 Timetable**

N/A

**6. Financial, resource and property implications**

N/A

**7. Legal and statutory implications**

N/A

**8. Human rights, equalities and community cohesion implications**

N/A

**9. Crime and disorder implications**

N/A

**10. Risk Management and Health and Safety implications.**

N/A

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

N/A

**12. Background Papers**

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