

Merton Council

Planning Applications Committee

Membership

Councillors

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

Substitute Members:

Brenda Fraser
Joan Henry
Daniel Holden
John Sargeant
John Bowcott

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

Date: 16 November 2017

Time: 7.15 pm

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

This is a public meeting and attendance by the public is encouraged and welcomed. If you wish to speak please see notes after the list of agenda items. For more information about the agenda and the decision making process contact democratic.services@merton.gov.uk or telephone 020 8545 3356

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Planning Applications Committee

16 November 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 12-24 Alwyne Mansions, Alwyne Road, Wimbledon, SW19 7AD 13 - 34
Application Number: 17/P2396 Ward: Hillside

Recommendation: Grant Planning Permission subject to conditions and S106 agreement to preclude parking permits.
- 6 96-98 The Broadway, Wimbledon, SW19 1RH 35 - 44
Application Number: 15/P1569 Ward: Trinity

Recommendation: Grant Planning Permission subject to completion of a S.106 Agreement and conditions
- 7 247 The Broadway, Wimbledon, SW19 1SD 45 - 58
Application Number: 17/P3135 Ward: Abbey

Recommendation: Grant Planning Permission subject to completion of a S.106 Agreement and conditions
- 8 240 Burlington Road, New Malden, KT3 4NN 59 - 70
Application Number: 17/P0833 Ward: West Barnes

Recommendation: Grant Planning Permission subject to conditions
- 9 30 Newstead Way, Wimbledon, SW19 5HS 71 - 78
Application Number: 17/P3227 Ward: Village

Recommendation: Grant Planning Permission subject to conditions

10	3 Orchard Lane, Raynes Park, SW20 0SE Application Number: 17/P3256 Ward: Raynes Park	79 - 106
	Recommendation: Grant Planning Permission subject to conditions	
11	Planning Appeal Decisions	107 - 110
12	Planning Enforcement - Summary of Current Cases	111 - 118

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)

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.

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Agenda Item 3

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PLANNING APPLICATIONS COMMITTEE

19 OCTOBER 2017

(7.15 pm - 10.15 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Najeeb Latif, Councillor Philip Jones, Councillor Laxmi Attawar, Councillor Peter Southgate, Councillor Stephen Crowe, Councillor David Dean, Councillor Andrew Judge, Councillor Joan Henry and Councillor Judy Saunders

ALSO PRESENT Neil Milligan, David Gardiner, Jonathan Lewis, Chris Chowns, Lisa Jewell

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillors Geraldine Stanford and Jerome Neil.

They were substituted by Councillors Joan Henry and Judy Saunders

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of pecuniary interest.

In the interests of openness and transparency Councillor David Dean declared that he had recently been involved, in his role as a local councillor, with discussions with Metro Bank regarding their new branch in Wimbledon.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 21 September 2017 are agreed as an accurate record.

4 MINUTES OF THE PREVIOUS MEETING (Agenda Item 4)

Supplementary Agenda: Amendments and modifications to the Officers' report were published in a Supplementary Agenda. This applied to items: 5,7,8,10, 12, 13, and 14

Order of the meeting – The Chair announced that the order of items taken at the meeting would be: 7,14,10,8,5,13,16,11,6,9 and 12.

5 7 CALONNE ROAD SW19 5HH (Agenda Item 5)

Proposal: Addition of additional storey to existing bungalow

The Committee noted the officer's report and presentation and additional information in the supplementary agenda

The Objector raised residents' concerns including:

- The plans are inaccurate, figures are wrong and no amendments have been made
- There has been no proper consideration of the neighbour's loss of amenity
- The development is out of keeping with the conservation area
- The charred timber cladding is not in keeping with the area

The Agent to the application made points including:

- The original submitted plans are accurate
- The existing bungalow detracts from the conservation area
- This proposal has been sensitively designed

Members asked officers about the impact of the proposal on sunlight to the neighbouring properties, and noted that it was officers view that there would be very little impact on sunlight levels.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

6 REAR OF 145 CLAREMONT AVENUE, KT3 6QP (Agenda Item 6)

Proposal: Erection of 3 bedroom single storey dwelling house

The Committee noted the officer's report and presentation

Members commented that this application was a good use of land to provide housing

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

7 THE WOLFSON CENTRE, COPSE HILL, SW20 (Agenda Item 7)

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.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

The Objectors raised concerns including (full details of objections received are summarised in the Officers report):

- Application is invalid
- Housing Density is too high, and much higher than previous application
- Housing Density is too high for a PTAL (Passenger Transport Accessibility Level) rating of 1
- Metropolitan Open Land (MOL) should not be included in application site
- Disturbance to wildlife
- Trees are deciduous and so will not provide screening in the winter
- Inadequate provision of parking for visitors and service vehicles
- Air Pollution survey by residents suggests that levels of pm10s and Nitrogen Oxide are double those in the report

The Agent made points including:

- The site is defined by the hospital buildings
- The application has been reduced in scale
- Community sessions have been held
- The DRP have made positive comments
- The Scheme will substantially enhance the Conservation Area and MOL with the provision of a community pavilion, playing fields, and measures to ensure biodiversity
- The development will provide much needed homes

Councillor John Bowcott made points including:

- Application is unacceptable and will dominate the Conservation area
- Buildings are too tall and monolithic in this sensitive area.
- The Council has policies to protect views
- This is a semi-rural area and the MOL is protected
- The development is a threat to air quality

Councillor Jill West made points including:

- This application does not protect the Copse Hill Conservation Area
- It is too dense, lacks affordable homes and is subject to flooding
- No evidence that the Applicant has listened to residents
- There are no other tall blocks in this area

- It is a semi-rural area, and this development would set a precedent

In reply to Members' Question, Officers made points including:

- The affordable housing provision was 18 units for shared ownership. This was a 24% provision and had been set by the independent viability assessment. A 'clawback' review mechanism could be required by condition to review this provision at a later date.
- The site density of 298 habitable homes per square hectare is higher than the figure of 150-200 suggested in the London Plan. However, the London Plan is clear that its figures are indicative not absolute, and the density of this site is considered acceptable.
- Members must remember that there was a large ugly hospital on this site and that would have generated many car journeys
- London Plan allows for inclusion of grass land into site boundary
- The height of the buildings is considered to be acceptable in the setting.

Members commented that it was a well designed scheme with significant gaps between the buildings to maintain the view, and was a considerable improvement on the previous hospital buildings.

Other Members considered the proposal to be too high and bulky in its setting within the conservation area and next to MOL. They did not consider that the application met the criteria of protecting and enhancing the Conservation Area. They also felt that residents of the site would be reliant on their cars. They were also disappointed about the amount of affordable housing.

A resolution to refuse on the grounds that the development neither protected nor enhanced the Conservation Area was proposed but was not carried by the vote. The Chair used her casting vote to support Officers Recommendation to grant Planning Permission. An additional condition requiring a review of the viability arrangements in the future (a 'clawback' mechanism) was agreed.

RESOLVED

- A. The Committee voted to GRANT Planning Permission subject to completion of s106 agreement and conditions set out in the Officers Report and an additional condition requiring the viability arrangements to be reviewed in the future.
- B. The Director of Environment and Regeneration be given delegated authority to agree the detailed wording of the above additional condition

8 BELVEDERE COURT, 1A COURTHOPE RD SW19 7RH (Agenda Item 8)

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.

The Committee noted the officer's report and presentation and additional information in the supplementary agenda. The Development Control Manager asked the Committee to note that this scheme had been previously allowed but that it was back at Committee as the applicant had created two further parking spaces on site and wished to remove the permit free status of the previously allowed scheme.

The Objectors made points including:

- Wimbledon Village suffers from parking congestion
- further permits would make this congestion worse
- further parking would make air quality, worse
- other recent developments are permit free
- the area has excellent transport links with many bus routes and walking distance to Wimbledon station

The Agent to the application explained how further parking had been created on site and how this development was policy compliant

In reply to Members questions, The Development Control Manager and Transport Planning Officer made points:

- Officers would normally welcome permit-free, but in this case it cannot be ignored that the existing units on the site have permit parking
- Cannot split the decision and allow the extra spaces but not the removal of 'permit free'
- A Planning Inspector would take account of the fact that existing units on the site have access to parking permits.

In reply to Members questions the Transport Planning Officer made points:

- The PTAL (public transport accessibility level) of this development is 4 to 5
- There is no mechanism to limit the number of permits to one per dwelling unit
- The average number of permits, across the Borough is one per dwelling

Members commented that owing to the severe congestion in Wimbledon Village and that the previous application had been granted permit free they did not wish to allow this application

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons: That the Highway in Wimbledon Village is very congested with parked cars, and allowing further permit parking would make this situation worse
2. DELEGATE to the Director of Environment & Regeneration the authority to make any appropriate amendments in the context of the above to the wording of the grounds of refusal including references to appropriate policies

9 7 ELLERTON RD, SW20 0ER (Agenda Item 9)

Proposal: Demolition of existing dwellinghouse and erection of 2 detached dwelling houses plus alterations to existing vehicular crossover.

The Committee noted the officer's report and presentation.

Members commented that they much preferred the design of this application over the previously refused application.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to conditions

10 21 GOODENOUGH RD, SW19 3QY (Agenda Item 10)

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

The Committee noted the officer's report and presentation and additional information in the supplementary agenda. The Development Control Manager asked Members to note the circumstances of this application, as detailed in the Officers report. The part single storey part first floor extension had already been given planning permission. If this dormer window extension had been carried out after the substantial completion of the allowed part single storey, part first floor extension then it would not have required further planning permission, but as the work was carried out simultaneously it fell foul of the permitted development regulations and a certificate of lawful development could not be issued. If this upper part of the extension had been carried out as a separate building operation it would have been lawful. Also, if the upper part

of the extension was to be removed it could be reinstated as a single building operation and not require planning permission. Officers considered this to be a material consideration. Officers also considered that it was the impact of this roof extension that they were to consider at this meeting.

The Objectors raised points including:

- At no stage has this application been assessed in its entirety, and all surrounding neighbours want the entire scheme to be assessed.
- The scheme is contrary to Merton Policy DMD2
- The certificate of lawfulness was refused
- The scheme is overbearing and out of scale with the neighbouring properties.
- The proposal will cause overlooking and loss of privacy to neighbours.
- The windows installed are larger than those on the plan
- The rear garden of the application site will disappear

The Applicant made points including:

- If the two parts of the extension had been carried out separately, both would have been allowed
- The whole extension is similar in size to others in the area
- This is a family home
- Have added extra soundproofing to mitigate the effect of noise to next door neighbours
- Some neighbours have written in support
- Accept that windows at rear need to be changed to protect privacy

The Development Control Officer replied that they had noted that the rear windows were larger than approved and had added a condition to reduce these windows' size. He also commented that this type of extension, with a roof extension over the first floor extension, was common on the Borough, and could be built under permitted development.

Members commented that this application did seem very large, but that as it would have been allowable under permitted development rights in different circumstances, there were no grounds to refuse.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

11 UNIT 7, PRIORY RETAIL PARK, 131 HIGH ST, SW19 2PP (Agenda Item 11)

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.

The Committee noted the officer's report and presentation. The Committee noted that Officers were recommending the application for refusal on the grounds that it was underdevelopment on a site that was suitable for intensification and could provide a much larger mixed use development.

As the officer recommendation was for refusal the applicant was allowed to address the committee. He made points including:

- Metro Bank had plans to invest and create jobs, they had already created 25 new jobs in Wimbledon, and this application would create 25 more
- They planned to redevelop the site to provide a new bank and also to alter the road layout to remove a 'rat run'
- He believed that the freeholder of the land had no plans to develop housing on the site, and the site may never come forward as a housing site.
- If allowed, the new bank would be operating by Christmas 2018

In answer to members' questions, officers replied:

- They have not received an application for housing on the site
- The London Plan flags up areas for intensification and Colliers Wood is such an area.
- Officers did discuss aspirations for mixed use/higher rise on the site at pre-app stage.

Members commented that:

- This application does not fit with the aspirations for development in Colliers Wood and is underdevelopment of the site
- A member did like the design and would like to see a bank on the retail park
- A member doubted whether this landowner would ever make an application for housing/mixed use and it would be better to accept this application now rather than wait.

RESOLVED

The Committee voted to Refuse planning permission for the following reason:

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).

12 577 KINGSTON RD SW20 8SA (Agenda Item 12)

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

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda

Following discussion between the committee and officers, the committee made the following requests:

- Members were unhappy that the viability study had said that the cash in lieu payment for carbon shortfall was unaffordable, and requested a condition requiring a review in the future of this payment
- Members asked Officers to work with the developers on improving and increasing the landscaping at the front of the building
- Members also asked it be noted that residents wished for the current bus stop to stay in its current position and that many residents would like to see a road crossing put in.

RESOLVED

The Committee voted unanimously to GRANT Planning Permission subject to; completion of a s106 agreement, conditions in the officer's report and also an additional condition requiring a review of the cash in lieu payment for carbon shortfall

13 119 MERTON HALL RD, SW19 3PY (Agenda Item 13)

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

The Committee noted the officer's report and presentation and additional information in the Supplementary agenda.

The Objector raised concerns including:

- The proposed extension, at 3.7m high, would be overbearing on no.117
- It would cause a loss of daylight and overshadowing to no. 117 and shade 60% of their patio
- The proposed extension would present 10.5 m² of wall to no.117 and would adversely affect their enjoyment of their garden.

The Applicant raised points including:

- The proposal is in keeping with others in the area and has been designed to be similar to the extension recently built next door at no.121

Members commented that they could see no reason to refuse this single storey extension

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

14 12A RAVENSBURY TERRACE, SW18 4RL (Agenda Item 14)

Proposal: Demolition and redevelopment of the site to provide office accommodation (318m²) 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.

The Committee noted the officer's report and presentation and additional information in the Supplementary Agenda.

Councillor Linda Taylor spoke in support of the application, she was pleased that the developers had listened to residents views. The proposal to build a bridge would improve the walking route to Earlsfield station for many residents, and would be mainly funded by a contribution from the developers.

The Councillor continued that issues of height and flooding had been adequately addressed by the developers and the proposal will benefit the Wandle Trail.

In answer to members questions, officers made points including:

- There is a mistake in the Officer's report regarding the size of Flat 5
- Officers will work with developers regarding the shared ownership affordable units
- Adjustments were made to improve connectivity along the river, if necessary CIL monies could be used to complete the proposed bridge, if the developers contribution is not enough.

Members asked that the footpath be completed as soon as possible.

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

15 12 WATERSIDE WAY, SW17 0HB (Agenda Item 15)

This Item was removed from the Agenda prior to the meeting

16 TPO AT 15 KINGSWOOD RD, SW19 3ND (Agenda Item 16)

Objectors to the TPO made comments including:

- The tree is too large and overbearing in its setting
- It cannot be seen from the local highway so does not provide public amenity or make a significant contribution to the public – so does not meet the requirements in Merton's Guidelines for applying a TPO
- It is the wrong tree in the wrong setting
- There are other trees in the garden

Members requested that in allowing this TPO they were asking the Tree Officer to be sympathetic to residents and allow for reasonable cutting back of the tree

RESOLVED

That the Merton (No.712) Tree Preservation Order 2017 be confirmed, without modification.

17 PLANNING APPEAL DECISIONS (Agenda Item 17)

RESOLVED

The Committee noted the report on Planning Appeal Decisions

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

RESOLVED

The Committee noted the report on Planning Enforcement

**PLANNING APPLICATIONS COMMITTEE
16 NOVEMBER 2017**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2396	31/07/2017
Address/Site	13-24 Alwyne Mansions, Alwyne Road, Wimbledon, SW19 7AD
Ward	Hillside
Proposal:	CONVERSION OF ROOFSPACE INTO 4 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF REAR MANSARD ROOF EXTENSIONS AND FRONT FACING ROOFLIGHTS. (Scheme 1).
Drawing Nos	PD01(1), PD02(1)A, PD03(1)A, PD04(1), PD05(1)A, PD06(1&2), SD01, SD02 and SD03.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to conditions and S106 agreement to preclude parking permits.

CHECKLIST INFORMATION

- Heads of Agreement: The development being parking permit-free
- 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: 44
- External consultations: No
- Controlled Parking Zone: Yes (S2 and 3F)

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The site comprises 13-24 Alywne Mansions, a purpose built three-storey, residential flatted building located to the southwest side of Alwyne Road.
- 2.2 There is a well maintained communal garden to the rear of the building.
- 2.3 This building and the adjacent block are both near identical, with bay windows projecting from the front elevation with small gable roofs, set well down from the main ridgeline.
- 2.4 There is a side alley to either side of the building, currently used for bin storage.
- 2.5 The existing building is not statutorily or locally listed but exhibits some features of an Edwardian building and has some architectural merit, though there have been some regrettable alterations.
- 2.6 The site is not within a Conservation Area but the existing building has some historical value. The Wimbledon Hill Road Statement of Community Involvement, 2006 describes the buildings (Alwyne Mansions) as follows:

“The buildings are believed to date from around 1900 – 1910. The blocks each have a gabled roof, with, on the front elevation, subsidiary hipped roofs over a series of full height canted bays. The front façade is of red brick at ground and 1st floor levels, and also (on the bays) at 2nd floor level. Elsewhere at 2nd floor level there is unpainted pebbledash. Flank walls are of render. The brickwork is well finished with tuck pointing. Above the 1st floor window level there is a strong painted stone, projecting moulded string course, along the whole frontage of the building. Windows generally are well detailed with painted stone/render sills and lintels. Window frames are typical Victorian timber 2 pane sliding sashes. At 1st floor level there are balconies linking some of the bays, these are finished with very good quality, ornate iron railings. These balconies are supported on ornate stone brackets. French doors open onto these balconies. Each of the entrances to the flats (two per block) is detailed recessed with a semi circular arch, which uses alternating gauged brick (good quality) and stone. The front paths to these porches are surfaced with small black and white chequerboard tiles (in one case larger red and black tiles). The roof of one of the

blocks has been renewed with inappropriate concrete tiles, in the other case replacement artificial slates with ornate ridge tiles have been used. More seriously some of the front façade window frames have been altered with unsuitable replacements. This has happened in approximately 5 of the 24 flats”.

- 2.7 There is no off-street parking on site.
- 2.8 The surrounding area is primarily comprised of two-storey semi-detached dwellings, although to the west of the site are some more recent townhouses and further west are office buildings which form the edge of Wimbledon Town Centre.
- 2.9 The site has a PTAL of 6a/6b.
- 2.10 The site is in Controlled Parking Zone W2.

3. **CURRENT PROPOSAL**

- 3.1 The proposal is for roof extensions to the existing to provide an additional floor of accommodation to provide 4 x 1 bedroom flats.
- 3.2 The scheme proposes roof extensions to 13-24 Alwyne Road, in the form of mansard roofs, to facilitate use of the loft space to provide the proposed flats.
- 3.3 The roof additions would not involve raising the ridgeline or eaves level of the building.
- 3.4 To the front elevation, rooflights would be inserted into the existing roofslope (two per flat).
- 3.5 The mansard roof would be finished in grey slate with white painted timber windows.
- 3.6 The proposed flats would be accessed by extending the existing staircases within each building.
- 3.7 The proposal would provide the following accommodation:

Unit	Number of bedrooms/people	GIA (sqm)	Cycle parking	External amenity space
A	1 bed/2 person	52.4	2	Communal
B	1 bed/2 person	52.4	2	Communal
C	1 bed/2 person	52.4	2	Communal
D	1 bed/2 person	52.4	2	Communal

3.8 Bin and cycle storage would be accommodated in the existing communal garden to the rear.

3.9 It is of note that this current proposal is Scheme 1, with concurrent application 17/P2397 forming Scheme 2.

4. **PLANNING HISTORY**

4.1 Concurrent application:
17/P2937 - CONVERSION OF ROOFSPACE INTO 4 x SELF-CONTAINED FLATS, INVOLVING THE ERECTION OF REAR DORMER ROOF EXTENSIONS AND FRONT FACING ROOFLIGHTS. (Scheme 2). Pending decision.

5. **CONSULTATION**

5.1 21-day site notice procedure and individual letters to neighbouring occupiers. 30 letters of representation have been received, including from the Wimbledon East Hillside Residents' Association, objecting on the following grounds:

- Adverse visual impact on this Victoria block.
- Increased density is not appropriate.
- Concerns over subsidence.
- Increased pressure for parking.
- Strain on sewerage system and other infrastructure (including schools, doctor's surgeries etc).
- Noise disturbance from use of new flats.
- Soundproofing required.
- Concerns over fire risk/safety.
- Any new structures in the garden would detract from the existing pleasant outlook.
- Concern that refuse/recycling storage area is not sufficiently large enough to accommodate the resultant waste.
- Disruption throughout construction process.
- Concern that this may set a precedent, particularly for Nos. 1-12.

- Query what the increase in ridge height will be?
- Overlooking to Compton Road houses and rear gardens.
- Tree screening would not block views from the upper floor windows.
- Tile hanging would be preferable to metal cladding to the dormers.
- Loss of light and overshadowing.
- Concern that new units would be occupied by tenants and not owners (anti-social behaviour, over-occupying and unauthorised parking cited).
- Accommodation is not suitable for the elderly.
- Proposal fails every aspect of the Equality Act 2010.
- There is not space to get bikes down the side alley to the rear.
- Accusations that the applicant is not listed as a company.
- Query sustainability credentials.
- Adverse impact on air quality due to increased traffic.
- Existing communal area is not large enough to accommodate more users/occupiers.
- Concerns over security due to additional residents.
- Alwyne Mansions should be a 'Locally Listed Building'. If LBM approve this they would have failed in their duty to protect heritage assets.
- Overdevelopment.
- The site is not on brownfield land.
- Housing has been approved on the Stadium site – there is no need for further housing.
- Housing mix is not appropriate – larger units should be provided.
- Previous development proposals along Alwyne Road have been refused.
- The fact that two applications have been submitted is confusing and misleading.
- The 8 bike spaces proposed is inadequate.

Following amendments to the scheme on 16/10/2017, an additional three letters of objection have been received, raising the following points:

- Amendments do not overcome concerns previously raised.

Wimbledon East Hillside Residents' Association

- The applicant suggests the site is within the town centre – that is inaccurate. (*Officer comment – the site is within the town centre area but the writer is of the view that the site does not have a town centre character*).
- Overdevelopment setting a ridiculous precedent.
- Infrastructure cannot deal with increased dwellings.
- Occupiers will have cars.
- The block is not suitable for buy-to-let investors.
- Suspect that young occupiers will try and over-occupy units to reduce cost.

- Young singles in the block have previously been problematic (noise etc).
- Concern that pre-application enquiry did not involve the view of local residents.
- Noise disturbance.
- The units would not be easily accessible.
- There is no space in the alleys to access bike storage.
- The applicant is not a listed company.
- Query sustainability credentials.
- Overlooking.
- Adverse impact on local character.

5.2 Transport Planning:

The site has a PTAL of 6b (excellent) with bus, train, tube and tram available within the PTAL calculation area, it is also located within a designated town centre area and W2 controlled parking zone. Given these factors future residents should be exempt from applying for parking permits.

London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 8 cycle parking spaces. The design and access statement suggests that cycle parking is provided for two of the units. We urge the applicant to provide London Plan minimum standards of cycle parking.

Refuse stores 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.

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

The proposed development will not generate a significant increase in trip generation.

- Refuse stores have been provided within a close proximity to the highway.
- The development is located in a CPZ and new residential units should be designated permit exempt.
- The absence of cycle parking would not warrant reasons for refusal as the foot print of the building is not being changed.

5.3 Sustainability Officer:

Re:12 Alwyne Mansions 12 Alwyne Mansions - (Scheme 1) 17/P2396 & (Scheme 2) 17/P2397

- The submitted SAP calculation / energy statement indicates that the proposed development should achieve an 31.94% improvement in CO2 emissions on Part L 2013. This exceeds the minimum improve target of 19% by a significant margin and meets the requirements of Merton's Core Planning Strategy Policy CS15 (2011).
- The internal water consumption calculations submitted for the development indicates that internal water consumption should be less than 105 litres per person per day.
- I am therefore content that the proposed energy approach to the development is policy compliant and recommend that Merton's Standard Sustainable Design and Construction (New Build Residential- Minor) Pre-Occupation Condition is applied to the development:

CONDITION:

'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 19% improvement on Part L regulations 2013, and internal water usage rates of not more than 105 litres per person per day.'

INFORMATIVE:

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'

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

6. **POLICY CONTEXT**

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

DM H2	Housing mix
DM O2	Nature Conservation, Trees, hedges and landscape features
DM D1	Urban design and the public realm
DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
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

6.2 Adopted Merton Core Planning Strategy (July 2011)

CS6	Wimbledon Sub-Area
CS8	Housing Choice
CS9	Housing Provision
CS11	Infrastructure
CS13	Open Space, Nature Conservation, Leisure and Culture
CS14	Design
CS15	Climate Change
CS16	Flood Risk Management
CS17	Waste Management
CS18	Active Transport
CS19	Public Transport
CS20	Parking, Servicing and Delivery

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

3.3	Increasing housing supply
3.4	Optimising housing potential
3.5	Quality and design of housing developments
3.8	Housing choice

- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.13 Sustainable drainage
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

Other guidance:

Merton's New Residential Development SPG 1999

Merton's Design SPG 2004

DCLG Technical Housing Standards - Nationally Described Space Standard 2016

Mayor's Housing SPG 2016

The National Planning Policy Framework 2012

7. **PLANNING CONSIDERATIONS**

7.1 The main planning considerations concern the principle of the extension to the existing block of flats, the visual impact of the proposed addition and other alterations, together with neighbouring amenity, standard of accommodation, biodiversity issues, drainage considerations, highway considerations and sustainability issues.

7.2 Principle of development

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

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

7.3 Provision of housing and mix

- 7.3.1 The National Planning Policy Framework (March 2012) requires the Council to identify a supply of specific 'deliverable' sites sufficient to provide five years' worth of housing with an additional buffer of 5% to provide choice and competition.
- 7.3.2 Policy 3.3 of the London Plan 2015 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities and that the Council will work with housing providers to provide a minimum of 4,107 additional homes (411 new dwellings annually) between 2015 and 2025. Merton LDF Core Strategy policies CS8 & CS9 also seek to encourage proposals for well-designed and located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space.
- 7.3.3 LB Merton's housing target between 2011 and 2026 is 5,801 (Authority's Monitoring Report 2014/15, p8). While a robust five years supply has been identified, the housing need is increasing in London. The borough's Core Planning Strategy states that that it is expected that the delivery of new residential accommodation in the borough will be achieved in various ways including development in 'sustainable brownfield locations' and "ensuring that it is used efficiently" (supporting text to Policy CS9). The application site is on brownfield land and is in a sustainable location adjacent to other existing residential properties.
- 7.3.4 The benefit of providing 4 additional units must be weighed against the planning merits of the proposal.
- 7.3.5 The London Plan provides a density matrix to act as a guide indicating suitable levels of density depending on the characteristics of the area. The current proposal intends to add to the existing building and the resultant density is not the overriding factor in the assessment.
- 7.3.6 The site is within an urban area (as opposed to central or suburban), with a high PTAL. The London Plan indicates that a density range of 200-700 habitable rooms per hectare would be appropriate for this area. The existing density is 515 habitable rooms per hectare and this would rise to 583 habitable rooms per hectare. In terms of dwellings per hectare, the existing site has 102 dwellings per hectare and the proposed would have 137 dwellings per hectare. (N.B. The existing flats have more habitable rooms than the proposed flats). The density proposed is well within the guidelines of the London Plan, which directs higher density development to areas with a high PTAL.
- 7.3.7 Notwithstanding the above, as the proposal is an extension to an existing

flatted block it is considered that the resultant density would not render the application unacceptable in any event.

7.3.8 Policy DM H2 sets out a requirement for housing mix based on the housing needs of the borough. The policy requires an even proportion of one, two bed and three bedroom units. Historically there has been an under provision of family sized units (3 beds and above). The scheme proposes one bedroom units only. However, given the limited scope for adding floorspace to the building, it is considered that the provision of four, one bedroom flats would not be unacceptable in planning terms.

7.3.9 The proposal is considered to be acceptable in terms of density and housing mix.

7.4 Character of the Area

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

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

7.4.3 The proposal would introduce mansard roof extensions to the rear roofslope of the building to accommodate the four proposed flats. It is noted that the existing building is not statutorily or locally listed but does have some architectural merit.

7.4.4 Pitched roofs are characteristic of the southern side of Alwyne Road. The proposed addition of a roof extension has the potential to be a top heavy and dominant roof form. However, the roof extensions would have a pitched rear wall (70 degrees), which would assist in minimising the visual impact. It is also noted that there are recessed elements, which would assist in some degree to breaking up the visual mass of the roof extensions.

7.4.5 The use of grey slate as a construction material is not particularly objectionable and would satisfactorily blend in with the surroundings.

7.4.6 No objection is raised in terms of the alterations to the front elevation, as these would have a limited impact in the streetscene.

7.4.7 The proposal is considered to be acceptable in terms of its impact on visual amenity and would comply with Policy CS14 of the Core Planning Strategy 2011 and Policies DM D2 and DM D3 of the Sites and Policies Plan 2014.

7.5 Standard of accommodation

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

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

7.5.3 All the units proposed would exceed the minimum space standards in terms of overall GIA and provision of external amenity space.

7.5.4 The proposal meets the minimum requirements of the London Plan in terms of the internal GIA and external amenity space and no objection is raised in this regard.

7.5.5 Neighbouring Amenity

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

7.5.7 It is considered that the proposed development would not result in a significant loss of daylight or sunlight to neighbouring properties as the footprint would not extend and the height of the building would not be increased.

- 7.5.8 The proposed mansard windows would be set back from the rear building line (and existing rear facing windows to the floor below) by 485mm. The existing rear facing windows are separated from the rear boundary of the site by 10.5m, with the proposed windows separated from the rear boundary by 11m.
- 7.5.9 Whilst it is acknowledged that there would be some degree of overlooking from the proposed dormer windows, the proposed windows would be further from the rear boundary than the existing. It is noted that the proposed windows would be higher than the existing and as such have the potential to provide views down into properties to the rear and possibly views over the boundary tree screening. However, given the window to window separation distance to the rear (around 20m), it is considered that a reason for refusal based on overlooking could not reasonably be substantiated. The proposal is not considered to increase the overall level of overlooking or result in a material loss of privacy.
- 7.5.10 Therefore, for the reasons set out above the proposal is considered to be acceptable in terms of residential amenity and would comply with Policy DM D2 in this regard.

7.6 Highway, traffic and parking considerations

- 7.6.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.
- 7.6.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.
- 7.6.3 The existing flats do not have off-street car parking spaces and none are proposed for the additional flats. The site has a high PTAL rating and a 'car-free' development in this location would be acceptable subject to a s.106 agreement to restrict future occupiers from obtaining parking permits.
- 7.6.4 The scheme would provide cycle parking in line with the requirements of the London Plan and no objection is raised on this basis.

7.7 Refuse and recycling

- 7.7.1 Policy CS20 of the Core Strategy (2011) states that the Council will seek

- to implement effective traffic management by requiring developers to incorporate adequate facilities for servicing to ensure loading and unloading activities do not have an adverse impact on the public highway.
- 7.7.2 The proposed development would accommodate refuse and recycling storage in two enclosures to the rear of the site.
- 7.7.3 There is some concern that the refuse store would not be easily accessible due to the bin storage that currently occurs in the side alley. However, bins would be required to be presented at the roadside and then returned to their store, which is the same scenario as existing. On this basis, it is considered that objection could not reasonably be raised.
- 7.7.4 The proposal would therefore, comply with Policy CS17 of the Core Planning Strategy 2011.
- 7.8 Drainage
- 7.8.1 The site is not within Flood Zone 2 or 3 and not within an area identified as being prone to flooding.
- 7.8.2 No drainage details have been submitted, however, as there would only be a very slight increase in non-permeable surfacing (due to the refuse/recycling and bicycle stores), no concern is raised on this basis.
- 7.8.3 The Council would seek the implementation of a SuDS system on the site in order for the development to be acceptable. This has not been included in the application but could be secured by way of condition.
- 7.9 Biodiversity
- 7.9.1 Policy DMO2 seeks, amongst other things, to protect land of ecological value. The NPPF has a presumption in favour of sustainable development, seeking positive improvements in the quality of the built, natural and historic environment including moving from a net loss of biodiversity to achieving net gains for nature.
- 7.9.2 There is no indication that the existing site has a significant bio-diversity value and as such it is not necessary to submit an ecology report. The proposal is considered to be acceptable in terms of the impact on bio-diversity.
- 7.10 Sustainable design and construction
- 7.10.1 New buildings must comply with the Mayor's and Merton's objectives on carbon emissions, renewable energy, sustainable design and

construction, green roofs, flood risk management and sustainable drainage. The most relevant London Plan policies are 5.1 (Climate Change Adaptation), 5.2 (Minimising Carbon Dioxide Emissions) and 5.3 (Sustainable Design and Construction) which seek to minimise energy usage and reduce carbon dioxide emissions.

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

7.10.3 On 25 March 2015 the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent on 26 March 2015. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

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

7.10.5 The application is accompanied by supporting information in relation to sustainable construction.

7.10.6 The council's Climate Change Officer has considered the proposals and concludes that subject to a suitably worded condition the proposed development would meet the relevant targets.

7.10.7 The proposal complies with Policy CS15 of the Core Planning Strategy 2011 and Policy 5.3 of the London Plan.

7.11 Response to representations

7.11.1 The majority of issues raised by objectors are addressed in the body of this report. However, in addition, the following comments are offered:

- Subsidence and fire safety would be a matter to be considered at the Building Control stage of development.
- The impact on infrastructure could not reasonably form a reason for refusal as this would also be addressed at the Building Control stage.
- If permission were granted a condition could be imposed to seek details of soundproofing.

- The use of the flats and gardens would result in some minor increase in noise but the development could not be refused on this basis. If individual occupiers were to make unreasonable levels of noise it would be a matter for Environmental Health legislation.
- The tenure of the flats (whether they be owner occupied or rented) is not a material planning consideration.
- The London Plan sets out that: “Boroughs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access. However, for these types of buildings this requirement may be subject to development-specific viability assessments and consideration should be given to the implication of ongoing maintenance costs on the affordability of service charges for residents. Where such assessments demonstrate that the inclusion of a lift would make the scheme unviable or mean that service charges are not affordable for intended residents, the units above or below the ground floor that cannot provide step free access would only need to satisfy the requirements of M4(1) of the Building Regulations. In this case it is concluded that the provision of lift shafts would not be viable due to the space required to provide both a lift shaft and stairs.
- The site is on brownfield/previously developed land.
- Whether the applicant is registered as a company has no bearing on the planning merits of the scheme and is not a material planning consideration.
- The increase in traffic generated would not be so significant as to warrant a refusal on air quality grounds.
- The existing communal area would be sufficiently large to accommodate use by four additional flats.
- There is an on-going need for housing in the Borough and the fact that other housing has been permitted elsewhere could not form a reasonable reason for refusal.

8.0 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).

9.0 MAYORAL COMMUNITY INFRASTRUCTURE LEVY

- 9.1 The proposed development is liable to pay the Mayoral Community Infrastructure Levy, the funds for which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay CIL.

10.0 MERTON'S COMMUNITY INFRASTRUCTURE LEVY

- 10.1 Merton's Community Infrastructure Levy was implemented on 1 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 except for affordable housing.

11.0 CONCLUSION

- 11.1 The principle of development is considered to be acceptable.
- 11.2 The proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and would provide four additional dwellings to add to the Borough's housing stock.
- 11.3 The application would be acceptable in highway terms subject to a s.106 agreement to prevent future occupiers from obtaining parking permits.

RECOMMENDATION

GRANT PLANNING PERMISSION

Grant Permission Subject to Conditions and S106 agreement, covering the following heads of terms:

1. Designation of the development as car-free and that on-street parking permits would not be issued for future residents of the proposed development.
2. The developer agreeing to meet the Council's costs of preparing, drafting, or checking the agreement.
3. The developer agreeing to meet the Council's costs of monitoring the agreement.

Conditions:

1. A.1 Time Limit
2. A.7 Approved Plans
3. Materials to be Approved

4. Refuse and Recycling - details
5. C.7 Implementation of Refuse and Recycling
6. H.9 Construction Vehicles
7. H.12 Delivery and Servicing Plan
8. Cycle Parking
9. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted (other than site clearance, preparation and 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 details of the design storm period and intensity, attenuation volume to be provided, and maximum rate at which surface water is to be discharged to be 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 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: It is necessary for the condition to be discharged prior to the commencement of development 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.

10. No demolition or construction work in connection with this permission shall be carried out outside the hours of 08.00 and 18.00 on Mondays to Fridays inclusive, 08.00 to 13.00 on Saturdays and there shall be no such work carried out on Sundays or Public Holidays.
11. Prior to the commencement of the development a working method statement shall be 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.

12. 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 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

INFORMATIVE:

1. 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

2. 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'.

3. INFORMATIVE

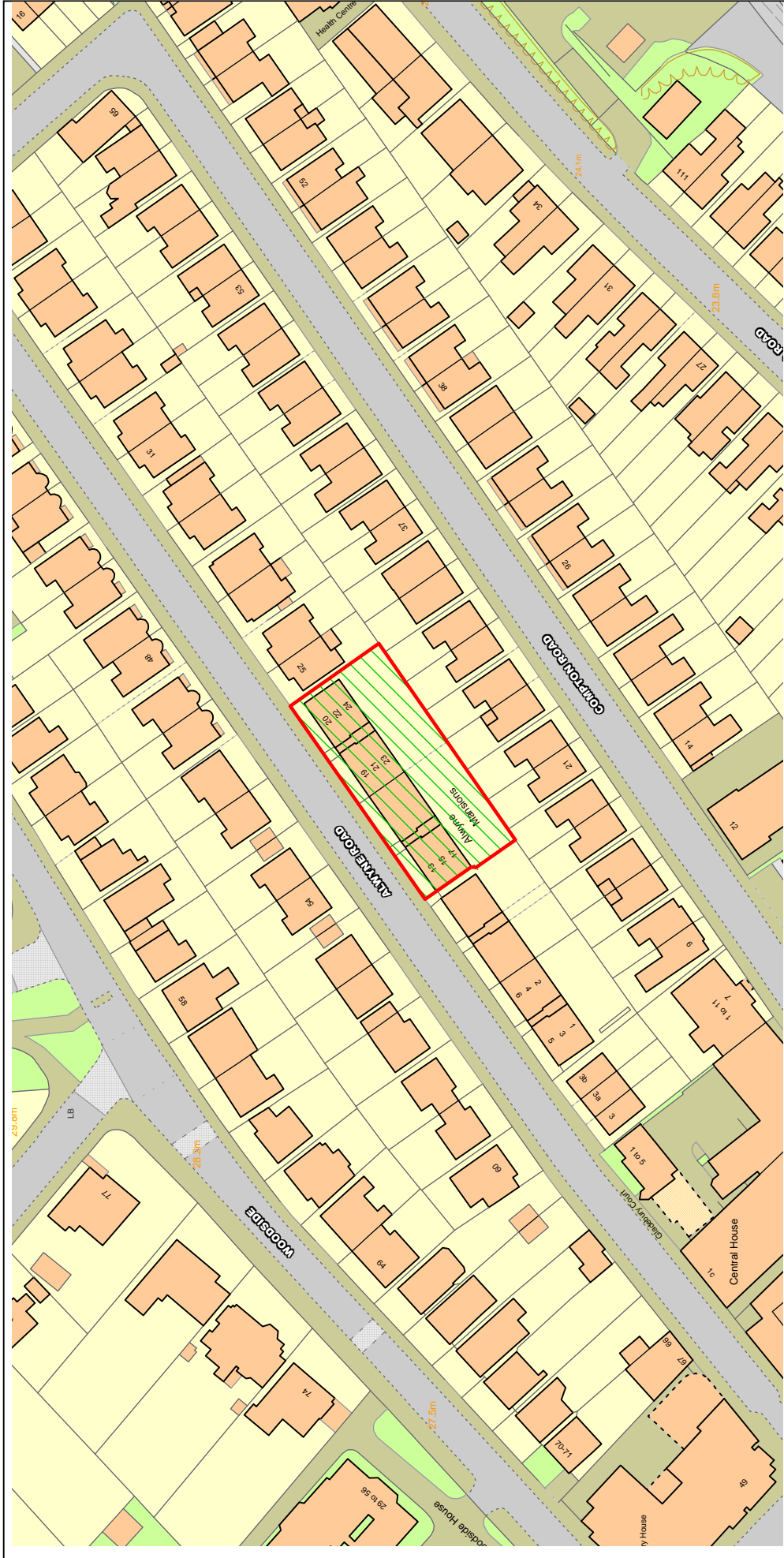
This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at the London Borough of Merton

Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

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

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **12-24 Alwyne Mansions**

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**PLANNING APPLICATIONS COMMITTEE
16 November 2017**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
15/P1569	24/04/2015
Address/Site	96-98 The Broadway, Wimbledon SW19 1RH
Ward	Trinity

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

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

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

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

CHECKLIST INFORMATION

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental impact statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice- Yes
- Site notice-Yes
- Design Review Panel consulted-No
- Number neighbours consulted –14
- External consultants: None
- Density: n/a
- Number of jobs created: n/a
- Archaeology Priority Zone:

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

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

3. **CURRENT PROPOSAL**

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

4. **PLANNING HISTORY**

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

5. CONSULTATION

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

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

5.2 Amended Plans

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

5.3 The Wimbledon Society

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

5.4 Climate Change Officer

Any sustainably measures, beyond those required by the Building Regulations, would only apply to those units within the 'new build' parts of the proposal, not the four units that are to be within the refurbished existing building on-site. The Climate Change officer has recommended that an appropriate planning condition be imposed on any grant of planning permission to secure compliance with policy.

5.5 Transport Planning

No off street car parking is proposed for the development. However given the location of the application site within Wimbledon Town Centre and the high PTAL score (PTAL 6). The five new residential units within the development should therefore be designated 'permit free' secured through a S.106 Agreement.

6. **POLICY CONTEXT**

6.2 Adopted Merton Core Strategy (July 2011)

CS8 (Housing Choice), CS9 (Housing Provision), CS13 (Open Space, Nature Conservation, Leisure and Culture), CS14 (Design), CS15 (Climate Change) and CS20 (Parking)

6.3 Sites and Policies Plan (July 2014)

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

6.4 London Plan (March 2015)

3.8 (Housing Choice), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction) and 7.6 (Architecture),

7. **PLANNING CONSIDERATIONS**

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

7.2 Design Issues

The design of the proposed rear extension is similar to that previously approved at 100 The Broadway, with the building being constructed in a warehouse style with yellow stock facing brickwork, with red brick lintels, slate roof and lead clad dormer windows and sash windows. The design of the proposed extension is considered to be acceptable in terms of polices CS14, DM D3 and DM D

7.3 Standard of Accommodation

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

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

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

7.4 Neighbour Amenity

A number of objections have been received from occupiers of residential properties in South Park Road. However the rear elevation of the proposed extension to 96-98 The Broadway would be 38.5 metres and there is the two storey B1 office building known as Cobden Mews situated between the rear elevations of residential properties in South Park Road and the application site. There would be 10.6 metres separation distance between Cobden Mews and the front elevation of the proposed extension. Given the separation distance between the rear elevation of the extension and both Cobden Mews

and residential properties in South Park Road there would be no loss of amenity as a result of the proposed development. The proposal is therefore considered to be acceptable in terms of policy DM D2 (Design Considerations in all Developments).

7.6 Parking

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

7.8 Sustainability Issues

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

7.9 Affordable Housing

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

SUSTAINABILITY AND 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**

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

RECOMMENDATION

GRANT PLANNING PERMISSION

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

1. The 5 new residential units being designated 'permit free'.
2. The developer paying the Councils legal and professional cost in drafting and completing the legal agreement.

and subject to the following conditions:-

1. A.1 Commencement of Development
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Site Surface Treatment)
5. B.5 (Boundary Treatment)
6. C.2 (No Permitted Development Doors/Windows)
7. C.4 (Obscure Glazing)
8. C.7 (Refuse and Recycling-Implementation)
9. D.9 (External Lighting)
10. D.11 (Construction Times)
11. H.7 (Cycle Parking Implementation)

12. H.9 (Construction Vehicles)
 13. The five rear apartments created by new construction shall not be occupied until evidence has been submitted to the Local Planning Authority confirming that they have achieved CO2 reductions of not less than 19% improvement on Part L of the Building Regulations 2013, and that internal water usage rates of not more than 105 litres per person per day.

Reason for condition: To Comply with policy CS15 of the Adopted Merton Core Planning Strategy (2011).
 14. INF.1 (Party Wall Act)
 15. INF.8 (Construction of Vehicular Access)
-

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

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **96-98 The Broadway**

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PLANNING APPLICATIONS COMMITTEE
16 November 2017

APPLICATION NO. **DATE VALID**

17/P3135 18/084/2017

Address/Site 247 The Broadway, Wimbledon SW19 1SD

Ward Abbey

Proposal: Demolition of existing office building and construction of a new five storey office building (Class B1 use) together with associated car/cycle parking and landscaping.

Drawing Nos 1625-0100-AP 00 Rev PL01, 0100-AP-001Rev PL01, 0100-AP-002 Rev PL0, 0200-AP-001 Rev PL01, 0200-AP-002 Rev PL01, 0200-AP-003 Rev PL01, 0200-AP-004 Rev PL01, 0200-AP-005 Rev PL01, 0200-AP-006 Rev PL01, 0200-AP-007 PL01, 0300-AL-001 Rev PL01, 0400-AP-001 Rev PL01, 0400-AP-002 PL01, 0400-AP-003 PL01, 0400-AP-004 PL01, Planning Statement, Design and Access Statement, Transport Statement, BREEAM Preliminary Assessment, Energy Assessment, Structural Engineers Design Report, Flood Risk Assessment, Daylight and Sunlight Report, Travel Plan, Biodiversity Report

Contact Officer: Richard Allen (8545 3621)

RECOMMENDATION

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

CHECKLIST INFORMATION

- Heads of agreement: No.
- Is a screening opinion required: No
- Is an Environmental Impact Statement required: No
- Press Notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 37
- External consultants: None
- Density: N/a
- Archaeology: N/a

1. **INTRODUCTION**

- 1.1 The current application has been submitted in order to address the reasons for refusal of planning application LBM Ref.16/P1623 that was refused permission by the Planning Applications Committee on 10/11/2016. The application is being brought before the Planning Applications Committee due to the number of representations received.

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located on the south side of The Broadway and is currently occupied by a three storey office development constructed in the 1980's. Opposite the site is the Holy Trinity Church and the Polka Theatre. To the south of the site are two storey houses in Griffiths Road. The site is flanked by a three storey Victorian villa converted into offices to the west and to the east by the Antoinette Hotel dating from the 1970's. The application site is not within a conservation area. A Controlled Parking Zone (CPZ W3) operates in The Broadway and in adjoining streets.

3. **CURRENT PROPOSAL**

- 3.1 The existing building provides approximately 1,007m² of office accommodation (class B1) set within a landscaped hard standing with 28 car parking spaces. Access to the building is not up to current standards and there are no lifts. Planning permission was granted on subject to a S.106 Agreement on 21 march 2014 for the redevelopment of the site by the erection of a five story building for B1/D1 uses and a three storey building comprising 9 x 2 bedroom flats, together with associated parking and landscaping works (LB Ref.13/P0952). The current application seeks planning permission for a wholly (B1) office development.
- 3.2 The current proposal involves the demolition of the existing office buildings and the redevelopment of the site by the construction of a new five storey office building (B1 use) with accommodation at basement level, together with associated car parking and landscaping.
- 3.2 The proposed building would be 35 metre in width and would occupy the full width of the site frontage. At ground floor level the building would be 36 metres in length, at first floor level 33 metres in length, with the second floor 30 metres in length and the third floor 21 metres in length. At fourth floor level the building would be 21 metres in length with the front elevation set back from The Broadway frontage by 2 metres. The proposed building would be 19.5 metres in height with a plant room above giving an overall height of 21 metres. The proposed building would be set back from the boundary with residential properties in Griffiths Road by 6 metres. Parking would be provided at basement level accessed via a car lift.
- 3.3 Internally, at basement level 308m² of office floorspace would be provided with a light well to The Broadway elevation, together with plant rooms, showers, bin store together with 8 parking spaces (assessed via a car lift) and

38 secure cycle parking spaces. At ground floor level an office reception area (195m²) and 375m² of office floor space would be provided together with ancillary accommodation. At first floor level 704m² of office accommodation would be provided, with 633m² provided at second floor level, 547m² at third floor level and 380m² at fourth floor level.

- 3.4 Pedestrian access to the building would be from The Broadway frontage with a separate vehicular access to a servicing area and car lift, to the basement car park.
- 3.5 A contemporary design has been adopted for the proposed building which would be constructed

4. **PLANNING HISTORY**

- 4.1 In July 1984 planning permission was granted for the redevelopment of the site by the erection of a three storey office building (Ref.MER536/84).
- 4.2 In December 2010 a pre- application submission was made in respect of the redevelopment of the site involving the erection of a five storey building (LBM Ref.11/P0128/NEW).
- 4.5 In March 2014 planning permission was granted subject to a S.106 Agreement in respect of the demolition of the existing office building and erection of a five storey mixed use building for office/healthcare B1/D1 uses and 9 x 2 bedroom flats within a separate three storey block (LBM Ref.13/P0952).
- 4.6 In November 2015 a pre-application submission was made in respect of the redevelopment of the site involving the demolition of the existing building and erection of a new five storey office building (B1 use) together with associated parking and landscaping (LBM Ref.15/P4368/NEW).
- 4.7 Design Review Panel
The Design Review Panel were again consulted on the revised scheme for the site and considered the current proposals at the meeting on 26 January 2016. The Panel were of the opinion that the proposed building contrasted a little too strongly with its neighbours and did not relate to its location within Wimbledon Town Centre. Concern was also voiced about the 'chequer board' appearance of the side elevations and the Design Review panel suggested that this appearance should be avoided. The design Review panel advised the building has to relate to buildings at the rear of the site, however this aspect should not dictate the design of the building. The Panel also felt that the scheme would benefit from a reduction of one storey and a different approach to the plant room enclosure. Further work was needed on parking arrangements as well as clarity on servicing and waste collection. The Design Review Panel considered that the scheme would be acceptable with modifications.
Verdict: Amber

- 4.8 On 10 November 2016 planning permission was refused by the Planning Applications Committee for the demolition of the existing building and the erection of a five storey office building (B1 use) together with associated car parking and landscaping (LBM Ref.16/P1623). Planning permission was refused on the grounds that :-

'The proposed building would, by virtue of its design, height, bulk and massing fail to relate to the scale of the neighbouring buildings and would result in an unsatisfactory form of development that would be detrimental to the character and appearance of The Broadway Street scene contrary to policy CS14 (Design) of the Adopted Merton Core Planning Strategy (2011) and policies DM D1 (Urban Design) and DM D2 (Design Considerations in all Developments) of the Adopted Merton Sites and Policies Plan (2014) and policy 7.6 (Architecture) of the London Plan (2015).'

The current has not been presented to the Design Review Panel. However, the application has been submitted in order to overcome the reasons for refusal taking into account comments previously raised by the Design Review Panel.

5. **CONSULTATION**

- 5.1 Major site and press notice procedure and letters of notification to occupiers of neighbouring properties. In response 10 letters of objection have been received. The grounds of objection are set out below:-

- The proposed building is too high and out of keeping with the area.
- The height of the building exceeds the Antionette Hotel, the largest building in this part of the road.
- There are no objections to redevelopment of the site but any new building should not be higher than the hotel.
- The existing building has a gross internal floor area of 10,814 sq ft whereas the proposed building would be 46,946 sq ft (4.3 x larger) which represents an overdevelopment of the site.
- The current scheme is larger in floor area than the previously refused scheme (LBM Ref.16/P1623).
- The proposed development would result in loss of privacy, outlook and light to residential properties in Griffiths Road.
- Terraces on the rear elevation would result in overlooking.
- The proposal would affect light and outlook to 21 Griffiths Road and the rear terracing is too intrusive.
- The previous application 16/P1623 was rejected on design, bulk and massing and the current proposal does not address these issues.
- The proposed use of red brick would be too oppressive. Yellow brick should be used which would be more in keeping with the building to the west of the site.
- Redevelopment of the site would affect the viability of the Antoinette Hotel.

- Given the number of large scale developments that has been approved in The Broadway, phasing of development would be required to reduce disruption.
- Achieving less than 70% sustainability score on BREEAM should not be acceptable. The report indicates that additional measures could be achieved lifting the score to 'Excellent' level and these should be incorporated.
- The proposed building would loom over the Holy Trinity Church and the rear of the building would overlook residential neighbourhoods.
- A four storey building should be the maximum for this part of The Broadway.
- Existing buildings in The Broadway are used to justify house. However, Monterey Heights, Carrington House and the YMCA are examples of the type of building we want to move away from.
- The current proposal does nothing to improve the built environment.
- The design of the building is more suited to Clerkenwell or Farringdon rather than Wimbledon and fails to blend in with the existing street, lush with Victorian features.

5.2 The Wimbledon Society

The demolition of the existing modern building is not a sustainable approach and due consideration should be given to retaining it. The existing building provides a gap in the street frontage which allows in the winter sun to light up the northern footway and prevents The Broadway acquiring an unrelieved and monotonous façade. The gap also offers the opportunity to plant more trees, as well as replacing the fine Cedar which was recently removed. In addition it complements to openness and greenery around the Locally Listed Holy Trinity Church on the other side of the road. If development is to go ahead the frontage should be reduced in height to match the eaves height of the adjoining building. The rear terraces overlook gardens of properties in Griffiths Road and the suggested planting troughs at ground level do not guarantee that privacy would be maintained in the long run. The rear elevation would therefore require redesigning.

6. **POLICY CONTEXT**

- 6.1 The relevant policies within the Adopted Merton Core Strategy (July 2011) are CS6 (Wimbledon Town Centre), CS7 (Centres), CS12 (Economic Development), CS14 (Design), CS15 (Climate Change) and CS20 (Parking, Servicing and Delivery).
- 6.2 The retained policies within the Adopted Merton Sites and Policies Plan (July 2014) are DM E2 (Offices in Town Centres), DM E4 (Local Employment Opportunities), DM D1 (Urban Design and the Public Realm), DM D2 (Design Considerations in all Developments), DM T2 (Transport Impacts of Developments), DM T3 (Car Parking and Servicing Standards).
- 6.3 The Policies contained within the London Plan (March 2015)

2.15 (Town Centres), 4.1 (Developing London's Economy), 5.1 (Climate Change Mitigation), 5.3 (Sustainable Design and Construction), 7.5 (Public Realm) and 7.6 (Architecture).

7. PLANNING CONSIDERATIONS

7.1 The principal planning considerations concern employment issues, together with design, neighbour amenity, transport/parking and sustainability issues.

7.2 Employment Issues

The existing office building dates from the 1980's and has no lifts and does not make the best use of the site. The existing building accommodates 1,005m² of (B1) office floorspace on a site of approximately 0.13ha. The proposed scheme would provide 4,363 m² of floor space for B1 office use within a modern building. In terms of employment, the existing building provides 69 full time jobs whilst the proposed building could potentially accommodate 246 people. Policy CS12 supports the intensification of and creation of additional floor space on an existing employment site and the proposal will enhance employment opportunities within Wimbledon Town Centre.

7.3 Design Issues

Adopted Core Strategy policy CS14 relates to design matters and paragraph 22.20 of the Core Strategy specifically refers to high buildings and states that tall buildings of exceptional architectural quality may be appropriate for town centres. The previous application (LBM Ref.16/P1623) was however refused on grounds of design, bulk and massing. The current application has been submitted in order to address the reasons for refusal. The proposed building would be constructed of brick and stone reflecting materials used on buildings nearby. Although the application site is within a Town Centre, the massing of the building has regard to the residential buildings at the rear of the site in Griffiths Road. This has been achieved by having the highest elements of the building on The Broadway frontage with the building stepping down, reducing in size as it progresses towards the residential properties in Griffiths Road. The proposed building would be five storeys in height with accommodation and parking at basement level. Although there are is predominately made up of three and four storey buildings there are other five storey buildings in the vicinity of the application site.

7.4 Planning permission was previously granted in March 2014 for the redevelopment of the site by a the erection of a part five storey/part three storey building comprising offices (Class B1) use and 9 x 2 bedroom flats (LBM Ref.13/P0952). This scheme proposed a building with an 'L' shaped footprint with the residential accommodation proposed in the side 'wing' of the building located towards the rear of the site, with the residential accommodation facing towards residential properties in Griffiths Road. The front elevation of the proposed office building now extends across the full width of the frontage repairing the gap in the street scene created by the existing building. The proposed office building locates the bulk of the floor space within the middle and front of the site thus reducing its impact upon

residential properties in Griffiths Road. Although representations have been received concerning the height and bulk of the building and the increase in floor space over and above the existing building and the previously refused scheme (LBM Ref.16/P1623) the increase in floor space has been accommodated with the basement which was not a feature of the previously refused scheme. The rear elevation of the building is now set back at each level to reduce the bulk of the building when viewed from residential properties in Griffiths Road and the building reduced in height by 1.9 metres and the façade and of the building has been designed to have a better relationship with neighbouring buildings and The Broadway street scene than the previously refused scheme. The building currently proposed has more traditional window elements, horizontal floors and would be mainly faced in brick. The current proposal is therefore considered to be acceptable in terms of policies CS.14 and DM D2 and DM D3.

7.5 Neighbour Amenity Issues

A number of objections have been received from occupiers of residential properties in Griffiths Road, who express concerns regarding the potential impact of the building upon their properties. The rear elevation of the proposed building would however, be 29 metres from the rear elevation of properties in Griffiths Road. The proposed building would also be set back from the rear boundary at each level, with the ground floor being 6 metres from the rear boundary, the first floor 10 metres, second floor 14 metres, the third floor 17.5 metres and fourth floor 21.5 metres from the rear boundary. The previously refused scheme had a two storey section adjacent to the rear boundary and the design of the rear elevation of the refused scheme (LBM Ref.16/P1623). Although rear terrace areas are proposed these would be screened by planters. It is also proposed to undertake tree planting along the rear boundary to provide additional screening along the boundary with residential properties in Griffiths Road. Although concern has also been expressed regarding the potential loss of light to residential properties in Griffiths Road, the developer has commissioned a Daylight/Sunlight Report that concluded that daylight and sunlight levels to properties in Griffiths Road, 241 The Broadway and the Vicarage opposite the site are acceptable and satisfies Merton's policy on daylight and sunlight. The proposal is therefore considered to be acceptable in terms of policy DM D2.

7.6 Transport/Parking Issues

The application site currently has 28 off-street parking spaces. The proposed development would provide 8 parking spaces at basement level accessed via a car lift. The existing vehicular access would re-located slightly further north to facilitate safe access to the site. The London Plan encourages 1 parking space for 100-600m² of B1 office floor space and the development would provide 8 parking spaces, one of which would be a disabled space. Electric vehicle charging points would also be provided. The proposed level of parking is in line with the London plan and would result in a net loss of 20 spaces. 38 cycle parking spaces would also be provided exceeding the minimum requirements of the London Plan. Showers and change facilities would be provided at basement level to encourage cycling to work. The application site is also well served by public transport, with a PTAL rating of 6a. The Nation

Planning policy Framework encourages development in locations where sustainable transport measures are maximised. There is a bus stop close to the application site and the site is short walk to Wimbledon and South Wimbledon Stations. A travel Plan has also been submitted with the application. The proposal is therefore acceptable in terms of policies CS19 and CS20.

7.7 Provision of Basement

The proposals involve the formation of a basement beneath the full footprint of the building. The proposed basement comprises a reinforced concrete basement box with piled perimeter walls. It is seen as a standard construction for this location and it is considered that the structural and civil engineering proposals for the construction of the proposed development are unlikely to have an adverse impact upon neighbouring properties and the proposal complies with policy DM D2.

7.8 Flood Risk

The application site is located in Flood Zone 1 and so would have a 0.1% probability of flooding in any given year. A flood risk assessment has been undertaken and demonstrates that the site is a t low risk of flooding from all water sources. However, there is a low risk from ground and surface water flooding. It is therefore recommended that a condition regarding Sustainable Urban Drainage be imposed on any grant of planning permission. The proposal therefore accords with the aims of policy DM D2.

7.9 Sustainability

The Energy Assessment submitted with the application indicates that the proposed development will reduce total carbon emissions by 35.2% over Building Regulations and therefore exceeds the London Plan requirement to achieve a 35% carbon reduction target (beyond Part L of the Building Regulations Part L 2013) as set out in London plan Policy 5.2. In addition the proposals will achieve an 'outstanding' BREEAM performance rating for carbon reduction. A BREEAM pre-assessment of the development has been undertaken, which identified that the proposals achieve a 'Very Good' rating, as stated in the supporting BEEHAM Preliminary Assessment Report, prepared by Eight Associates. The proposal is therefore considered to be acceptable in terms of policy CS15.

7.10 Planning Obligations

The proposed office accommodation will be required to be designated 'permit free'.

7.11 Local Financial Considerations

The proposed development is liable for the Merton Community Infrastructure Levy and the Mayoral Community Infrastructure Levy, the funds of which will be applied by the Mayor towards the Crossrail project. The CIL amount is non-negotiable and planning permission cannot be refused for failure to agree to pay the CIL.

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

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

9. **CONCLUSION**

9.1 The design of the proposed office building is considered to be acceptable and the proposed development would not affect neighbour amenity. The proposal would provide new high quality office space in a town centre location with good public transport accessibility. Accordingly, it is recommended that planning permission be granted.

RECOMMENDATION

GRANT Planning Permission

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

1. The development being designated 'Permit Free',
2. The developer paying the Council's legal and professional costs in drafting, completing and monitoring the agreement (£500).

and subject to the following conditions:-

1. A.1 Commencement of Development (5 Years)
2. A.7 Approved Plans
3. B.1 (Approval of Facing Materials)
4. B.4 (Details of Site Surface Treatment)
5. C.6 (Refuse and Recycling – Details to be Submitted)
6. C.7 (Refuse and Recycling – Implementation)
7. C.10 (Balcony Screening – 1.7 metres in Height)
8. D.1 (Hours of Construction)
9. D.5 (Soundproofing of Plant and Machinery)
10. D.9 (No External Lighting)
11. H.4 (Provision of Parking)

12. H.1 (New Vehicular Access-Details)
13. H.2 (Vehicle Access to be Approved)
14. H.5 (Visibility Splays)
15. H.6 (Cycle Parking)
16. H.8 Travel Plan
17. H.9 (Construction Vehicles – Major Sites)
18. H.10 (Construction Vehicles-Major sites)
19. H.12 (Delivery and Servicing Plan to be Submitted)
20. H.13 Construction Logistics Plan)
21. L.7 (BREEAM Pre-Occupation New Build Non-Residential)
22. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuation provision of no less than 15m³ of storage) and control the rate of surface water discharged from the site to no greater than 5l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. include a CCTV survey of the existing surface water outfall and site wide drainage network to establish its condition is appropriate.

Reason: To ensure satisfactory means of surface water drainage, to reduce the risk of flooding and to comply with the following Development Plan policies for Merton: policy 5.13 of the London Plan 2011, policy CS16 of Merton's Core Planning Strategy 2011 and policy DM F2 of Merton's Sites and Policies Plan 2014.
23. 'No part of the development hereby approved shall be occupied until evidence has been submitted to the council confirming that the development has achieved not less than the CO₂ reductions (ENE1), internal water usage (WAT1) standards equivalent to Code for Sustainable Homes Level 4.

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

Reason for condition: In order to comply with policy CS15 of the Adopted Merton Core Planning Strategy (July 2011).

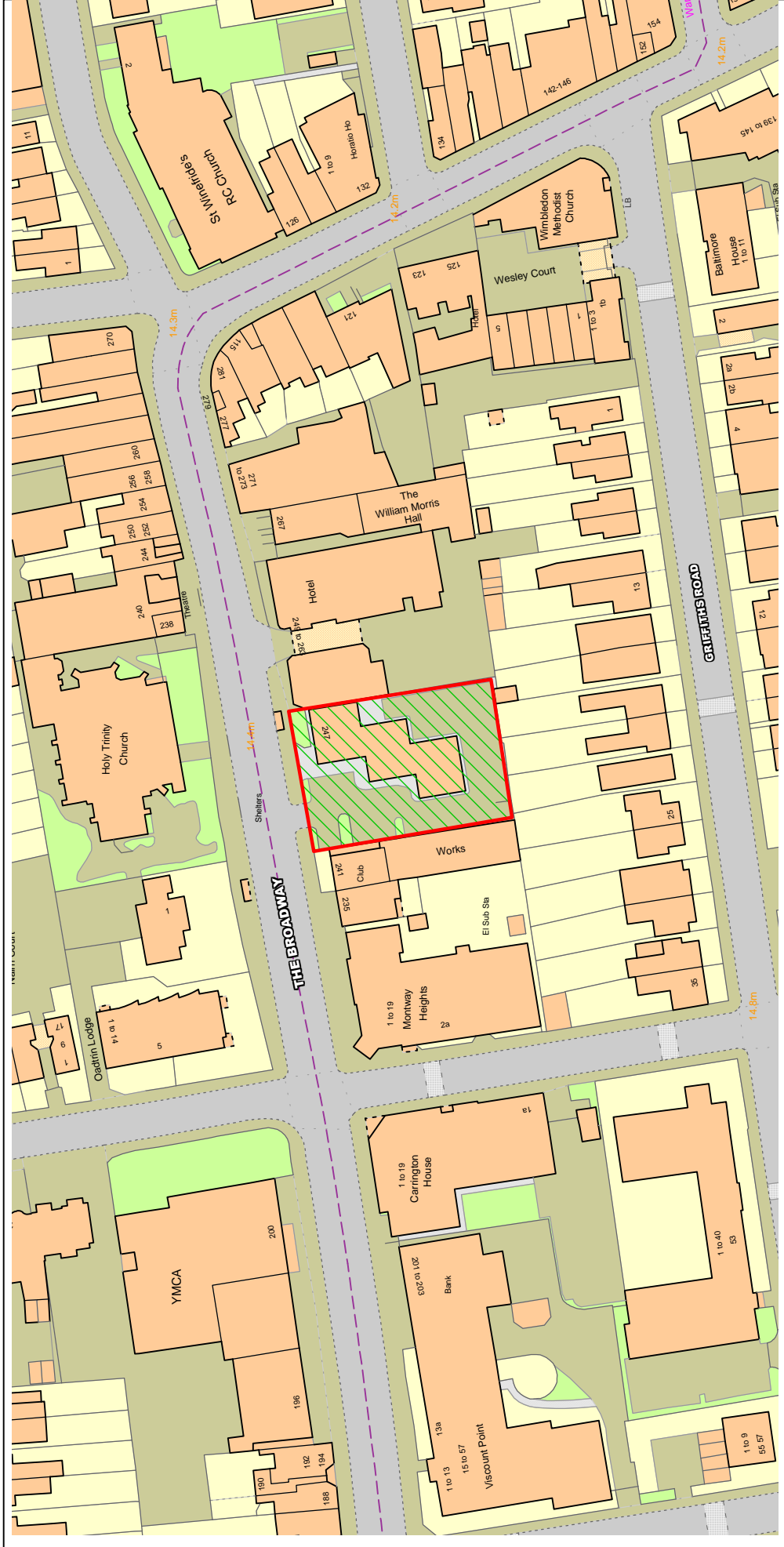
24. INF8 (Construction Access)
 25. INF9 (Works to the Public Highway)
 26. INF12 (Works Affecting the Public Highway)
-

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

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PLANNING APPLICATIONS COMMITTEE
16th November 2017

APPLICATION NO **DATE VALID**
17/P0833 23.05.2017

Address/Site 240 Burlington Road, New Malden, KT3 4NN

Ward West Barnes

Proposal: Use of the building to extend the range of occupiers of the building authorised under planning permission ref 14/P0559 from students to students and graduates in full time employment.

Drawing Nos; Site location plan and drawings T299 001, T299 04 Amended 16/6/17, T299 05 and document 'Lettings Strategy-August 2017'

Contact Officer: Leigh Harrington (020 8545 3836)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION.

- Heads of agreement: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: No,
- Number of neighbours consulted: 8
- Press notice – No
- Site notice – Yes
- External consultations: Nil
- Archaeological Priority Zone – No
- Controlled Parking Zone - No
- Number of jobs created: N/A
- PTAL Score – 3 (Moderate) – Ranked 1 to 6 with 6 being the best..

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 0.05 hectare site located at the junction of Burlington Road with Belmont Avenue. The site is not within a Conservation Area and there are no other relevant constraints.
- 2.2 The application site was previously a three storey office building with mansard roof. It has been extended and converted to a solely residential use for students predominantly from Kingston University. Internally the accommodation is typically arranged in groups of four individual rooms with a communal kitchen for each cluster of four rooms. There are larger laundry facilities also provided on site as well as a management office and secure cycle storage..
- 2.3 The site is not located within a CPZ but there is a single yellow line restriction on the Burlington Road elevation and a double yellow line on the Belmont Avenue junction that reduces to a single yellow line before parking becomes unrestricted.

3. CURRENT PROPOSAL

- 3.1 The proposed change of use of the building essentially entails a variation to condition 6 of the existing planning permission that regulates the use of the extended building (14/P0559). The current condition restricts the use of the building as follows:

The premises shall only be used for student accommodation in connection with Kingston University, St George's Medical School, St Mary's University College, Twickenham and Roehampton University only and for no other purpose, (including any other purpose within Class C2 of the Schedule to the Town and Country Planning (Use Classes Order) 1997), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

The reason for the condition was to enable the Local Planning Authority to retain control over any further change of use of these premises in the interests of safeguarding the amenities of the area.

- 3.2 The proposals involve changes to the tenancy arrangements. The proposals had originally been to change the use from a student accommodation block (use Class C2) to a hostel, a sui generis use or one not falling within any of the Classes in the Use Classes Order.
- 3.3 The change was sought by the applicants because of falling occupancy levels in the units. The applicant advises that the scale of the development of new student accommodation for Kingston University and Roehampton University students, both university accommodation and private accommodation, has led to a reduction in students applying for accommodation in Malden Hall which is currently making the operation of the 40 bedroom as student only accommodation, unviable. Recently built new student accommodation has impacted on demand for accommodation at Malden Hall, by virtue of their better location relative to Kingston University and Roehampton universities

and better on site facilities. A total of 641 new bed spaces was available to Kingston University to serve a 12% reduction in student numbers attending Kingston for the 2016/17 academic year. Similarly, a further new 208 bed campus based accommodation was available for Roehampton University students in the 2016/2017 academic year. A further total of 370 new bed spaces will be available to Kingston University students for the 2017/18 academic year. Similarly, a further 358 campus based bed spaces will be available for Roehampton University students in the 2017/2018 academic year.

- 3.4 Objections to the proposals were received from neighbours and local councillors and these are summarised below. Officers have secured amendments to the proposals, with the applicant assisting officers by providing greater clarity as to the end users of the building, with the proposals now being for the use of the building to provide accommodation for students and graduates in full time employment (also a sui generis use).
- 3.5 The proposals would introduce a new three tiered letting strategy as follows;
Stage 1; The accommodation would be restricted to students from Kingston University, St George's Medical School, St Mary's University College, Twickenham and Roehampton University. Tenancies would be 12 months.
Stage 2; Remaining unlet units would be offered to any University students. Unreserved rooms from Stage 1 would be offered for a 1 month period with up to a 12 month tenancy.
Stage 3; Any rooms not taken under stages 1 and 2 would then be offered to the rental market to new graduates and young professionals. This would be subject to an age restriction of 18-28 (this would not apply where applicants can demonstrate they have graduated from one of the named universities within the last two years and are in full time employment). They would need to provide formal confirmation of full time employment and earning over £20,000. The tenancies would be either 3 or 6 months up to a maximum of 12 months.
- 3.6 There would be no physical alterations or extensions to the building and no increase in resident numbers beyond what is already approved.
- 3.7 The layout is over four floors with 10 clusters known as flats. Each cluster has four ensuite bedrooms of which 22 are equipped with double beds, 17 with single beds and 1 as a studio unit. Each cluster/flat shares a kitchen dining room. Each bedroom has a small storage area and a desk/work area.

4. PLANNING HISTORY

- 4.1 99/P0556 Planning permission granted by PAC for change of use of existing office to provide residential accommodation for students (24 study bedrooms) with communal kitchen/dining facilities and the erection of a replacement second floor extension.
- 4.2 10/P1686 Planning permission granted for the removal of second (top) storey of three storey student hostel (22 bedrooms) and construction of two new

floors creating a four storey building providing 40 bedrooms for student accommodation.

- 4.3 14/P0559 Application approved for variation of condition 7 (restricted use) attached to LBM planning permission 10/P1686 (dated 21/09/10) removing the words "... in connection with Kingston University only" thereby enabling the accommodation to be let to students from Kingston University, St George's Medical School, St Mary's University College, Twickenham and Roehampton University.

5. CONSULTATION

- 5.1 The application has been advertised by means of a site notice and letters sent to 8 neighbouring occupiers. In response to the original consultations for a hostel objections were received from 13 neighbouring occupiers raising the following concerns:
- Pressure on parking will increase from being privately rented units.
 - The site has a low ptal and is close to the A3.
 - A hostel use may impact security and safety.
 - Details of the hostel use are unclear.
 - The rooms will be rented to single mothers and their working boyfriends.
 - Extra residents result in increased litter and lack of car parking space.
 - Hostel use better suited to town centres.
 - How will temporary accommodation to homeless applicants benefit the day to day life of residents.
 - Hostel will bring drug addicts, alcoholics, ne'er do wells and other undesirables to harass the local community.
 - Already enough anti social behaviour in the area.
 - Loss of student accommodation for future students
- 5.2 The Raynes Park and West Barnes Residents Association No objection to the use for single homeless people but subject to conditions making it permit free, only adult residents, Merton residents and private rentals limited to 6 months.
- 5.3 Two letters of objection were received following reconsultation on the amended description raising concerns relating to;
- Pressure on parking on local streets as the development cannot be made permit free at this stage.
 - Graduates more likely to own a car which will put pressure on the local roads
 - If undergraduates are allowed to take the units their behaviour may be very different to that of postgraduates.
 - Britannic House has gone from offices to luxury flats
 - Rubbish outside the site is an eyesore.

One letter of support was received stating;

- This is the best option for keeping the building in use

- This is the best option for the local area and to prevent it becoming a hostel

5.4 Councillors Gilli and Brian Lewis-Lavender undertook their own neighbour notification on the revised description via a leaflet drop to 400 local to which no objections were received.

5.5 Transport planning section. No objection to the proposals as they are not considered to generate a significant negative impact on the performance and safety of the surrounding highway network or its users. A condition requiring a travel plan is recommended.

5.6 Environmental Health. No objections.

5.7 Transport for London. No objections to the proposals

6. POLICY CONTEXT

6.1 DCLG Technical housing standards (2015).

6.2 Relevant policies in the London Plan (2016) are; 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice).

6.3 Relevant policies in the Core Strategy (2011) are; CS8 (Housing choice), CS 20 (Parking, Servicing & delivery).

6.4 The relevant policies in the Sites and Policies Plan (2014) are; DM D2 (Design considerations in all developments) and DM H5 (student housing, other housing with shared facilities).

6.5 London Housing SPG 2016

6.6 TfL Roads Task Force - survey data used 2011/12.

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the impact of the changes to tenure on the character and nature of the host building and the wider area including parking.

Principle

7.2 The building has provided student accommodation for a number of years since it was enlarged and it reflected the needs of the local University at the time. Following the construction of new accommodation closer to the University the need for student accommodation appears to have diminished and under-occupancy will impact the viability and vitality of the building. Given the need to increase occupancy levels, to provide for the accommodation needs of other groups of young persons and the current configuration of the building the applicant has explored, in conjunction with officers and local councillors, the alternative tenure arrangement now before members. The proposals will

continue to focus on providing student accommodation but within a wider context to allow for other University students, recent graduates and young professionals up to the age of 28 in full time employment on short terms tenancies.

- 7.3 London Plan policy 3.8 encourages developments that take account of the housing requirements of different groups and the changing roles of different sectors in meeting these needs and the London Housing SPG and SPP policy. Similarly DM H5 supports student accommodation along with other housing with shared facilities and bedsits and resists its loss.
- 7.4 The building currently does not provide permanent housing and so the proposal would not conflict with policy DM.H5 (a)(i).
- 7.5 While the Council reviews sites for the purpose of delivering new housing as part of its plan making process, this site was not identified at the plan preparation stage for the Sites and Policies Plan stage as a potential site for more conventional housing and for the time being officers consider that its retention for short term accommodation would not compromise capacity to meet the supply of land for additional self contained homes thereby addressing DM.H5(a) (ii).
- 7.6 The widening of groups eligible to rent accommodation, meets an acknowledged need to provide for other groups in the housing market that are not necessarily seeking self contained homes and would not result in an over concentration of similar uses that might be detrimental to residential character and amenity thereby complying with the objectives of policy DM.H5 (a)(iii) and (a)(iv).
- 7.7 While the proposals result in the potential for some loss of student accommodation the applicant has demonstrated through an analysis of consented and implemented schemes for nearby universities that there has been a significant increase in capacity for the universities alongside a marked drop in the take up of accommodation at this site thereby addressing DM.H5 (b)(i).
- 7.8 Suitability of accommodation.

The London Plan acknowledges that “shared accommodation or houses in multiple occupation is a strategically important part of London’s housing offer, meeting distinct needs and reducing pressure on other elements of the housing stock although its quality can give rise to concern. Where it is of a reasonable standard it should be protected. By virtue of the current permission the Council has already deemed the use of the building in the manner in which the space it is configured to be of an acceptable standard.

- 7.9 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 residential developments including room and space standards. Policy DM.H5 (a)(v) requires that housing with shared facilities complies with all relevant standards for that use. The accommodation

size is considered suitable for temporary student occupation as normally it is mainly used in term time.

- 7.10 The configuration of the building reflects that the lower floors were converted from offices whilst the upper floors were purpose built. Consequently there is a variation in size of the clusters between 63sqm and 81sqm although the bedrooms tend to average around 12 sqm. With four bedrooms per cluster they would not meet the GIA requirements for flats of that configuration whilst the layout on the upper two floors with the central corridors would not lend itself to subdivision. Therefore although the building layout would not meet the standards required for full time occupation it has proved acceptable for student accommodation needs and it is considered that the stipulations in the lettings strategy that limit occupation to 12 months are considered a satisfactory and pragmatic response to offer temporary affordable accommodation for post graduates and young professionals as they transition into the labour and property markets and as such the changes are considered to accord with London Plan policy 3.8.
- 7.9 There is no amenity space standard for HMO type accommodation and currently the use benefits from only a small area (approximately 40 sq.m) of outdoor amenity space. Officers consider it may be unreasonable to resist the current proposals on the basis of limited amenity space.
- 7.10 It is considered that the proposals would not conflict with the objectives of policies CS.9 and DM.H5(a)(v).

7.11 Impact on neighbour amenity.

London Plan policy 7.6, and Sites and Policies Plan policies DM D2 and DM.H5 (iv) 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 or a wider impact on residential character and amenity. A number of objections were received in response to the original wording of the description for a hostel and on the basis of the absence of letting arrangement details officers were initially unable to reasonably consider the potential impact of the use on neighbour amenity.

However the revisions to the lettings strategy, providing a clear and defined focus, are now considered to adequately address previous concerns and officers consider that the site could continue to operate satisfactorily within its residential setting and thereby not conflict with the objectives of adopted policies DM.D2 or DM.H5(iv)..

7.12 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. The application generated a number of objections relating to parking. However the Council's Transport planning officer has observed that the proposals would not generate significant parking over that relating to the existing use and TfL raised no objections to the proposals. The only new

group of residents would be those under stage 3. This raises the issue as to whether the change would materially alter car ownership levels.

- 7.13 Whilst the proposals give scope for the age profile and income of the occupiers to be a little older and higher than at present the combination of age, qualification and income criteria would still point to the occupiers falling within a group of young adult up to 29 years old identified in the TfL Roads Task Force survey (2011/12) as having low access to a car (13% of all adults in the 16-29 age group in London with incomes up to £25,000 own a car). Car ownership levels appear to have an inverse relationship with access to public transport (areas with better access have lower levels of car ownership) and it may be that levels of car ownership in this location would be somewhat higher. However, given the moderate levels of access to public transport it is considered that there is insufficient evidence to clearly demonstrate that the proposals will have a significant impact on parking capacity so as to warrant grounds for refusal. The Council's Transport Planner has not raised concerns regarding parking impact arising from the proposed changes to letting arrangements.
- 7.14 Given the managed nature of letting the accommodation a condition requiring a Travel plan to be approved, once occupation of any part of the accommodation changes from students to those in work, is also recommended in order to ensure that there are measures to mitigate any impact on the highway network.
- 7.15 Cycle stage/parking facilities would be retained as existing.

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 Since the conversion of the building to provide student accommodation the University Of Kingston, whose students the development was intended to house, and Roehampton University have built newer student accommodation nearer to their sites than the application site. The applicant has seen occupancy numbers decline which negatively impacts the viability and vitality of the building.
- 9.2 In order to address this, the applicants have sought to widen the pool of potential occupants which had been limited by previous conditions to students from particular educational establishments. The proposal generated a large number of objections when it was originally described as a hostel but following discussions between local councillors, planning officers and the applicants the details have been clarified and reformulated to create a three stage letting system which is considered to assist the viability and vitality of the development. The use will continue to provide accommodation for students

but with the addition of graduates and those in full time employment using the unlet units for up to 12 months. This is considered to satisfactorily address neighbour concerns with the type of resident in the development whilst providing short term accommodation for students, graduates and those in need of temporary accommodation as they transition into the labour and housing markets. Data from TfL demonstrates that, with likely low car ownership levels for this demographic, the proposals would not have a significant impact on parking in the area.

- 9.3 It is considered that the proposals do not conflict with adopted policy and the proposals are recommended for approval subject to conditions.

**RECOMMENDATION: Grant planning permission subject to conditions.
Conditions**

- 1 In accordance with plans; Site location plan and drawings T299 001, T299 04 Amended 16/6/17, T299 05 and document 'Lettings Strategy-August 2017' Reason; In the interests of proper planning and in order to safeguard neighbour amenity in terms of noise, disturbance and parking pressure on surrounding roads and to accord with the objectives of the Sites and Policies Plan policy DM.H5 and London Plan policy 3.8 and the London Plan Housing SPG 2016
 - 2 Prior to the use of any room under stages 2 or 3 of the approved 3 stage letting scheme hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the current 'Travel Plan Development Control Guidance' issued by TfL and shall include:
 - (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development;
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.
 - (v) On occupation of any room under stages 2 or 3 of the 3 stage letting scheme, the use of the building shall operate in accordance with such Travel plan details as are approved.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.
 - 3 C8 No use of flat roof.
 - 4 D10 external lighting.
 - 5 H7 cycle implementation The cycle parking shown on the plans hereby approved must be made available for use and these facilities shall be retained for the occupants of and visitors to the development at all times.
 - 6 NPPF informative.
-

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PLANNING APPLICATIONS COMMITTEE

16th November 2017

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3227	22/08/17
Address/Site	30 Newstead Way, Wimbledon, London, SW19 5HS
Ward	Village
Proposal:	Altered boundary wall including increase in height, new gates and relocation of pillars to provide new vehicular access
Drawing Nos	907/2h/01, 03 Rev C, 04 Rev C, 05 Rev D, 06 Rev D, 07 Rev C, 08 Rev G, 10 Rev C, 12 Rev D, 14 Rev D
Contact Officer:	Anna Woodward (020 8545 3112)

RECOMMENDATION

GRANT Planning Permission subject to conditions

CHECKLIST INFORMATION.

Heads of agreement: - Nil

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 – 11

External consultations – No.

PTAL Score – 1a

CPZ – VE – under consideration

1. **INTRODUCTION**

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

2. **SITE AND SURROUNDINGS**

- 2.1 The application site is located at 30 Newstead Way which is situated at the northern corner of Newstead Way and Somerset Road. The site is occupied by a two storey (with loft space) detached dwelling. The existing boundary treatment is a medium size brick wall (maximum height of 1.45m) with pillars at intervals, and a hedge behind it which extends above the wall. The property opposite the site on the other side of Newstead Way has a very similar boundary treatment except with metal railings on top of the wall. The surrounding area is characterised by open gardens and green boundary treatments similar to that existing at the site. The site is not located in a conservation area.

3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for alterations to the existing boundary treatment consisting of raising the wall and relocating the pillars to change the vehicle access arrangement. The existing central vehicle access will be changed to a pedestrian-only entrance, and the other vehicle entrance will be widened and moved further towards the eastern boundary. The proposed drawings show the existing hedge behind the wall to be removed, however, the applicant has stated in writing it will now not be removed.
- 3.2 The altered wall/fence will enclose the property to a maximum height of 1.95m (height of the pillars), with the main wall structure being no higher than 1.35m. The pillars either side of the pedestrian and vehicle access ways will be a maximum height of 2.45m. The metal bars/railings on top of the wall will be 0.5m in height.

4. **PLANNING HISTORY**

- 4.1. 17/P1301 - ERECTION OF A TWO STOREY SIDE EXTENSION, SINGLE STOREY SIDE CONSERVATORY EXTENSION AND ASSOCIATED ALTERATIONS TO EXISTING PORCH AND MAIN ROOF – Granted subject to conditions 19/05/17.

5. **CONSULTATION**

- 5.1 The application has been advertised by standard site notice procedure and letters of notification to the occupiers of neighbouring properties.
- 5.2 In response to consultation, 10 letters of objection to the original plans were received. The letters raise the following concerns:
- Higher wall will be out of keeping with the open character and

- amenity of the area and will appear visually intrusive and austere;
- High wall destroys community spirit by discouraging communication between neighbours;
- The removal of the hedge will change the green/attractive appearance/character of the area. The corner of Newstead Way and Somerset Road is framed by two similar hedges and the proposal will change this pleasant character;
- Existing birdlife will be affected with the removal of the hedge;
- Suggestion for planting plan required as condition of consent;
- The pedestrian gate should be wrought iron to be more in keeping with the character;
- The erection of a high wall may attract burglars.

5.3 Following the amendment of the plans, re-consultation was not undertaken as the amendments lessened the impacts of the proposal. However, in the interim 5 of these objections have been formally withdrawn following the changes.

6. **POLICY CONTEXT**

6.1 Merton Core Planning Strategy (July 2011)
CS14 - Design

6.2 Adopted Merton Sites and Policies Plan (July 2014)
DM D2 Design Considerations in All Developments
DM D3 Alterations and extensions to existing buildings

6.3 London Plan (July 2015)
7.4 (Local Character)
7.6 (Architecture)

7. **PLANNING CONSIDERATIONS**

7.1 The planning considerations for development to an existing building (being a boundary treatment/fence) relate to the impact of the proposed alteration on the character and appearance of the host building/site along with the surrounding area and the impact upon neighbour amenity.

7.2 Amendments

7.2.1 Following discussions with the applicant, the scheme has been amended. The height of the wall was reduced and the material of the structure on top of the wall was changed from a solid, non-visually permeable wooden structure, to metal bars that are able to be seen through.

7.6 Character and appearance

- 7.6.1 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3 require well designed proposals that will respect the appearance, scale, bulk, form, proportions, materials and character of the original building and their surroundings.

Boundary treatment, by its inherent nature, has a strong impact upon the streetscene. The streetscene in the immediate vicinity of the application site is distinctly characterised by boundary treatment consisting of green vegetation upon low-medium height brick walls. It is considered that the green boundary treatment is a key feature of the streetscene and adds significantly to the visual amenity of the area. The consideration of this proposal is whether the structures proposed will be suitable in this locality.

It is noted that most of the properties in the surrounding neighbourhood of Newstead Way and Somerset Road are terraced houses and the front gardens are uniform with each other. The subject site along with 122 Somerset Road contain large detached houses with similar boundary treatments of brick walls and a hedge behind/upon it. These properties are generally of a different character to the properties in surrounding area.

The proposed wall is considered to be in keeping with the character of the immediate area. The wall will be a very similar height and design to that surrounding 122 Somerset Road which is located directly opposite the site to the south. The proposal is not a significant deviation from what exists at the site currently. The main change is the raising of the wall by approximately 0.1m-0.4m and the addition of metal railings upon the wall.

7.8 Neighbouring amenity

- 7.8.1 SPP policy DM D2 states that proposals must be designed to ensure that they would not have an undue negative impact upon the amenity of neighbouring properties in terms of loss of light, quality of living conditions, privacy, visual intrusion and noise.

Given the height and location of the new fence along the boundaries, when compared to what exists currently, it is not considered to result in any undue adverse effects on neighbouring amenity.

The proposed boundary treatment will extend down the common boundary with 124 Somerset Road by approximately 4m. The total height of the wall where it abuts this boundary will not exceed 2m and this is permitted development. As such, the amenity effects on the landowner of 124 Somerset Road will be acceptable.

11. CONCLUSION

- 11.1 The new fence by virtue of its form, design and materials would be generally in keeping with the street scene of the area, particularly in the immediate vicinity. Therefore, the proposal would comply with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2 and DMD3.

It is therefore recommended to grant planning permission.

RECOMMENDATION

Subject to compliance with the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as Specified
4. H14 Garage Doors/Gates – non-opening over highway

INFORMATIVES:

1. *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.*

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

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PLANNING APPLICATIONS COMMITTEE

16th November 2017

APPLICATION NO.
17/P3256

DATE VALID
05/09/2017

Address/Site: 3 Orchard Lane, Raynes Park, London, SW20 0SE

Ward: Raynes Park

Proposal: Demolition of existing dwelling and the erection of 4 x 4 bedroom terraced houses and 1 x 4 bedroom detached house with associated parking & landscaping.

Drawing No.'s: P-Si-D-001, P-Si-D-002 (Rev: A), P-00-D-004 (Rev: C), P-01-D-005 (Rev: C), P-02-D-006 (Rev: C), P-R1-D-007 (Rev: B), E-N/S-D-008 (Rev: B), E-S/W-D-009, E-N/E-D-010, E-N/S-D-013 (Rev: A), X-4/5-B-014 (Rev: A) and X-CC/DD-B-010 (Rev: B).

And supporting documents: 'Planning Statement' dated August 2017, 'Design and Access Statement' dated 25/08/2017, 'Arboricultural Impact Assessment Report' dated 25/04/2017, 'Ecology Report' dated October 2016, 'Sustainability Statement' dated 23/08/2017, 'Daylight and Sunlight Report' dated 28/04/2017 and 'Environmental Noise Assessment' dated 24/04/2017.

Contact Officer: Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions.

CHECKLIST INFORMATION

- S106: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (affects adjoining conservation area)
- Site notice: Yes (affects adjoining conservation area)
- Design Review Panel consulted: No
- Number of neighbours consulted: 30
- External consultations: 0
- Conservation area: No (adjoins Durham Road Conservation Area)
- Listed building: No

- Archaeological priority zone: No
- Tree protection orders: Yes (Merton (No.689) TPO 2016)
- Controlled Parking Zone: No
- Flood risk zone: No
- Open Space: No (adjoins Holland Gardens Open Space)

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site (0.16 hectares) is positioned to the rear of dwellings fronting Orchard Lane (north of the site), Durham Road (west of the site) and Cambridge Road (south of the site). The site includes a 50m shared access from Orchard Lane. The land generally slopes away from the properties fronting Orchard Lane, such that the subject site sits at a lower elevation.
- 2.2 The site currently comprises No. 3 Orchard Lane, a two storey (with loft level) 5 bed dwelling, which is attached to No. 3A Orchard Lane, a single storey one bed flat. The site is characterised by a regular shaped, straight vehicle access, beyond which the site opens up into a spacious plot which is roughly wedge shaped; the oblique boundary lines of the site result in the plot increasing in width toward the rear (east). The site is enclosed by substantial, mature vegetation and trees.
- 2.3 The application site is surrounded by residential dwellings of generous proportions and are predominantly two storey with pitched roofs, many of which have accommodation at roof level. The access to the site is shared with No. 1 Orchard Lane, which adjoins the site along its southern boundary. No. 1 Orchard Lane comprises a two storey (with additional pitched roof) detached dwelling. To the southeast corner of the site is a two storey (with additional pitched roof), detached building with various extensions which is positioned within close proximity to the boundary shared with the application site. To the north are two storey (with additional pitched roofs) detached dwellings. To the west are two storey (with additional pitched roofs) semi-detached dwellings; these dwellings are located within the Durham Road Conservation Area. To the east is designated open space known as Holland Gardens. As per the draft Borough Character Study, the application site falls within the Raynes Park Sub Area, or more specifically, the Cottenham Park Character Area; the character area is described as being an area of established high quality.
- 2.4 The site has a PTAL (public transport accessibility level) of 3 which is considered to be moderate (1 being very poor and 6 being excellent).

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and the redevelopment of the site to provide a terrace of 4 x 4 bed, 3 storey dwellings and 1 x 4 bed, 3 storey detached dwelling along with associated parking, amenity space and landscaping. The development would have a total floor area of 964sq.m.

- 3.2 The proposed detached dwelling would be positioned in place of the existing dwelling, being immediately adjacent to the point where the vehicle access meets the main portion of the backland site. The dwelling would be set in from the northern boundary by approximately 1.9m, with the flank wall being roughly parallel to the skewed boundary line. The dwelling would be provided with a garden and parking space to the rear. Access would remain from Orchard Lane, the vehicle access would wrap around to the southern flank and to the rear of the detached dwelling, providing a shared vehicle surface positioned centrally within the site. The proposed terrace would occupy the eastern portion of the site, being setback from the detached dwelling by some 19m; the terrace would utilise a staggered footprint; the flank walls would be roughly parallel to the skewed site boundaries and would be set in from the northern and southern boundaries by approximately 1.75m respectively; the rear elevations would be setback from the eastern boundary by an approximate average of 9m and this setback would provide for the rear gardens of the terrace dwellings. Each of the terrace dwellings would have a vehicle parking space to the front, accessed directly from the central, shared vehicle surface.
- 3.3 The proposed terrace dwellings would be contemporary in appearance, comprising flat roofs and elevational treatment broken up into a series of stacked cuboids; terraces/balconies would be incorporated at first and second floors to the front and rear; the front elevation would incorporate recesses between the main façade of each dwelling. The second floor would be set in from the flank elevations by some 1.55m. Ground and first floor levels would comprise yellow London Stock Brick while the second floor would be off-white STO render. The main entrance doors would be aluminium. The glazed windows, folding doors and balustrades would comprise bronze aluminium frames. Red Cedar timber would be utilised to screen balconies. Green/living walls would be applied to the flank elevations and a green/brown roof would be applied to the first floor roof along the flanks (within the space created by setting in the top floor).
- 3.4 The proposed detached dwelling would match the vernacular and materials (including the green/living walls to the flanks and green/brown roof) of the terraced dwellings, albeit it would incorporate a two storey side element which would extend toward the south east.
- 3.5 The proposed development would have the following dimensions:
- Terrace: 14m deep, 24m wide (approximate average), 6m high to the top of the first floor and 8.9m maximum height.
 - Detached dwelling: 10.4m deep, a maximum of 11m wide, 5.7m high to the top of the first floor and 8.8m maximum height.
- 3.6 As previously mentioned, the site is enclosed by substantial, mature vegetation and trees. To facilitate the development, it is proposed to remove 5 Category C (low quality) trees which are located towards the northern boundary of the site; the felled trees would include Lawson Cypress and Common Ashes. It is proposed to retain all Category A (high quality) and Category B

(moderate quality) trees; this includes a mature Swamp Cypress which benefits from a TPO, Common Ashes and a Hornbeam. In addition, extensive landscaping has been proposed throughout the site.

- 3.7 Following the initial submission of the application, discussions ensued between LBM Officer's and the developer - Officer's raised concerns regarding the width of the vehicle access and the potential impact on retained trees. Amended plans were subsequently submitted which removed the proposed gate and vegetation from the vehicle access; removed the proposed patios and extended gardens walls from the rear of the terrace row (which were within the root protection zone of tree T4 - the TPO tree); introduced additional landscaping around the trunk of tree T15.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history recorded at the application site.

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 30 neighbouring properties. The outcome of the consultation process is summarised as follows:

- 5.2 33 letters of objection which are summarised as follows:

- Excessive density.
- Over development.
- Vehicle access too narrow.
- Compromised highway and pedestrian safety.
- Highway obstruction during the construction phase.
- Highway congestion.
- Increase vehicle movements and associated noise and light.
- Inaccessible for emergency services.
- Fire risk.
- Inadequate sight lines.
- Increased parking pressure.
- Objection to gated nature of proposal.
- Refuse provisions inappropriate.
- Out of character.
- Incongruous design.
- Excessive scale.
- Poor selection of materials.
- Detrimental to the setting of the conservation area.
- Visual intrusion/impact and overbearing.
- Loss of light.
- Loss of privacy.
- Noise pollution.
- Air pollution.
- Overlooking adjoining park.
- Disturbance during the construction phase.
- Limited outdoor space.
- Loss of trees including a tree with a TPO.
- Inadequate drainage and sewerage.

- Exacerbate flooding.
 - Adverse impact upon security.
 - Loss of green space and associated ecology.
 - Environmental impact.
 - Breach of existing covenant.
 - Contravenes planning policy.
 - Misleading, contradictory, false and incomplete information.
- 5.3 1 neutral representation stating that the author could not object to the planning application due to an existing covenant.
- 5.4 1 Letter of support which is summarised as follows:
- Developing the site to provide 5 houses is an excellent use of space
 - Objections relating to highway safety are unfounded
 - Objections relating to overlooking the park are unreasonable
- 5.5 The Residents Association of West Wimbledon: Objection. The proposal would be out of keeping with the character of Orchard Lane, which is predominantly 2 storey detached dwellings with generous gardens and surrounding open space. The removal of 5 trees would result in the north elevation being clearly visible. Orchard Lane is already prone to parking pressure and congestion; 1 vehicle parking space per dwelling is insufficient and there is no provision for visitors or deliveries; the gated entrance would increase the likelihood of visiting vehicles having to park in Orchard Lane. Increased vehicle movements would increase noise, disturbance and pollution to neighbouring properties. Loss of privacy from the rear windows of the gatehouse. Tree T4 (swamp cypress subject to a TPO) is clearly visible from Holland Gardens and makes a positive contribution to the visual amenity of the area; this tree would be put at risk as a result of the construction period and due to subsequent pressure to prune or remove the tree to allow light into the proposed properties. Trees T11 and T18 are similarly at risk from requests to prune or remove them due to the proximity to the proposed development. The proposed terraces would be visible from the adjacent open space (Holland Park) and would result in loss of privacy to prospective occupants and users of the park. The access and site are too narrow/constrained for large vehicles, including fire engines. Refuse provisions are inappropriate and would be an eyesore.
- 5.6 The Wimbledon Society: Objection. The proposed development would result in loss of light to neighbouring properties. The proposal would be out of keeping with, and would not relate positively to, the surrounding area (including the adjacent Durham Road Conservation Area). The narrow access and secluded nature of the site could pose a safety and security risk and could limit access for emergency vehicles.

Internal:

- 5.7 Transport/highways: No objection. The site is located within an area of PTAL 3, which is moderate. Parking provisions are within Landon Plan standards and are considered to be adequate. 10 covered and secure cycle storage

spaces would need to be provided. The refuse collection point should be sited within 20m of the adopted highway. Submitted swept path analysis of construction vehicles are acceptable subject to the existing crossover being extended in width. Recommended conditions relating to cycle storage, refuse storage, a construction logistics plan and a construction management plan.

5.8 Waste Services: No objection.

5.9 Environmental Health: To mitigate the concerns of noise and light pollution, both in terms of the construction process and the ongoing residency, it is recommended to include conditions relating to a construction management plan, limited construction hours, external lighting and contamination.

5.10 Tree Officer: Advised that the Arboricultural Impact Assessment Report (AIA Report) makes no mention of the existing pavilion within Holland Gardens (immediately beyond the eastern boundary of the site); the pavilion and surrounding hard standing already occupies approximately 30% of the root protection area (RPA) of Tree T4 (swamp cypress subject to a TPO); the proposal would cover a further 11.2% of the RPA; mitigation measures include no-dig construction and low invasive foundation design. To further mitigate the impact upon T4 it is recommended to remove the rear ground floor patios and the extended section of wall to the rear of the terrace dwellings. There should be no excavation where the patios are proposed. Recommended conditions relate to an arboricultural method statement and tree protection plan, foundation design and site supervision by an arboricultural expert. It is noted that amended plans were subsequently submitted in accordance with the aforementioned recommendations.

5.11 Climate Change Officer: As a minor development proposal, the development must achieve a 19% improvement on Buildings Regulations 2013 Part L and an internal water usage rate not exceeding of 105 litres per person per day; this should be secured by way of condition.

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

Other NPPF sections of relevance:

4. Promoting sustainable transport
6. Delivering a wide choice of quality homes.
7. Requiring good design.
10. Meeting the challenge of climate change/flooding
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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
- 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
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 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
- 7.8 Heritage assets and archaeology
- 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

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 16 Flood risk management

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 O1 Open Space

DM O2 Nature conservation, Trees, hedges and landscape features

DM D1 Urban Design

DM D2 Design considerations

DM D4 Managing Heritage Assets

DM EP2 Reducing and mitigating noise

DM EP3 Allowable solutions

DM EP4 Pollutants

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems

DM T1 Support for sustainable transport

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

6.5 Supplementary planning considerations

London Housing SPG – 2016

Technical Housing Standards 2015

Merton Borough Character Study (Draft)

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

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

- Principle of development.
- Residential density.

- Design and impact upon the character and appearance of the area.
- Impact upon neighbouring amenity.
- Standard of accommodation.
- Transport, highway network, parking and sustainable travel.
- Refuse storage.
- Sustainable design and construction.
- Site contamination.
- Flooding and sustainable urban drainage.
- Landscaping and impact upon biodiversity and trees.

Principle of development

- 7.2 Policy 3.3 of the London Plan 2016 states that development plan policies should seek to identify new sources of land for residential development including intensification of housing provision through development at higher densities. Core Strategy policies CS8 & CS9 seek to encourage proposals for well-designed and conveniently located new housing that will create socially mixed and sustainable neighbourhoods through physical regeneration and effective use of space. The National Planning Policy Framework 2012 and London Plan policies 3.3 & 3.5 promote sustainable development that encourages the development of additional dwellings at locations with good public transport accessibility.
- 7.3 The existing use of the site is residential, the site is within a residential area and has a public transport accessibility level (PTAL) of 3 which is considered to be moderate (1 being very poor and 6 being excellent), which increases to a PTAL of 4 within 60m of the site. The site is an underutilised brownfield site which is considered to present opportunities for a more intensive residential development. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets and the redevelopment of brownfield sites.
- 7.4 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

- 7.5 The area has a PTAL of 3 which is considered to be moderate. The site is considered to fall within the category of 'suburban'. The proposal would constitute 5 proposed residential units with a total of 30 habitable rooms. The site has an area of 0.16ha.
- 7.6 The resultant density is calculated to be as follows:
Units per hectare:
 $1/0.16 \text{ ha (site area)} \times 5 \text{ (number of units)} = 31 \text{ units per hectare.}$
- 7.7 Habitable rooms per hectare:
 $1/0.16 \text{ ha (site area)} \times 30 \text{ (No. of habitable rooms)} = 188 \text{ habitable rooms per hectare.}$

- 7.8 Table 3.2 of the London Plan 2016 advises that sites with a PTAL rating of 3 within a suburban setting should provide for a density range of between 35-65 units/ha and 150-250 habitable rooms/ha.
- 7.9 The figures above illustrate that the proposed development would provide for a density that falls slightly below the recommended density range in terms of units/ha but fits comfortably within the recommended range for habitable rooms/ha.
- 7.10 While density is a material consideration, London Plan paragraph 3.28 states that it is not appropriate to apply the density ranges suggested in Table 3.2 mechanically. The potential for additional residential development is better considered in the context of its bulk, scale, design, sustainability, 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

- 7.11 Section 12 of the NPPF, London Plan policies 7.4, 7.6 and 7.8, Core Strategy policy CS14 and SPP Policies DM D2 and DM D4 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. Core Strategy policy CS13(e) requires any new dwellings in back gardens to be justified against the local context and character of the site. As per SPP policy DM O1, the visual amenities of open space must be taken into account, this is relevant to this application given the adjacent Holland Gardens, to the east, is designated open space.
- 7.12 The proposal is not located within a conservation area; however, it would be visible from the rear gardens of dwellings fronting Durham Road, which are within the Durham Road Conservation Area. London Plan policy 7.8 and SPP Policy DM D4 require that developments which would affect the setting of a conservation area to conserve or enhance the conservation area.
- 7.13 Paragraph 1.3.61 of the London Plan Housing SPG 2016 states that *fully optimising housing potential will necessitate high quality, innovative design to ensure new development successfully responds to challenges and opportunities presented on a particular site*. The site is located between, and to the rear of, surrounding dwellings; and is screened from the streetscene. In addition, while the site is visible from the surrounding dwellings and from Holland Gardens, it is isolated in the sense that it would not be read together with the surrounding development. There is therefore an opportunity to develop a unique design approach, appropriate to the characteristics of the site.
- 7.14 It is considered that the proposal would achieve an appropriate level of site coverage while also providing appropriate setbacks from the boundaries and spacing between buildings. The staggered approach to the terrace row would

ensure efficient use of space while providing suitable setbacks from the site boundaries and would allow for gardens to the rear and parking spaces to the front. The proposed development would incorporate suitable separation distances from existing buildings; the development would maintain a minimum separation distance from the dwellings fronting Orchard Lane (to the north) of 20m, a minimum of 30m to the dwellings fronting Durham Road (to the west) and 8.5m to No. 1 Orchard Lane (existing backland dwelling which shares the vehicle access). The closest dwelling would be No. 4 Cambridge Road which would be setback some 2.5m from the proposal. However, only the south east corner of the proposed development approaches No. 4 Cambridge Road. This part of the development would be two storey, given the top floor would incorporate a 1.55m set in from the flank elevation and No. 4 Cambridge Road is single storey (with additional pitched roof) at that location. In addition, within the site there would be a separation distance of some 19m between the detached dwelling and the terrace and the terraced dwellings would be setback from the eastern boundary by an approximate average of 9m.

- 7.15 In terms of height and bulk, it is considered that 3 storey dwellings with flat roofs are well justified given the surrounding context. The surrounding dwellings are predominately two storey with additional pitched roofs, many of which have accommodation at roof level. The land at the location of the proposal reduces in elevation relative to the properties fronting Orchard Lane; as depicted in cross section X-4/5-B-014. The proposal would be considerably lower in overall height than the dwellings fronting Orchard Lane. The apparent bulk of the scheme is further reduced by the proposal to recess the top floor along the flank elevations, the proposal to use a light colour for the top floor (allowing it to more readily blend in with the sky) and the use of green/living flank walls and green roofs. Furthermore, the retained vegetation along with the proposed landscaping would help to further screen the scheme from surrounding properties.
- 7.16 Given the isolated and unique nature of the site, a contemporary approach to the design is considered to be appropriate. The proposed development would comprise flat roofs and elevational treatment broken up into a series of stacked cuboids; terraces/balconies would be incorporated at first and second floors to the front and rear. 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 details and samples of materials to be submitted for approval prior to the commencement of the development. Subject to the final approval of materials, the proposed development is considered to achieve a high quality and well considered design and appearance which would respect the wider area.
- 7.17 The proposals would result in the addition of buildings which would be in close proximity to, and visible from, the adjacent open space. However, given the high quality design of the proposed scheme, the degree of separation from the eastern boundary, the proposed use of green/living walls and roofs and the retention of tree T4 (mature swamp cypress positioned between the

proposal and the open space), it is not considered that the visual amenity of the open space would be unduly harmed by reason of siting, materials or design.

- 7.18 While the proposal does not seek to replicate the surrounding development, it is considered to achieve a coherent and high quality design which would not detract from the surrounding area, the conservation area or the adjacent open space. Given the development does not seek to create a single, isolated dwelling, but rather an ensemble of five dwellings, it is considered that the development would achieve a semblance of its own character, unique to the backland site.

Impact upon neighbouring amenity

- 7.19 London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2 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 (sunlight and daylight), quality of living conditions, privacy, visual intrusion and noise.

Visual intrusion

- 7.20 Given the aforementioned separation distances proposed between the development and the surrounding properties, in conjunction with the reduced height of the application site, the recessed top floor and green screening (green/living walls and roof, retained vegetation and proposed landscaping), it is not considered that the proposal would be unduly overbearing or visually intrusive to neighbouring properties. It is noted that the south east corner of the proposed terrace row would be in close proximity to the rear elevation of No. 4 Cambridge Road, however, there are no windows in this section of No. 4 Cambridge Road's rear elevation.

Daylight and sunlight

- 7.21 The developer has provided a detailed daylight and sunlight assessment in support of the proposal which has been undertaken in accordance with BRE guidelines and BS 8206-2- Code of Practice for Skylighting. The methodology used is the vertical sky component (VSC) and Daylight Distribution (DD) for daylight, annual probable sunlight hours (APSH) for sunlight and overshadowing for relevant outdoor amenity space.
- 7.22 Detailed analysis was undertaken for 1 Orchard Lane, 11 Orchard Lane and 4 Cambridge Road in terms of VSC and APSH. It was found that all dwellings would retain suitable levels of daylight and sunlight following the proposed development. Detailed analysis was undertaken for 1 Orchard Lane and 4 Cambridge Road in terms of DD, it was found that both dwellings would retain suitable levels of daylight following the proposed development. Detailed analysis was undertaken for 5 Orchard Lane, 7 Orchard Lane, 9 Orchard Lane and 11 Orchard Lane in terms of overshadowing and the impact upon their outdoor amenity space, it was found that all dwellings would retain suitable levels of sunlight following the proposed development.

- 7.23 Following the submission of the daylight and sunlight assessment, officers queried the impact upon the habitable rooms of No.'s 5 & 9 Orchard Lane, as this was not included within the assessment. Further information was then submitted in the form of cross sections which demonstrated that the development would not infringe daylight to the rear windows of these properties. As such, it was considered that no further analysis was necessary.
- 7.24 Given the above, it is considered that the proposed development would be acceptable in terms of its impact upon the daylight and sunlight received by surrounding properties.

Privacy

- 7.25 The outlook of the terrace would be directed toward the west (within the application site) and to the east (Holland Gardens/public park). To the east, the scheme would maintain a minimum separation distance of 13.5m to the amenity space of the proposed detached dwelling and a distance of 19m window to window. A separation distance of 12-13m is generally considered to be sufficient to ensure acceptable privacy levels to outdoor amenity space while a distance of 20m is considered sufficient for window to window. While the scheme would fall short of the accepted window to window separation distance by 1m, it is considered that given the dwelling is part of the proposed scheme, as opposed to an existing dwelling which would have its privacy compromised as a result of the proposal, the slight shortfall would be acceptable in this instance, the rationale being that any prospective occupant would be aware of the situation at the time of occupation (the same rationale can be applied to the rear outlook of the detached dwelling toward the terrace row). With regard to outlook to the east, representations were received which objected to the loss of privacy for users of the park; however, given this is public space, as opposed to a private garden, it is not considered that privacy currently exists within the park or that a proposed development should be restricted by this perceived loss of privacy. In fact, given the site borders public space, it would appear that providing outlook to this public space would be a logical and well considered option.
- 7.26 It is noted that the proposed balconies could provide oblique views into the gardens of surrounding properties; however, it is considered that this could be addressed by suitable screening. As such, it is proposed to include a condition which would require details of screening to be submitted prior to the commencement of the development.
- 7.27 The balcony to the front elevation (first floor) of the proposed detach dwelling would be directed toward the rear gardens of No.'s 154 and 156 Durham Road and the minimum separation distance would be approximately 6.5m; while a distance of 6.5m would fall well short of the aforementioned 12-13m rule of thumb, the rear gardens of these properties are considered to be deep (long) at approximately 30m. As such, only the rear portions of the gardens would be within 13m of the balcony, leaving approximately 23m of garden space which would be beyond the 13m separation distance. It is noted that the distance from the proposed balcony to the rear windows of these properties would be approximately 33m. Furthermore, green screening has

been installed along the boundary shared between these properties and the application site, to further mitigate any overlooking from the balcony and front windows.

- 7.28 Given the above, it is not considered that the proposal would unduly impact upon the privacy of neighbouring properties.

Light spill

- 7.29 Light spill from the proposal is not expected to be significant given the scheme is residential. However, to ensure undue light spill does not occur, it is recommended to include a condition which would require any external lighting to be positioned to prevent any light spillage or glare beyond the site boundary.

Noise

- 7.30 Given the scheme would be residential; the noise generated is expected to be comparable to the surrounding development, which is residential in use. It is noted that the issue of noise/disturbance from residential developments such as this has been tested at appeal many times and Inspectors have considered that noise from a residential use would not normally be so detrimental to neighbour amenity as to warrant refusal of permission. In the case of the current application, an environmental noise assessment was submitted as part of the application which found that the proposal would not unduly impact upon neighbouring properties in terms of noise; the assessment was reviewed by Environmental Health Officers who found the methodology and conclusions to be reasonable.

Construction phase impact.

- 7.31 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 for approval prior to the commencement of the development.

Standard of accommodation

- 7.32 Policies 3.5 and 3.8 of the London Plan 2016 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.

Dwelling No.	Unit Size /Type	Required Area	Proposed Area	Compliant
1	4B/8P/3S	130	190	Yes
2	4B/8P/3S	130	203	Yes
3	4B/8P/3S	130	203	Yes
4	4B/8P/3S	130	192	Yes
5	4B/8P/3S	130	176	Yes

Where B = beds (no. of bedrooms), P = persons (maximum occupancy), S = storeys (storeys within an individual unit).

7.33 As demonstrated by the table above, all dwellings exceed London Plan standards by a significant margin. All dwelling are dual aspect and all habitable rooms are served by windows which are considered to offer suitable natural light, ventilation and outlook to prospective occupants. In addition, all units are considered to be suitably private.

7.34 SPP policy DMD2 requires that for all new houses, the Council will seek a minimum of 50sq.m as a single, usable, regular amenity space. All proposed dwellings exceed the minimum provision for amenity space in the form of a rear garden; in addition, all dwellings are provided with additional front gardens, parking spaces and terraces/balconies.

7.35 As outlined above, the scheme is considered to offer a high standard of living for prospective occupants.

Transport, highway network, parking and sustainable travel

7.36 London Plan policies 6.3 and 6.12, CS policies CS18 and CS20 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management. London Plan policies 6.9, 6.10, 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric charging points and to provide parking spaces on a restraint basis (maximum standards).

7.37 The Transport Planner and Highways Officer has reviewed this application and their comments are integrated into the assessment below.

7.38 The site has a PTAL of 3, which is considered to be moderate (1 being very poor and 6 being excellent), and which increases to a PTAL of 4 within 60m of the site. The site is located approximately 900m from the Raynes Park Overground Station, which is a 4 minute bus trip or a 10 minute walk. The proposed development would provide one vehicle parking space per dwelling, which is in line with maximum standards and considered to be acceptable. Given the relatively good transport links, the 5 parking spaces proposed and provisions for cycle parking, it is not considered that the proposed development would unduly impact upon parking pressure in the area.

- 7.39 Officers raised concerns with the applicant regarding the vehicle access which is relatively narrow and approximately 50m in length. The applicant has since provided swept path analysis to demonstrate 7.1m long construction vehicles will be able to enter and exit the site in a forward gear. However, to ensure ease of access, the Transport Officer advised that the existing vehicle crossover (to Orchard Lane) should be increased in width; this provision can be secured by condition. In addition, the vehicle access is 4.7m wide which means that cars will be able to pass each other. The scheme initially included the provision of a gated access and landscaping down either side of the vehicle access; however, concerns were raised regarding the width lost to these provisions. The developer has since proposed to remove the gate and the landscaping (lining the vehicle access) from the scheme to remove the pinch point and to facilitate more efficient vehicle movements.
- 7.40 In accordance with London Plan policy 6.9 and table 6.3, 10 cycle storage spaces would be required for the development. As such, it is recommended to require details of the cycle storage provisions by way of condition.
- 7.41 In addition, it is recommended to include conditions which would require a construction logistics plan and a demolition and construction management statement to be submitted prior to the commencement of development.

Refuse storage

- 7.42 Appropriate refuse storage must be provided for developments in accordance with policy 5.17 of the London Plan and policy CS 17 of the Core Strategy.
- 7.43 Refuse storage has been provided to the front or side of each dwelling for temporary storage throughout the week. Refuse storage is also provided near the junction of the vehicle access and Orchard Road, so refuse can be deposited at this point for collection day. It is considered that this strategy is acceptable; however, it is recommended to require further details of the refuse storage by way of condition.

Sustainable design and construction

- 7.44 London Plan policy 5.3 and CS policy CS15 seek to ensure the highest standards of sustainability are achieved for developments which includes minimising carbon dioxide emissions, maximising recycling, sourcing materials with a low carbon footprint, ensuring urban greening and minimising the usage of resources such as water.
- 7.45 As per CS policy CS15, minor residential developments are required to achieve a 19% improvement on Part L of the Building Regulations 2013 and water consumption should not exceed 105 litres/person/day. It is recommended to include a condition which will require evidence to be submitted that a policy compliant scheme has been delivered prior to occupation.

Site contamination

- 7.46 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.
- 7.47 In the event contamination is encountered during construction works, planning conditions are recommended which would require the submission of details of measures to deal with this contamination.

Flooding and sustainable urban drainage

- 7.48 London Plan policies 5.12 and 5.13, CS policies CS13 and 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.
- 7.49 The site is not considered to be at risk of flooding; however, runoff flows from the site would contribute to the wider network. It is therefore recommended to include a condition which requires details of drainage, attenuation and management to be submitted prior to the commencement of development.

Landscaping and impact on biodiversity and trees

- 7.50 NPPF section 11, London Plan policies 7.5, 7.19 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 proposals that result in harm to the environment, particularly on sites of recognised nature conservation.
- 7.51 Tree T4 which is a mature swamp cypress and subject to TPO No.689 is located in the eastern portion of the site. The existing pavilion within Holland Gardens (immediately beyond the eastern boundary of the site) and surrounding hard standing already occupies approximately 30% of the root protection area (RPA) of Tree T4 and the proposal would cover a further 11.2% of the RPA. Tree T4 would not be removed as a result of the proposal, measures to ensure its retention include no-dig construction and low invasive foundation design. In addition, to further reduce the impact upon this tree, revised plans were submitted which removed the previously proposed ground floor patios and extended garden walls to the rear of the terrace row. To ensure the protection of the retained trees, including tree T4, it is recommended to include conditions requiring the submission of an arboricultural method statement and tree protection plan, foundation design and site supervision by an arboricultural expert during the construction process.
- 7.52 The proposal would result in the loss of trees T9, T10, T12, T13 and T14 which are considered to be Category C (low quality) trees. The submitted Arboricultural Impact Assessment recommends that the loss of these trees be

mitigated/offset by replacement planting with native, ornamental, nursery stock trees with 14-16cm (semi-mature) girth. In addition, extensive landscaping has been proposed throughout the site. It is recommended to secure the provision of the replacement trees, the green/living walls and roofs and the landscaping around the site by way of condition, which would require further details to be submitted to the Council for approval.

- 7.53 An Ecology Report was submitted in support of the application which included the results of a walkover site visit undertaken in September 2016. The Ecology Report found that the site to be of relatively low ecological and biodiversity value, largely owing to the fact that the site is predominately amenity grass. However, it is considered that the mature trees, which are to be retained, would provide ecological and biodiversity value. In addition, no protected animal species were found on site. LBM Officer's reviewed the Ecology Report and found the methodology and conclusions to be reasonable.
- 7.54 Given the above, it is considered that the impact upon biodiversity, ecology and trees would be acceptable subject to the aforementioned recommended conditions.

8. CONCLUSION

- 8.1 The proposal is considered to be acceptable in principle, providing a residential development at an increased density, in line with planning policy. The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials.
- 8.2 The proposal has been sensitively designed to ensure it would not unduly impact upon neighboring amenity. The proposal would offer living standards for prospective occupants that exceed adopted standards.. The proposal would not unduly impact upon the highway network, including parking provisions. The proposal would achieve suitable refuse provisions. It is considered that the proposal would achieve appropriate sustainable design and construction standards. It is considered that the impact upon trees (including tree T4 subject to a TPO), biodiversity and the adjacent open space would be acceptable. The proposal is considered to accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this case. It is not considered that there are any other material considerations which would warrant a refusal of the application.
- 8.3 The application is therefore recommended for approval subject to appropriate conditions.

RECOMMENDATION

Grant planning permission subject to the following conditions.

Conditions:

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

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

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

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

- 3) Standard condition [materials to be approved]: No works above ground (other than site clearance, preparation and demolition) 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, doors, gutters and downpipes (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: It is necessary for the condition to be discharged prior to the commencement of development to ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policies 7.6 and 7.8 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, DM D3 and DM D4 of Merton's Sites and Policies Plan 2014.

- 4) Amended standard condition [Parking]: The development hereby permitted shall not be occupied until the vehicle parking provisions shown on the approved plan P-00-D-004 (Rev: C) have been provided and made available for use. These facilities shall be retained for the occupants of and visitors to the development at all times thereafter.

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 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 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 and removal of waste materials. No development shall be take place that is not in full accordance with the approved method statement.

Reason: It is necessary for the condition to be discharged prior to the commencement of development ensure vehicle and pedestrian safety and to protect 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 [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 to protect nature conservation in the area, in accordance with policies DM D2 and DM EP4 and DM O2 of Merton's Sites and Policies Plan 2014.

- 8) Non-standard condition [Contamination]: If during construction works contamination is encountered which has not previously been identified and considered, the Council's Environmental Health Section shall be notified immediately and no further development shall take place until remediation proposals (detailing all investigative works and sampling, together with the results of analysis, risk assessment to any receptors and proposed remediation strategy detailing proposals for remediation) have been submitted to and approved by the Local Planning Authority and the approved remediation measures/treatments implemented in full.

Reason: To protect the health of future occupants and surrounding areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2016 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

- 9) Non- standard condition [Vehicle crossover]: No development shall commence until the vehicle crossover to Orchard Lane has been increased in width with details of the proposed vehicular crossover to be submitted for approval to the Local Planning Authority. No works that are subject of this condition shall be carried out until those details have been approved.

Reason: In the interests of the safety of pedestrians and vehicles and to comply with the following Development Plan policies for Merton: policies CS18 and CS20 of Merton's Core Planning Strategy 2011 and policies DM T2, T3, T4 and T5 of Merton's Sites and Policies Plan 2014.

- 10) Standard condition [Construction logistic plan]: Prior to the commencement of the development hereby permitted, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the development hereby permitted is commenced and shall be so maintained for the duration of the construction period, unless the prior written approval of the Local Planning Authority is first obtained to any variation.

Reason: 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 2016, policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T2 of Merton's Sites and Policies Plan 2014.

- 11) Standard condition [Cycle storage]: Prior to occupation of the development hereby approved, details of secure cycle parking facilities for the occupants 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 development and retained thereafter 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.

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

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

- 13) Non-standard condition [Sustainability]: No part of the development hereby approved shall be occupied until evidence has been submitted to the Local Planning Authority confirming that the development has achieved CO2 reductions not less than a 19% improvement on Part L of the Building

Regulations 2013 and internal water usage 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 2016 and Policy CS15 of Merton's Core Planning Strategy 2011.

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

Reason: It is necessary for the condition to be discharged prior to the commencement of development 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.

- 15) Amended-standard condition [Foundation design]: No development other than demolition shall be commenced until details of the proposed design, materials and method of construction of the foundations to be used within the root protection areas of trees T4, T11 and T15, as depicted on 'Arboricultural Impact Assessment Plan' within the submitted 'Arboricultural Impact Assessment Report', 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: It is necessary for the condition to be discharged prior to the commencement of development 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.

- 16) Standard condition [Tree works notification]: The Local Planning Authority's Tree Officer shall be informed of the proposed commencement of development on site by a minimum of two weeks' notice.

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.

- 17) Standard condition [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.

- 18) Amended-standard condition [Landscaping/Planting Scheme]: No works above ground (other than site clearance, preparation and demolition) 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 the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development.

Reason: To enhance the appearance of the development in the interest of the amenities of the area, to ensure the provision sustainable drainage surfaces and to comply with the following Development Plan policies for Merton: policies 5.1, 7.5 and 7.21 of the London Plan 2015, policies CS13 and CS16 of Merton's Core Planning Strategy 2011 and policies DM D2, F2 and O2 of Merton's Sites and Policies Plan 2014.

- 19) Amended-standard condition [Restriction on permitted development]: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses, or hard surfaces/patios/terraces, 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, to the character of the area or damage retained trees, and for this reason would wish to control any future Development plan policies for Merton: policy 7.6 of the London Plan 2016, policies CS13 and CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and O2 of Merton's Sites and Policies Plan 2014.

- 20) Amended-standard condition [Use of flat roof]: Access to the flat roof parts of the development hereby permitted, excluding those areas specifically designed as terraces/balconies as shown on the approved plans, shall be for

maintenance or emergency purposes only and shall not be used as a roof garden, terrace, patio or similar amenity area.

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.

- 21) Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted (other than site clearance, preparation and 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 details of the design storm period and intensity, attenuation volume to be provided, and maximum rate at which surface water is to be discharged to be 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 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 CS13 and CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

- 22) Standard condition [Site levels]: No development shall take place until details of the proposed finished floor levels of the development, together with existing and proposed site levels, have been submitted to and approved in writing by the Local Planning Authority, and no development shall be carried out except in strict accordance with the approved levels and details.

Reason: To safeguard the visual amenities of the area along with existing retained trees and to comply with the following Development Plan policies for Merton: policies 7.6 & 7.21 of the London Plan 2016, policies CS13 & CS14 of Merton's Core Planning Strategy 2011 and policies DM D2, D3 & O2 of Merton's Sites and Policies Plan 2014.

INFORMATIVES:

a) The applicant is advised that the demolition and tree felling works should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. Buildings should also be inspected for bird nests and bat roosts prior to demolition. All species of bat in Britain and their roosts are afforded special protection under the Wildlife and Countryside Act 1981. If bats are found, Natural England should be contacted for advice (telephone: 020 7831 6922).

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

c) 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).

d) 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

e) Water efficiency evidence requirements for Post Construction Stage assessments must provide:

- Detailed documentary evidence representing the dwellings 'As Built'; showing:
 - the location, details and type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / flow rate of equipment); and

- the location, size and details of any rainwater and grey-water collection systems provided for use in the dwelling; along with one of the following:
 - Water Efficiency Calculator for New Dwellings; **or**
 - Written confirmation from the developer that the appliances/fittings have been installed, as specified in the design stage detailed documentary evidence; **or**
 - Where different from design stage, provide revised Water Efficiency Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'
-

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

Please note these web pages may be slow to load

NORTHGATE SE GIS Print Template



Text Details **3 Orchard Lane**

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Committee: Planning Applications

Date: 16 November 2017

Subject: Planning Appeal Decisions

Lead officer: Head of Sustainable Communities

Lead member: Chair, Planning Applications Committee

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 viewed by following each individual link. Other agenda papers for this meeting can be viewed on the Committee Page of the Council Website via the following link:

<https://democracy.merton.gov.uk/ieListMeetings.aspx?Committeed=155>

DETAILS

Application Numbers: **16/P3861**
Site: 32 Florence Avenue, Morden SM4 6EX
Development: Demolition of existing bungalow and erection of 4 x dwellinghouses
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 17th October 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **16/P4324**
Site: 223 Streatham Road & 1 Ridge Road, Mitcham CR4 2AJ
Development: Redevelopment of site to erect a part 5 storey block of 36 x flats with commercial space on ground floor
Recommendation: Refused (Committee Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 19th October 2017

[Link to Appeal Decision Notice](#)

Alternative options

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

1 CONSULTATION UNDERTAKEN OR PROPOSED

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

2 TIMETABLE

- 2.1. N/A

3 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

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

4 LEGAL AND STATUTORY IMPLICATIONS

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

5 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

5.1. None for the purposes of this report.

6 CRIME AND DISORDER IMPLICATIONS

6.1. None for the purposes of this report.

7 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

7.1. See 6.1 above.

8 BACKGROUND PAPERS

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

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Committee: Planning Applications Committee

Date: 16th November 2017

Agenda item:

Wards: All

Subject: PLANNING ENFORCEMENT - SUMMARY OF CURRENT CASES

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

Contact Officer Ray Littlefield: 0208 545 3911
Ray.Littlefield@merton.gov.uk

Recommendation:

That Members note the contents of the report.

1. Purpose of report and executive summary

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

Current 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) 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.

Current Enforcement Cases:	667	¹ (659)	New Appeals:	(0)	(0)
New Complaints	38	(36)	Instructions to Legal	1	(1)
Cases Closed	20		Existing Appeals	5	(5)
No Breach:	14		<hr/>		
Breach Ceased:	6		TREE ISSUES		
NFA ² (see below):	0		Tree Applications Received	43	(72)
Total	20	(22)	% Determined within time limits:	95%	
New Enforcement Notices Issued			High Hedges Complaint	0	(0)
Breach of Condition Notice:	0		New Tree Preservation Orders (TPO)	1	(0)
New Enforcement Notice issued	0	(0)	Tree Replacement Notice	0	
S.215: ³	0		Tree/High Hedge Appeal	0	
Others (PCN, TSN)	0	(0)			
Total	0	(0)			
Prosecutions: (instructed)	1	(1)			

Note (**figures are for the period (11th October 2017 to 8th November 2017)**). The figure for current enforcement cases was taken directly from M3 crystal report.

¹ Totals in brackets are previous month's figures

² confirmed breach but not expedient to take further action.

³ S215 Notice: Land Adversely Affecting Amenity of Neighbourhood.

2.00 New Enforcement Actions

- **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. Prosecution proceedings are now being considered.

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 came 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 9th February 2016 against the unauthorised conversion of the former public house into eight self-contained flats. The notice came into effect on 18th March 2016 as there was no appeal prior to that date and the requirement is to cease using the building as eight self-contained flats within 6 months. Six of the flats are vacant and the owners have instructed builders to remove all kitchens units. Court action is currently on-going to repossess the remaining two flats.
- **Burn Bullock, 315 London Road, Mitcham CR4.** A Listed Buildings Repair Notice (LBRN) was issued on 27th August 2014 to require a schedule of works to be carried out for the preservation of the Building which is listed.

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

The Council has now been provided with a copy of the archaeological survey report officers will be reviewing and making their recommendations. Case to be re-allocated to a new officer but kept under re-view.

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 Commonsides 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 20th 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 appellants had three months to comply. The structure was removed as required by the given date of 26th 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. 11th April 2017 Appeal dismissed and Notice upheld. The compliance date was 12th 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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