

Merton Council

Planning Applications Committee

Membership

Councillors

Linda Kirby (Chair)

Najeeb Latif (Vice-Chair)

Philip Jones

Laxmi Attawar

Peter Southgate

Stephen Crowe

David Dean

Jerome Neil

Andrew Judge

Geraldine Stanford

Substitute Members:

John Dehaney

Brenda Fraser

Daniel Holden

John Sargeant

John Bowcott

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

Date: 18 January 2018

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

18 January 2018

- 1 Apologies for absence
- 2 Declarations of Pecuniary Interest
- 3 Minutes of the previous meeting 1 - 8
- 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 3 Alan Road, Wimbledon, SW19 7PT 9 - 16
Application number: 17/P3898 Ward: Village

Officer Recommendation: Grant Planning Permission subject to conditions
- 6 46 Alwyne Road, Wimbledon, SW19 7AE 17 - 28
Application number: 17/P3218 Ward: Hillside

Officer Recommendation: Grant Planning Permission subject to a S106 Legal Agreement and Conditions
- 7 Garages RO Grange Lodge, The Grange, Wimbledon, SW19 4PR 29 - 52
Application Number: 17/P3813 Ward: Village

Officer Recommendation: Grant Permission subject to s.106 legal agreement and conditions
- 8 237 Kingston Road, Wimbledon, SW19 3NW 53 - 62
Application Number: 17/P2879 Ward: Merton Park

Officer Recommendation: Grant Permission subject to conditions
- 9 High Range, 2 Lansdowne Road, West Wimbledon, SW20 8AP 63 - 86
Application Number: 17/P3976 Ward: Raynes Park

Officer Recommendation: Grant Permission subject to s106 Legal Agreement and conditions

- 10 Canons House, 19 Madeira Road, Mitcham, CR4 4HD 87 - 118
Application Number: Proposal A - 17/P1449
Proposal B – 17/P1450
Ward: Cricket Green
Officer Recommendation:
Proposal A: Grant Planning Permission subject to planning conditions.
Proposal B: Grant Listed Building Consent subject to planning conditions.
- 11 Land at Shannon Business Centre, Rookwood Avenue, New Malden 119 - 146
Application Number: 17/P3807 Ward: West Barnes
Officer Recommendation: Grant planning permission subject to conditions, the completion of a S106 legal agreement and the extinguishment of an existing section 52 legal agreement relating to the site.
- 12 1F Seely Road, Tooting, SW17 9QP 147 - 162
Application number: 16/P4333 Ward:Graveney
Officer Recommendation: Grant Planning Permission subject to a s106 undertaking for a permit free development and conditions.
- 13 23 Streatham Road, Micham CR4 2AD 163 - 180
Application number: 17/P3677 Ward: Figges Marsh
Officer Recommendation: Grant Planning Permission subject to a s106 undertaking for a permit free development and conditions.
- 14 7-9 Heath Mead, Wimbledon, SW19 181 - 186
Application Number: TPO 717 Ward: Village
Officer Recommendation: That the Merton (No.717) Tree Preservation Order 2017 be confirmed, without modification.
- 15 Planning Appeal Decisions 187 - 190
Officer Recommendation:
That Members note the contents of the report.
- 16 Planning Enforcement - Summary of Current Cases
Enforcement Report to Follow

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

14 DECEMBER 2017

(7.15 pm - 9.35 pm)

PRESENT Councillor Linda Kirby (in the Chair), Councillor Philip Jones, Councillor Laxmi Attawar, Councillor Peter Southgate, Councillor Stephen Crowe, Councillor David Dean, Councillor Andrew Judge, Councillor Geraldine Stanford and Councillor John Dehaney

ALSO PRESENT Ward Councillors John Bowcott, Gilli Lewis Lavender, Brian Lewis Lavender
Neil Milligan – Development Control Manager
Jonathan Lewis – Planning Team Leader
Sarath Attanayake – Transport Planner
Lisa Jewell – Democratic Services Officer

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

Apologies for absence were received from Councillor Jerome Neil and Councillor Najib Latif

Councillor John Dehaney attended as substitute for Councillor Neil.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 16 November 2017 are agreed as an accurate record.

4 TOWN PLANNING APPLICATIONS (Agenda Item 4)

The Chair announced that items 5 and 12 had been withdrawn from the Agenda.

Supplementary Agenda: Amendments and modifications to the Officer's report were published in a Supplementary Agenda. This applied to items 7, 8, 9 and 11

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

5 DEACON HOUSE, 10 ATHERTON DRIVE, WIMBLEDON SW19 5LB (Agenda Item 5)

This application was withdrawn from the Agenda prior to the meeting

6 R/O 218 MORDEN ROAD, SOUTH WIMBLEDON, (Agenda Item 6)

Proposal: Outline application for the demolition of existing garages and the erection of 3 x 3 bedroom two-storey terraced houses. Approval is being sought for access, layout and scale with landscaping and appearance reserved matters

The Committee noted the officer's report and presentation. The Committee received verbal representations from an Objector and the Agent to the application

The Objector raised points including:

- This proposal does not address residents concerns it is intrusive and will cause a loss of privacy for residents and will have a negative impact on existing properties
- There are concerns regarding parking, there will not be enough space for visitors and delivery vehicles
- There are issues with the removal of trees

The Agent made points including:

- This is a detailed proposal that has taken account of the Planning Inspectors views on the previous proposals for the site
- The development is sustainable and close to Morden
- The majority of the existing houses in the area are 3 storey but this development will only be 2 storey. The development will change the outlook of the existing houses but will not cause material harm
- There are currently 15 garages on the site which can be accessed by cars at all times of the day, therefore the proposal will be an improvement on this situation

In answer to Members questions, the Planning officer made points including:

- The access to the site was considered by the Planning Inspector during the appeal process on a previous application, and the Inspector did not identify access as an area of concern
- Access for emergency vehicles is covered under building regulations and it will be for the developer to ensure that these regulations are met.
- Housing in the area is mainly inter-war but there is also some late 19th Century.
- The application is for reserved matters, so the decision tonight is if the buildings are appropriate, details are limited at this stage but will be worked up if approved.

Members commented that as the design and siting shown were disappointing and unimaginative and there were concerns regarding the obscured glazing. The

Planning Officer commented that design issues will be revisited once reserved matters were granted, but not siting and layout.

Members asked for the reserved matters application to be brought before Committee for determination in the event that officers are minded to approve

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

7 1 AMBER COURT, 100 RICHMOND ROAD, WEST WIMBLEDON, LONDON, SW20 0PD (Agenda Item 7)

Proposal: Erection of a two storey side extension

The Committee noted the officer's report and presentation and the additional information and planning conditions published in the supplementary agenda. The Committee received verbal representations from two Objectors to the application

The Objector on behalf of a Richmond road resident raised concerns including:

- The proposal does not respect the massing and rhythm of the properties on Richmond Road
- Amber Court was built in a sympathetic way with no windows in the flank wall facing Richmond Road, this proposal introduces windows to that flank wall
- Privacy will only be maintained by the trees between properties, but the applicant wants to prune these, they are not dense and are not evergreen. If one dies then screening will be lost.

The Objector from Amber Court raised concerns including:

- Insufficient care taken with the Officer's Report – the access road is 2.5m not 2.8m. Construction Vehicles will not be able to access the site
- The proposal is contrary to existing Merton Planning Policies
- The proposed extension is not subordinate to the main building
- The original planning permission allowed for a garage use only. If converted a parking space will be lost forever

The Planning Officer commented that the planning conditions had been attached that considered the objectors concerns including tree protection and requesting further details of windows in the flank wall.

In answer to Members questions the Planning Officer made comments including:

- One parking space will remain and that is considered adequate
- Covenants are not a planning issue

- The Applicant will need to provide more details on the flank wall windows, and this is requested by condition

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions in the published report, additional conditions in the supplementary agenda, and an additional condition regarding hours of work for the construction phase.

8 18 RIDGWAY PLACE, WIMBLEDON SW19 4EP (Agenda Item 8)

Proposal: Demolition of existing dwelling house and erection of a pair of semi-detached houses together with off-street parking and associated landscaping

The Committee noted the officer's report and presentation and the late representation in the Supplementary Agenda. The Committee received verbal representations from two Objectors and the Agent to the application

The two Objectors raised residents' concerns including:

- This proposal is too big and too high and will reduce light to its neighbours. It is overdevelopment
- A tree specialist has recommended that trees should be protected
- 3 trees are to be cut down
- Want clarification on parking provision, use of opaque glass
- Residents do not feel consulted
- There is no mention of the specialist report commissioned by residents

The Agent to the application made points including:

- That the principle of two dwellings is established by the existing planning permission
- The development causes no loss of trees, one will be removed and replaced in the front garden
- The proposal will not cause daylight and sunlight issues to the neighbours, and the angles are such that outlook will not be affected.

In answer to the Objectors' points The Development Control Manager explained; that the Merton Tree Officer had no issues with the application, that Party Wall agreements were not relevant planning matters and were outside of Council control, and that the statutory duty to consult had been complied with.

In answer to Councillor Questions the Development Control Manager stated that the proposal was higher than its neighbours but that there was a mix of heights on the

road, and that this proposal was slightly bigger than the previously approved application.

Members commented that it was an attractive design

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions.

(Note: Councillor David Dean did not participate in this vote as he was absent for part of the item's discussion)

9 10 ST MARY'S ROAD WIMBLEDON SW19 7BW (Agenda Item 9)

Proposal: Demolition of existing garden shed and erection of office in rear garden.

The Committee noted the officer's report and presentation and additional condition in the supplementary agenda. The Committee received verbal representations from an Objector and the Ward Councillor.

The Objector raised points including:

- Development is out of keeping with the character of area
- Withdrawal of permitted development rights
- Misrepresentation of visual appearance of context
- Unacceptable increase in the living area of the house
- Overdevelopment on plot
- Overlooking and intrusion on privacy
- Possible archaeological issues have not been investigated by the Council

Councillor John Bowcott, Ward Councillor, made points including:

- The proposal is too large and intrusive. The property had permitted development rights withdrawn because it was already so large. This proposal is 22 m² and then has decking and a jacuzzi
- It will blight its neighbours and cause light and noise pollution to them.
- It will cause a loss of amenity and harm to neighbours, and is un-neighbourly

The Development Control Officer explained to the Committee that this proposal could be built without planning permission at other properties under permitted development, but because of the planning and development history at this site permitted development rights had been removed

RESOLVED

The Committee voted to GRANT Planning Permission subject to conditions

10 PARK GATE HOUSE, 356 WEST BARNES LANE, NEW MALDEN, KT3 6NB
(Agenda Item 10)

Proposal: Construction of an additional floor (3rd Floor) to provide 3 x new self-contained flats

The Committee noted the officer's report and presentation. The Committee received verbal representations from an Objector and two Ward Councillors.

The Objector spoke on behalf of residents of Marina Avenue and made points including:

- The Planning Inspector dismissed the previous application saying that it was "prominent and visually jarring" and "overdominant and overbearing"
- The current building already "looms"
- The Inspector's comments and reasons for dismissing the appeal on the previous application could still apply to this current application
- The Inspector also made comment about the negative impact of the previous application on the living conditions of residents on Marina Avenue.

The Ward Councillors Brian Lewis Lavender and Gilli Lewis Lavender both spoke and made points including:

- Shocked to see this application back at Committee following the Planning Inspector's criticism of the previous scheme.
- This scheme does not address the issues raised by the planning inspector
- The Inspector has already said that an extra floor is overbearing on Marina Avenue
- It is bulky and overdominant
- There is no amenity space

Members commented that the Planning Inspector's comments on the previous application could also apply to this application, the current application is bulky, at odds with the appearance of the surrounding buildings, prominent and visually jarring, the building would be bulky, overly dominant and overbearing and would fail to respect the other buildings in the locality, the development would cause material harm to the character and appearance of the area. Councillor Judge commented that the existing building is ugly and the additional storey does nothing to improve this.

A Refusal was proposed based on the Bulk, Size, lack of respect for the street scene and lack of symmetry of the proposal

RESOLVED

The Committee agreed to:

1. REFUSE the application for the following reasons:
 - The bulk and massing, of the proposal are too great, contrary to LBM policies.
 - The proposal does not respect the streetscene and neighbouring buildings
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

11 49 WHITFORD GARDENS, MITCHAM CR4 4AB (Agenda Item 11)

Proposal: Conversion of existing dwellinghouse to form 1 x 3 bed flat and 1 x 1 bed flat, involving the demolition and replacement of single storey rear extension, erection of first floor rear extension and rear roof extension.

The Committee noted the officer's report and presentation and amendment to the recommendation contained in the Supplementary Agenda. The Committee received verbal representations from an Objector and the Agent to the application.

The Objector raised points including:

- There are many similar three bedroomed family homes being converted and lost
- The area is losing its character as a result
- Local infrastructure cannot cope with the additional residents living in such conversions
- Parking is a serious issue, even with the CPZ there are still difficulties in parking for local residents

The Agent for the application made comments including:

- The description is misleading, this application is only requesting a single storey rear extension of less and a loft conversion, both could be built under permitted development in other locations.
- Both proposed units exceed national space standards and one unit is a family unit.
- The development meets policies and is not detrimental

Members asked officers about garden space for the upstairs family unit. Officers reported that there is a small external side passageway that gives access to the garden for the family unit.

Members expressed regret at the loss of this and other family homes in Mitcham. As this application was smaller than most they felt that it was difficult to find reasons for refusal.

RESOLVED

The Committee voted to Grant planning permission subject to the completion of a S106 agreement/unilateral undertaking and planning conditions.

12 LAND R/O 1 YORK ROAD, SOUTH WIMBLEDON SW19 8TP (Agenda Item 12)

Application was withdrawn from this Agenda prior to the meeting.

13 PLANNING APPEAL DECISIONS (Agenda Item 13)

The Committee noted the report on recent Planning Appeal Decisions

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

The Committee noted the report on current enforcement cases.

15 ADDITIONAL DATE FOR PAC - THURSDAY 8 MARCH 2018 (Agenda Item 15)

The Committee noted the additional date for the Planning Applications Committee on Thursday 8 March 2018.

PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3898	24/10/17
Address/Site	3 Alan Road, Wimbledon, SW19 7PT
Ward	Village
Proposal:	Erection of a single storey rear extension
Drawing Nos	3AR P200 – Rev A, P208 – Rev A, P209 – Rev A, P210 – Rev A, P211- Rev A, P212 – Rev A, P213 – Rev A, P214 – Rev A, P215 – Rev A, P216 – Rev A, P217 – Rev A.
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 – 5
External consultations – No.
PTAL Score – 1b
CPZ – VE – Yes (Von).

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 comprises a 3-storey detached building currently occupied as 3 flats situated on the northern side of Alan Road. Permission was obtained in September 2017 to convert the flats back to one dwelling. The building includes an attached single storey garage/storage building on the south east side of the site.
- 2.2 The property is within the Merton (Wimbledon North) Conservation Area and the building is locally listed for having architectural or historic merit.

3. **CURRENT PROPOSAL**

- 3.1 This application seeks planning permission for a single storey rear extension in the form of an orangery. It would extend 6.8m from the rear of the existing dwelling and would be 7m wide. It would have a maximum height of 4.3m with an eaves height of 3.55m. The erection of this structure requires that the existing air raid shelter at the rear of the dwelling be demolished. The design includes rosette carving details in the timber to match the rear door. The extension would be located approximately 5.3m from the south west boundary, 8.6m from the north west boundary, and 11.5m from the north east boundary.

4. **PLANNING HISTORY**

- 4.1 17/P1610: REVERSION OF 3 X FLATS INTO 1 X DWELLINGHOUSE AS ORIGINALLY BUILT INCLUDING THE REPLACEMENT OF WINDOWS TO MATCH ORIGINAL HOUSE – Permission granted subject to conditions 13/09/2017.
- 4.2 17/P3899: ERECTION OF A SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION – Permission refused 15/12/17.

Reasons:

- 1. The proposed single storey rear extension by virtue of its bulk, scale and positioning is an incongruous addition which would result in material harm to the appearance of the locally listed building and the Wimbledon North Conservation Area. It is therefore considered to be contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DMD2, DMD3 and DMD4 of the Councils adopted Sites and Policies Plan 2014.*
- 2. The proposed two-storey side extension, by virtue of its bulk, scale, form, design and positioning would result in an obtrusive and incongruous form of development that would detract from the appearance of the original building and be out of keeping with, and detrimental to the visual amenity of Alan Road as a whole, and the*

Wimbledon North Conservation Area. It is therefore considered to be contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DMD2, DMD3 and DMD4 of the Councils adopted Sites and Policies Plan 2014.

3. *The proposed two-storey side extension, by virtue of its scale, form, design and proximity to the boundary, would result in material harm to the occupiers of No. 1 Alan Road by virtue of loss of daylight, unreasonable sense of enclosure and overbearing form, contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DM D2 and DM D3 of the Council's adopted Sites and Policies Plan 2014.*

Note: This application included the single storey rear extension prior to the amendment to reduce it in size.

- 4.3 WIM7108: Permanent use of premises as 3 S/C flats – Permission granted subject to conditions 22/10/1963.
- 4.4 WIM1816: ADDITION TO EXISTING GARAGE FORMING ACCOMMODATION FOR 3 CARS – Permission granted subject to conditions 08/03/1954.
- 4.5 WIM1408: CONVERSION 3 SELF CONTAINED FLATS – Permission granted subject to conditions 09/03/1953.

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, 9 letters of objection to the original plans were received. The letters raised the following concerns:
 - It would result in a disruption to the rhythm of the rear line of buildings;
 - It extends too far from the rear wall compared to other comparable extensions;
 - It will intrude on the privacy of neighbours;
 - It is disproportionate to the existing dwelling and is excessive in scale and bulk;
 - A combination of its siting, size and design would fail to preserve or enhance the character or appearance of the conservation area, and would result in harm;
 - It represents an overdevelopment of the site;
 - It will result in light and noise pollution at night as well as visual intrusion;
 - The rear elevation of the single storey extension is unattractive and does

- not respect the style, proportions and features of the locally listed building;
- The single storey rear extension would obscure some of the existing architectural detailing of the dwelling and result in an incongruous addition;
- A lot of the existing greenery would be removed as a result of the proposal which is undesirable;
- If approved, the trees at the rear of the garden should be conditioned to be retained and only minimally trimmed so as to protect the privacy and outlook of No. 60 and 64 Church Road.

5.3 Following the amendment of the plans, re-consultation was not undertaken as the amendments lessened the impacts of the proposal.

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
DM D4 Managing heritage assets

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

7. **PLANNING CONSIDERATIONS**

7.1 The planning considerations for an extension to an existing building relate to the impact of the proposed extension on the character and appearance of the host building along with the surrounding area and the impact upon neighbour amenity. The impacts upon the Merton (Wimbledon North) Conservation area are also a consideration.

7.2 Amendments

7.2.1 Following discussions with the applicant, the scheme has been amended. The depth and width of the extension was reduced.

7.3 Character and appearance

7.3.1 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. Policy DMD4

seeks to conserve and enhance heritage assets including Conservation areas.

- 7.3.2 The extension will not be visible from the front of the dwelling or from Alan Road, therefore having negligible effects on the streetscape of Alan Road. Due to the large size of the host dwelling, the proposed scale, bulk and massing of the proposed single storey extension is considered to be acceptable. With a depth of 6.8m, width of 7m, and maximum height of 4.3m, with a lantern style roof, the extension would appear subordinate to the host dwelling.
- 7.3.3 There is a clear line of building footprints along this section of Alan Road and the proposed extension will not extend beyond this at the rear, hence maintaining the rhythm of buildings in the conservation area.
- 7.3.4 There is an existing prominent entrance to the building located centrally on the rear elevation of the building. It includes carvings in stone and glazing which extends from the ground to the roof. The proposed extension will not obscure this and will mimic the rosette details in timber to match it. The proposed extension is separated from this entrance by 0.3m which is considered acceptable to maintain the integrity of this prominent feature.
- 7.3.5 As such, it is considered that the proposed single storey rear extension, due to its scale and design complies with London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD2, DMD3 and DMD4.

7.4 Neighbouring amenity

- 7.4.1 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.
- 7.4.2 Adverse amenity effects on the occupants of the adjoining properties will be minimal due to the proposed extension being single storey, and the large size of the subject site allowing sizeable boundary setbacks. Amenity effects (privacy, dominance, shading) on No. 1 Alan Road will be acceptable due to a combination of the single storey height of the extension (maximum of 4.3m high), and the setback from the south west boundary of 5.5m. Due to the large separation distances to the north and east boundaries, amenity effects on No. 5 Alan Road and No. 60 Church Road will also be acceptable.

8. CONCLUSION

- 8.1 Due to the scale, form, design, positioning and materials of the proposed single storey rear extension, it is not considered to have an undue detrimental effect on the appearance of the host building, the surrounding area, on neighbouring amenity or on the Wimbledon North Conservation Area. Therefore the proposal complies with the principles of policies of DMD2, DMD3 and DMD4 of the Adopted SPP 2014, CS14 of the LBM Core Strategy 2011 and 7.4 and 7.6 of the London Plan 2015.

It is therefore recommended to grant planning permission.

RECOMMENDATION

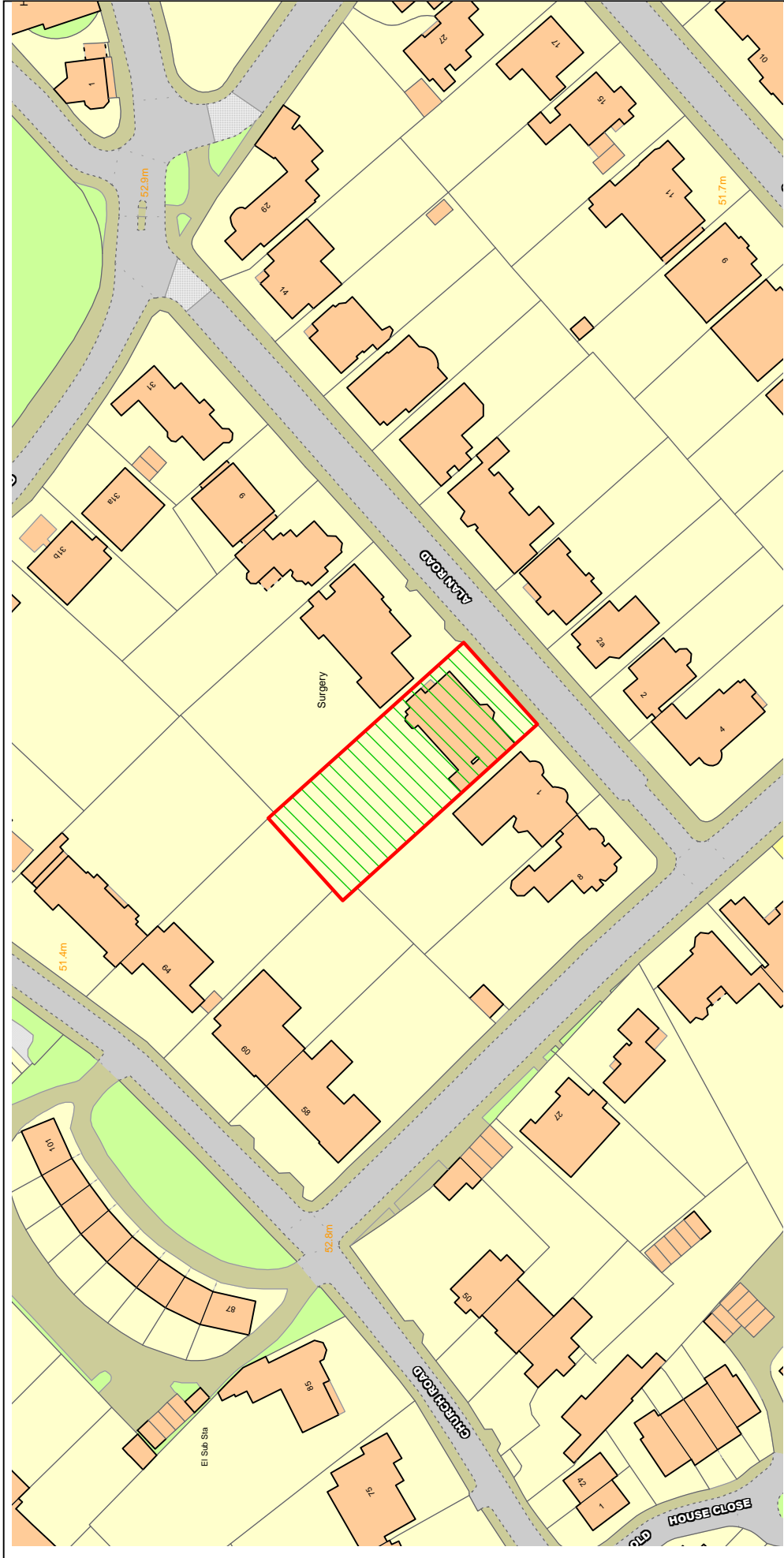
Subject to compliance with the following conditions:

1. A.1 Commencement of Development
2. A7 Approved Plans
3. B3 External Materials as Specified
4. N-07 Access for recording
The developer shall give the Local Planning Authority 30 days advanced notice of the start of any works and, a period of 14 days before any work begins, reasonable access to the Air Raid Shelter shall be given to a person/body nominated by the Local Planning Authority for the purpose of recording the building/interior.

[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 Alan Road**

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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3218	22/08/2017
Address/Site:	46 Alwyne Road, Wimbledon, London, SW19 7AE
Ward	Hillside
Proposal:	Erection of 5 bedroom detached dwelling arranged over four floors including basement and roof space accommodation
Drawing Nos:	0188_PLN_001(A) & 002(A)
Contact Officer:	David Gardener (0208 545 3115)

RECOMMENDATION

GRANT Planning Permission Subject to a S106 Legal Agreement and Conditions

CHECKLIST INFORMATION

- Heads of agreement: Permit free
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 68
- External consultations: None

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises a parcel of land at the rear of 46 Alwyne Road which fronts Woodside. The site is located between two detached properties fronting Woodside, Nos. 49 and 51. A detached garage is currently located on

the site however it should be noted that the rear wall of the garage (circa. Late 18th Century), which formerly formed part of the kitchen garden of Wimbledon Park House before being adapted to become part of a nursery in the 19th Century has been demolished. This wall was a late 18th Century reddish brown brick tapering wall in Flemish bond.

- 2.2 The surrounding area is generally characterised by semi-detached, detached and flatted residential units of varying architectural styles although it should be noted that No.49 is a dental practice. The application site has a PTAL rating of 6a (excellent) and is not located in a conservation area. The site is also located in a controlled parking zone (Zone W2).

3. CURRENT PROPOSAL

- 3.1 The current application is for full planning permission to erect a detached five bedroom house. The proposed house will be arranged over four floors (basement, ground, first and second floors).
- 3.2 The house will have a twin pitch roof with a part ground floor/part first floor rear element. The house will also a feature double height front bay and side dormer with lightwells also located at the front and rear of the house. Proposed external materials consist of London Yellow Stock facing brickwork and natural zinc cladding. A single off-street car parking space will be located at the front of the house.
- 3.2 It should be noted that the application has been amended since it was first submitted with the eaves and ridge height reduced by 50cm and the building lowered into the ground by 35cm. The window face of the dormer will also now be zinc clad rather than brick whilst the parapet wall to the front double bay has also been reduced.

4. PLANNING HISTORY

No relevant planning history.

5. POLICY CONTEXT

- 5.1 Adopted Merton Sites and Policies Plan and Policies Maps (July 2014): DM D1 (Urban design and the public realm), DM D2 (Design considerations in all developments), DM F2 (Sustainable urban drainage systems (SuDS) and; Wastewater and Water Infrastructure), DM T1 (Support for sustainable transport and active travel), DM T3 (Car parking and service standards)
- 5.2 Adopted Merton Core Strategy (July 2011) are: CS.8 (Housing Choice), CS.9 (Housing Provision), CS.14 (Design), CS.20 (Parking, Servicing and Delivery)
- 5.3 London Plan (March 2016) are:

3.3 (Increasing Housing Supply), 3.5 (Quality and Design of Housing Developments), 3.8 (Housing Choice), 5.3 (Sustainable Design and Construction), 6.13 (Parking)

6. CONSULTATION

6.1 The application was publicised by means of Conservation Area press and site notice procedure and individual letters to occupiers of neighbouring properties. In response, 12 letters of objection have been received, including objection letters from the Wimbledon Society and the Wimbledon E Hillside Residents Association (WEHRA). In addition 2 letters of support were received. The letters of objection are on the following grounds:

- Erection of basement setting a harmful precedent, impact on ground/surface water, risk of flooding/subsidence
- Demolition of historic wall
- Loss of trees and habitat, impact on green space
- Overdevelopment of site/building too large
- Noise pollution during construction, concerns regarding Asbestos during demolition of existing building
- Profit driven
- Excessive height
- Loss of daylight/sunlight, visual intrusion and reduction in airflow to No.51
- Impact on water usage and sewerage facilities
- Smallness of gap between property and Nos. 46 & 47 is illegal
- Dangerous and potential for collisions due to driver using car parking space having restricted views

6.2 The letters of support refer to the proposals efficient use of the land and the modern design of the house which fits in with surrounding houses.

6.3 Future Merton

The Flood and structural engineers have assessed the proposal and are satisfied with the details submitted subject to appropriate conditions.

7. PLANNING CONSIDERATIONS

The main planning considerations are the impact that the proposed houses would have on the streetscene and character of the area, impact on residential amenity (including impact of the basements), the standard of accommodation and impact on parking/highways.

7.1 Design and Impact on Street Scene

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

- 7.12 The proposed house would front Woodside. This part of Woodside is characterised by buildings of varying architectural styles built during different periods. Nos. 49 and 51 Woodside, which are located either side of the application site for example were built during the 1980s/early 1990s and are typical of the style of house built during this period featuring twin pitch roofs, brick facing external materials and windows with glazing bars. Given the eclectic architectural style of buildings along this part of Woodside there is a degree of flexibility in terms of design approach for a new house. In this instance the proposed house would have a contemporary appearance comprising London Yellow Stock brick, with zinc used on part of the elevations as well as the main roof and dormer. The proposed house would however still relate to Nos. 49 and 51 as it would have a similar profile albeit taller at both eaves and ridge level although this is not considered to be excessive following the reduction in height. The proposed house would also feature a gable roof which addresses the street.
- 7.14 Overall, it is considered that the proposal would complement the character of the Woodside street scene and the wider area in general and as such accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.3 Standard of Accommodation

- 7.31 The Department for Communities and Local Government 'Technical housing standards – nationally described space standard' and Policy 3.5 of the London Plan 2016 set out a minimum gross internal area standard for new homes. This provides the most up to date and appropriate minimum space standards for Merton. In addition, adopted policy CS.14 of the Core Strategy and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) encourages well designed housing in the borough by ensuring that all residential development complies with the most appropriate minimum space standards and provides functional internal spaces that are fit for purpose. New residential development should safeguard the amenities of occupiers by providing appropriate levels of sunlight & daylight and privacy for occupiers of adjacent properties and for future occupiers of proposed dwellings. The living conditions of existing and future residents should not be diminished by increased noise or disturbance.
- 7.32 As the proposed house would comfortably exceed the minimum space standards set out in the London Plan, with each habitable room providing good outlook, light and circulation, it is considered the proposal would provide a satisfactory standard of accommodation. In addition, the proposed house would provide a minimum of 50 square metres of private amenity space. The proposed house would therefore comply with policy 3.5 of the London Plan (July 2011), CS.14 of the Core Planning Strategy (July 2011) and DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.4 Residential Amenity

- 7.41 Policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that proposals for development will be required to ensure provision of appropriate levels of sunlight and daylight, quality of living conditions, amenity space and privacy, to both proposed and adjoining buildings and gardens. Development should also protect new and existing development from visual intrusion.
- 7.42 The rear elevation of the house does not project beyond the rear wall of No.49, whilst the side wall is located 1m from the side boundary above ground level. It is therefore considered that the proposal would have an acceptable impact on the amenity of this property. It should also be noted that No.49 is a dental practice and therefore not in residential use. The proposed house would also extend only 2m beyond the rear wall of No.51 however it should be noted that the ground floor is located approx. 1.7m and the first floor and the first floor 5m from the side wall of this house. It is therefore considered that the proposal would be acceptable in terms of its impact on daylight/sunlight and would not be visually intrusive or overbearing when viewed from this property. The proposal therefore accords with policy DM D2 of the Adopted Sites and Policies Plan and Policies Maps (July 2014).

7.5 Basement Construction

- 7.51 The applicant has submitted a construction method statement with design calculations, and drainage strategy for the basement. The Council's Flood and structural engineers are satisfied with the submitted information subject to appropriate conditions. In any event, basement construction is ultimately and issue for the building regulations.

7.6 Parking and Traffic

- 7.61 The application site has a PTAL rating of 6a, which means it has excellent access to public transport. The proposed house would provide one off-street parking space at the front.
- 7.62 Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development should only provide the level of car parking required to serve the site taking into account its accessibility by public transport (PTAL) and local circumstances in accordance with London Plan standards unless a clear need can be demonstrated. Policy 6.13 Table 6.2 of the London Plan (March 2016) allows for up to 1 space per unit with 4 bedrooms or more where there is a PTAL rating of 5-6. The level of parking provision is therefore in accordance with London Plan policy. In accordance with Policy DM T3 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) the dwelling will be required to be permit free so that the development does not create any additional parking stress in the area.
- 7.64 Policy DM T1 of the Adopted Sites and Policies Plan and Policies Maps (July 2014) states that development must provide cycle parking in accordance set out in the London Plan. It states that residential cycle parking facilities should be provided in secure, covered and conveniently sited positions with good

access to the street. Policy 6.13 of the London Plan states that developments must meet with minimum cycle parking standards set out in Table 6.3 which in this instance requires 2 spaces per dwelling. The proposal provides 2 covered spaces at the rear of the site and therefore complies with policy.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. LOCAL FINANCIAL CONSIDERATIONS

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

10. SECTION 106 LEGAL AGREEMENT

10.1 Permit Free

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

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

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

11. CONCLUSION

11.1 It is considered that the proposed house would be acceptable in terms of its size and design and would not have an unacceptable impact on the Woodside street scene or the wider area. The house is also considered to have an acceptable impact on neighbor amenity, traffic/parking and the proposed basement is not considered to be detrimental to flooding or structural stability of adjoining buildings. Overall it is considered that the proposal would comply with all relevant planning policies and as such planning permission should be granted.

RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to a S106 legal agreement with the following heads of terms:

1. That the residential units are 'Permit Free';
2. The developer agreeing to meet the Council's costs of preparing, drafting and monitoring the Section 106 Obligations.

And the following conditions:

1. A.1 (Commencement of Development)
2. A.7 (Approved Plans)
3. B.1 (External Materials to be Approved)
4. B.4 (Details of Site/Surface Treatment)
5. B.5 (Details of Walls/Fences)
6. B.6 (Levels)
7. C.1 (No Permitted Development (Extensions))
8. C.2 (No Permitted Development (Windows and Doors))
9. C.4 (Obscured Glazing (Opening Windows))
11. C.8 (No Use of Flat Roof)
12. C.10 (Hours of Construction)
13. F.1 (Landscaping/Planting Scheme)
14. F.2 (Landscaping (Implementation))
15. F.9 (Hardstandings)
16. 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. Evidence to demonstrate a 25% reduction compared to 2010 part L regulations and internal water usage rates of 105l/p/day must be submitted to, and acknowledged in writing by the Local Planning Authority, unless otherwise agreed in writing.

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

following Development Plan policies for Merton: policy 5.2 of the London Plan 2011 and policy CS15 of Merton's Core Planning Strategy 2011.

17. Prior to the commencement of the development details of the provision to accommodate all site operatives, visitors and construction vehicles and loading / unloading arrangements during the construction process shall be submitted and approved in writing with the Local Planning Authority. The approved details must be implemented and complied with for the duration of the construction process.

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

18. H.5 (Visibility Splays)
19. H.7 (Cycle Parking – Cycle Parking to be implemented)
20. No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the LPA. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to and control the rate of surface water discharged from the site to no more than 2l/s and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption authority and any other arrangements.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

21. No developments shall commence on site until the below documents have been submitted and agreed by the planning officer.
 - a) Detailed Construction Method Statement produced by the Contractor responsible for excavation, underpinning and construction of the basement retaining walls. This shall be reviewed and agreed by the Structural Engineer designing the temporary and permanent retaining structures.

- b) Plan showing any temporary works, underpinning sequence and sections of the retaining walls produced by the relevant appointed Contractor.
- c) Detailed design calculations produced by the designer incorporating the comments made by the Council in email dated 27th December 2017 to the planning agent

Reason: To ensure structural stability of adjoining houses are safeguarded and neighbour amenity is not harmed and to comply with policy DM D2 of Merton's Sites and Policies Plan 2014.

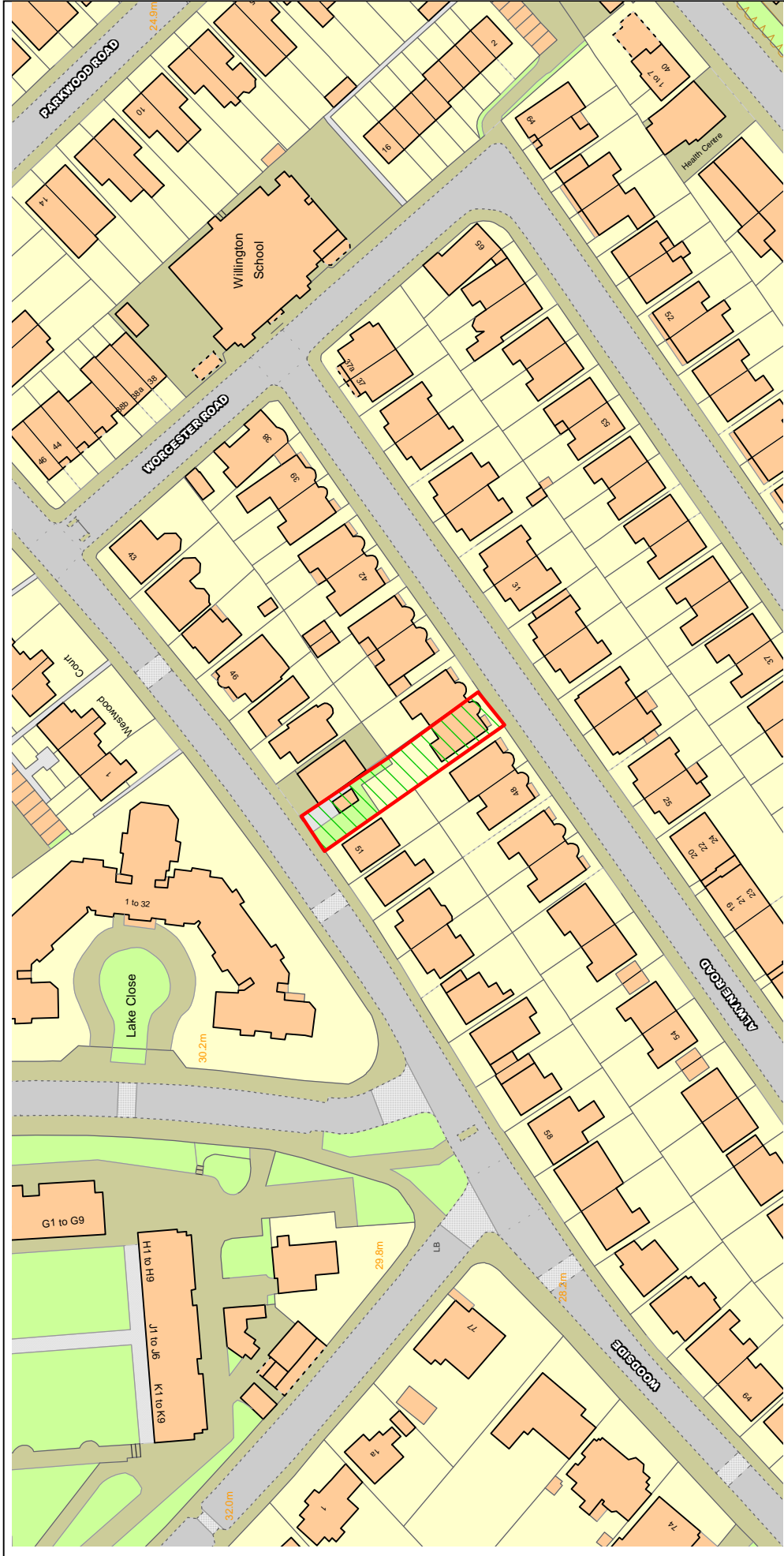
- 22. Informative: No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge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

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

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3813	19/10/2017
Address/Site	Garages R/O Grange Lodge, The Grange, Wimbledon, SW19 4PR.
Ward	Village
Proposal:	Demolition of existing garages and the erection of a 1 x single dwelling house comprising of lower ground, ground and part first floor.
Drawing Nos	Site Location Plan, 947WB01 Sheet 1 of 2, 947WB01 Sheet 2 of 2, 947WB200, 532 1B, 532 2E, 532 3E 532 4B, 532 5D, 532 6E and 532 7D.
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to s.106 legal agreement and conditions.

CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 56
- External consultations: No
- Controlled Parking Zone: V0s

1.0 INTRODUCTION

- 1.1 The application is brought before the Committee due to the number of objections.

2.0 SITE AND SURROUNDINGS

- 2.1 The site comprises a backland area containing two sets of single storey, pre-fabricated lock-up garages. There is a vehicular access onto The Grange and another onto Ridgway. There are other lock-up garages directly adjacent to the site.
- 2.2 The site is surrounded by 2.5-3 storey residential buildings. Grange Lodge is a three-storey, flat roofed, flatted block with communal gardens to the immediate east of the site. To the north and west of the site area residential dwellings.
- 2.3 There are a number of mature trees clustered around the vehicular access on The Grange and also some trees near the existing garage buildings.
- 2.4 The site is mainly enclosed by 2m high close board fencing.
- 2.5 The site is within the West Wimbledon Conservation Area, Sub-Area 15D. The majority of surrounding buildings make a positive contribution to the Conservation Area, other than Grange Lodge, which is unsympathetic to the area's character.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the demolition of the two existing garage buildings and the erection of a part two-storey, part single storey, five bedroom dwelling with basement.
- 3.2 The majority of the primary habitable space would be at ground floor level, with a single bedroom at first floor level and an additional four bedrooms and study in the basement.
- 3.3 The basement accommodation would be served by rooflights and lightwells to each room.
- 3.4 The proposed dwelling would have flat roofs with an extensive green roof.
- 3.5 The plans show a green wall to the southwest elevation.
- 3.6 There would be solar panels to the single storey part of the roof.
- 3.7 The proposed dwelling would have a maximum height of 5.85m.
- 3.8 The dwelling would have a contemporary form with rendered walls.
- 3.9 A garden area of 81sqm would be provided to the southernmost part of

the site.

3.10 Off-street parking for two cars would be provided.

3.11 Cycle parking would be provided along the access drive.

3.12 No bin store is shown on the plans.

4. **PLANNING HISTORY**

4.1 None.

5. **CONSULTATION**

5.1 21-day site notice procedure, individual letters to neighbouring occupiers and Press Notice. 11 letters of representation have been received, objecting on the following grounds:

- Concerns over notification process.
- The house is three storey, not two-storey.
- House is too large for the site.
- On site trees should be retained.
- The green roofs will not mitigate for the loss of trees on site.
- Concern that tree protection is not adequate as it does not follow tree protection zones.
- Concern that trees would need to be felled to provide more natural light.
- Concern that green roofs would not be maintained.
- PV panels will detract from the value of the proposed green roofs.
- Concerns over sustainability credentials and whether PV panels would actually assist.
- Concern over loss of parking.
- There should be no parking permits issued to future occupiers.
- Concern over precedent for garage sites.
- The letter confirming that the garages are not let is of dubious/nil value as it is provided by the applicant.
- Concern regarding impact of basement on subterranean water courses and adjacent buildings/property.
- Overlooking to 15 The Grange.
- The flat roof areas should not be used as roof terraces and hand rails should not be installed.
- Concerns over access throughout construction process.
- No works should be carried out at weekends.
- The application has not provided a properly centred site plan.
- Plans should be submitted showing dimensions and separation

distances to 38 Murray Road.

- A section s211 notice is required for any works to trees irrespective of the planning application.
- The proposed development would create future constraints for the development of Grange Lodge.
- We urge the Council to require the provision of the house sparrow terrace in the green wall as suggested by the Ethos bat survey.
- One of the letters states that additional tree planting is welcomed.

5.2 The Wimbledon Society:

- Request a condition to ensure that the mature Plane trees are protected by way of steel plates installed in the ground over the driveway.

5.3 Climate Change Officer:

- No SAP calculations have been submitted but the energy statement indicates measures that should achieve the required 19% improvement in CO2 emissions on Part L 2013. I am satisfied the development will meet minimum sustainability 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

5.4 Transport Planner:

Observations:

The site lies within an area PTAL 2 which is considered to be poor. A poor PTAL rating suggests that only a few journeys could be conveniently made by public transport.

The access way is wide enough to allow for parking to one side with room for a further car to pass. A turning area is provided at the head of the access way.

Car Parking:

The proposal provides two parking spaces within the curtilage of the site, which satisfies 'The London Plan' parking standards.

Cycle Parking:

The proposal provides 4 cycle spaces and satisfies 'The London Plan and London Housing SPG Standard 20 (Policy 6.9).

Cycle spaces should be secure and undercover.

Refuse and Servicing:

Refuse collection will occur along Grange Road. The refuse store should be sited within 20m of Grange road.

Traffic Generation:

Vehicular traffic generated by the proposed dwelling is unlikely to have a significant impact on the adjoining highway network.

Recommendation: Raise no objection subject to:

- Cycle store to be secure and under cover
- Refuse store should be located within 20m from Grange Road.

5.5 Highways:

Highways comments are:

INF9, INF12, H5 and H9

A S171 licence must be obtained from the Highway authority due to the construction vehicles using the highway to access the site.

5.6 Tree and Landscape Officer:

Original comments (29/11/2017):

I would comment as follows:

- It is proposed to remove a Holly and Elder tree located as part of a group of 3 trees at the rear of the site. The third tree, a Lime tree, is to remain. The Holly tree is a large tree which is clearly visible from the Ridgway and The Grange and provides a valuable source of evergreen visual interest in the winter months. At the present time, this tree is covered with red berries which add to its attractive features. All three trees are categorised as 'C' class trees (BS 5837:2012). We have received at least two objections to the proposed loss of the Holly tree;
- The Lime tree is a large tree which is clearly visible and makes a significant visual contribution to the immediate area. I have been unable to access the site to assess the tree close-up particularly the 'legion' which is described under the structural condition in the tree survey report. The report advises the tree should be monitored regularly in the future for reasons of health & safety. The canopy of the tree is shown to extend beyond the proposed piles and overhangs the open space to the basement area. The arboricultural report makes no mention of how the piles are to be installed and what effect this would have on the canopy of the tree. If this is not addressed at this stage, it is more than likely this tree will suffer considerable damage by the machinery needed to install the piles and the degree to which the canopy would need to be cut back.

I would recommend that this information is provided for the council's consideration prior to any decision being made.

Comments following amendments (19/12/2017):

I would comment as follows:

- The applicant has provided amended drawings and technical information to show how the Lime and now the Holly may be retained as part of this development. The information provided is acceptable.
- In accordance with government guidance on such matters, a tree preservation order shall be made to support the decision to recommend planning consent for this development. The tree preservation order shall include the new tree.

I would recommend attaching the following planning conditions:

- F5 – Tree Protection.
- F8 – Site supervision (Trees)
- Basement: The section of basement located within 4 metres of the existing retained Holly tree shall be constructed utilizing a reduced headroom piling rig such as the Soil Tek SK700, or similar equipment, to avoid damaging the canopy of the Holly tree.
Reason: To protect and safeguard the existing retained Holly tree in accordance with the following etc..
- Landscaping – No development shall take place until details of a landscaping and planting scheme have been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size, species, quantities and location of the proposed new tree and plants. The approved works shall be carried out in the first available planting season following the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation.
Reason: To enhance the appearance etc.

5.7 *Flooding/Drainage Officer:*

I have reviewed the comments below from RJC engineers and the attached calcs for the retained soakaway onsite with a restricted discharge.

We can move forward with a condition and informative for the final drainage detail, including pipe layout and detailed design, including percolation test results. Please include the following condition:

Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed strategy for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site via soakaway or attenuated discharge and controlled release to no more than 2l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

Informative:

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

6. **POLICY CONTEXT**

6.1 London Plan (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
 - 7.8 Heritage assets and archaeology
 - 7.14 Improving air quality
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodlands
- 6.2 Adopted Merton Core Planning Strategy (July 2011)
- CS6 Wimbledon Sub-Area
 - CS8 Housing Choice
 - CS9 Housing Provision
 - CS11 Infrastructure
 - 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 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 D4 Heritage considerations
 - 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
- 6.4 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 erection of a new dwelling and the loss of the existing garages, the visual impact of the proposed development and other alterations, together with neighbouring amenity, impact on trees, 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.

7.2.3 The scheme proposes the loss of 12 garage parking spaces. The garages to be demolished are pre-fabricated buildings with a limited lifespan. The individual garages themselves are very small and not generally a suitable parking resource for modern vehicles. The applicant has provided evidence to show that only two of the garages have been rented out and these garages are rented to a car collector who does not live near the site. Therefore, the loss of the current garages would not result in displacement parking as they are not used for residents' car parking currently. It is also noted that there are no planning conditions tying the use of these garages to any nearby residential accommodation and therefore the use of these garages could have been withdrawn by the owner at any point in the past.

7.2.4 The erection of a dwellinghouse on this land would, therefore, be acceptable in principle subject to compliance with 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 proposal would have a density of 20dph, which is characteristic of the surrounding area and is considered to be suitable in terms of the pattern and grain of the surrounding area.
- 7.3.5 The benefit of providing one additional unit must be weighed against the planning merits of the proposal.
- 7.3.6 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 a 1 x 5 bed unit. There is not an opportunity to provide a mix of unit sizes as only one dwelling is proposed. Therefore, the application could not be reasonably refused on the basis of an inappropriate housing mix.
- 7.3.7 The proposal is considered to be acceptable in terms of housing provision 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. Policy DM D4 seeks to ensure that development either preserves or enhances the character and appearance of the Conservation Area. Core Planning Policy CS14 supports these SPP Policies.

7.4.3 The West Wimbledon Conservation Area Character Assessment 2004 identifies the site as being within Sub-Area 15D. The following guidance is offered:

“Positive and Negative Features:

The scale and character of Grange Lodge and the Telephone Exchange contrast with the elegant period properties of the rest of this part of the Ridgway and their landscaped gardens and boundary walls. Both buildings, in their different ways, therefore make a negative contribution to the dominant character of this part of the Conservation Area.

Preservation and Enhancement:

Care should be taken to prevent the further erosion of the historic character of this part of the Sub Area. If the opportunity arises to redevelop Grange Lodge, it should be replaced with development of high architectural quality which reflects the scale of the adjoining historic buildings”.

7.4.4 The Character Assessment identifies the existing garages as making a negative contribution to the character of the Conservation Area. The adjacent buildings at Rockwell Court, to the southwest and the semi-detached dwellings at Nos.30-40 Murray Road, to the west, are identified as making a positive contribution. No.15 The Grange, to the east of the site, is a locally listed building. Therefore, it will be necessary to ensure that the proposed development does not detract from the setting and special character of these existing buildings.

7.4.5 The site is in a backland area and therefore it will be important to ensure that the building has a subordinate relationship with the main frontage

buildings and does not disturb the traditional perimeter block layout and streetscene.

- 7.4.6 The proposed building would be subservient to the frontage buildings, which is appropriate. It is noted that the proposed building would be higher than the garages it replaces, however, the building would maintain a subordinate aspect and would result in a visual improvement over and above the existing situation. The proposal is a low-key design with modest massing which doesn't compete with or visually dominate the frontage building.
- 7.4.7 It is considered that the proposal has struck a suitable balance in terms of scale.
- 7.4.8 In terms of design, it is noted that the proposal does not relate particularly to the architectural form of the area but due to its small scale, it is considered that it would successfully integrate; a more substantial pastiche building may appear contrived, whereas this building would be neutral in its impact.
- 7.4.9 The provision of green walls is positive and will assist in softening the visual impact of the proposed development.
- 7.4.10 The proposal is considered to be a suitable design response to the site and it is considered that the proposal would enhance the character and appearance of the Conservation Area and would comply with Policies DM D2 and DM D4 in this respect.

7.5 Trees

- 7.5.1 To the western part of the site are two mature trees, a Holly and a Lime, which make a positive contribution to the character of the area, albeit they are not exemplary specimens. The proposal has been amended to ensure that these two trees are retained. The Council's Tree and Landscape Officer has commented on the amended proposals and concludes that the trees could be reasonably retained under the current proposals and therefore no objection is raised in this regard.
- 7.5.2 The scheme includes tree planting and this will contribute to the character of the vicinity.
- 7.5.3 Subject to tree protection measures, to be secured by condition, the impact on on-site trees would be acceptable.

7.6 Basement Accommodation

- 7.6.1 The proposal includes the construction of a substantial basement.
- 7.6.2 It will be necessary for the proposal to comply with the requirements of Policy DM D2 in relation to basements.
- 7.6.3 The applicant has submitted a Basement Impact Assessment which incorporates on site ground investigation and drainage strategy, hydrology report, construction method statement and land stability report. The assessment concludes that the proposed basement would not cause harm to the built or natural; environment, would not lead to ground instability and would not adversely impact the ground water flow, water levels and drainage.
- 7.6.4 Whilst the majority of the potential impacts of the basement would be addressed at the Building regulations stage of the development, it is considered that sufficient assurance has been provided as to the acceptability of the basement in relation to the specific requirements of Policy DM D2.

7.7 Standard of accommodation

- 7.7.1 London Plan Policy 3.5, as amended by Minor Alterations to the London Plan (March 2016) states that all new housing developments should be of the highest quality internally, externally and in relation to their context. In order to ensure that such development provide an adequate level of internal amenity, Table 3.3 of the London Plan sets out the minimum floor areas which should be provided for new housing. The DCLG publication: "Technical housing standards - nationally described space standard" (2016) provides further guidance, which has been adopted by the Mayor for London.
- 7.7.2 Sites and Policies Plan Policy DM D2 seeks to ensure good quality residential accommodation with adequate levels of privacy, daylight and sunlight for existing and future residents, the provision of adequate amenity space and the avoidance of noise, vibration or other forms of pollution.
 - 7.7.1 The proposed dwelling would meet the minimum space standards in terms of overall GIA and provision of external amenity space.
 - 7.7.2 The submitted 'Daylight and Sunlight Considerations' document sets out that adequate levels of light would reach the basement accommodation and it is concluded that the use of the basement for bedrooms and a study would not result in a sub-standard residential environment.

7.7.3 The standard of accommodation is considered to be acceptable.

7.8 Neighbouring Amenity

7.8.1 Policies DM D2 and DM D3 seek to ensure that development does not adversely impact on the amenity of nearby residential properties.

7.8.2 The proposed building would result in a change to the outlook for surrounding properties. The proposed building includes a first floor element and would be substantially higher than the existing garage building.

7.8.3 The first floor element of the proposal would be well separated from the boundaries with neighbouring dwellings and it is concluded that there would not be an adverse impact on the amenities of neighbouring properties by way of loss of light, loss of outlook or overbearing form.

7.8.4 In addition, the southwest elevation would be a green wall, which would further minimise the visual impact of the new dwelling.

7.8.5 The windows serving the first floor accommodation have the potential to overlook neighbours. However, the clear glazed window is angled to provide views of the side of Grange Lodge and other parts of the communal garden only and would avoid direct window to window overlooking. The other windows at first floor level would be obscurely glazed and as such would not result in overlooking.

7.8.6 Overall whilst the building would be taller than the existing, the impact is not considered to be materially harmful.

7.8.7 The proposal would comply with Policy DM D2 in terms of the impact on neighbouring amenity, subject to conditions.

7.9 Highway, traffic and parking considerations

7.9.1 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.

7.9.2 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.

7.9.3 The provision of two parking spaces would be in line with relevant planning guidance and would provide adequate parking for the proposed dwelling. In order to ensure that there is no additional on-street parking within the CPZ, it is recommended that the applicant enter into a s.106 agreement to restrict parking permits.

7.9.4 Cycle parking, in line with the requirements of the London Plan (2016), are indicated on the plans and these arrangements are considered to be acceptable.

7.9.5 The additional traffic generated by the proposed development is unlikely to have an adverse impact on the highway network and no objection is raised on this basis.

7.9.6 Subject to a legal agreement relating to parking permits, the proposal is considered to be acceptable in terms of highway impacts.

7.10 Refuse and recycling

7.10.1 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.

7.10.2 It is unclear what the arrangements for refuse and recycling storage would be. However, there is ample space on site to accommodate a bin store. Bins would be required to be presented at the roadside on collection days.

7.10.3 Subject to a condition to secure details of a bin store, it is considered that the proposal would be acceptable in this regard.

7.10.4 The proposal would therefore, comply with Policy CS17 of the Core Planning Strategy 2011.

7.11 Drainage

7.11.1 The site is not within Flood Zone 2 or 3 and not within an area identified as being prone to flooding.

7.11.2 The scheme proposes to increase the permeable 'free draining' area, which is an improvement over the existing situation.

7.11.3 The Council's Flooding and Drainage engineer has reviewed the proposals and concludes that the proposal would be acceptable subject to a condition to ensure that a suitable detailed strategy for the provision of surface and foul water drainage is provided.

7.11.4 The proposal is considered to be acceptable in terms of drainage.

7.12 Biodiversity

7.12.1 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.

7.12.2 The application is accompanied by a bat survey which indicates that no evidence of use by bats was discovered. However, notwithstanding this, in order to secure an ecological gain on site, the recommendation within the survey, that a house sparrow terrace is incorporated into the green wall will be controlled by way of condition.

7.12.3 The proposal is considered to be acceptable in terms of the impact on biodiversity.

7.13 Sustainable design and construction

7.13.1 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.

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

7.13.3 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.

7.13.4 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.

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

7.13.6 The Council's Climate Change Officer has commented on the application and subject to condition raises no objection, as the proposal would meet the relevant sustainability objectives.

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

7.14 Community Infrastructure Levy

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

7.14 Response to representations

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

- The statutory notification process has been carried out. Therefore, properties which are not immediately adjoining have not been directly notified. However, a site notice has been displayed along with a Press Notice.
- The plans clearly show the proposed dwelling to have a ground floor, a first floor and basement accommodation. It is not a three-storey dwelling in the usual sense.
- Any proposal to fell trees in the future would be assessed on their own merits.
- The proposed PV panels are not considered to be overly intrusive and would contribute towards sustainability credentials of the new dwelling.
- The letter from the applicant sets out the use of the garages and therefore, in the absence of evidence to the contrary, should be attributed some weight.
- A standard 'hours of working condition' can be imposed but it would be unreasonable to restrict this build over and above the usual requirements.
- The submitted plans comply with the relevant validation requirements. It is not necessary to annotate scaled plans with dimensions.

- The impact on on-site trees can be addressed through this application. A further consent is not required.
- The proposal is not considered to unreasonably impact on any future redevelopment proposals for Grange Lodge, as it is a modest proposal which allows for a redevelopment of Grange Lodge.
- There would be a degree of disturbance and disruption throughout the construction process. However, it would not be reasonable to refuse the application on this basis. If permitted, a condition for a Construction Method Statement would be imposed to ensure that the disruption is minimised as far as reasonably possible.

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 CONCLUSION

9.1 The principle of development is considered to be acceptable.

9.2 The impact on the character of the area and neighbouring amenity is considered to be acceptable.

9.3 The proposal appears to be a well thought and sufficiently modest not to detract from or over-dominate the period properties making a positive contribution to the Conservation Area. The proposal is considered to be acceptable in planning terms.

RECOMMENDATION

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

1. CPZ permit exemptions for new residents of the scheme
2. The developer agreeing to meet the Council's costs of preparing [including legal fees] the Section 106 Obligations [agreed by developer];

And the following conditions:

1. A.1 (Commencement of Development)
2. A.7 (Approved Drawings)
3. B.3 (External materials as specified)

4. B.4 (Site Surface Treatment)
5. B5 Details of Walls/Fences
6. C01 No Permitted Development (Extensions)
7. C02 No Permitted Development (Windows and Doors)
8. C04 Obscured Glazing (Opening Windows)
9. C06 Refuse & Recycling (Details to be Submitted)
10. C08 No Use of Flat Roof
11. D11 Construction Times
12. F05 Tree Protection.
13. F08 Site Supervision (Trees)
14. The section of basement located within 4 metres of the existing retained Holly tree shall be constructed utilising a reduced headroom piling rig such as the Soil Tek SK700, or similar equipment, to avoid damaging the canopy of the Holly tree.

Reason: To protect and safeguard the existing retained Holly tree in accordance with Policy DM D2 of the Sites and Policies Plan 2014.

15. F01 Landscaping/Planting Scheme
16. H05 Visibility Splays
17. H09 Construction Vehicles
18. Prior to the commencement of the development hereby permitted, a detailed strategy for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:
 - i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site via soakaway or attenuated discharge and controlled release to no more than 2l/s;
 - ii. Include a timetable for its implementation;

iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

19. 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.

20. Non-standard condition – measures set out in Biodiversity report to be implemented.

Informatives:

1. INF 15 Discharge conditions prior to commencement of work
2. 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:

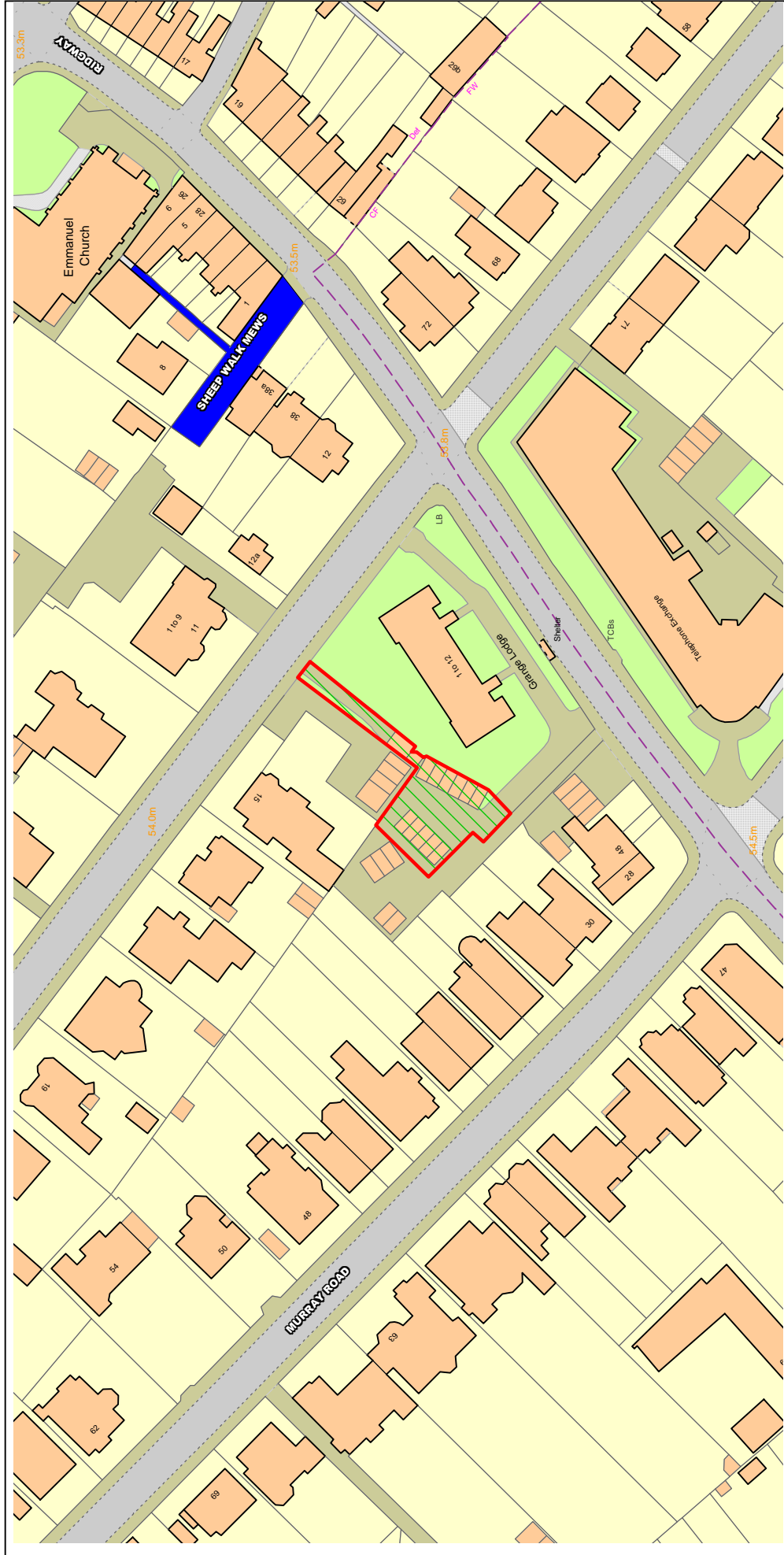
Street Naming and Numbering (Business Improvement Division)
Corporate Services
7th Floor, Merton Civic Centre
London Road
Morden
SM4 5DX
Email: street.naming@merton.gov.uk

3. A S171 licence must be obtained from the Highway authority due to the construction vehicles using the highway to access the site.
4. Note To Applicant - Scheme Amended During Application Lifecycle.
5. INF 09 Works on the Public Highway.
6. 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.
7. 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 Calculator for New Dwellings and detailed documentary evidence (as listed above) representing the dwellings 'As Built'.
8. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).

[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 **Garages RO Grange Lodge**

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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>UPRN</u>	<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P2879	31/07/2017	
Address/Site	237 Kingston Road, Wimbledon, SW19 3NW	
(Ward)	Merton Park	
Proposal:	ERECTION OF SINGLE STOREY REAR EXTENSION	
Drawing Nos	201 Rev A, 202 Rev A and 203 Rev A (submitted 16/11/2017).	
Contact Officer:	Tim Lipscomb (0208 545 3496)	

RECOMMENDATION

Grant Permission subject to conditions.

CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: No
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 17
- External consultations: No
- Controlled Parking Zone: Yes (5F)

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 a 3.5 storey, detached building located to the northeast side of Wilberforce Way, which is sub-divided into flats.
- 2.2 The lower ground floor is partially subterranean.
- 2.3 The garden is at a higher level than the ground floor of the building, with a small area of patio to the immediate rear of the building and then a step up into the garden (the difference in levels between the ground floor and the garden is approximately 0.5-0.7m).
- 2.4 The neighbouring property, No.235, has an outbuilding to the rear of the garden and a small shed to the immediate rear of the dwelling (adjacent to the shared boundary with the application site).
- 2.5 The neighbouring property, No.239, has a hard surfaced external amenity space to the immediate rear of the building (approximately 2m in depth). This area is enclosed by close board fencing and beyond this is a parking area.
- 2.6 The area is suburban in character.
- 2.7 The site is within the Wilton Crescent Conservation Area.

3. **CURRENT PROPOSAL**

- 3.1 Planning permission is sought for the erection of a single storey extension to the rear elevation.
- 3.2 The proposed extension would have span the width of the site and would have a shallow mono-pitch roof, ranging in height from 2.3m to 2.7m above existing ground level (the rear garden rises up and so part of the extension would be on a reduced, excavated ground level – the parapet to the roof would be at a consistent height). There would be a parapet wall around the roof, to the front, the parapet would have a height of 3.0m and to the rear, the parapet would be 2.4m above the existing ground level.
- 3.3 The extension would have a depth of 5.0m from the rear wall of the main building.
- 3.4 Construction materials would be painted masonry.
- 3.5 The proposal has been amended to reduce the height of the proposed extension from a height of 2.7-3.0m, to a height of 2.3-2.7m.
- 3.6 A number of internal alterations, which do not require planning permission are also shown on the drawings.

4. **PLANNING HISTORY**

- 4.1 MER781/83 - APPLICATION FOR ESTABLISHED USE CERTIFICATE. IN RESPECT OF USE OF PROPERTY AS EIGHT FLATS (235 & 237). Grant Established Use Certificate 04-11-1983.

(and tree work applications)

5. **CONSULTATION**

- 5.1 Site notice posted, neighbouring properties notified. Representations have been received from 6 individuals, in relation to the original scheme submitted 31/07/2017, raising objection on the following grounds:

- The area of land is communal land and no single freeholder can do what they like with it without consent.
- The existing downpipe is in the position of the proposed extension. All freeholders must be consulted in regards to any changes to the drainage. There is no proper solution to the drainage in the application.
- The proposal would build over the existing drains, which is contrary to the lease.
- Concerns that any excess water on the roof may cause damp problems – due to roof sloping towards the main building.
- The lease prohibits any works to the building without consent of all freeholders.
- The extension will invalidate or affect the existing building insurance.
- The proposed extension is in a Conservation Area and would adversely affect the character of the area by virtue of its form and design.
- The extension would be visible from the front, therefore, damaging the aesthetics of the building.
- A large amount of garden would be lost which could cause drainage problems with the clay soil.
- Adverse impact on trees.
- The proposed extension is oversized.
- Loss of outlook for neighbours.
- Disturbance throughout construction process.
- There is no space for delivery and contractors vehicles to stop on the road. Therefore, there will be congestion.
- Potential adverse impact on party wall.
- Materials and spoil would need to be removed via the communal alley, which is too narrow to carry out this function and provide access to meter boxes for residents.
- The extension is over 3m tall and more than single storey in height.
- The application form is incorrect in that there are trees within falling distance of the boundary.

- There are errors in the Design and Access Statement.
- The applicant's interest in the property is purely financial.
- Security concern as building would enable trespassers to get into neighbouring gardens.

Following the submission of amended plans, 2 of the 6 objectors have raised further objection on the following grounds:

- Footprint has not changed.
- The extension would project into the demise of the upper floor flat which is not acceptable.
- Loss of outlook for upper floor flat.
- Concerns over access during construction.
- Concerns regarding drainage.
- The communal drain would be re-routed but no solution is proposed.
- Harm to the character of the area by virtue of extending beyond the side wall of the main building.
- There are no similar extensions in the area.
- Any extension requires the freeholders consent.
- The size of the extension is contrary to advice offered by the case officer.
- Concern that extension would invalidate building insurance.
- Setting of an undesirable precedent.

6. **POLICY CONTEXT**

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

DM D2	Design considerations in all developments
DM D3	Alterations and extensions to existing buildings
DM D4	Managing Heritage Assets

6.2 Adopted Merton Core Planning Strategy (July 2011)

CS13	Open Space, Nature Conservation, Leisure and Culture
CS14	Design

6.3 London Plan (2016):

7.4	Local character
7.6	Architecture
7.8	Heritage Assets and Archaeology

Other guidance:

The National Planning Policy Framework 2012

John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994.

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations concern the visual impact of the proposed addition, together with neighbouring amenity and the impact on trees.

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 principle of a single storey residential extension would be acceptable in this location, subject to the policies of the Development Plan.

7.3 Character of the Area

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

7.3.2 Policies DMD2 and DMD3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D4 seeks to ensure that development within Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. Core Planning Policy CS14 supports these SPP Policies.

7.3.3 The John Innes: Merton Park and Wilton Crescent Conservation Areas - Design Guide 1994 sets out advice in relation to development on rear gardens, which generally is concerned about the ecological value of back gardens:

“Rear gardens contribute significantly to the nature conservation/ ecological value of the area. The erosion of smaller gardens through extensions to houses and the provision of off-street parking for cars can have a significant impact on the immediate vicinity”.

- 7.3.4 The document also addresses flat roof extensions:
“Flat-roofed extensions should be avoided; pitched roofs, integrating with existing roofs are more suitable visually and also less likely to give long term maintenance problems. All new extensions should respect the original design of the house in terms of window style, proportions, building materials and details”.
- 7.3.5 The advice relating to flat roofs is noted. However, the extension is single storey and does not tie into or attach to the main roof of the building. In this instance, it is considered that a flat roof is an acceptable approach and would not adversely affect the character of the main building.
- 7.3.6 The proposed single storey extension would not adversely affect the character of the main dwelling or the surrounding area due to its positioning to the rear of the dwelling. It is noted that part of the extension would project beyond the side elevation of the building and would be visible from the street. However, this part of the extension is fairly modest in terms of scale and would appear as a subordinate addition, which would not adversely affect the character of the streetscene. It is noted that a number of neighbouring buildings with similar architectural features have substantial side extensions over several floors and the proposed extension would be very modest in comparison with some of the enlargements in the immediate vicinity.
- 7.3.7 Therefore, no objection is raised on this basis.
- 7.3.8 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.

7.4 Neighbouring Amenity

- 7.4.1 Policy DM D2 seeks to ensure that development does not adversely impact on the amenity of nearby residential properties.
- 7.4.2 Impact on No.235
- 7.4.3 The proposed extension would have the same finished floor level as the ground floor of the main building. The extension would be set into the slope of the garden through a degree of excavation (the ground level of the extension would be 0.7m lower than the ground level of the garden, when measured at the rear wall of the extension). This reduction in ground levels would reduce the impact of the proposed extension to some extent, as the ground levels to the rear of No.235 are similar to those at the application site.

7.4.4 The proposed extension would project beyond the rear building line of No.235 by 5.0m. The first 2m of the extension would be 3m above the ground level of the patio at No.235. The remainder of the extension would not be so high comparatively, as the ground level at No.235 rises by approximately 0.5-0.7m beyond the patio. The rearmost part of the extension would, therefore, be approximately 2.4m above the ground level of the garden at No.235.

7.4.5 It is acknowledged that there would be some impact on the amenities of the occupiers of No.235, as the proposed extension would stand 0.5-0.7m higher than the existing boundary fence and whilst there would be some degree of enclosure and loss of outlook, due to the fairly modest overall height, and the fact that the extension would be built into the slope it is considered that the impact on the amenities of No.235 would not be materially harmful.

7.4.6 Impact on No.239

7.4.7 The proposed extension would stand on the shared boundary with No.239. The ground levels at No.239 do not rise up (as they do at the site and at No.235) and therefore the impact of the proposed extension would not be mitigated in the same way as the impact to No.235. The extension would project above the boundary fence by approximately 0.7m and whilst there would be some impact on the outlook from the rear amenity space, the limited height of the proposed extension is such that it is considered to not result in material harm to neighbouring amenity.

7.4.8 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.

7.5 Response to representations

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

- Planning permission does not convey an ultimate right to develop land and if there are other legal obstacles (such as a stipulation of a lease, building insurance or a legal covenant), these would need to be resolved before works could commence. However, this is not a material planning consideration.
- There is no overriding reason to suggest that the extension would cause damp problems if constructed properly.
- There are no substantial trees in close proximity to the extensions that would be affected.
- Whilst there would be some limited disturbance throughout the

construction process this is unavoidable and transient. Conditions will be imposed where reasonable and necessary to minimise the impact of the construction works.

- Party Wall matters are not be a material planning consideration but the applicant is advised to enter into a Party Wall Act Agreement.
- The proposed extension would not compromise site security to the extent that a refusal could be reasonably justified.
- The motives of the applicant are not a material planning consideration.

8.0 CONCLUSION

8.1 The principle of development is considered to be acceptable.

8.2 Following amendments to reduce the height of the proposed extension, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and the impact on neighbouring properties.

RECOMMENDATION

Grant Permission Subject to Conditions

1. A.1 Time Limit
2. A.7 Approved Plans
3. Materials as specified
4. No use of flat roof
5. Hours of construction/working
6. H.9 Construction Vehicles
7. No new windows – flank elevations only.

INFORMATIVE:

1. Party Wall Act.

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

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**PLANNING APPLICATIONS COMMITTEE
18 JANUARY 2018**

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
17/P3976	31/10/2017
Address/Site	High Range, 2 Lansdowne Road, West Wimbledon
Ward	Raynes Park
Proposal:	Erection of 2 x 2 bed flats at rooftop level
Drawing Nos	P-Si-D-009, P-Si-D-010, P-05-D-011, P-06-D-012, E-W-D-013, E-E-D-014, E-N/S-D-015, X-AA-D-016, X-BB-D-017 and D-018
Contact Officer:	Tim Lipscomb (0208 545 3496)

RECOMMENDATION

Grant Permission subject to s.106 legal agreement and conditions.

CHECKLIST INFORMATION

- Heads of Agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes
- Site notice: Yes
- Design Review Panel consulted: No
- Number of neighbours consulted: 164
- External consultations: No
- Controlled Parking Zone: W7

1.0 INTRODUCTION

- 1.1 The application is brought before the Committee due to the number of objections.

2.0 SITE AND SURROUNDINGS

- 2.1 The site comprises a three storey block of flats with brick and tile hanging features, typical of 1960s-70s architecture, to the northern side of South Park Road. The block is one of four similar blocks (4-10 South Park Road). Opposite is residential housing, generally two storeys in height.
- 2.2 To the western boundary of the site is a high brick wall (approximately 3m in height) and beyond this is a yard serving Wimbledon Police Station.
- 2.3 To the immediate north of the site is a parking area to serve the flats and beyond this are the back gardens of properties along Princes Road, which generally comprise two storey residential dwellings.
- 2.4 The site is not within a Conservation Area but adjoins the boundary of the South Park Gardens Conservation Area (to the north of the site).
- 2.5 The site is adjacent to the Wimbledon Town Centre boundary, to the west of the site. The site has a PTAL of 6a. The site is within Controlled Parking Zone W3.

3. CURRENT PROPOSAL

- 3.1 The proposal is for the erection of one additional floor of accommodation, to provide two additional flats, to stand at roof level, adjacent to the existing rooftop flat.
- 3.2 The proposed flats would be setback from the footprint of the building in a penthouse style. The proposed additional floor would be set back from the front of the main building by 1.8m, set in from the rear by 1.6m and set in from the sides of the main building by 1.3m.
- 3.3 The proposed additional floor would have the same height as the existing rooftop flat.
- 3.4 The proposed flats would feature large areas of glazing, with aluminium curtain walling and cladding with glazed balustrades to the balconies. The balcony enclosures to existing flats would be redecorated in brown, green and yellow pastel colours.
- 3.5 The proposal would provide the following unit sizes:

Unit	Number of bedrooms/people	GIA (sqm)	External amenity space (sqm)
A	2 bed/4 person	78.5	18.5
B	2 bed/4 person	70	18.5

- 3.6 The application submission indicates that the proposed works are necessary to secure refurbishment works to the existing building (including redecorating the balconies, replacing the broken panes in the vertical glazing to the front elevation and landscaping of the communal areas). (However, it is noted that the building is not a heritage asset and the proposal is not put forward as an ‘enabling development’).
- 3.7 Four cycle parking spaces would be provided to the rear of the site within a 1.5m high enclosure.
- 3.8 No additional car parking spaces would be provided on site. The application is not accompanied by vehicle parking details.

4. **PLANNING HISTORY**

- 4.1 WIM6120 - TO RETAIN PERMANENTLY THE USE AS THREE FLATS AND ONE MAISONETTE. Grant Permission subject to Conditions 20-02-1962.
- 4.2 WIM6121 - OUTLINE: APPLICATION TO ERECT A RANGE OF 6 LOCK UP GARAGES AT REAR OF SITE. Grant Permission subject to Conditions 20-02-1962.
- 4.3 MER148/68 - OUTLINE: ERECTION OF A FOUR STOREY BLOCK OF 20 FLATS AND THE PROVISION OF 20 GARAGES AT 2 - 3 LANSDOWNE ROAD INVOLVING DEMOLITION OF EXISTING PROPERTIES ON THE SITE. Grant Permission subject to Conditions 21-03-1968.
- 4.4 MER422/69 - ERECTION OF FIVE STOREY BLOCK OF 20 FLATS IN TWO STAGES ON SITES OF 2-3 LANSDOWNE ROAD TOGETHER WITH 18 GARAGES AND PROVISION OF SIX PARKING SPACES INVOLVING DEMOLITION OF EXISTING PROPERTIES ON SITE. Grant Permission subject to Conditions 01-07-1969.
- 4.5 MER96/69 - ERECTION OF FIVE STOREY BLOCK OF 24 FLATS AT NO 2 AND 3 LANSDOWNE ROAD INVOLVING DEMOLITION OF EXISTING PROPERTIES AND THE ERECTION OF 18 GARAGES TOGETHER

- WITH THE PROVISION OF SIX CAR PARKING SPACES. Refuse Permission 31-03-1969. Appeal Withdrawn 31-12-1969.
- 4.6 MER647/71 - ADDITION OF A PENTHOUSE FLAT ON THE ROOF OF A PREVIOUSLY APPROVED FIVE STOREY BLOCK OF FLATS. Refuse Permission 02-09-1971. Appeal Allowed 01-03-1973.
- 4.7 06/T1746 - FRONT GARDEN NO 2 LANSDOWNE ROAD, LEYLAND CYPRESS:REDUCE HEIGHT BY 50%. PURPLE PLUM: REDUCE THE CROWN TO THE PREVIOUS PRUNING POINTS. REPOLLARD 3 LIME TREES. FRONT GARDEN OF NO 3 LANSDOWNE ROAD: REPOLLARD 3 LIME TREES. Tree Works Approved 29-08-2006.
- 4.8 09/T2625 - FRONT OF PROPERTY - 2NO. LEYLAND CYPRESS - PRUNE TO CONTAIN SHAPE. PURPLE LEAF PLUM - REDUCE THE CROWN BY 25%, THIN AND REMOVE DEAD WOOD. 5NO. LIME TREES - REPOLLARD. CRAB APPLE - PRUNE TO CLEAR THE ACCESS ROAD. LIME TREE - THIN THE CROWN BY 20%, REMOVE DEAD WOOD, REMOVE EPICORMIC GROWTH ON THE MAIN STEM AND RAISE THE CROWN TO 4.5 METRES FROM GROUND LEVEL. Tree Works Approved 12-01-2010.
- 4.9 13/T2789 - NEAR GARAGES: 2 X SYCAMORE TO HAVE CROWN LIFT TO 6M AND THIN CROWNS BY 25%. 2 X CRAB APPLE TREE TO HAVE CROWN REDUCTION BY 35%. LIME TREE TO HAVE CROWN LIFT TO 6M. Tree Works Approved 16-10-2013.
- 4.10 17/P2349 - DEMOLITION OF EXISTING ROOFTOP FLAT AND ERECTION OF ADDITIONAL TWO STORIES TO PROVIDE 4 X 2 BED FLATS ALONG WITH ERECTION OF CYCLE STORE & BIN ENCLOSURE. Refuse Permission 20-09-2017 for the following reason:
1. The proposed development, by virtue of its height, fenestration, layout of balconies and proximity to neighbouring properties would result in material harm to the residential amenities of neighbouring occupiers by way of loss of light to the ground floor living room window of No.19 Lansdowne Road (Flat 9) and overlooking to Lansdowne Cottage (rear garden) and No.4 Lansdowne Road (windows in the north elevation), contrary to Policy DM D2 of the Council's adopted Sites and Policies Plan 2014.
 2. The proposal would, by reason of the position of the proposed refuse/recycling store and distance between the refuse/recycling store and the highway, fail to provide integrated, well-designed waste storage, in conflict with Policy CS17 of the Core Planning Strategy 2011.

3. The application, by virtue of the lack of supporting information relating to sustainable policy objectives, has failed to demonstrate compliance with policy 5.3 of the London Plan 2015 and policy CS15 of the Core Planning Strategy 2011.
4. The proposed development, by virtue of its height, form, design and lack of refuse/recycling facilities in close proximity to the highway, would result in material harm to the character and appearance of the existing building, the wider streetscene and the setting of the adjacent West Wimbledon Conservation Area contrary to Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DM D2, DM D3 and DM D4 of the Council's adopted Sites and Policies Plan 2014.
5. The proposed development, by virtue of the loss of trees to the frontage and rear of the site and the lack of information regarding retained trees on site, would result in material harm to the character of the area, contrary to Policy 7.1 of the London Plan 2015, Policy CS14 of the Council's adopted Core Planning Strategy 2011 and Policies DM D2, DM D3, DM D4 and DM O2 of the Council's adopted Sites and Policies Plan 2014.
6. The proposed development, by virtue of the lack of a s.106 agreement to preclude future occupiers from obtaining parking permits, would result in unacceptable increase in parking demand, contrary to Policy CS21 of the Core Planning Strategy 2011 and Policy DM T3 of the Sites and Policies Plan 2014.

4.11 Upton Court, 2 The Downs, West Wimbledon (to the rear of the site):

4.12 14/P0615 - ERECTION OF ADDITIONAL STOREY ON ROOFTOP OF UPTON COURT TO CREATE NEW 2 BED FLAT. Grant Permission Subject to Section 106 Obligation or any other enabling agreement. 09-09-2015.

5. **CONSULTATION**

5.1 21-day site notice procedure, individual letters to neighbouring occupiers and Press Notice. Five letters of representation have been received, objecting on the following grounds:

- There has been continuous development in the vicinity in the last few years and we have been unable to enjoy our property.
- The much needed refurbishment of the block should not be reliant on the planning application.
- Setting a precedent of rooftop flats in the area.

- Overdevelopment
- Visually intrusive
- Cramped appearance
- Would unduly dominate neighbours.
- Parking problems and congestion.
- Noise from building works.
- Loss of light to neighbouring properties.
- Intrusion on privacy of neighbouring occupiers.
- Concern regarding impact on trees.
- Request tree protection condition be imposed.

5.2 Two letters of representation has been received, expressing support for the following reasons but one also raises concern relating to parking problems:

- Please to see that proposal is amended to just a single floor.
- I would support subject to the proviso that the flat is refurbished.
- There would be no adverse impact on light as it is smaller than the footprint of the building below.
- Fire doors would be installed in the building which is a benefit.
- The appearance of the block would be improved.

5.3 Climate Change Officer:

- No SAP calculations have been submitted but the energy statement indicates measures that should achieve the required 19% improvement in CO2 emissions on Part L 2013. I am satisfied the development will meet minimum sustainability 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 London Plan (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
 - 7.8 Heritage assets and archaeology
 - 7.14 Improving air quality
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodlands
- 6.2 Adopted Merton Core Planning Strategy (July 2011)
- CS6 Wimbledon Sub-Area
 - CS8 Housing Choice
 - CS9 Housing Provision
 - CS11 Infrastructure
 - 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 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 D4 Heritage considerations
 - 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
- 6.4 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, impact on trees, 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.

7.2.3 The proposal is a revision of refused application ref. 17/P2349. The current application must overcome the previous reasons for refusal and be acceptable in its own right.

7.2.4 The key differences between the previously refused scheme and the current scheme are as follows:

- The previous scheme proposed two new floors of accommodation incorporating 4 flats.
- The previous scheme had alternative refuse storage.
- The previous scheme did not show cycle parking.
- The current application is accompanied by sustainability details.

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 one additional unit 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. As the proposal is an extension to an existing flatted block it is considered that the resultant density would not render the application unacceptable.
- 7.3.6 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 2 x 2 bed units. This mix of units is considered to be acceptable on this small scale scheme, as there is only a limited opportunity to achieve a mix of unit sizes
- 7.3.7 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 Policies DM D2 and DM D3 seek to ensure a high quality of design in all development, which relates positively and appropriately to the siting, rhythm, scale, density, proportions, height, materials and massing of surrounding buildings and existing street patterns, historic context, urban layout and landscape features of the surrounding area. Policy DM D2 also seeks to ensure that trees are protected from adverse impacts from development. Policy DM D4 seeks to ensure that development which affects the setting of Conservation Areas either preserves or enhances the character and appearance of the Conservation Area. Core Planning Policy CS14 supports these SPP Policies.

7.4.3 The immediate area comprises a significant number of purpose built apartment blocks and generally the predominant building height is 4 storeys. Due to the nature of Lansdowne Road which has been the subject of incremental infill development over the years the building heights are varied and range from 2 up to 5 storeys. There is no obvious pattern or symmetry in the building heights which reflects the relatively 'ad hoc' nature of the development which has been undertaken on Lansdowne Road. The result is a varied urban form and the variety in building heights and scale adds interest to the street scene and is considered to be an attractive feature which adds to the quality of the overall character and appearance of the area.

7.4.4 Planning permission was refused and subsequently allowed at appeal for the existing penthouse flat under application ref. MER647/71. Whilst this is a historic decision, it is a material consideration in the current assessment. The key findings of the Inspector were as follows:

- The proposed penthouse would not overlook neighbouring properties to an unacceptable degree.
- The proposed penthouse would not adversely affect the appearance of the block of flats as a whole.
- The proposed penthouse would not have any adverse effect on the appearance of Lansdowne Road for there is no uniformity of design or style or height in the dwellings in that road.

7.4.5 The principle of providing an additional floor of accommodation above the main flatted building is supported, as this is an efficient way to provide additional units and the subordinate nature of a recessed top floor can achieve additional units in a visually unobtrusive manner.

- 7.4.6 Whilst the proposed flats would project closer to the edges of the building than the neighbouring penthouse flat, it would assist in bringing visual balance to the building. The proposed addition would be no higher than the adjacent penthouse flat and would provide a degree of coherency to the existing building. Along with the refurbishments proposed it is considered that the proposal would be acceptable in terms of the impact on the character of the area.
- 7.4.7 The cycle parking area would be located to the rear of the site and would not be in a visually intrusive position and as such no objection is raised on this basis.
- 7.4.8 The proposal is considered to complement the character and appearance of the streetscene and would comply with Policies DM D2, DM D3 and DM D4 in terms of visual amenity.
- 7.4.9 The proposal is considered to have overcome the previous reason for refusal in this relation to visual impact.

7.5 Trees

- 7.5.1 There are a number of significant trees in and around the site, which contribute to the character of the area. The application submission is unclear in terms of the intention for existing trees, as the existing and proposed site layout plans differ in this regard.
- 7.5.2 However, the development itself would not necessitate the need to remove any trees on site. A suitably worded landscaping condition will ensure that any proposed landscaping is agreed by the Council prior to its implementation.
- 7.5.3 The previous application showed the street frontage trees to be removed, whereas the current application shows them to be retained. Subject to condition, it is considered that the proposal has overcome the previous reason for refusal in relation to trees and the current proposal is considered to be acceptable in this regard.

7.6 Standard of accommodation

- 7.6.1 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.

7.6.2 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.

7.6.3 The scheme proposes the following unit sizes:

Unit	Unit type	Overall GIA (sqm)	London Plan requirement for overall GIA (sqm)
A	2 bed/4 person	78.5	70
B	2 bed/4 person	70	70

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

7.6.5 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.

7.7 Neighbouring Amenity

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

7.7.2 Lansdowne Cottage

The two-storey dwelling to the immediate north of the site has two ground floor clear glazed windows. The submitted Daylight and Sunlight Report indicates that light levels to these windows would be acceptable and no objection is raised in regards to light.

7.7.3 There would be some limited increase in terms of a sense of enclosure and overbearing form. However, due to the setback of the upper levels it is considered that the impact would not be materially harmful to residential amenity.

7.7.4 The balconies to the proposed flats would provide views down in to the garden of Lansdowne Cottage. Currently the only side facing windows are high level and as such there is very limited overlooking. However, the

proposed layout would result in direct overlooking of the garden of Lansdowne Cottage to the extent that it would result in a material loss of privacy. However, this matter can be resolved with the imposition of a condition to ensure that there are screens to the terrace and that the area of flat roof between the flats and the flank wall of the main building is not used as a terrace. The balconies to the proposed flats would provide views down in to the garden of Lansdowne Cottage. Currently the only side facing windows are high level and as such there is very limited overlooking. However, the proposed layout would result in direct overlooking of the garden of Lansdowne Cottage to the extent that it would result in a material loss of privacy. However, this matter can be resolved with the imposition of a condition to ensure that there are screens to the terrace and that the area of flat roof between the flats and the flank wall of the main building is not used as a terrace.

7.7.5 The impact on Lansdowne Cottage is considered to be acceptable.

7.7.6 Wimbledon Close and Upton Court

The separation distance between the proposed development and the four-storey blocks of flats to the rear is such that there would not be material harm caused by way of loss of light or overlooking.

7.7.7 4 Lansdowne Road

The separation distance to No.4 is such that there is considered to be no harmful impact.

7.7.8 17-19 Lansdowne Road

To the opposite side of Lansdowne Road include No.17, a three storey house, 1-3 Aston Court, a three storey flatted building, 4-11 Aston Court (Aston Court is No.19), a two-four storey block of flats and No.19, a two-storey house.

7.7.9 In terms of overlooking, there would be no increased overlooking over and above the existing situation as the proposed flats would be no closer to these properties than the existing flats.

7.7.10 The submitted Daylight and Sunlight Report indicates that one ground floor window at No.18 (Aston Court) would suffer a loss of light. It is noted that this window is already obscured by a porch canopy and it is considered that the limited impact of the extension would not result in material harm to residential amenity.

7.7.11 Therefore, for the reasons set out above the proposal would be acceptable in terms of residential amenity and has overcome the previous reason for refusal in this regard and would comply with Policy DM D2 in this regard.

7.8 Highway, traffic and parking considerations

- 7.8.1 Core Strategy Policy CS 20 considers matters of pedestrian movement, safety, servicing and loading facilities for local businesses and manoeuvring for emergency vehicles as well as refuse storage and collection.
- 7.8.2 Core Strategy Policy CS 18 promotes active means of transport and the gardens of the houses provide sufficient space for the storage of cycles without the need to clutter up the front of the development with further cycle stores.
- 7.8.3 Currently there are 28 car parking spaces on site. No parking spaces are proposed for the two flats. There are currently 21 flats on the site, following the proposed development there would be 23 flats served by 28 parking spaces, which is within still above the maximum parking standards set out in the London Plan.
- 7.8.4 Whilst the concerns raised in objection letters regarding parking are noted, the overall level of car parking provided for the existing and proposed flats would be in line with relevant planning guidance and parking standards and as such, no objection is raised on this basis. However, to ensure that there is no displacement parking the application must be controlled by a s.106 agreement to ensure that the occupiers of the new units are not eligible for parking permits in the future.
- 7.8.5 Cycle parking would be provided on site and this would represent an improvement over the existing situation and as such no objection is raised on this basis.

7.9 Refuse and recycling

- 7.9.1 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.
- 7.9.2 The additional refuse storage requirements for the two flats would be limited and can be amalgamated into the refuse storage that currently serves the flats.
- 7.9.3 The proposal would therefore, comply with Policy CS17 of the Core Planning Strategy 2011.

7.10 Drainage

7.10.1 The site is not within Flood Zone 2 or 3 and not within an area identified as being prone to flooding.

7.10.2 No drainage details have been submitted. There would be a slight increase in non-permeable surfacing (due to the refuse/recycling and bicycle stores) and therefore the application should demonstrate that the proposal would not increase surface water run-off.

7.10.3 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 can be secured by way of condition.

7.11 Biodiversity

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

7.11.2 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.

7.12 Sustainable design and construction

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

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

7.12.3 On 25 March 2015 the Government issued a statement setting out steps it is taking to streamline the planning system. Relevant to the proposals, the subject of this application, are changes in respect of sustainable design and construction, energy efficiency and forthcoming changes to the Building Regulations. The Deregulation Act was given the Royal Assent

on 26 March 2015. Amongst its provisions is the withdrawal of the Code for Sustainable Homes.

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

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

7.12.6 The Council's Climate Change Officer has commented on the application and subject to condition raises no objection, as the proposal would meet the relevant sustainability objectives.

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

7.13 Community Infrastructure Levy

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

7.14 Response to representations

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

- There would be a degree of disturbance and disruption throughout the construction process. However, it would not be reasonable to refuse the application on this basis. If permitted, a condition for a Construction Method Statement would be imposed to ensure that the disruption is minimised as far as reasonably possible.
- The increase in traffic from the additional two units would not be so significant that a refusal could be justified on this basis.
- Whilst the use of the proposed balconies could result in additional noise, it is considered that in this developed area, with communal gardens, the resultant noise disturbance would not be unacceptable in planning terms. If specific occupiers cause excessive noise this would be a matter for Environmental Health legislation.

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 CONCLUSION

- 9.1 The principle of development is considered to be acceptable.
- 9.2 The impact on the character of the area and neighbouring amenity is considered to be acceptable.
- 9.3 The scheme would assist in visually balancing the building and would result in an improvement to the character of the area.
- 9.4 The proposal is considered to have overcome the issues previously raised and would be acceptable in planning terms.

RECOMMENDATION

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P-Si-D-009, P-Si-D-010, P-05-D-011, P-06-D-012, E-W-D-013, E-E-D-014, E-N/S-D-015, X-AA-D-016, X-BB-D-017 and D-018.

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

3. The materials to be used in the external construction of the development hereby permitted shall be as specified in the application form and approved plans.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2015, policy CS14 of Merton's Core Planning Strategy 2011 and policies DM D2 and D3 of Merton's Sites and Policies Plan 2014.

4. Access to the flat roof of the development hereby permitted, other than the areas specifically shown in the approved plans to be roof terraces, shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: 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.

5. No development shall take place until a scheme of details of screening of the roof terraces have been submitted for approval to the Local Planning Authority. No works which are the subject of this condition shall be carried out until the details are approved, and the development shall not be occupied unless the scheme has been approved and implemented in its approved form and those details shall thereafter be retained for use at all times from the date of first occupation.

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

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

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

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

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

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

8. No development approved by this permission shall be commenced until a detailed scheme for the provision of surface water drainage has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The final drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy (5.12, 5.13 and SPG) and the advice contained within the National SuDS Standards. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site at a maximum rate of 5 l/s. Appropriate measures must be taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

9. 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.

INFORMATIVES:

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.

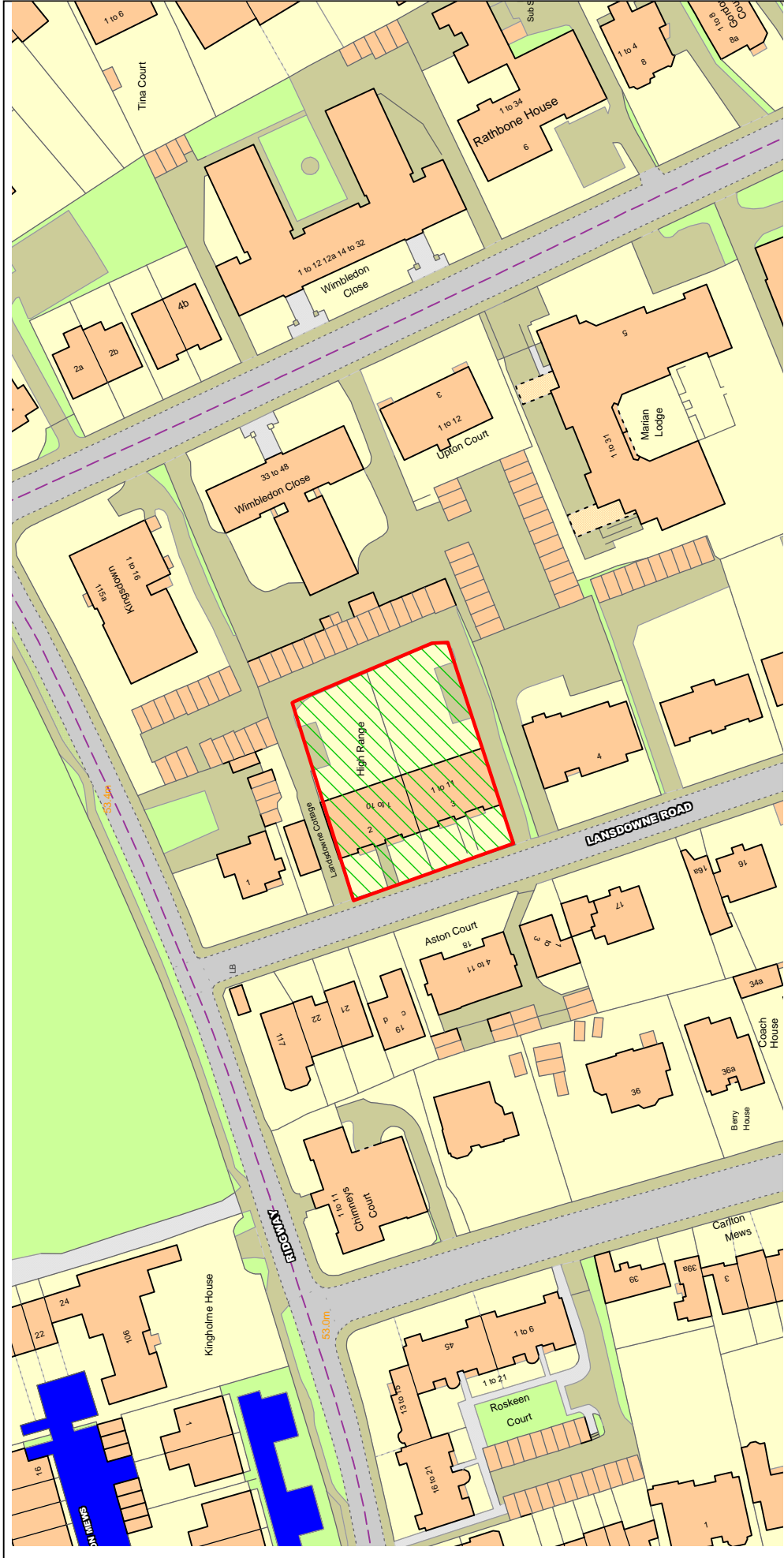
 2. Water efficiency evidence requirements for post construction stage assessments must provide:
 - Documentary evidence representing the dwellings 'As Built'; detailing:
 - the type of appliances/ fittings that use water in the dwelling (including any specific water reduction equipment with the capacity / 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'.
-

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

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

APPLICATION NO.	DATE VALID
Proposal A: 17/P1449	19/10/2017
Proposal B: 17/P1450	19/10/2017
Address/Site:	Canons House, 19 Madeira Road, Mitcham, CR4 4HD
Ward:	Cricket Green
Proposal A:	Alterations and extensions to Canons House to provide a mix of workspace (B1), education and community spaces (D1) involving demolition of toilet block and part of wall for erection of new entrance and community wall, partial demolition and extension to Madeira Hall to provide café, play/community room and public toilets, repair works to the Dovecote, provision of a new civic space in location of current northern car park, provision of new play area to replace existing play area, and associated landscaping and external works including reinstatement of historic running track, installation of outdoor gym equipment, new fencing, entrances, paths and lighting, and resurfacing of driveway.
Proposal B:	Application for Listed Building Consent for alterations and extensions to Canons House to provide a mix of workspace, education and community spaces involving demolition of toilet block and part of wall for erection of new entrance and community wall, partial demolition and extension to Madeira Hall to provide café, play/community room and public toilets, repair works to the Dovecote, provision of a new civic space in location of current northern car park, provision of new play area to replace existing play area, and associated landscaping and external works including reinstatement of historic running track, installation of outdoor gym equipment, new fencing, entrances, paths and lighting, and resurfacing of driveway.
Drawing No's:	954/101 Rev:F, 10.20 Rev:AP2, 10.01 Rev:AP3, 10.02 Rev:AP3, 10.25 Rev:AP2, 954/115 Rev:E, 954/116 Rev:F, 945/119 Rev:E, 00.01 Rev:AP3, 20.09 Rev: AP3, 30.00, 97 001 Rev: P02, 97 002 Rev: P01, 945/131 Rev: E, 20.10 Rev: AP3, 20.06B Rev: AP1, 20.07 Rev: AP3, 954/114 Rev: D, 40.01, 954/112 Rev: E, 20.08 Rev: AP3, 00.04 Rev: AP2, 954/127 Rev: E, 954/128 Rev: E, 954/125 Rev: D, 954/90 Rev: D, 20.11 Rev: AP3, 954/112 Rev: C.

Other Accompanying Documentation:

Bat Emergence Survey V2-0/16, Conservation Management Plan 954/SG/V2, Design and Access Statement Part One Rev:A, Design and Access Statement Part 2: Listed Buildings and Madeira Hall – September 2017, The Canons Preliminary Ecological Appraisal V2.0/16th February 2016, Transport Statement, The Canons' Recreation Ground and Arboretum Green Infrastructure Plan 27/07/2016, Tree Survey Plan and accompanying schedule,

Contact Officer Ashley Russell (020 8545 4370)

RECOMMENDATION

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted: Yes
- Number of neighbours consulted: 92
- Press notice: Yes
- Site notice: Yes
- External consultations: Yes
- Controlled Parking Zone: No

1. INTRODUCTION

- 1.1 The applications are being brought to the Planning Applications Committee as they represent a Council project with major application status for which determination by officers is precluded under the Council's Scheme of Management.

2. SITE AND SURROUNDINGS

- 2.1 The application site comprises an area of approximately 10 hectares which is bounded by Commonsides West to the east, Madeira Road to the south and Cricket Green to the west. Along its northern boundary the site adjoins Cold Blows and beyond this residential dwellings are situated in the no-through cul-de-sacs of Langdale Avenue, Albert Road and Whitford Gardens. The north-western corner of the site adjoins a mixture of institutional aged care, day centres and residential dwellings situated in a relatively open landscaped setting around Birches Close and Chart Close.

- 2.2 The application site constitutes the entirety of the Canon's Recreation Ground, which comprises an open park like setting formed from the original grounds of two Georgian Villas. These being Canons House (c.1680) situated in the sites southern central portion, and Park Place (c.1780) situated in the sites south-eastern portion.
- 2.3 The grounds of the application site include a mixture of large lawned areas, ornamental gardens, specimen trees and walled gardens. A large pond of noted historical significance separates Canons House from Madeira Road to the south.
- 2.4 The site is situated within the Mitcham Cricket Green Conservation Area. The Canons is within 'Character area 3: Cranmer Green' and Park Place largely falls within 'Character area 4: Three Kings Piece'.
- 2.5 A square, single storey dovecote structure situated adjacent to both Canons House and the pond is a grade II listed structure said to date from 1511. It is constructed in limestone with some knapped flint, red brick quoins and a plain tiled hipped roof to eaves. A single entrance to the structure is located on its eastern side, with a depressed pointed cambered arch. Other notable features include some flushwork to the east face, its windowless form and timber louveres to the roof.
- 2.6 Canons House is a grade II* listed structure, comprising a substantial two storey manor house with basement and dormer windows which was built by John Odway circa 1680. The building exhibits a plain tile hipped roof to eaves. The west facade presents 5 bays with 2-bay extension to left. The central bay to the original block projects slightly with a square headed architraved corniced entrance reached by steps. The listing details other architectural features of interest including square headed windows, blind windows to the 2 right bays, sashes, flush frames and glazing bars. Modillion eaves cornice above first floor and 3-bay return to southern side. The interior retains a substantial staircase with strong twisted balusters and some panelling.
- 2.7 In the far south-western corner of the site, adjacent to the intersection of Madeira Avenue and Cricket Green, a grade II listed obelisk monument is situated. The Historic England listing for the structure notes that it was erected in 1822 to commemorate relief of a serious drought and has an inscribed inset Portland stone tablet
- 2.8 Canons Lodge, the former entrance lodge to The Canons house, is a locally heritage listed structure situated adjacent Madeira Road on the southern boundary of the site. The Lodge forms part of the original wall which surrounds the grounds of Canons House, and it marks the point where the original entrance to the grounds once stood. The Lodge faces towards the original entrance drive, (with a projecting bay window) while it displays an almost blank wall to the main road. The building materials use include stock brick, (in part painted over), and roof tiles. The design of the building does not relate to that of any others in the vicinity. The main features of interest relate

to the orientation of the building, and to its function as a Lodge for the Canons.

- 2.9 The Merton Open Space Study MOSS, 2010-11 records Canons Pond as a site of Local Importance for Nature Conservation (SINC).

3. CURRENT PROPOSAL

- 3.1 Proposals A and B collectively represent physical works to implement an integrated masterplan for the Canons Site, which encompasses the objectives of The Canons Conservation Management Plan (Council Ref: 954/SG/V2, dated February 2017).

- 3.2 The proposals involve the demolition of an existing 259 square metre linking building between Madeira Hall and Canons House, and its replacement with 169.7 square metres of new buildings within this existing footprint.

- 3.3 For ease of reference, the proposals are summarised under the following key areas:

- Works to Canons House.
- Works to Canons Terrace & The East Lawn.
- Works to Madeira Hall, New Café & Canons Courtyard.
- Works to Canons Place & Northern Car Park.
- Works to Walled Gardens.
- Works to the Southern Car Park.
- Creation of a New Play Space.
- Works to the West Lawn.
- New Obelisk Entrance.
- Canons Drive Entrance.
- Commonsides West Gateway.
- Cricket Green Gateway.
- Other Path Works and Boundary Treatments.
- Street Furniture.
- Tree Management & Softworks.

- 3.4 Works to Canons House comprise the following:

- Demolition of the existing mid-century single storey linking block between Canons House and Madeira Hall
- Construction of a new northern single storey extension accommodating a small office and facility for the storage of outdoor furniture.
- Construction of a new 'Community Wall' of brick construction, featuring inscribed bricks, and extending on the western side of the new northern single storey extension.
- Removal of later external access stairs and landings on the buildings eastern elevation.
- Lowering of secondary stairs closer to ground level on the buildings eastern elevation.
- Addition of a new sash window in line with the north stair door on the buildings eastern elevation.

- Restoration of the original location of the stair window to the centre line on the eastern elevation of the building.
- Infill of two later window additions on the eastern elevation of the building.
- Internal relocation of existing external stacks and services.
- Restoration of the stair and original handrails.
- Replacement of an existing door with a matching sash window at the northern ground floor portion of the buildings west elevation.
- Removal of top hung windows to be replaced with '6 over 6' timber sash windows.
- Removal of window canopies which are later additions, and the retention of the central canopy on the buildings western elevation.
- Addition of tromp l'oeil painted windows to the south end of the west elevation of the building.
- Restoration of the stair and the fitting of new handrails to an original design on the western elevation of the building.
- Relocation of existing toilets from the first floor to the basement of the building.
- Provision of a new public entrance on the buildings northern side (adjacent the newly proposed Café in Madeira Hall).
- Construction of a new lift serving the basement, ground and first floor levels.
- Removal of latter addition steel beams at ground floor and their replacement with concealed reinforcement measures.
- Removal of the existing kitchen at the northern end of the ground floor.
- Removal of the existing boarding wall which obscures the stair landing hand rail at first floor, and subsequent restoration of the hand rail.
- Repair of the roof and chimneys, with some chimney pots to be rebidged and some red clay tiles to be replaced as required.

3.5 Works to Canons Terrace and the east lawn comprise the following:

- Retention of the existing east lawn, facilitating its future use as an outdoor performance area.
- Resurfacing of the existing east terrace with stone flag paving, and the construction of stone steps linking the terrace with the east lawn.
- Replacement of the existing northern steps and handrail of the terrace with a gently sloping footpath that links the terrace to the front of the proposed café to the north.

3.6 Works to Madeira Hall, New Café & Canons Courtyard include the following:

- The demolition of the existing link block between Canons House and Madeira Hall to create a new public space and an east-west pedestrian route through this part of the site.
- A portion of this space is proposed to be occupied by a single storey extension on the southern façade of Madeira Hall, which incorporates a new café, community education room, entrance hall and toilet facilities. The new building addition will measure 5.8 metres in depth, 27.3 metres in width and between 3.3 (flat roof) and 3.5 (front parapet) metres in height.

- An outdoor seating area, surfaced in resin-bonded gravel, will be situated adjacent to the southern face of the new café building in the area formerly occupied by the link block between Canons House and Madeira Hall.
- The new northern public entrance to Canons House will be accessed through steps and an accessible ramp integrated around a new brick planter and L-Shaped seating area in the courtyard created between Canons House and the new Café building.
- The existing path south of the Café will be regraded to create a gently ramped path up to the repaved terrace at the east of Canons house.
- Low level lighting installed around the foot of the steps and the new building will provide ambient lighting across the space.

3.7 Works to Canons Place and the Northern Car Park are described as follows:

- The removal of the car parking immediately adjacent to the Leisure Centre, and its replacement with a new play area and public square (provisionally referred to as Canons Place).
- Resurfacing the area in resin bonded gravel.
- Installing brick paving areas reflecting the brick used in the existing walls.
- Feature brick paving.
- Retention of the existing Norway Maple and introduction of new tree planting in the proposed brick paving.
- Introduction of contemporary style benches overlooking the new events space and the adjacent play area.
- Widening of the existing gap in the east-west garden wall between the existing two car parks, from 1.7m to 2.5m.
- The link path between the southern car park and the new cafe will be widened and resurfaced in resin-bonded gravel. The existing yew hedge will be retained and pruned to a lower height to improve views to Canons house. The existing planting beds at the foot of the walls will be re-stocked with a variety of herbaceous and climbing plants, as well as trained fruit trees. The footpath will be lit with new illuminated bollards.

3.8 Works to Walled Gardens comprise the following activities:

- The walled garden will be restored as a sensory garden, but will also include physic plants and species.
- It is also proposed to extend the planting around the south facing wall of the walled garden where, Lavender (*Lavandula vera*) grown by Potter and Moore will be planted as a hedge along the border.

3.9 Works to the Southern Car Park comprise the following activities:

- The removal of the clump of trees in the south west corner of the car park.
- Resurfacing with bitmac and including bays demarcated with white lining.
- 81 car parking spaces including 3 disabled bays demarcated with white lining (with 103 spaces in total on site including 5 disabled bays).

- A new drainage system which takes run-off to the pond via a filtering system, to improve sustainability of the pond.
 - New energy efficient lighting across the car park.
 - Planting of trees in a grid format across the car park.
 - The introduction of two new footpath. One along the wall which runs along the eastern boundary and secondly a path to link with the pond and Yew Walk
 - The removal of the recycling area to accommodate more spaces.
- 3.10 Works for the creation of a new Play Space involve the following:
- Removal of the existing play area situated in the south west corner of the former Sports Ground.
 - Construction of a new play area adjacent to the Leisure Centre and closer to Canons House, the gardens and new café.
 - Installation of a range of robinia timber play equipment.
 - Installation of reinforced grass matta safety surfacing.
 - Installation of grass mounding and boulders.
 - Tree and shrub planting.
 - Construction of a new resin bound footpath curving through the centre of the play area.
 - Installation of street furniture and interpretive signage.
- 3.11 Works to the West Lawn comprise the following activities:
- Resurfacing of existing footpaths.
 - Upgrades to existing street lighting.
- 3.12 Works to construct a new Obelisk Entrance comprise the following:
- Restoration of the Grade II listed Obelisk monument structure, and the creation of a new park entrance, which would reconnect the Obelisk to Canons house.
 - The removal of an existing poor quality boundary wall of 50m in length.
 - Removal of existing concrete bollards along the boundary of the public footpath with Madeira Avenue.
 - Installation of stone flag paving and a raised plinth around the Obelisk.
 - Extend the beech hedge from Cricket Green, planting with instant hedging.
 - Surface entrance in resin bonded gravel with the surface extending to the road
 - Installation of new bollards at the new pedestrian entrances to restrict vehicle access to the site.
 - Salvage of the existing Dawn Redwood for replanting on the application sites West Lawn.
- 3.13 Works to upgrade the Canons Drive entrance are described as follows:
- Removal of the existing brick walls, piers and gate.
 - Planting of a Yew hedge to form a semi-circle entrance feature around the entrance.
 - Replacement of the existing entrance gates with bollards.

- Resurfacing of the drive to Canons House with resin bonded gravel.
 - Removal of four existing Sycamore trees to allow views of Canons house across the west lawn.
- 3.14 Works to Commonsides West Gateway are described as follows:
- The hard standing at the entrance is proposed to be reduced in size, but remains large enough to enable access to the pavilion and sub-station and for one vehicle to park.
 - Installation of a new timber welcome sign and a litter bin.
 - Existing bollards to be replaced with static and removable bollards to control access.
 - Replacement of bollards along the eastern boundary with a new low steel trip rail fence.
 - Replacement of the existing chain link fence on the boundary of Cold Blows with a new timber trip rail fence.
- 3.15 Works to Cricket Green Gateway are described as follows:
- Removal of existing gates, but retention of brick piers.
 - Installation of removable timber bollards to facilitate depot access.
 - Installation of a new welcome sign.
- 3.16 Other Path and Boundary Treatment works described within the proposal are as follows:
- High profile areas will be resurfaced in resin bonded gravel such as the paths around Canons house, The Canons house entrance drive off Madeira Road, and the obelisk entrance
 - Resin bound gravel is proposed for high use areas such as Canons Square and Canons Courtyard
 - The paths around West Lawn will be resurfaced with a new bitmac wearing course, or full new bitmac reconstruction (depending on condition).
 - The rolled gravel path around the pond will be topped up and a ramped path installed to give access for all to the pond.
 - The woodchip path in Bellamy's Copse will be topped up.
 - Removal of railings and overhead barriers within the car parks.
 - Removal of existing railing around the pond.
 - Removal of the railing along the drive in front of Canons house.
 - Removal of bollards at the Obelisk entrance.
 - Replacement of bollards around the playing field with birdsmouth trip railing.
 - Replacement of the chainlink fencing along Cold Blows and with birdsmouth fencing.
- 3.17 Street furniture proposals associated with the applications are as follows:
- Replacement of all existing street furniture including benches, picnic tables, bins, and bollards with a co-ordinated range of new street furniture.
 - Replacement of all footpath lighting columns around West Lawn
 - Construction of new footpath lighting from the Obelisk entrance.

- Construction of new lighting in the car park.
- Construction of timber bollard lighting on the new east-west path linking the car park to the café and canons courtyard.

4. PLANNING HISTORY

4.1 The site has an extensive planning history, the most recent and relevant of these are listed below:.

04/P1468 - REMEDIAL WORKS TO LISTED WALL – Granted listed building consent.

07/P3077 - APPLICATION FOR LISTED BUILDING CONSENT FOR STRUCTURAL TIMBER REPAIRS TO ROOF AND ASSOCIATED REPAIRS AND REINSTATEMENT OF INTERNAL AND EXTERNAL FEATURES AND FINISHES, INCLUDING PANELLING, AFFECTED BY DRY ROT INFESTATION – Granted listed building consent.

08/P1255 - LISTED BUILDING CONSENT TO REPAIR A WALL IN THE CAR PARK – RETROSPECTIVE – Approved by Government Office for London.

09/P1767 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF TWO NON-ILLUMINATED WOODEN BANNER FRAMES - ONE ON MADEIRA ROAD AND ONE ON COMMONSIDE WEST – Refused advertisement consent.

13/P1744 - CONVERSION OF 2 x EXISTING TARMACADAM TENNIS COURTS INTO 2 x MULTI USE GAMES AREAS WITH 6 X 6 METRE HIGH FLOODLIGHTING MASTS, 4.5 METRE HIGH WELD-MESH FENCING TO THE PERIMETER AND NET ROOF ABOVE – Granted permission, subject to conditions.

14/P0969 - APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED INSTALLATION OF SOLAR PANELS ON SPORTS CENTRE – Certificate issued.

5. CONSULTATION

5.1 Proposal A (17/P1449) was advertised by way of a site and press notices and letters to 92 neighbouring properties .

5.2 Two objections were received during the public consultation period on Proposal A (17/P1449) which raised the following concerns:

- Insertion of a lift into Canons House will harm the building form and historic fabric.
- The new space between The Canons House and the new Café/Madeira Hall is poorly designed.
- Creation of a new side entrance to Canons House downplays the importance of the historic main entrance to the House.

- Loss of significant trees in the Canons Grounds should not occur without compensatory planting.
- Loss of a 2.5 metre stretch of Grade II listed wall is unacceptable.
- New external lighting is considered intrusive and insensitive.
- Loss of civic use of Canons House to commercial office space is unacceptable.
- There is an excessive number of interpretive boards of inadequate design proposed.
- Limited public accessibility to Canons House.
- Unclear how surplus funds generated from commercial office and café uses will be reinvested in the ongoing maintenance and upkeep of Canons House.
- A single designated community space/education room in Canons House is inadequate. The whole space should be available for community activity.
- There should be an acoustic barrier separating the café/community space from Madeira Hall in order to limit noise transfer from 'soft play' activities.
- Community access to the café should be available outside the times of 10am-4pm.
- Proposed gravel track dissecting the former News of the World sports ground will damage the historic significance of the sports ground.
- Concerns the pond will be isolated from the surrounding hydrology. A biodiversity management plan must be part of any proposal.
- The self-binding gravel path in the walled garden should instead be brick pavers.
- The existing second floor flat would be rendered uninhabitable by the changes to Canons House and disruption caused during construction works.
- Unclear how the site's landscape, heritage and habitat features will be protected during the significant construction works required to deliver the proposed scheme.
- Concern that, as a Council Project, the application is subject to a conflict of interest in its assessment by Council.

5.3 Proposal B (17/P1450) was advertised by way of a site notice displayed at the property and press notice.

5.4 One objection was received during the public consultation period on Proposal B (17/P1449) which raised the following concerns:

- Insertion of a lift into Canons House will harm the building form and historic fabric.
- The new space between The Canons House and the new Café/Madeira Hall is poorly designed.
- Creation of a new side entrance to Canons House downplays the importance of the historic main entrance to the House.
- Loss of significant trees in the Canons Grounds should not occur without compensatory planting.
- Loss of a 2.5 metre stretch of Grade II listed wall is unacceptable.
- New external lighting is considered intrusive and insensitive.

- Loss of civic use of Canons House to commercial office space is unacceptable.
- There is an excessive number of interpretive boards of inadequate design proposed.
- Limited public accessibility to Canons House.
- Unclear how surplus funds generated from commercial office and café uses will be reinvested in the ongoing maintenance and upkeep of Canons House.
- A single designated community space/education room in Canons House is inadequate. The whole space should be available for community activity.
- There should be an acoustic barrier separating the café/community space from Madeira Hall in order to limit noise transfer from 'soft play' activities.
- Community access to the café should be available outside the times of 10am-4pm.
- Proposed gravel track dissecting the former News of the World sports ground will damage the historic significance of the sports ground.
- Concerns the pond will be isolated from the surrounding hydrology. A biodiversity management plan must be part of any proposal.
- The self-binding gravel path in the walled garden should instead be brick pavers.
- The existing second floor flat would be rendered uninhabitable by the changes to Canons House and disruption caused during construction works.
- Unclear how the sites landscape, heritage and habitat features will be protected during the significant construction works required to deliver the proposed scheme.
- Concern that, as a Council Project, the application is subject to a conflict of interest in its assessment by Council.*

Internal consultations

5.5 LBM Highways Officers:

The proposal is supportable subject to the standard planning conditions regarding details of Construction Vehicles/Washdown Facilities (H10) and a Delivery Servicing Plan (H12) to be submitted and approved.

5.6 Future Merton – Policy:

Subject to the ecological and bat survey findings, recommendations and any appropriate mitigation and biodiversity enhancement features incorporated into the proposal, the proposals would, in principle, be acceptable in this location with regards to the planning policy matters concerning the protection and enhancement of biodiversity.

Approval for this application should include appropriately worded conditions to address the following items:

1. Provision of an Ecological Appraisal for the site.
2. Bat activity, presence and absence surveys (pre-commencement)

3. A survey of the pond including an assessment of invertebrate and amphibian fauna.
4. A Biodiversity Management Plan to be produced.
5. Construction Times (daylight hours only).
6. Tree Protection.

5.7 Council's Design Review Panel (meeting 30th March 2017):

The Panel welcomed the proposals for the building and were supportive of much of the proposals presented to them. They were particularly keen that these were got right as Grade II buildings were particularly rare in Merton. The concerns the Panel had, centred on the space between the café and house, the provision and location of the lift, and the economic viability of the proposed uses insofar as they affected the long-term sustainable use of the building.*

The Panel were conscious that two previous attempts at using the house for community uses had failed. Therefore it was particularly important to maximise the viability and flexibility of the house and café. The Panel were generally happy with the proposed flexible business space use for the house. They were also happy with the café use in principle. However, they were not convinced of the flexibility of the proposals to accommodate a wider range of functions other than the café. The opportunity to host wedding receptions whilst the café remained open was given as an example. This needed to be clearly set out in the business plan.

The Panel were conscious that the house was visually and physically isolated from its surroundings by the landscape and busy roads. Therefore it was important to maximise the means of getting and keeping visitors there. The proposals for the house, with business use and flexible public, interpretation space was considered a good approach. However, the proposal did not seem fully formed with regard to the space between the café and house. This was a new space that had been created and the Panel felt this was a great idea and would be the focal point of the area.

There were various problems with the design in this respect. It did not seem to acknowledge its importance as the focal point, entrance to the house and to the café, with views to both sides of the landscape. This was evidence by the convoluted and cluttered entrance to the house with awkward ramps and new service and plant rooms – new clutter replacing old clutter. It seemed like an inelegant space with a main entrance past a boiler room. This side elevation was very visually pleasing and it was being spoiled by this.

The Panel were also concerned about the proposed use of brick for these new structures and walling. They were attached to the rendered house and looked out of place. It was suggested they either also be in render, or they form an extension of the brick café and its proposed extension. Either way, the Panel felt that this whole area needed further thought and re-working to properly fulfil its potential.

The other key area of concern was the positioning of a new lift inside the building. It was felt this was a large physical intrusion causing considerable

harm to the building form and fabric. Alternative locations were suggested, including the north elevation facing the café. However, this was felt to have problems as well. It was suggested that disabled access could possibly be achieved to the lower and upper ground floors without the need for a lift. This would give disabled access to 2/3 of the building, and was considered an acceptable compromise for a Grade II listed building.*

The Panel also raised a few points about the landscape design, lighting, servicing arrangements and cycle parking that they felt could be better or more sensitively addressed.

Overall the Panel were supportive of the principle of creating a space between the house and café, and this was the right approach to unlocking the potential of the site. However, this needed to be got right to secure the long-term future of the house. If the issue of this space and the lift could be better resolved then the Panel felt that a GREEN verdict would be easily achievable.

VERDICT: RED

5.8 LBM Urban Design Officer:

It was noted from the DRP notes that there was a lot of material that the Panel supported about the application. What led to it getting a RED verdict was concern about the impact of the lift on the Grade II* listed building and the unresolved design of the space between the house and café, which would become a major focal point.

Regarding the lift, if the decision is taken that the whole of the building needs to be fully accessible, then the proposed location of the lift is reasonable, and Historic England does not object.

In general, the key concerns of the DRP have been addressed.

5.9 LBM Climate Change Officers:

No objections were raised and no conditions suggested in relation to the proposals.

5.10 LBM Transport Officers:

Car parking spaces remain at 103, with no net loss of spaces from the site.

The parking layout as shown is acceptable, However 2 spaces should ideally have access to electric vehicle charging points.

No objections to the proposed scheme are raised, subject to conditions requiring the provision of cycle stores and electric vehicle charging points.

5.11 LBM Flood Risk Engineer:

No objections raised, subject to the inclusion of the following condition of approval:

Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed strategy for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site as close to greenfield rates as reasonably practicable;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

5.12 LBM Greenspaces and Trees Officers:

Noted that:

- 23 Essential trees are to be removed.
- 10 Non-essential trees are to be removed.
- 5 Desirable to retain trees are to be removed.
- 36 new semi-mature trees and 8 fruit trees (local species) are to be planted as part of the extensive re-landscaping of the site.

The application is supportable, subject to the following planning conditions:

- F5 – Tree Protection Plan.
- F8 – Site Supervision (Trees).
- Landscaping Plan to be submitted.

5.13 LBM Conservation Officer: . The following comments were received:

Overall support for the approval of the proposal.

The reduction of the opening in the wall between the Leisure centre and the carpark is an improvement on initial proposals.

Slight reservation about the change to the location of the rear staircase window.

Some residual concern over the bulk of the northern office extension to Canons House, however it is noted that the entrance and approach from the café is an overall improvement, the canopy over the entrance will enable it to function in all weather and the office/store extension will overall work well.

Preference for the retention of the existing trees in the Southern Car park, however noted that this would need to be balanced with the overall rationalisation and provision of car parking.

External consultations :

5.14 Historic England:

- *We consider that the aims of this project, in terms of revealing and enhancing significance and finding sustainable uses for this important historic site, very much reflect the overarching aims of the heritage-related policies contained within the National Planning Policy Framework. Therefore Historic England remains strongly supportive of this project.*
- *We are also very pleased to see that, following our pre-application advice, details regarding the conservation of the Grade II listed Dovecot have now been provided. Once completed, these works should facilitate the removal of the building from our Heritage at Risk Register and this is strongly welcomed. With this in mind, it would be helpful if the works to the Dovecot could be tied into a phasing plan as part of any approvals to ensure the early delivery of this part of the project, and to provide a sense of timescales for its anticipated removal from our Risk Register.*
- *We are pleased to see that the Conservation Management Plan promotes improving access and understanding of the Dovecot, and we would encourage your Council to ensure that procedures are put in place as part of this project to ensure regular public access to the building.*
- *With regards to the work to the curtilage listed boundary wall between the east lawn and formal gardens, we are very pleased to see that the proposed opening to the car park has been significantly reduced to 2.5m which responds to our previous concerns.*
- *Finally, regarding the works to Canons House itself, we continue to be supportive of the proposed alterations. However, we are slightly disappointed that our suggestion to retain the stairwell window in its current position has not been acknowledged or addressed in the submission. The Mansion has undergone various alterations over the years, and we consider that there is some value in these later phases of development, particularly the 19th century alterations when presumably the window was realigned. However, we note that the proposed repositioning is intended to return the fenestration to its 17th century pattern as informed by an 1823 watercolour. We therefore recognise the scholarly arguments for this proposed approach, and we do not wish to raise any significant concern. Elsewhere, we continue to support the proposed reinstatement of historic proportions and features within the principle ground floor rooms, and the provision of public access into these key spaces.*
- *Historic England is strongly supportive of this exciting project. We would, however, urge your Council to address the advice set out in this letter and determine the application in accordance with national and local policy guidance, and in consultation with your Council's Conservation Officer.*

5.15 The Metropolitan Police – Designing Out Crime Unit:

- *The removal of any gates, railings and overhead barriers would allow uncontrolled access to the grassed, and car park areas which may potentially be used as an encampment by travellers.*
- *Any benches and picnic tables should be located in areas which are overlooked to provide natural surveillance.*
- *The provision of a café would increase footfall and activity in the area therefore reducing a risk of crime and promoting a sense of safety. The design of the café should eliminate any chance of climbing onto the single storey roof.*
- *Due to its somewhat isolated location the cafes' doors and windows should be to enhanced security standards, and the building be covered by CCTV linked to Merton Council and have a monitored alarm.*
- *The relocation of the children's playground to a walled garden area reduces the amount of natural surveillance, it was not clear if the play area would be enclosed with railings to prevent young children straying into the car park areas.*
- *The new entrance at the obelisk may create a 'desire line' path across the large grass area toward the Leisure Centre similar to the trail formed by repeated footfall at Commonsides West Gateway.*
- *All lighting across the development should be to the required British Standards and local council requirements, avoiding the various forms of light pollution (vertical and horizontal glare). The lighting should be as sustainable as possible with good uniformity.*
- *A good quality CCTV system 1:0 BS EN 62676:2014 needs to be in place as the current one does not appear to be effective as seen in the photograph where the camera in the existing car park is viewing the ground.*

5.16 London Parks & Gardens Trust:

One outcome of the future investment should be to enable an application to be prepared for the landscape to join the Register of Historic Parks and Gardens.

We welcome the proposed investment in The Canons where it will bring sustained conservation benefit and put it back into its' original use.

Nevertheless, we believe the proposals cause unnecessary harm and we think there are further opportunities to enhance the site. We are especially concerned by:

- *The lack of any guarantee that funds generated on the site will be reinvested in its future care and maintenance. This is essential if the proposals are to be justified on the basis of creating a long term and sustainable future for these conservation assets.*
- *The awkward space created between The Canons house and Madeira Hall which has been criticised by Merton Council's Design Review Panel.*
- *Loss of important trees in the landscape without clear plans for how their loss will be compensated.*

- *Impact of lighting plans on a landscape relatively free of light pollution.*
- *Development of a hard surfaced track across the open space in front of Park Place which will damage its integrity.*
- *The uncertain impact of plans to line the medieval fish pond without a fuller assessment of its impact on future water levels and wildlife.*
- *Use of inferior surface materials in the important, listed, walled garden.*
- *A lack of detail on how the significance of the landscape and open spaces will be protected during construction works.*

We conclude that these impacts will collectively result in significant harm to designated and undesignated heritage assets in The Canons that are not outweighed by the other benefits from investment in the area and therefore the LPGT objects to the current application for the reasons given above.

6. POLICY CONTEXT

6.1 NPPF - National Planning Policy Framework (2012):

Relevant sections:

- 1 Building a strong, competitive economy
- 7 Requiring Good Design
- 8 Promoting healthy communities
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.1 London Plan (2016)

Relevant policies:

- 3.6 Children and young people's play and informal recreation facilities
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education Facilities
- 4.2 Mixed use development and offices
- 4.6 Support for and enhancement of arts, culture, sport and entertainment
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.17 Metropolitan Open Land
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature

7.21 Trees and woodlands

6.3 Merton LDF Core Planning Strategy (2011)

Relevant policies:

CS2 Mitcham Sub-Area

CS11 Infrastructure

CS12 Economic Development

CS13 Open Space, Nature Conservation, Leisure and Culture

CS14 Design

CS15 Climate Change

CS16 Flood risk management

CS 17 Waste management

CS18 Active Transport

CS20 Parking, Servicing and Delivery

6.4 Merton Sites and Policies Plan (2014)

Relevant policies:

DM C1 Community Facilities

DM E4 Local Employment opportunities

DM O1 Open Space

DM O2 Nature conservation, trees, hedges and landscape features

DM D1 Urban design and the public realm

DM D2 Design considerations in all developments

DM D3 Alterations and extensions to existing buildings

DM D4 Managing heritage assets

DM EP2 Reducing and mitigating against noise

DM EP4 Pollutants

DM F1 Support for flood risk management

DM F2 Sustainable urban drainage systems

DM T1 Support for sustainable transport and active travel

DM T2 Transport impacts of development

DM T3 Car parking and servicing standards

DM T4 Transport infrastructure

7. **PLANNING CONSIDERATIONS**

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

- Principle of development.
- Impact on designated open space and Metropolitan Open Land.
- Impact of design & appearance of works to listed heritage buildings and the character of the Mitcham Cricket Green Conservation Area.
- Impact upon neighbouring amenity.
- Impact upon Biodiversity/ecology.
- Transport, highway network, parking and sustainable travel.
- Sustainable design and construction.
- Flood risk and sustainable urban drainage.

Principle of development.

7.2 Core Planning Strategy Policy CS11 and SPP Policy DM C1 encourages improvements to existing community facilities, including encouraging services

to be co-located where possible. SPP Policy DM E4 seeks to improve the number and range of employment opportunities for Merton Residents. The policies state that facilities should be provided in accessible locations with good links to public transport, should be adaptable and suitable to accommodate a range of services and should not have an undue adverse impact on the amenities of nearby residents or businesses.

- 7.3 The proposals collectively provide for the upgrade and diversification of existing community uses of the Canons site, through renovations of the existing buildings, the introduction of new café and educational facilities, as well as the consolidation of site parking and the provision of new play spaces.
- 7.4 The reconfiguration and improvement of office use (B1) within the existing Canons Building, and the provision of new Café (A3) use will support the provision of a range of employment opportunities for Merton's residents.
- 7.5 The transport statement provided by the applicant outlines that modifications to the car parking arrangements on the site will result in no net loss of parking, and that any additional parking demand associated with the new café use will be easily accommodated within the daytime hours of lowest demand for the adjoining leisure centre. The site has a PTAL rating of 2, however noting the availability of on-site parking it is considered to be in a reasonably connected and accessible location.
- 7.6 Subject to the above, it is considered that the principle of the proposals to improve the public realm and diversity the activities of the Canons House and surrounding Recreation Area are acceptable, and satisfy the intent of Core Planning Strategy Policy CS11 and SPP Policy DM C1.

Impact on designated Open Space and Metropolitan Open Land.

- 7.7 The proposals incorporate alterations to existing buildings located on designated Open Space and the construction of new buildings on Metropolitan Open Land. Specifically, the proposed demolition of the linking building between Canons House and Madeira Hall, the construction of a new southern extension of Madeira Hall involving an education room and a café, and the provision of a new public plaza space between the new café and Canons House are relevant to consideration in this regard.
- 7.8 London Plan Policies 7.17 and 7.18 seek the protection from development having an adverse impact on the openness of Metropolitan Open Space, and states that the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local area. Merton's Core Strategy Policy CS13 seeks to protect and enhance the boroughs public and private open space network including Metropolitan Open Land, parks and other open spaces; and expects development to incorporate and maintain appropriate elements of open space, play areas and landscape features such as trees which makes a positive contribution to the wider network of open spaces. Merton's SPP policy DM O1 seeks to protect, enhance and improve access to open space and protect Metropolitan Open Land and designated open spaces from inappropriate development.

- 7.9 The newly proposed southern extension to Madeira Hall, along with the construction of a new single storey extension accommodating a small office and facility for the storage of outdoor furniture adjoining the northern façade of Canons House, will fit within the footprint of the existing mid-century linking block which presently joins Canons House and Madeira Hall. The new structures will represent an overall reduction in building footprint when compared to the existing building, with the balance of space formerly occupied by the linking building being given over to a new entrance plaza serving the northern entrance of Canons House, and outdoor seating areas associated with the new café.
- 7.10 As the proposed new buildings situated on designated open space and Metropolitan Open Land will represent an overall reduction in building footprint compared with the existing situation, and also result in improved public access to open space, the proposals are considered to be consistent with the intent of London Plan Policies 7.17 and 7.18, Core Strategy Policy CS13 and Merton's SPP policy DM O1.

Impact of design & appearance of works on listed heritage buildings and the character of the Mitcham Cricket Green Conservation Area.

- 7.11 London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policies DMD1, DMD2 and DMD3 require well designed proposals that respect the appearance, materials, scale, bulk, proportions and character of original buildings and their surroundings. Policy 7.6 sets out a number of key objectives for the design of buildings, including that they should be of the highest architectural quality and of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. Policy CS14 of the adopted Core Strategy states that all development needs to be designed to respect, reinforce and enhance local character and contribute to Merton's sense of place and identity. This will be achieved in various ways including by promoting high quality design and providing functional spaces and buildings. Section 12 of the NPPF, London Plan policy 7.8 and SPP policy DMD4 require development affecting heritage assets and their settings to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 7.12 The proposals involve works to the following listed structures within the Mitcham Cricket Green Conservation Area:
- Canons House – Grade II* listed.
 - The Obelisk – Grade II Listed.
 - The Dovecote – Grade II Listed.
- 7.13 The works to the listed Obelisk and Dovecote structures constitute repairs and restorations to the historic fabric of the buildings, with surrounding landscape improvements intended to improve the context and interpretation of the buildings. The proposals have been reviewed by Historic England, who have expressed strong support for the schemes, noting in particular that the proposed works to the Dovecote will facilitate the removal of that building from Historic England's Heritage at Risk Register.

- 7.14 In respect of the works to Canons House, comments from Historic England and Council's Conservation Officer have indicated their support for the overall restoration of facades and historic fabric within the building. The existing mid-century building which links Canons House with Madeira Hall is presently considered to make a negative contribution towards the context and appearance of the Canons Building, and subsequently its removal and replacement with a smaller and more understated ground floor extension and entrance plaza on the northern façade of Canons House is considered acceptable approach to improving the appearance and functionality of the building whilst removing the existing inappropriate extension.
- 7.15 The initial version of the application schemes were given a RED status by Council's Design Review Panel. In reaching this conclusion the Design Review Panel noted that the proposed use of brick for the new structures and walling adjoining the Canons Northern Façade looked out of place with the render of the building, the new plaza area between the Canons Building and Madeira Hall required more design refinement, and that the positioning of a new lift inside the building had potential to cause considerable harm to the building form and fabric.
- 7.16 Whilst the earlier comments raised by the Design Review Panel are acknowledged, it is noted that the proposal has since been revised to incorporate changes to the overall layout and design of the new entrance plaza situated between Canons House and Madeira Hall. The revised scheme has been reviewed by both Historic England and Council's Conservation Officer who have both indicated that they are supportive of the proposals from a heritage perspective, subject to minor detail considerations.
- 7.17 A lengthy analysis of the proposed positioning of the new lift within the Canons House building has been provided in the applicants Design & Access statement. Significant examinations have been undertaken on a range of alternative options for locating the proposed lift elsewhere externally or internally within the building, with all noted to result in greater harm to the historic appearance of the building or to elements of specific historic significance to the building. Whilst the comments of the Design Review Panel with respect to the placement of the lift within the structure are acknowledged, neither Historic England or Council's Conservation Officer have raised concern regarding the impact of the lift on the historic fabric of the building or the legibility of the original layout of the house. Subsequently the placement of the proposed lift is not considered to result in adverse impact on the appearance or heritage fabric of the Grade II* listed Canons House, and it is therefore considered acceptable in this regard.
- 7.18 Proposals A and B collectively represent physical works to implement an integrated masterplan for the Canons Site, which encompasses the objectives of The Canons Conservation Management Plan (Council Ref: 954/SG/V2, dated February 2017). The development of the Conservation Management Plan for the area has previously considered the aims of the Mitcham Cricket Green Conservation Area in detail, and subsequently the current proposals are considered to satisfy the intent of Section 12 of the NPPF, London Plan

policy 7.8 and SPP policy DMD4 in respect to the sensitive treatment of heritage assets.

Impact on 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.
- 7.20 The application site is substantially separated from surrounding residential properties with the exception of the existing residential flat which occupies the second floor of Canons House. It is not considered that the ongoing office use of Canons House would result in any greater disruption or adverse amenity impact in respect to that property than that which previously existed with the mixed office and educational use of the lower floors of the building.
- 7.21 The proposals include amended and additional area lighting in the immediate grounds of Canons House, the west lawn, southern car park and new Canons Place footpath. However, the relative isolation of the site in relation to surrounding properties results in there likely being negligible impact from light overspill to surrounding properties. Notwithstanding this, conditions of approval which limit light overspill to surrounding properties are recommended to curtail any unforeseen amenity impacts which may result.
- 7.22 In the absence of any other identifiable amenity impact on surrounding properties, the proposals are considered to be consistent with London Plan policies 7.6 and 7.15 along with SPP policies DM D2 and DM EP2.

Impact on biodiversity/ecology

- 7.23 Arising from the proposals entailing works to existing buildings, demolition, the loss and replacement of trees and surface changes to drainage and hydrology, the developments require a detailed assessment with regards to their impact on local biodiversity and ecology.
- 7.24 NPPF section 11 states that development should contribute to and enhance the natural and local environment. London Plan Policy 7.19 seeks a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. Merton's Core Policy Strategy CS13 seeks to protect and enhance biodiversity through supporting the objectives of the London Biodiversity Action Plans, and for development to integrate new or enhanced habitat or design and landscaping which encourages biodiversity and where possible avoid causing ecological damage. SPP Policy DM O2 seeks to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment.

- 7.25 A Preliminary Ecological Appraisal (PEA) Report was provided with the application. This included a desk based study (October 2015) and a Phase 1 extended habitat survey (November 2015).
- 7.26 Council's Policy Officers have reviewed the methodologies of the PEA which are considered appropriate. However, it has been noted that the PEA had only reviewed a preliminary concept of the proposed development. Furthermore, the findings of the report should only be considered accurate for a period of two years which has since expired.
- 7.27 The applicant has subsequently provided a supplementary Statement on Biodiversity, prepared by Simon Green Architects and MKA Ecology Ltd, to further support the current proposal which is part of these Planning Applications. This statement notes that a Biodiversity Management Plan is to be provided, encompassing the elements raised on review of the Preliminary Ecological Appraisal.
- 7.28 Following review of the supplementary Statement on Biodiversity provided by the applicant, Council's Policy Officers have advised the following (as detailed in section 5.6 of this report):
- Subject to the ecological and bat survey findings, recommendations and any appropriate mitigation and biodiversity enhancement features incorporated into the proposal, the proposals would, in principle, be acceptable in this location with regards to the planning policy matters concerning the protection and enhancement of biodiversity.*
- 7.29 Subject to the above considerations, it is determined that the proposals would satisfactorily address the objectives of NPPF Section 11, London Plan Policy 7.19, Merton Core Strategy CS13 and SPP Policy DM 02, subject to the imposition of conditions of approval which require the following prior to the commencement of any works on the site:
- An Ecological Appraisal for the site.
 - Bat activity, presence and absence surveys.
 - A survey of the pond.
 - A Biodiversity Management Plan for the site.
 - Construction works limited to daylight hours only.
 - Tree Protection Works.
- Transport, highway network, parking and sustainable travel
- 7.30 London Plan policies 6.3 and 6.12, CS policies CS20 and CS18 and SPP policy DM T2 seek to reduce congestion of road networks, reduce conflict between walking and cycling, and other modes of transport, to increase safety and to not adversely effect on street parking or traffic management; in addition, there is a requirement to submit a Transport Assessment and associated Travel Plan for major developments. London Plan policies 6.9, 6.10 6.13, CS policy CS20 and SPP policies DM T1 and DM T3 seek to promote sustainable modes of transport including walking, cycling, electric

charging points, the use of Travel Plans and by providing no more vehicle parking spaces than necessary for any development.

- 7.31 The applications involve the ongoing use of Canon’s House for office and community/educational uses, the construction of a new education room and café adjoining the southern façade of Madeira Hall, the replacement of the existing northern car park with a new landscaped square and children’s play space, and the upgrade, resealing and line marking of the existing southern car park to provide a more efficient parking layout.

The proposed loss of existing car spaces in the northern car park will evidently be supplemented by the creation of additional spaces in the rationalised layout of the southern car park as evidenced in the following diagram.

Area of Park	Existing spaces	Proposed spaces
Northern car park (new play area / Canons Place)	48	0
Southern car park	39	81
Eastern side of Leisure Centre	10	13
East side of new play area	2	5
South of existing play area	4	4
TOTAL	103	103
Disabled bays included in the above	3	5

- 7.32 The applicant has provided a Transport Statement which outlines that The Canons house workspace will require 10 allocated spaces, which would reduce the number of spaces available for general users of the shared car park. In addition, Opening hours of the café are envisioned to be from 10am to 4pm, 7 days a week. The statement acknowledges that it is anticipated the daytime use and demand for car parking spaces will increase, however the existing car parking capacity would be capable of accommodating this demand given the current usage associated with the Leisure Centre is generally higher in the evenings.

- 7.33 The proposals have been reviewed by Council’s Transport Planner and found to be supportable. It has been advised that that some cycle parking and electric vehicle charging points should be provided. Noting that there will be no net loss of parking spaces, and given the works represent the consolidation of existing parking arrangements, it is not considered reasonable to require the provision of electric vehicle charging points in the same manner as may otherwise be required for a new build project. A condition of approval is recommended for details of cycle parking to be provided prior to commencement of works.

Sustainable design and construction

- 7.34 London Plan policies 5.2 and 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.

- 7.35 The proposals have been reviewed by Council's Climate Change Officer's, with advice received noting that that the proposals are predominately landscape in nature with the exception of works to The Canons Building and Madeira Hall. In this regard, as the proposal represents only a small component of use change for the new café, and an overall reduction in building footprint. Noting the exemptions which may otherwise be available to Canons House as a Grade II* listed heritage structure, no concerns have been raised with respect to the standards of sustainability being achieved.
- 7.36 On the basis of the above, the proposals are considered to be consistent with broad intent of London Plan policies 5.2 and 5.3 and CS policy CS15.

Flood risk and sustainable urban drainage

- 7.37 London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2 seek to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems to reduce the overall amount of rainfall being discharged into the drainage system and reduce the borough's susceptibility to surface water flooding.
- 7.38 The proposals have been reviewed by Council's Flood Risk Engineer and found to be supportable subject to the imposition of conditions which require a detailed strategy for the provision of surface and foul water drainage to be submitted to and approved in writing by the local planning authority prior to the commencement of any works on the site.
- 7.39 Subject to the inclusion of the above condition, the proposals are therefore considered to be consistent with the objectives of London Plan policies 5.12 and 5.13, CS policy CS16 and SPP policies DM F1 and DM F2.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9. CONCLUSION

- 9.1 The proposals collectively provide for the upgrade and diversification of existing community uses of the Canons site, through renovations of the existing buildings, the introduction of new café and educational facilities, as well as the consolidation of site parking and the provision of new play spaces.
- 9.2 The proposals are considered to respect the appearance, materials, scale, bulk, proportions and character of original buildings and their surroundings and to enhance the public realm. The works affecting heritage assets and their settings are considered to conserve their significance are overall sympathetic in terms of their form, scale, materials and architectural detail.

- 9.3 Subject to the ecological and bat survey findings, recommendations and any appropriate mitigation and biodiversity enhancement features being incorporated into the proposal, the proposals would, in principle, be acceptable in this location with regards to the planning policy matters concerning the protection and enhancement of biodiversity.
- 9.4 The proposed loss of existing car spaces in the northern car park will evidently be supplemented by the creation of additional spaces in the rationalised layout of the southern car park. Therefore the proposals are to not considered to result in congestion of road networks, nor adversely effect on street parking or traffic management.
- 9.5 The proposed new buildings situated on designated open space and Metropolitan Open Land will represent an overall reduction in building footprint compared with the existing situation, and also result in improved public access to open space.
- 9.6 The proposals incorporate satisfactory measures to minimise the impact of flooding on residents and the environment and promote the use of sustainable drainage systems.
- 9.7 The applications would accord with the relevant National, Strategic and Local Planning policies and guidance and approval could reasonably be granted in this instance.

RECOMMENDATION

Proposal A: GRANT PLANNING PERMISSION subject to planning conditions.

Proposal B: GRANT LISTED BUILDING CONSENT subject to planning conditions

Proposal A (17/P1449) Conditions:

1. Commencement of development (standard condition).
2. Approved plans & Documents (standard condition)
3. Materials to be approved – Canons House and Heritage Structures (standard condition).
4. Hours of use – café (standard condition).
5. External lighting (Non-Standard Condition).
6. Construction times (Standard condition).
7. Method statement (Standard condition).
8. Safety and security during demolition (Standard condition).
9. Construction Vehicles/Washdown Facilities (H10)
10. Delivery Servicing Plan (H12)
11. Ecological Appraisal

Prior to commencement of any works, a revised Ecological Appraisal for the site will need to be undertaken by an appropriately qualified person and a report submitted to and approved by the council.

Reason: To ensure there is no adverse impact on priority or protected species in accordance with CS13 and London Plan 7.19.

12. Bat Surveys

Prior to commencement of any works, bat activity, presence and absence surveys are to be carried out by an appropriately qualified person across the site and more specifically on the Dovecoat, Canons House, the Toilet Block, Madeira House and the Changing Block, and all trees to be removed in accordance with the recommendations set out in the 'Preliminary Ecological Appraisal Report' dated February 2016 and the 'Bat Survey Report' dated December 2016 both by JBA Consulting and a report submitted to and approved by the council.

Reason: To ensure there is no adverse impact on priority or protected species in accordance with CS13 and London Plan 7.19.

13. Pond Surveys

Prior to commencement of any works, a survey of the pond including an assessment of invertebrate and amphibian fauna is to be carried out by an appropriately qualified person in accordance with the recommendations set out in the 'Preliminary Ecological Appraisal Report' dated February 2016 by JBA Consulting and a report submitted to and approved by the council.

Reason: To ensure there is no adverse impact on priority or protected species in accordance with CS13 and London Plan 7.19.

14. Biodiversity Management Plan

Prior to commencement of any works, a Biodiversity Management Plan for the site is to be produced by an appropriately qualified person in accordance with the recommendations and guidance set out in the 'Preliminary Ecological Appraisal Report' dated February 2016 and the 'Bat Survey Report' dated December 2016 both by JBA Consulting and be submitted to and approved by the council. The works shall be carried out strictly in accordance with the approved Biodiversity Management Plan.

Reason: To ensure there is no adverse impact on priority or protected species in accordance with CS13 and London Plan 7.19 and to protect the MOL and Open Space and the plants, trees and wildlife therein from damage or disturbance during construction work in accordance with CS13.

15. Construction during daylight hours

In accordance with the recommendations and guidance set out in the 'Bat Survey Report' dated December 2016 by JBA Consulting, all construction works should take place during daylight hours only. Any works required outside these hours must be agreed by the council in writing and only in accordance with agreed artificial lighting restrictions.

Reason: To ensure there is no adverse impact on priority or protected species in accordance with CS13 and London Plan 7.19.

16. Tree Protection (non-standard)

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. In accordance with the recommendations and guidance set out in the 'Bat Survey Report' dated December 2016 by JBA Consulting, all retained trees in close proximity to the construction works should be protected during the construction phase, including trees that are outside the site boundary. The details and measures as approved shall be retained and maintained, until the completion of all site operations.

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

17. Cycle Details to be provided. (standard condition)

18. Details of drainage (non-standard condition):

Prior to the commencement of the development hereby permitted, a detailed strategy for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation and control the rate of surface water discharged from the site as close to greenfield rates as reasonably practicable;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the *Sites and Policies Plan*.

19. F8 – Site Supervision (Trees).

20. Landscaping:

No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the LPA. The details shall include on a plan, full details of the size species, spacing and quantities and location of proposed plants. These works shall be carried out in

the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees that die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of the same approved specification, unless the LPA gives written consent to any variation. Reason: to enhance the appearance of the development.

Proposal B (17/P1450) Conditions:

1. A5 – Listed Building Consent. (standard condition).
 2. A7 – Approved plans (standard condition).
 3. B3 – External Materials to be approved.(standard condition).
 4. Construction times (Standard condition).
 5. Construction Method statement (Standard condition).
 6. Safety and security during demolition (Standard condition).
 7. Works to Match–Safeguard architectural/historic interest (Standard condition N03).
 8. Historic/architectural features to be retained (standard condition N05).
-

For full plans and documents related to this application:

Proposal A – [Click Here](#)

Proposal B – [Click Here](#)

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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

APPLICATION NO.

DATE VALID

17/P3807

10/10/2017

Address/Site:

Land at the Shannon
Business Centre
Beverley Way and at the end of
Rookwood Avenue
New Malden

Ward:

West Barnes

Proposal:

Erection of 3 detached houses with vehicular access from Rookwood Avenue, footpath access between Rookwood Avenue and Blagdon Road, landscaping and a minor boundary alteration to No. 36 Rookwood Avenue.

Drawing No.'s:

P01 001, 003, 004, 005, 006, 009, 010, and 011.

And supporting documents: 'Design and Access Statement' dated October 2017, 'Planning Statement' dated October 2017, 'Arboricultural Report' dated October 2017, Statement relating to 'Daylight and Sunlight' dated 5 October 2017, 'Flood Risk Assessment' dated October 2017, 'Landscape & Public Realm Strategy' dated 2 October 2017, 'Open Space Statement' dated October 2017, 'Phase 1 Preliminary Risk Assessment' dated October 2017, 'Statement of Community Involvement' dated September 2017, 'Transport Statement' dated October 2017, 'Utility Assessment' dated October 2017, 'Preliminary Ecological Appraisal' dated October 2017, 'Water Vole Survey' dated October 2017, 'Bat Survey' dated October 2017 and 'Reptile Survey' dated October 2017.

Contact Officer:

Jock Farrow (020 8545 3114)

RECOMMENDATION

Grant planning permission subject to conditions, the completion of a S106 legal agreement and the extinguishment of an existing section 52 legal agreement relating to the site.

CHECKLIST INFORMATION

- S106: Yes
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Statement been submitted: No
- Press notice: Yes (departure from development plan – development on open space)
- Site notice: Yes (departure from development plan – development on open space)
- Design Review Panel consulted: No
- Number of neighbours consulted: 13
- External consultations: 2
- Conservation area: No
- Listed building: No
- Archaeological priority zone: No
- Tree protection orders: Yes (Merton (No.648) TPO 2013)
- Controlled Parking Zone: No
- Flood risk zone: Yes – zone 2 (in the area of proposed development) and zone 3 (immediately adjacent to the Beverley Brook)
- Open Space: Yes – Rookwood Open Space
- Site of importance for nature conservation (SINC): Yes – Beverley Brook in Merton (immediately adjacent to the Beverley Brook)
- Green Corridor: Yes – Beverley Park
- Green Chain: Yes (follows Beverley Brook)

1. INTRODUCTION

- 1.1 This application is being brought to the Planning Applications Committee for determination due to the nature of the development, being development on designated open space which constitutes a departure from adopted planning policy.

2. SITE AND SURROUNDINGS

- 2.1 The application site is a broadly triangular parcel of land (0.2155ha) located at the northern end of Rookwood Avenue, a cul-de-sac characterised by terraces of two storey (with pitched roofs) inter-war houses. The northwest boundary of the site is bound by the Beverley Brook (stream); the eastern boundary is bound by a large earth bund; the southern boundary forms the end of the Rookwood Avenue.
- 2.2 The site comprises a public footpath that follows the edge of the Beverley Brook, running west to north and connecting Blagdon Road with the Kingston Bypass, by way of the Shannon Commercial Centre; this path is lined by mature trees. There is also an informal path that links the end of Rookwood Avenue to the path alongside the Beverley Brook, thus providing connectivity to Blagdon Road and the Kingston Bypass. The remainder of the site is predominantly flat grass land.
- 2.3 Whilst the site is designated as open space and categorised as a pocket park as per Table 7.2 of the London Plan 2016, it does not function well as such.

The site is private open space, being acquired by Goldcrest in November 2016; the site was subsequently fenced/hoarded in October 2017, thus there is no public access to the main portion of the site (it is noted that the fencing has been positioned such that the paths are still fully accessible to the public). The site has a history of being neglected, becoming overgrown and being subject to anti-social behaviour and fly tipping. The site does not provide for informal play or passive recreation. The enclosure of the site was undertaken to prevent further fly-tipping, anti-social behaviour and illegal occupation.

- 2.4 In terms of the wider area, to the southeast is a large B+Q retail store, with residential against the store at Shannon's Corner. To the northwest, beyond the Beverley Brook, are the rear of houses which front Onslow Road. Further to the north are the Beverley Allotments and Park. To the north east is the Shannon Commercial Centre, comprising nine commercial units arranged around a courtyard.
- 2.5 The site was formerly part of playing fields which were redeveloped under application MER1013/82(O), to provide an industrial estate. The current site was set aside as open space and protected by virtue of a section 52 legal agreement, stating "The Developer hereby agree declares and covenants with the Corporation that it will retain the land coloured blue on the attached drawing No. EM1200 for open space and recreational purpose only and for no other purpose whatsoever". The land referred to as coloured blue is encompassed by the current proposal site.
- 2.6 The site has a PTAL (public transport accessibility level) of 2 which is considered to be moderate (1 being very poor and 6 being excellent).
- 2.7 The TPO includes 67 trees, largely comprising of Maple, Cypress and Sycamore. The trees are predominately concentrated along the northwest boundary of the site and within the northern portion of the site, with one located near the boundary with No. 36 Rookwood Avenue.

3. CURRENT PROPOSAL

- 3.1 This application seeks planning permission for the erecting of 3, 2 storey (with additional pitched roofs), 3 bed detached dwellings with accommodation at roof level, access from Rookwood Avenue, a formalised pedestrian path between Rookwood Avenue and Blagdon Road, a boundary adjustment to No. 36 Rookwood Avenue to enlarge their garden, and extensive landscaping to the remainder of the site.
- 3.2 The proposed dwellings would be in rough alignment with the dwellings on the eastern side of Rookwood Avenue, albeit with a setback of approximately 7.8m from the flank of the closest existing dwelling (No.36 Rookwood Avenue). The dwellings would face westward, toward the Beverley Brook. The proposed dwellings would be spaced approximately 3m apart; they would maintain a separation distance of approximately 5.4m from the eastern boundary of the site, providing private rear gardens for each dwelling; at the development's closest points, it would maintain a distance of approximately 27m from the rear elevations of the dwellings fronting Onslow Road and 24m

from the dwellings on the western side of Rookwood Avenue. Immediately to the front and between the dwellings would be permeable paving, providing a hardstanding for the vehicle access from Rookwood Avenue.

- 3.3 Beyond the hard standing to the west would be a landscaped 'rain garden' surrounded by dense shrub planting. Immediately to the south of the 'rain garden' would be the upgraded path connecting Rookwood Avenue and Blagdon Road; it is noted that the existing path following the north-western boundary of the site would be retained. Riparian planting would be undertaken along the Beverley Brook. The northern portion of the site would provide a biodiversity/ecology zone which would be planted with native trees, undergrowth and wild flowers. The private and public space would be delineated by a mixed native species hedgerow which would follow the edge of the hardstanding area and wrap around the flank of the northern most dwelling. The site would be interspersed with log piles and two bat boxes would be positioned on the northernmost flank wall of the dwellings. It is not proposed to remove any trees from the site.
- 3.4 The proposed dwellings would be contemporary in appearance; comprising an irregular footprint; an asymmetric, mansard roof housing multiple rooflights; a recessed, angled front entrance; a chimney and deeply recessed windows. In terms of materials, the proposed dwellings would comprise a terracotta coloured Sarnafil single ply roofing membrane standing seam roof, white silicone based render to the walls, terracotta render to the recessed front entrance, composite timber windows, a 150mm high red tiled plinth and a grey timber front door.
- 3.5 The proposed dwelling would have the following key dimensions: 13m deep, 6m wide, 5.5m high to the eaves and 8.8m maximum height.
- 3.6 It is proposed to transfer the ownership of the existing and proposed pedestrian paths, including their associated verges, to Merton Council to manage. The remaining 1,090.5sq.m of land, which would not be transferred to Merton Council or comprise part of the curtilage of the proposed residential units, would be accessible to the public. It would be fully landscaped with the intention to enhance its biodiversity, ecological and amenity value. It is proposed for the ownership of this retained open space to be transferred to a management company; the company would be responsible for the site for a period of no less than 25 years, during this time residents would have the option of joining the company and taking over the management at the end of the 25 year period; £25,000 would be allocated to the management company to go towards the maintenance of the site.
- 3.7 Prior to the submission of the application, the developer held a public exhibition of the proposal on 2 March 2017 and updated residents at a drop-in session on 22 June 2017. Both events were held at Malden Emergency First Aid Society Hall, Blagdon Road. The events were advertised through various channels, including hand-delivery of invitation leaflets to approximately 60 properties closest to the site. Key stakeholders and councillors were notified with an email invitation. In total, 25 people attended the sessions.

- 3.8 The purpose of the events was to engage with local interested parties on the current proposal in order to inform future development to the design. The proposal was presented to, and discussed with, attendees, with the main focus being on the following:
- The current informal pedestrian access route through the site to be secured and improved;
 - 3 sustainable family-sized homes as an extension of Rookwood Avenue;
 - A quiet, green space proposed for the northern part of the site to enhance its existing biodiversity and act as a haven for wildlife, and an amenity space open to local residents adjacent to the current footpath link
- 3.9 Key points from attendees included:
- Screening to prevent overlooking onto Onslow Road.
 - Safeguarding the footpath through the site.
 - Wildlife: Residents were pleased to see that the site's green space would be protected and enhanced through measures including a rain garden and increased planting.
 - Design: Residents liked the modern and sustainable design of the homes and were pleased to see they would complement the architecture of the existing terraces on Rookwood Avenue.
 - Anti-social behaviour: Residents noted that the site is used for fly-tipping currently but agreed that the redevelopment of the site and more natural surveillance would deter this kind of activity.
 - Construction period: attendees were interested to hear about how disruption to immediate neighbours would be minimised, particularly given the on-going disruption from the B&Q flats.

4. PLANNING HISTORY

- 4.1 MER1013/82(O): Outline erection of warehouse and industrial buildings together with access road, car parking and landscaping – Granted subject to conditions and Section 52 (precursor to Section 106) town planning agreement which restricts development of the site.
- 4.2 13/P3152: Construction of a new area of hardstanding and the erection of security fencing and a security gate in connection with the use of the site for the storage of motor vehicles – Refused.
- Reasons:
- 1) The proposed security fencing, gates and area of tarmac hardstanding by reason of design, materials and siting is considered likely to impair the integrity of the Green Corridor, of which the site forms a part, and would fail to enhance its nature conservation value and protect and enhance open spaces in the borough and would be contrary to policy NE.8 of the Adopted Unitary Development Plan 2003 and policy CS 13 of the Core Strategy 2011.
 - 2) The proposals by reason of the extent of the area of tarmac hardstanding for use to park vehicles, in conjunction with the parking of vehicles and the design and materials and siting of the security fencing, would detract from the visual amenities of the Rookwood Avenue streetscene and would be contrary to policies BE.22 of the Adopted Unitary Development Plan 2003 and CS.14 of the Core Strategy 2011.

- 3) The proposed area of tarmac hardstanding by reason of design, materials and siting fails to demonstrate adequate mitigation against pollutants contaminating and causing ecological damage to the Beverley Brook watercourse and would be contrary to policies PE 6 of the Adopted Unitary Development Plan 2003 and CS 13 of the Core Strategy 2011.
- 4) The proposed use of the land for the storage of motor vehicles has the potential to increase vehicular traffic on Rookwood Avenue and the applicant has failed to demonstrate that the proposal will not adversely affect safety, the convenience of local residents and traffic management contrary to policy CS 20 of the Core Strategy 2011.
- 5) The proposals would result in the loss of open space, identified in the Merton Draft Site and Policies Plan (2013), and in the absence of an assessment showing the open space is surplus to requirements, or that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, would be contrary to the objectives of paragraph 74 of the National Planning Policy Framework (2012).

5. CONSULTATION

- 5.1 Public consultation was undertaken by way of site and press notices along with letters sent to 13 neighbouring properties. The outcome of the consultation process is summarised as follows:
- 5.2 1 neutral representation which is summarised as follows:
- Hoped the land would be protected from development, but satisfied that the proposal enhance biodiversity in the area.
 - The area can be prone to fly tipping and anti-social behaviour, the development should stop this behaviour.
 - Support the commitment to formalise the path connecting Rookwood Avenue and Blagdon Road.
 - Concerns regarding the disruption during the building works.
 - Support the commitment for a maintenance fund toward the site.
- 5.3 24 representations in support of the proposal which are summarised as follows:
- The existing site has limited ecological value
 - Site is underutilised
 - Site is prone to anti-social behaviour
 - The proposal will significantly improve the landscaping
 - The informal path will be formalised and improved, making it safer for local residents
 - The proposal would be a modest, considered development of 3 sustainable family homes
 - The homes have been sensitively designed to reflect the scale and style of the existing properties on Rookwood Avenue

External:

- 5.4 Royal Borough of Kingston upon Thames: No objection.

5.5 Environment Agency: No objection subject to conditions to mitigate the risks of contamination and details of a landscaping management plan, including management responsibilities and maintenance schedules.

Internal:

5.6 Trees Officer: No objection. The site benefits from TPO No. 648. A management plan should be prepared to support the proposed enhancements to biodiversity. Any vegetation removal would be satisfactorily replaced by the proposed trees. The proposal would be of great benefit to the site and enhance its biodiversity value. Conditions are recommended relating to the protection of existing trees.

5.7 Environmental Health Officer: No objection subject to conditions. Conditions are recommended relating to noise mitigation and the potential for contamination to be found on-site.

5.8 Flood Risk Engineer: No objection subject to conditions. The site is in flood zone 2 and there is an associated fluvial flood risk from the Beverley Brook. The application is supported by a detailed Flood Risk Assessment (FRA), the FRA contains detailed hydraulic modelling to assess the risks to and from the scheme, taking into account climate change allowances of +25% and +35% on river flows. The proposed development is cited to be outside of the 1 in 100 year +35% climate change flood extent, thus no floodplain compensation is required. As flood risk mitigation, floor levels are proposed to be raised by 150mm above surrounding ground levels in accordance with standard building reg. requirements. The indicative drainage scheme is acceptable. Conditions are recommended relating to sustainable urban drainage systems, a flood warning and evacuation plan, flood risk mitigation.

5.9 Transport/Highways Officer: No objection subject to conditions. The proposed parking provisions are in line with London Plan standards. Proposed cycle storage is in line with London Plan standards. Conditions are recommended relating to a construction logistics plan, details of refuse and vehicle access.

5.10 Waste Services: No objection. Bins would need to be moved to the front of the dwellings on collection day.

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;
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks
- The NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged;
- Developments should minimise impacts on biodiversity and provide net gains to biodiversity where possible;
- 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
8. Promoting healthy communities
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

2.18 Green infrastructure: the multi-functional network of green and open spaces

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

5.12 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
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 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
DCLG Technical Housing Standards 2015

7. PLANNING CONSIDERATIONS

7.1 Material Considerations

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

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

Principle of development

- 7.2 The application site is subject to a legal agreement made under section 52 of the Town and Country Planning Act 1971 which restricts development of the site. However, if it were to be determined that the principle of development was acceptable in planning policy terms, it is possible for the legal agreement to be extinguished, with a new section 106 legal agreement to supersede it. Over the years, various iterations of the Town and Country Planning Act have made provisions for agreements, under which the developer is subject to detailed arrangements and/or restrictions beyond those that a planning condition could impose, this was previously covered under section 52 when the aforementioned legal agreement was completed, section 106 has now superseded section 52 of an older version of the Act.

- 7.3 The principle of development should be considered in the context of the site's designation as open space. London Plan policy 7.18 states that the loss of open space must be resisted unless an equivalent or better provision is made in the same catchment to offset the loss, and that any re-provision must be supported by an up to date needs assessment. Policy CS13 of the CS states that the Council must protect and enhance the boroughs open space. Policy DMO1(b) of the SPP states that open space will be protected from inappropriate development and that in accordance with the NPPF, open space should not be built upon unless: (i) an assessment clearly demonstrates the open space is surplus to requirement; or, (ii) an equal or better re-provision in terms of quality and quantity offsets the loss; or, (iii) the development is for sports and recreation where the need clearly outweighs the loss.

- 7.4 The methodology of the applicant's Open Space Assessment is considered appropriate as a small scale analysis of open space provision within the local

area. It provides an assessment of the other pocket parks located in the borough by size, function, location and distance from the site. While it was identified that there are no other pocket parks within 800m walking distance of the site, the assessment also considered all open space within 800m walking distance from the site located in Kingston Borough, namely Beverley Park and Blagdon Park. This concluded that although Beverley Park and Blagdon Road Park are both larger open spaces, they also provide elements of informal open space and playgrounds that are generally associated with pocket parks. However, given the Open Space Assessment was done on a local scale, it would not meet the first NPPF paragraph 74 test (which requires a borough wide or sub-regional assessment).

- 7.5 In accordance with London Plan Policy 7.18 B, "*the loss of protected open spaces must be resisted unless equivalent or better quality provision is made within the local catchment area.*" While the proposal results in the loss of a portion of open space, it can be considered that the improvements proposed to the western and northern portions of the site in terms of both public accessibility and ecological enhancements will create a better quality and more usable portion of open space, this is particularly relevant given the site is currently fenced off from the public (with the exception of the paths along the boundaries of the site). In line with DMO1(c)(ii), the formal creation of a public footpath will allow residents to both access and use the open space, while also improving linkages between Rookwood Avenue, Blagdon Road and the Beverley Brook SINC corridor.
- 7.6 As the proposal doesn't meet both the '*quantity and quality*' tests and as the needs assessment is not borough wide, it constitutes a departure from adopted planning policy, thus a view must be taken as to whether the benefits of the proposal outweigh the loss of a portion of open space. From an open space planning policy perspective it is considered that a departure from adopted planning policy may be acceptable in this instance for the following reasons:
- the relatively poor quality of the designated private open space on this site;
 - the existing open space is largely inaccessible to the public;
 - the existing open space is prone to anti-social behaviour;
 - the proximity, quantity and quality of the adjacent cross-borough protected open space;
 - the relatively small quantity of open space that would be lost;
 - the dwellings would all have private amenity space exceeding the policy standards;
 - the quality of, and access to, the retained open space would be significantly improved;
 - biodiversity would be significantly improved; and,
 - a legal agreement could be put in place ensuring the appropriate management and protection of the retained open space. N.b. the existing section 52 agreement makes no provision for on-going management.
- 7.7 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.

- 7.8 The immediately adjacent land use is residential and this application proposes to extend that residential use. The proposals would meet NPPF and London Plan objectives by contributing towards London Plan housing targets.
- 7.9 There is a clearly demonstrated need for additional housing in London; however, this need on its own would not justify the development of designated open space. This proposal presents an opportunity to significantly improve the quality of, and access to, existing open space, it seeks to address issues of anti-social behaviour and to improve connectivity; while these enhancements would come at the expense of a portion of this open space, it is noted that this open space is currently inaccessible to the public. Due to the specific circumstances outlined above, it is considered that a departure from adopted planning policy for the purpose of a residential development may be acceptable in principle in this instance, subject to compliance with the relevant London Plan policies, Merton Local Development Framework Core Strategy, Merton Sites and Policies Plan and supplementary planning documents.
Design and impact upon the character and appearance of the area
- 7.10 Section 12 of the NPPF, London Plan policies 7.4 and 7.6, Core Strategy policy CS14 and SPP Policy DM D2 require well designed proposals which make a positive contribution to the public realm, are of the highest quality materials and design and which are appropriate in their context, thus they must respect the appearance, materials, scale, bulk, proportions and character of their surroundings. In addition, specifically in relation to development on open space, policy DM O1 of the SPP requires proposals to be of a high quality design and to not harm the character, appearance or function of open space.
- 7.11 The proposed dwellings would be in rough alignment with the terrace row fronting Rookwood Avenue, reflecting the existing building line and continuing residential development northward. The dwellings would include 3m spaces between them. It is considered that the positioning, spacing and site coverage of the proposal is acceptable, achieving a suitable balance between respecting the urban grain of Rookwood Avenue and maintaining a degree of openness within the developed portion of the site.
- 7.12 In terms of height and bulk, the proposal would respect the surrounding development by matching the eaves height of the dwellings along Rookwood Avenue and by providing a maximum height in keeping (albeit slightly higher) with these dwellings. While the slightly increased height is perceptible in elevational/section view, it is considered that given the separation distance between the proposed dwellings and the dwellings along Rookwood Avenue, the slightly increased height would be difficult to perceive from street level.

- 7.13 The proposed dwellings would be contemporary in appearance, comprising an irregular footprint, an asymmetric mansard roof, a recessed front entrance and deeply recessed windows. However, while the dwellings would be of contemporary design, they are considered to pick up on important architectural cues of the dwellings fronting Rookwood Avenue, including the asymmetric front projection referencing the traditional bay windows, the hipped roofs and chimneys, terracotta standing seam roof to reference the red clay tiles, and silicone based render to the walls to reference the pebble dash to the existing dwellings. The proposed dwellings would not seek to replicate the existing development, however, they are considered to remain respectful to the existing dwellings fronting Rookwood Avenue while being high quality architecture in their own right.
- 7.14 The proposed hedge is considered to provide an important delineation between public and private space while respecting the openness of the site.
- 7.15 The proposed development is considered to be of sufficiently high quality, respecting both the surrounding development and open space.

Impact upon neighbouring amenity

- 7.16 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.

Loss of light, visual intrusion and privacy

- 7.17 The proposed development is positioned to the north of the dwellings fronting Rookwood Avenue and would incorporate a minimum separation distance of 7.8m. The dwellings would incorporate a minimum separation distance of 27m from the rear elevations of the dwellings fronting Onslow Road and the outlook from the proposal would be skewed away from these properties. Any outlook to the rear would face the existing vegetated earth bund, beyond which are commercial units.
- 7.18 Given the positioning of the proposed development, the separation distances involved and the directional outlook, it is not considered that the proposal would unduly impact upon neighbouring amenity in terms of loss of daylight or sunlight, visual intrusion or loss of privacy.

Light spill

- 7.19 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.

Generation of noise

- 7.20 Given the scheme would be residential; the noise generated is expected to be comparable to the surrounding development, which is residential in use.

Construction phase impact.

- 7.21 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

- 7.22 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	3B/6P/3S	108	145.9	Yes
2	3B/6P/3S	108	145.9	Yes
3	3B/6P/3S	108	145.9	Yes

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

- 7.23 As demonstrated by the table above, all dwellings would 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.
- 7.24 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 would have access to the retained, landscaped open space.
- 7.25 In terms of noise impacts from surrounding land uses, it is not considered these would be unduly intrusive to the prospective occupants. The area of the Shannon Business Centre adjacent to the development is characterised by business and office uses with ancillary storage, which would not be considered to result in significant noise intrusion, this was further confirmed during two separate site visits where noise levels were considered to be very low. In addition, there is a large earth bund of approximately 2m in height separating the proposal from the business centre. It is considered that this bund would provide further noise mitigation.

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

Transport, highway network, parking and sustainable travel

7.27 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).

7.28 Merton's Transport Planner and Highways Officer have reviewed this application; their comments are integrated into the assessment below.

7.29 The site has a PTAL of 2 which is considered to be poor, thus onsite parking is considered necessary. The proposal would provide 2 parking spaces per dwelling which is considered to be adequate and in line with London Plan standards. The submitted Transport Statement advises that the development would not have a severe impact on the local highway network, including on-street parking. The report estimates that "Overall, the proposed development will generate around 32 person movements including 17 vehicle movements between 0700 and 1900". The findings of the Transport Statement are considered to be fair and reasonable; it is not considered that the proposal would have an undue impact upon the highway network in terms of parking, performance or safety.

7.30 In accordance with London Plan policy 6.9 and table 6.3, 6 cycle storage spaces would be required for the development. Cycle storage must be secure, covered, adequately lit and conveniently located. As such, it is recommended to require details of the cycle storage provisions by way of condition.

7.31 In addition, it is recommended to include conditions which would require a construction management plan prior to the commencement of development.

Refuse storage and collection

7.32 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.

7.33 Refuse storage has been provided to the rear of each dwelling for temporary storage throughout the week. Refuse would then be moved to the front of the each dwelling on collection day. These provisions are considered to be acceptable and meet the requirements of LBM Waste Services.

Sustainable design and construction

7.34 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.

- 7.35 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.

Flooding and sustainable urban drainage

- 7.36 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.
- 7.37 LBM's Flood Risk Engineer has reviewed this application; their comments are integrated into the assessment below.
- 7.38 The site is in flood zone 2 and there is an associated fluvial flood risk from the Beverley Brook. The application is supported by a detailed Flood Risk Assessment (FRA), the FRA contains detailed hydraulic modelling to assess the risks to and from the scheme, taking into account climate change allowances of +25% and +35% on river flows. The proposed development is cited to be outside of the 1 in 100 year +35% climate change flood extent, thus no floodplain compensation is required. As flood risk mitigation, floor levels are proposed to be raised by 150mm above surrounding ground levels in accordance with standard building regulation requirements.
- 7.39 The indicative drainage scheme is considered to be acceptable. The sustainable urban drainage system (SuDS) proposes an attenuation pond, providing 28m³ of storage, and permeable paving, providing 7.7m³ of storage, in order to achieve a greenfield runoff rate of 2l/s during a 1 in 100 year +40% climate change event, with discharge going to the Beverley Brook. Given the site's designation as flood zone 2 along with its proximity to the Beverley Brook, these measures are considered to be sufficient, subject to conditions requiring a flood warning and evacuation plan.

Landscaping, nature conversation, impact upon trees and SINC

- 7.40 The site is designated open space and green corridor with the area immediately adjacent to the Beverley Brook being a SINC and green chain. NPPF section 11, London Plan policies 7.5, 7.19 and 7.21, CS policy CS13 and SPP policies DM D2, DM O1 and DM O2 seek to ensure high quality landscaping to enhance the public realm, protect trees that significantly improve the public realm, to enhance biodiversity, encourage proposals to result in a net gain in biodiversity and to discourage proposal that result in harm to the environment, particularly on sites of recognised nature conservation.

- 7.41 The applicant has advised that no trees would need to be removed as a result of the proposed works, and given the separation distance between any trees and the development, it is considered that tree matters can be addressed by way of a tree protection plan.
- 7.42 The applicant submitted a Preliminary Ecological Appraisal which involved a desk based study and a walkover survey. The report found that the site supports small areas of habitats that are of limited ecological value in their own right, and that the relatively small area of the site lost to the proposed development would be offset by the proposed improvements to the remainder of the site. The methodology and findings of the report are considered to be fair and reasonable. The report provides recommendations such as tree protection measures, avoiding works in bird breeding seasons, to avoid the impact of light on nocturnal animals, to provide plant species which would support native species in terms of habitat and food, log piles (for reptiles, mammals and invertebrates) and planting techniques; these recommendations should be secured by way planning conditions.
- 7.43 The Preliminary Ecological Appraisal recommended that additional surveys be carried out which included a Water Vole survey, a Bat Survey Report and a Reptile Report Survey; these reports were also submitted with the application. The surveys found no evidence of water voles or reptiles and numbers of bats were found to be low and limited to the tree lines of the Beverley Brook. Only two species of bats, common pipistrelle and soprano pipistrelle, were recorded during the surveys. These species are common and widespread in the UK and are often recorded in urban locations. The reports made recommendations such as providing bat roosting opportunities, avoiding the impact of light on nocturnal species, providing planting for habitat and foraging, and providing log piles; these recommendations should be secured by way planning conditions. Subject to the recommendations being implemented, it is considered that the proposal would improve biodiversity.
- 7.44 Proposed landscaping would include a 'rain garden' surrounded by dense shrub planting, riparian planting would be undertaken along the Beverley Brook, a biodiversity/ecology zone which would be planted with native trees, understorey and wild flowers, a mixed native species hedgerow to delineate between private and public space, log piles and bat boxes. It is considered that the proposed landscaping scheme would constitute a significant improvement in terms of biodiversity, accessibility and visual amenity, including improvements to the SINC while retaining the function of the Green Corridor.
- 7.45 It is proposed to transfer the ownership of the existing and proposed pedestrian paths, including their associated verges, to Merton Council to manage. The remaining 1,090.5sq.m of land, which would not be transferred to Merton Council or comprise part of the curtilage of the proposed residential units, would be accessible to the public. It is proposed for the ownership of this retained open space to be transferred to a management company; the company would be responsible for the site for a period of no less than 25 years, during this time residents would have the option of joining the company

and taking over the management at the end of the 25 year period; £25,000 would be allocated to the management company to go towards the maintenance of the site. These provisions can be secured by a section 106 legal agreement.

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.

8. CONCLUSION

- 8.1 The proposal presents an opportunity to significantly improve the quality of, and access to, existing open space that is currently inaccessible to the public, it seeks to address issues of anti-social behaviour and to improve connectivity; while these enhancements would come at the expense of a portion of this open space. Due to these specific circumstances, it is considered that a departure from adopted planning policy for the purpose of a residential development may be acceptable in principle in this instance.
- 8.2 The proposal is considered to be well designed, appropriately responding to the surrounding context in terms of massing, heights, layout and materials. The proposal is not considered to 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. The proposal would suitably address flood risks in the area. The proposed landscaping scheme is considered to significantly improve biodiversity, accessibility and visual amenity. 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 the extinguishing of the section 52 agreement, the completion of a S106 agreement, and appropriate conditions.

RECOMMENDATION

Grant planning permission subject to extinguishing the planning agreement made under section 52 of the Town and Country Planning Act 1971, the completion of a section 106 legal agreement under the Town and Country Planning Act 1990, and appropriate conditions.

Section 52 legal agreement:

Extinguish the existing section 52 legal agreement dated 1 August 1983 in respect of land off Rookwood Avenue, New Malden, Surrey and pertaining to planning permission with reference MER1013/82 – for the purpose of enabling a new legal agreement and the partial development of the land.

Section 106 legal agreement:

1. The creation of a management company for the maintenance and long-term protection of the retained open space, for a period of not less than 25 years; including a financial contribution of £25,000 to be made available to the management company for the ongoing maintenance of the site; and measures to enable community involvement with the company as to secure the maintenance of the site in the longer term;
2. The construction of a public footpath connecting Rookwood Avenue to the existing footpath on site, to Merton Council's "adoptable" standards;
3. The transfer of land pertaining to the existing and proposed footpaths, including associated verges, to Merton Council;
4. The developer agreeing to meet the Council's costs of extinguishing the existing section 52 agreement and for preparing [including legal fees] the Section 106 Obligations [agreed by developer];
5. The developer agreeing to meet the Council's costs of monitoring the Section 106 Obligations [agreed by developer].

Conditions:

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

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

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

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

- 3) Standard condition [Materials]: The facing materials to be used for the development hereby permitted shall be those specified in the Design and Access Statement dated October 2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of the development and to comply with the following Development Plan policies for Merton: policy 7.6 of the London Plan 2016, policy CS14 of Merton's Core Planning Strategy 2011 and policies DMO1 DMD2 and DMD3 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 plans P01 003 and P01 004 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 details of the proposed vehicular crossover have been 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 and the works shall be completed prior to the occupation of the development.

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

- 10) 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.

- 11) Standard condition [Refuse storage]: The development hereby approved shall not be occupied until the refuse and recycling storage facilities shown on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

- 12) 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.

- 13) 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.

- 14) 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.

- 15) 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.

- 16) Amended-standard condition [Landscaping/Planting Scheme]: No development shall take place until full details of a landscaping and planting scheme has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing.

Reason: To enhance the appearance of the development and the open space in the interest of the amenities and biodiversity of the area and to comply with the NPPF section 11, policies 7.5, 7.19 and 7.21 of the London Plan 2015, policies CS13 of Merton's Core Planning Strategy 2011 and policies DM D2, 01 and O2 of Merton's Sites and Policies Plan 2014.

- 17) 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.

- 18) 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 provide:

- i. Details of the design storm period and intensity, attenuation volume and measures, measures to prevent pollution to ground and/or surface water, with a maximum rate of surface water discharged from the site to be 2l/s;
- ii. A timetable for its implementation;
- iii. 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.

- 19) Non-standard condition [Flood mitigation]: The development permitted by this planning permission shall be carried out in accordance with the details and mitigation recommendations set out in the submitted Flood Risk Assessment (FRA) by RPS (Ref: HLEF51543/001R dated October 2017).

Reason: To ensure the development does not result in an increase to flood risks, on or off the site, in accordance with London Plan policies 5.12 & 5.13, policy CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

- 20) 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.

- 21) Non-standard condition [Evacuation plan]: The development hereby permitted shall not be occupied until such time as a Flood Warning and Evacuation plan and procedure is implemented and agreed in writing to the satisfaction of the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the Flood Risk Assessment and the procedures contained within the plan shall be reviewed annually for the lifetime of the development. Consultation of the plan shall take place with the Local Planning Authority and Emergency Services.

Reason: To ensure the development does not result in an increase to flood risks, on or off the site, in accordance with London Plan policies 5.12 & 5.13, policy CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

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

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

- 23) Non-standard condition [Ecological measures]: The details and measures recommended/proposed in the 'Preliminary Ecological Appraisal' dated October 2017, 'Bat Survey' dated October 2017 and 'Reptile Survey' dated October 2017 shall be implemented in accordance with, and follow the sequence of events in, the documents, with all details and measures to be implemented prior to the first occupation of the development.

Reason: To mitigate and offset the impact of the development and to ensure a net gain in biodiversity and improvements to the amenity in the area, in accordance with NPPF section 11, London Plan policies 7.5, 7.19 and 7.21 CS policy CS13 and SPP policies DM D2, DM O1 and DM O2.

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'

f) Under the Environmental Permitting (England and Wales) Regulations 2016, an application for a Flood Risk Activity Permit (FRAP) must be submitted to the Environment Agency if works are proposed:

- In, over or under a main river
- Within 8m of the bank of a main river,
- Within 8m of any flood defence structure or culvert on a main river, Flood risk activities can be classified as: Exclusions, Exemptions, Standard Rules or Bespoke. These are associated with the level of risk your proposed works may pose to people, property and the environment.

The developer should apply for a Bespoke FRAP if the works cannot be classified as one of the following:

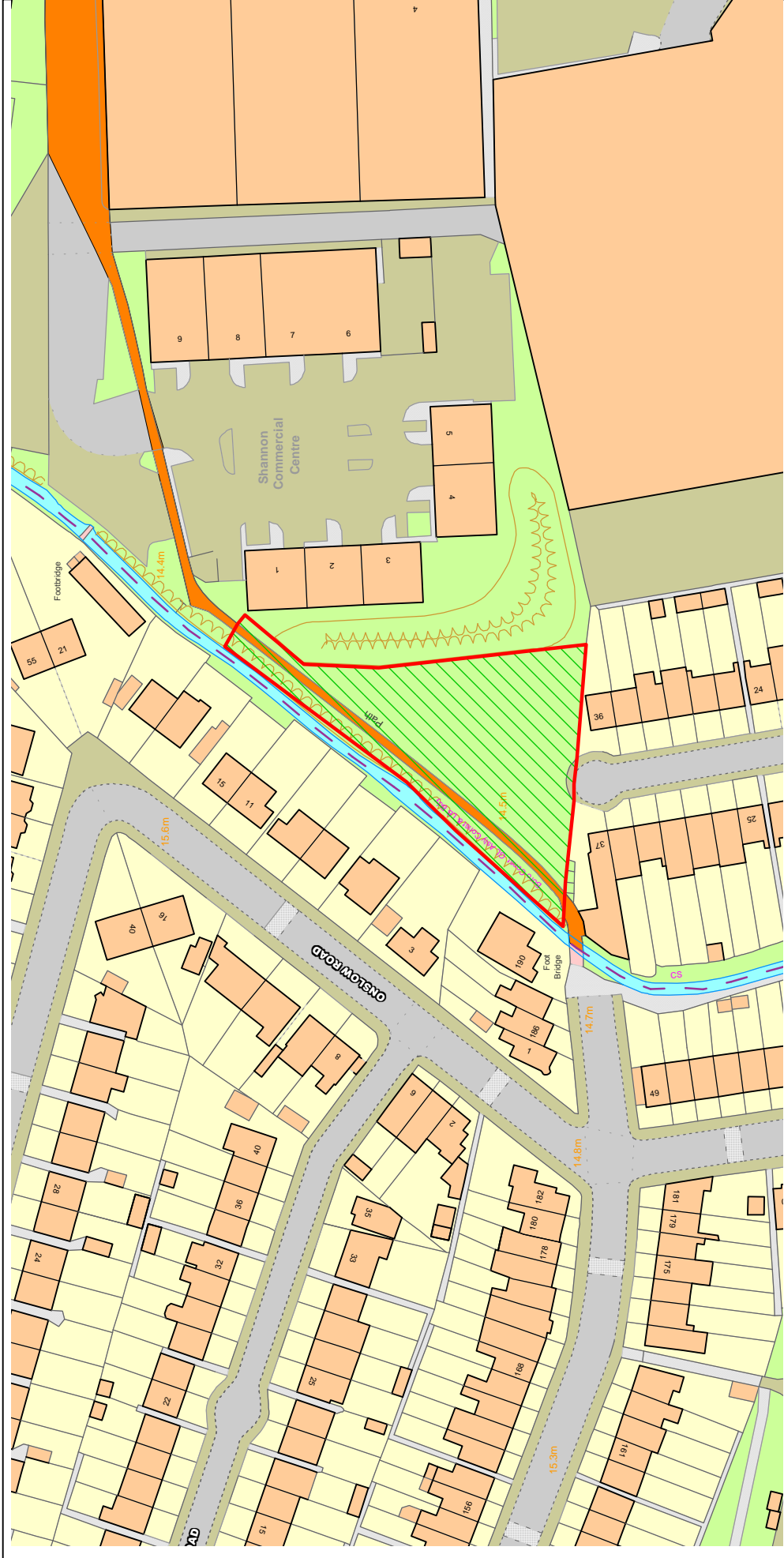
- an excluded activity
- an 'exempt' activity
- a 'standard rules' activity

g) 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 licenses. Please be advised that there is a further charge for this work.

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

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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

<u>APPLICATION NO.</u>	<u>DATE VALID</u>
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16/P4333	27/01/2017
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Address/Site: 1F Seely Road, Tooting, London, SW17 9QP

Ward Graveney

Proposal Demolition of existing warehouse and erection of 8 dwellings comprising of 4 x 2 bed duplex flats and 4 x 1 bed flats

Drawing No's Site location plan and drawings; BD368.PR.01 Rev B, BD368.PR.02 Rev B & BD368.PR.03 Rev B

Contact Officer Leigh Harrington (020 8545 3836)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to a s106 undertaking for a permit free development and conditions.

CHECKLIST INFORMATION

- Head of agreement: Yes (Permit free development)
- 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 - 36
- Press notice - Yes
- Site notice - Yes
- External consultations –Environment Agency, Metropolitan Police, London Borough of Wandsworth
- Density – 266 habitable rooms per hectare
- Number of jobs created N/A

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site is a vacant industrial building accessed via an accessway, Knapton Mews from Seely Road in Tooting. The site is predominantly surrounded to the north (Southbrook Road) and west (Mitcham Road) by commercial uses at ground floor level with residential properties in the upper two floors. These properties and Knapton Mews, which separates the site from these properties, are located in LB Wandsworth. The south the site backs onto houses on Seely road. The live work development at the Hayloft in Seely Road abuts the eastern boundary of the site. The River Graveney runs to the side of the Hayloft site before entering a culvert that runs under the south east side of the site.
- 2.2 The site is not located within a Conservation Area nor a floodplain. The site is located within a Controlled Parking Zone (GC) and has a PTAL of 6a (High).
- 2.3 Access to the site is gated whilst the surface treatment of Knapton Mews has been recently improved by the applicant with a new cobbled access road surface and new fencing to the rear of the adjoining properties along the accessway.

3. CURRENT PROPOSAL

- 3.1 The proposal has undertaken a number of revisions in light of neighbour, Environment Agency and officer concerns and has seen a reduction in the number of units with the loss of 1 x 1 bed and 1 x 2 bed units from the proposals. The proposal now involves the demolition of the vacant warehouse and the erection of a single three storey block adjacent to the accessway to the north of the site. The block is formed from four offset elements and has one associated car parking space, a shared storage area and cycle and refuse facilities to the west of it with a communal amenity area to the rear over the culverted River Graveney.
- 3.2 The ground floor of the block would be occupied with the living areas of the two bedroom units, Units 1, 4, 5 & 8 with separate entrances leading to hallways serving a small lounge at the front, downstairs WC and a combined living/dining/kitchen area with access out to private amenity gardens to the rear. The first floor would be given to the two generous double bedrooms, bathroom and boiler cupboards for these two bedroom units.
- 3.3 The second would accommodate the four one bedroom units, Units 2, 3, 6 & 7 with bedrooms and off set balconies to the front, centrally positioned bathrooms and combined kitchen/living room opening out to a second smaller rear facing balcony.
- 3.4 The building will be flat roofed to a maximum height of 8.4m with the first two floors and a section of the second floor being finished in brickwork with remainder finished in raised seam zinc panelling whilst the fenestration would be in the form of large vertical glazing panels.

4. PLANNING HISTORY

- 4.1 15/P2610 Planning permission refused for the demolition of the existing 3 storage units (use class B8 - 192 square metres) and the alteration and conversion of the retained warehouse building (use class B8 - 366 square metres) to form 9 flats (7 x one bedroom and 2 x two bedroom).

Reasons; The proposed development by reason of its design and siting would result in the provision of; a) cramped and unsatisfactory accommodation that fails to meet adopted minimum internal floorspace and private amenity spaces standards; b) windows that fail to provide adequate levels of privacy and a safe and secure layout with good levels of natural surveillance and; c) poor levels of daylight and sunlight for the ground floor central courtyard to the detriment of the amenities of future occupiers contrary to policies 3.5 and 7.6 of the London Plan 2015, policies CS9 & CS 14 of the Merton Core Strategy 2011 and policy DM D2 of the Adopted Merton Sites and Policies Plan 2014.

And

The proposal, by reason of its sitting, layout and design would represent an unneighbourly form of development that would result in a loss of privacy with increased overlooking and disturbance that would have a negative impact on the amenity of neighbouring occupiers contrary to policies 7.4 and 7.6 of the London Plan 2015, DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policies CS 9 and CS.14 of the Core Planning Strategy (2011).

And

The proposed development would fail to contribute to meeting affordable housing targets and in the absence of a legal undertaking securing a financial contribution towards the delivery of affordable housing off-site would be contrary to policy CS.8 of the Merton LDF Core Planning Strategy (2011).

- 4.2 15/P4232/NEW Application withdrawn by applicant for prior approval in respect of the change of use from storage or distribution (class B8) to residential (Class C3).

- 4.3 13/P2914 planning permission refused for the demolition of existing warehouse and erection of 7 x houses.

Reasons; The proposal, by reason of its sitting, layout and design would represent a form of development that would a) fail to relate positively to the urban layout of the surrounding area and b) fail to provide a safe and secure layout with good levels of natural surveillance contrary to policies, 7.3 and 7.4 of the London Plan 2015, DM D1 and DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policies CS 9 and CS.14 of the Core Planning Strategy (2011).

The proposal, by reason of its sitting, layout and design would represent a form of development that would fail to provide sufficient private outdoor amenity space and would result in a loss of privacy and low levels of natural light and outlook such that the proposals would have a harmful impact on the amenity of future occupiers of the development,

contrary to policies, 3.5 of the London Plan 2015, DM D2 of the Adopted Merton Sites and Policies Plan 2014 and policies CS 9 and CS.14 of the Core Planning Strategy (2011).

The applicant has failed to demonstrate that the proposed siting, design and method of construction of Block C would not have a negative impact on the integrity of the River Graveney culvert or that the new development on top of that culvert would not preclude access for any future renewal/upgrade over the life time of the development which would put new residents at risk of flooding if the culvert should collapse, contrary to policies CS 16 of the Merton Core Strategy 2011 and policy DM F1 of the Adopted Merton Sites and Policies Plan 2014.

- 4.4 12/P3296 Application withdrawn by applicant for alterations and extensions to existing warehouse building and change of use to form a 48 bedroom budget hotel.
- 4.5 04/P2153 Planning permission granted for the change of use from light industrial to live/work accommodation.
- 4.6 04/P1752 Planning permission granted for the addition of front stair case enclosure in glass blocks.
- 4.7 04/P0372 Planning permission granted for the erection of roof top extension to provide a 3 bed self-contained flat.

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters, Major Application Press Notice and a site notice.
- 5.2 Letters of objection were received from 7 local residents on the initial consultation raising the following concerns:-
 - Increased noise, smells and disturbance from the construction and then use of the new properties
 - The gated access to Knapton Mews needs to be retained throughout construction and during occupation
 - The access would be too narrow for emergency vehicles
 - Loss of light and privacy from a higher building
 - Pressure on parking
 - Loss of boundary walls with the Hayloft will impact occupier security
- 5.3 Following alterations to the proposals re-consultation was undertaken. Two letters of objection were received raising issues of;
 - parking
 - no contact from the developer
 - removal of surrounding walls is not viable

- Garden spaces will increase noise and inhibit privacy
- Windows need to be restricted to protect amenity and garden and balconies cannot be granted

5.4 One letter of support was received and six letters from residents agreeing to the accessway improvements were received.

Internal consultations.

5.5 Transport Planning. Satisfied that the issue of parking impact could be adequately mitigated through a s106 agreement to make the proposals permit free and that a residential development of this scale was unlikely to have a significant impact on the surrounding highway network. Sufficient cycle parking facilities were provided but details needed to be secured by condition as would details for refuse collection as well as a construction management plan.

5.6 Climate change. Satisfied that the development should readily exceed current sustainable development requirements and requested a condition be imposed to that effect.

5.7 Environmental Health. Subject to the imposition of appropriate conditions relating to site contamination, noise attenuations and management details, external lighting and a Construction Method Statement, there were no objections to the proposals.

5.8 Flood Risk Management. No objections given the increase in separation distance of the works from the culverted river. It was recommended that a detailed construction management plan be required dealing with how the works would be undertaken in relation to protection of the culverted river as well as conditions relating to Flood Risk Assessment compliance and drainage details.

External consultations.

5.9 London Borough of Wandsworth No objections.

5.10 Environment Agency. Objected to the original proposals because of the proximity to the culverted main water course and deficiencies in the Flood Risk Assessment. Officers note that the building has been moved further from the culverted water course and that comments are awaited from the Agency on the revised proposals.

5.11 Metropolitan Police “Designing out Crime” Officer. No objections raised but has advised the applicant with regards to methods for the delivery of mail, the operation of the security gate, demarcation of the accessway to show shared use, cycle storage and lighting.

6. POLICY CONTEXT

NPPF (2012).

6.1 Key sections:

6. Delivering a wide choice of high quality homes.

7. Requiring good design.

10. Meeting the challenge of climate change and flooding.

London Plan (2016)

6.2 Relevant policies are 5.2 (Minimising CO2 emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.15 (Water use and supplies), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13 (Parking), 7.2 (Inclusive environment), 7.4 (Local character), 7.5 (Public realm) & 7.6 (Architecture).

Merton Core Planning Strategy (2011)

6.3 Relevant policies are CS 2 (Mitcham Sub Area), CS 7 (Centres), CS 11 (Infrastructure), CS 12 (Economic Development), CS 14 (Design), CS 15 (Climate Change), CS 17 (Waste management), CS 18 (Active Transport), CS 19 (Public Transport) & CS 20 (Parking servicing and delivery).

Merton Sites and Policies Plan (2014)

6.4 Relevant policies are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM D3 Alterations and extensions to existing buildings, DM EP 2 (Reducing and mitigating against noise), DM EP4 (Pollutants), DM F1 (Support for flood risk management), DM F2; Sustainable urban draining systems (SUDS), DM O2 (Nature conservation), DM R2 (Development of town centre type uses outside town centres), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards).

Supplementary of Further guidance.

6.5 DCLG - Technical housing standards – nationally described space standards. (2015)

6.6 GLA – Housing – Supplementary Planning Guidance (March 2016).

7. PLANNING CONSIDERATIONS

7.1 The main planning considerations in this case relate to the loss of the scattered employment site, the principle of development, the suitability of the accommodation and design of the new flats, the impact on occupier and neighbour amenity, the impact on the character and appearance of the local area and flood risk.

7.2 Loss of scattered employment site

The NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Policy DM E3 adopts a flexible approach and seeks to protect against the loss of scattered employment sites such as this former B8 use. The loss is only deemed acceptable if;

- i) The site is located in a predominantly residential area and it can be demonstrated that its operation has had a significant adverse effect on local residential amenity
- ii) The size, configuration, access arrangements and other characteristics make it unsuitable and financially unviable for whole site employment use.
- iii) It has been demonstrated to the council's satisfaction that this is no realistic prospect of employment or community use for the site accompanied by 30 months of full and proper marketing.

7.3 The site is located in a predominantly residential area and B8 uses are not encouraged to locate in such areas. The site has been largely unused for approximately 14 years and was apparently in a state of disrepair when purchased in 2002. Despite attempts to upgrade the building it was only used again between 2003 and 2004 and although marketed by 'South London Business' there has apparently been no further interest in the site with issues such as no parking, no street frontage, limited turning space and backland location contributing to its undesirability for commercial and community uses. In view of these considerations officers do not consider that the loss of the scattered employment site would be a sound ground for refusal of this application.

7.4 Principle of residential use of the site.

Policy CS. 9 within the Council's Adopted Core Strategy [July 2011] and policy 3.3 of the London Plan [March 2016] state that the Council will work with housing providers to provide a minimum of 4,107 additional homes [411 new dwellings annually] between 2015 and 2025. This proposal will provide 8 new one and two bedroom flats and is therefore considered to accord with these policies. With a density of 266 habitable rooms per hectare and a ptal of 6a the site sits well within the London Plan density matrix figures which indicates densities of between 300 and 350 hr/ha could be accepted for this type of site and location.

7.5 Standard of accommodation

Core Strategy policy CS 9 calls for the provision of well-designed housing and The DCLG Technical Standards and the London Plan policy 3.5 set out a number of required design criteria for new residential developments including room and space standards. The two bedroom units will be for four occupiers and have a GIA of 107.5 to 108.9sqm which exceeds the minimum space requirement of 79sqm. Even were the second lounge to be used as a bedroom it would only require 102sqm. The one bedroom units 2 & 6 would have a GIA of 53sm which exceeds the minimum requirement for 50sqm whilst units 3 & 7 have a GIA of approximately 50 sq.m.

7.6 The four 2 bedroom units each have a private amenity space ranging in size from 17 to 26 sqm which significantly exceeds the required 7sqm. Each one

bedroom unit has two small balconies and whilst individually they do not have the 5sqm in a single amenity space, the total for the two balconies is 5.7sqm which is considered, in this instance to be acceptable.

Neighbour amenity

- 7.7 The proposals generated a number of objections on the grounds of noise and disturbance for neighbouring occupiers. These related to both the demolition and construction phases as well as when occupied. Any redevelopment of a site will result in a certain level of noise disturbance but this can be mitigated through the imposition of conditions relating to the hours of building operation and construction method statement. In relation to occupation noise the lawful use of the site is a commercial one which has a potential for noise and in cases where applications have been refused on the grounds of noise and disturbance from residential uses the Planning Inspectorate has rarely supported the Council.
- 7.8 There were a number of objections on the grounds of loss of privacy and the proposals have now been revised in order to orientate the balconies so that they are angled away from neighbouring residents in order to increase the relative separation distance to those properties such that the windows will be around 11.5m from the ground floor rear additions and 17.8m from the principle rear elevations. The positioning of windows has also been redesigned so as to reduce overlooking of neighbouring properties.
- 7.9 Objections were also raised in regards to loss of light but the proposals are no higher than the highest part of the existing building and although overall it is taller than much of the existing building by around 1m it is not as tall as the surrounding houses which range in height from between around 12.5m and 14.5m. For the closest residential gardens at the eastern end of the site the proposals are only 1m higher than the existing building and this is not considered sufficiently detrimental to neighbour amenity as to warrant a refusal of planning permission.
- 7.10 SPP policy DM D2 requires developments to offer safe and secure layouts. Neighbours have raised concerns regarding security and the management of the security gates. The intention is for the site to be gated at all times, including construction and it would be in the applicant's best interests to secure the site to prevent squatting, theft of plant and equipment and other anti-social behaviour. Full details of security measures could be secured by condition.
- 7.11 Design and impact on the character of the area
The site is accessed via a drive/walkway which restricts views of the site from the public realm in Seely Road. The existing building is a disused warehouse, no longer fit for purpose which does nothing to improve or benefit the character of the local area. The replacement building offers the opportunity to replace this with an attractive modern design utilising contemporary materials and design and to introduce some landscaping where none currently exists. The applicant has recently undertaken extensive improvements to the access road to the site with new boundary treatments and an attractive cobbled road

surface. The local area is predominantly residential in nature and this development would accord with that form of use.

7.12 Flood risk and the Graveney

The Environment Agency initially objected to the proposals because they were concerned about the proximity of part of the development to the culverted river Graveney. As part of the application revision the western most part of the proposals were removed which allows access to the culverted area and removes building works from close proximity to the culvert, such that the works are now 3.5m from the culvert compared to the originally submitted 1.5m. The Council's flood risk officer considered this acceptable and raised no objections to the proposals subject to the imposition of suitable conditions relating to drainage, construction works near the culvert and the findings of the FRA.

7.13 Traffic, highways and parking

The application generated a number of objections on the grounds of parking pressure. The site offers one parking space which could either be utilised for a disabled bay or a car club bay. As the site is located in an area with such a high Ptal rating the need for a car is significantly reduced and pressure on parking can be alleviated by making the development permit free through a s106 undertaking.

7.14 Biodiversity and Trees

The site does not currently benefit from any trees or landscaping and these proposals will provide private and communal garden areas to the rear of the site as well as provide space for smaller scale planting to the front, the details of which can be secured through condition.

7.15 Sustainability and construction

Merton Core strategy policy CS15 sets minimum sustainability requirements for developments like this and the council's climate change officer has noted that The submitted energy and sustainability statement indicates that the proposed development should achieve an 41% improvement in CO2 emissions on Part L 2013. This greatly exceeds the minimum sustainability requirements of Merton's Core Planning Strategy Policy CS15 (2011). However, the energy and sustainability statement appears not to have been updated from a previous iteration of the scheme of ten units. Providing the design specifications outlined in the energy and sustainability statement (21/12/2016 - Ref: BE0877) are employed (e.g. specified U-values, air permeability and installed capacity of PV) then the development should be able to meet and exceed the emissions reductions target for minor developments.

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

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

9. CONCLUSION

- 9.1 The site has been vacant for almost 14 years and has been the subject of numerous unsuccessful attempts at redevelopment. The plans under consideration have evolved as a result of a series of discussions between officers and the applicant and his team so as to develop a proposal that addressed the concerns of neighbours, the Environment Agency and Council officers.
- 9.2 The proposal now offers 8 appropriately sized units, for which there is an identified need, in what officers consider to be a well designed scheme which would have minimal impact on neighbouring occupiers whilst improving the character and appearance of the site. Subject to a s106 undertaking to make the development permit free and the imposition of suitable conditions it is considered that the applicant has now formulated a development that is suitable and acceptable and it is therefore recommended for approval.

RECOMMENDATION

Grant planning permission subject to a S106 undertaking.

Heads of terms

- i) Permit free development;
- ii) The developer agreeing to meet the Councils costs of preparing, drafting and monitoring the Section 106 Obligations.

And conditions:

1. A.1 Commencement of development for full application
2. A.7 In accordance with the approved plans Site location plan and drawings;BD368.PR.01 Rev B, BD368.PR.02 Rev B & BD368.PR.03 Rev B,
3. B.1 External materials to be approved
4. B.4 Details of site/surface treatment to be approved
5. B.5 Details of walls/ fences, security and amenity lighting and security gates to be approved.
6. C.6 Details of refuse storage to be approved
7. Non standard condition (Sustainability) 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

8. Non standard condition; No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
- hours of operation
 - details of methods for ensuring the structural stability and safety of the culverted River Graveney
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of noise and vibration during construction.
 - measures to control the emission of dust and dirt during construction/demolition
 - a scheme for recycling/disposing of waste resulting from demolition and construction works

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

9. F 1 Landscaping scheme

10. F 9 Hardstanding

11. D. 11 Hours of construction

12. H 6 Cycle storage

13. D.10 External lighting

14. Non-standard condition [Details of drainage]: Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation (attenuation volume to be provided is no less than 11.4m³) and control the rate of surface water discharged from the site to no more than 5l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason: To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

15. M.1 Contaminated Land – Site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.
16. M.2 Contaminated Land – Remedial measures Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
17. M.3 Contaminated Land – Validation report Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
18. Non standard condition; In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be

prepared, which is subject to the approval in writing of the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Polices Plan 2014.

- 19 Non standard Condition: The development permitted by this planning permission shall be carried out in accordance with the details and mitigation recommendations set out in the submitted Flood Risk Assessment (FRA) by Ambiental (Ref: 2957 dated January 2017 Version 1.0). Reason: To ensure the development is does not lead to an increase in flood risk either to or from the site, in accordance with the NPPF, Merton's policies CS16, DMF2 and the London Plan policies 5.12 and 5.13.
20. H.5 Provision of parking. The vehicle parking area shown on the approved plans shall be provided before the commencement of the buildings or use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose. Reason. To ensure the provision of facilities to enable delivery and servicing arrangements for the development and to comply with the following Development Plan policies for Merton: policy CS20 of Merton's Core Planning Strategy 2011 and policy DM T3 of Merton's Sites and Polices Plan 2014.

Informatives:

1. No surface water runoff should discharge onto the public highway including the public footway or highway. When it is proposed to connect to a public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required (contact no. 0845 850 2777).
2. Given the proximity of the development to the culverted River Graveney the applicant will require a relevant permit from the Environment Agency prior to the commencement of any construction works.
3. 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:

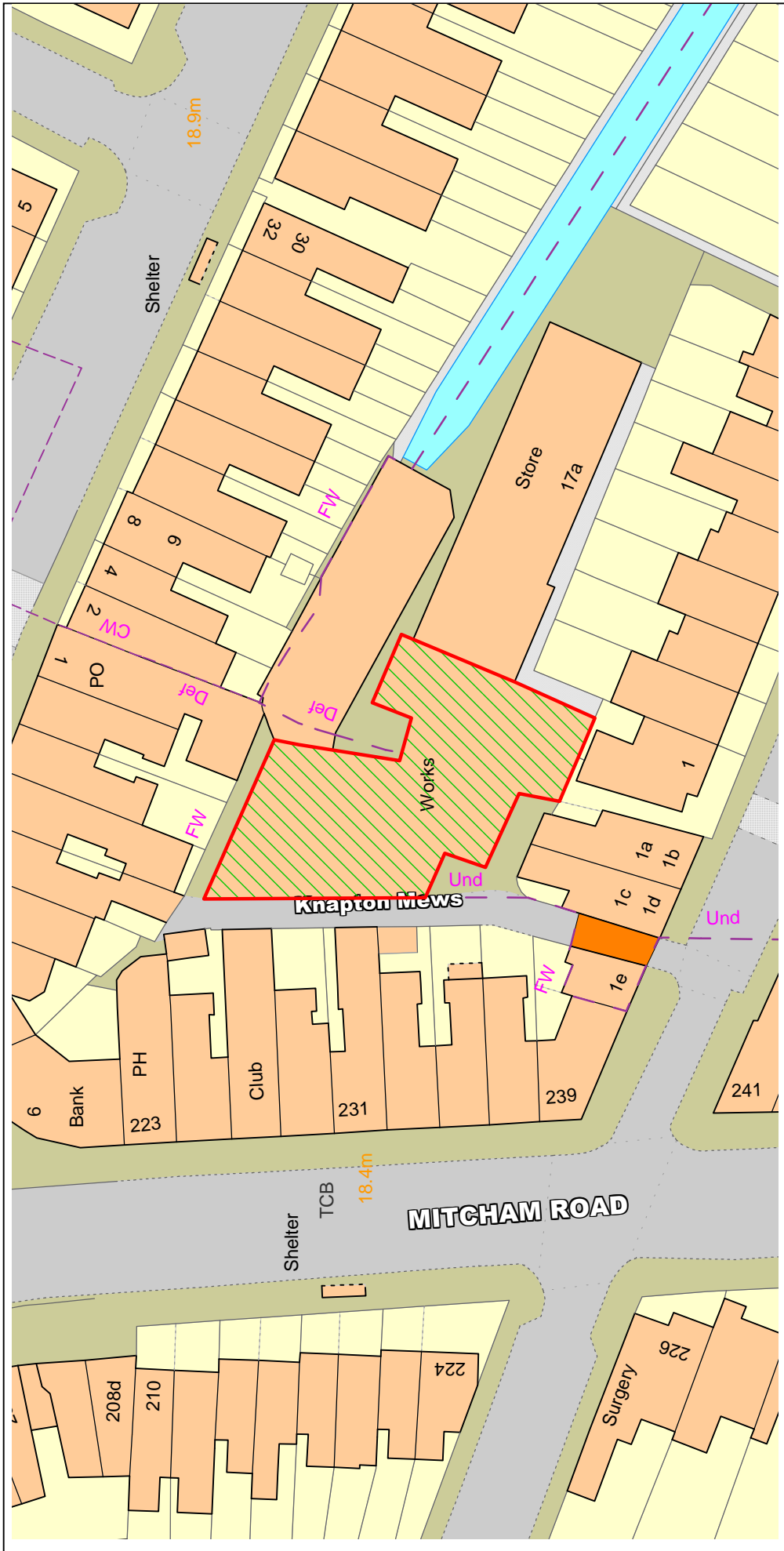
Water Efficiency Calculator for New Dwellings; OR

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'

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

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NORTHGATE SE GIS Print Template



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PLANNING APPLICATIONS COMMITTEE 18 JANUARY 2018

APPLICATION NO. DATE VALID

17/P3677 16/10/2017

Address/Site: 23 Streatham Road, Mitcham, CR4 2AD

Ward Figges Marsh

Proposal Demolition of existing building and erection of a single storey Lidl foodstore with associated car parking, cycle parking and landscaping.

Drawing No's Site location plan and drawings; 0105041 Rev 18, 0105042 Rev 1, 0105043 Rev 1, 020041 Rev 17, 020051 Rev , 020052 Rev 9, 0200053 Rev E & 1216 Rev K, Air quality assessment by Syntegra Consulting ref 16-2728 February 2017, Noise Impact assessment report by Acoustic Consultants Ltd ref 6896BL December 2017

Contact Officer Leigh Harrington (020 8545 3836)

RECOMMENDATION

GRANT PLANNING PERMISSION subject to conditions.

CHECKLIST INFORMATION

- Head of agreement: No
- Is a screening opinion required: No
- Is an Environmental Statement required: No
- Has an Environmental Impact Assessment been submitted: No
- Design Review Panel consulted - No
- Number of neighbours consulted - 137
- Press notice - Yes
- Site notice - Yes
- External consultations – Transport for London, Metropolitan Police
- Density - N/A
- Number of jobs created 10 Full time, 30 Part time

1. INTRODUCTION

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

2. SITE AND SURROUNDINGS

- 2.1 The application site is situated on the south east side of Streatham Road to the east of the junction with Graham Avenue which runs along one side of the site. Part of the site is currently occupied by a vacant Halfords store and associated parking area. The site also includes a vacant area of open land with mature trees to the rear adjacent to Tudor House and an area of vacant hard standing to the east behind a garage and adjacent to Coast House and Beaulieu Close. The front of the site opens onto Streatham Road with Figges Marsh open space beyond that. A number of mature trees are located on the corner of Streatham Road and Graham Avenue including two subject of a Tree Preservation Order. Two trees to the rear of the site on the Graham Avenue elevation are also subject of the same TPO.
- 2.2 The site is not within an Archaeological Priority Zone (APZ), Controlled Parking Zone (CPZ) or Conservation Area and is not shown to be at risk of flooding. Streatham Road is a London Distributor Road carrying heavy traffic loads. The site enjoys above average access to public transport with a PTAL level of 4. The site is in close proximity to an Air Quality Focus Area.

3. CURRENT PROPOSAL

- 3.1 The proposal reflects a revision to the previously refused scheme that has been designed to address the grounds for refusal. The proposal still involves the demolition of the vacant Halfords Store but now, once cleared there would be an expanded area of parking located to the rear of the new supermarket to incorporate the vacant area of open land to the rear of the site whilst the existing vacant hardstanding area to the north would be utilised to provide an additional parking area. The area in front of the new store would just provide cycle parking and landscaping
- 3.2 The 33m wide large glazed frontage of the supermarket would face Streatham Road with a corner entrance in the north east corner of the building. The building would feature a slightly lower sloping roof than previously with a height of 7.14m (down from 7.56m) along the eastern elevation sloping down to 5.28m along most of the Graham Avenue elevation. The building would feature exposed brickwork to a height of around 4m along each of the other three elevations with a light coloured cladding finished area up to the roof slope. Servicing and deliveries would take place at the rear of the store within a flat roofed enclosed section with a 4.41m roof height. The revised store will include a bakery area as well as chiller and freezer sections and have a smaller total GIA of 2141m² (down from 2,236m²) with a smaller sales area of 1291m² (down from 1352m².) Following objections from residents and officers plant and machinery for the freezers and chillers will now be located in a plant area on the roof of the delivery bay area rather than on the Graham Avenue elevation.
- 3.3 Externally the store will now provide 90 parking spaces which will include 1 rapid electric vehicle charger covering two spaces and 9 fast chargers covering 9 spaces (refused scheme proposed 93 spaces) , and two trolley bays, cycle parking and boundary landscaping. To improve access to the

store and so as not to impact traffic movement there will be alterations to the road layout through new road markings and traffic island placement on Streatham Road. An advertising totem would be situated on the Streatham Road elevation by the entrance to the store although this would be the subject of a separate application for advertisement consent.

- 3.4 In the previous application the rear of the development abutted the rear boundary fence with Tudor House whilst the front elevation was set back approximately 37m from Streatham Road. For the scheme now before members the rear of the building is now around 21m from the Tudor House boundary and the front elevation is approximately 15m from Streatham Road. The main building would no longer abut the pavement edge on Graham Avenue, being set in by 2m behind a landscaping strip.

4. PLANNING HISTORY

- 4.1 89/P0532 Planning permission refused but allowed on appeal for erection a of retail store for the sale of cycle and vehicle parts and accessories with mot bay five vehicle service bays and associated car parking.
- 4.2 90/P0197 Advertising consent granted for display of internally illuminated signs to Streatham Road elevation.
- 4.3 92/P0565 Advertising consent granted for retention of three forecourt light-column
- 4.4 05/P0035 Planning permission granted for the change of use from retail store for the sale of cycle and vehicle parts, accessories and associated products together with mot and service bay facilities to use as a non-food retail warehouse within class A1.
- 4.5 16/P4418 Planning permission refused by Planning Applications Committee (25th May 2017), contrary to officer recommendation, for demolition of existing building and erection of a single storey Lidl foodstore with associated car parking, cycle parking and landscaping.

Reason; The proposals by reason of their siting and design: a) would fail to deliver a high quality design response that relates positively and appropriately to the existing street layout, and would by reason of the degree of separation of the store from the adjoining street, fail to adequately activate the frontage onto Streatham Road, failing to impact positively on the character and quality of the public realm; b) would result in extensive and inactive frontage that would be unduly intrusive and fails to enhance the Graham Avenue frontage, to the detriment of the visual amenities of neighbouring occupiers, and failing to impact positively on the character and quality of the public realm; and c) would appear visually intrusive and harmful to outlook when seen from Tudor House to the detriment of the visual amenities of occupiers. The proposals would be contrary to policies 7.4 and 7.6 of the London Plan (2015), policy CS.14 of the Merton LDF Core Planning Strategy (2011)

and policies DM.D1 and DM.D2 of the Merton Sites and Policies Plan (2014).

5. CONSULTATION

- 5.1 The application was advertised by means of neighbour notification letters, Major Application Press Notice and a site notice.
- 5.2 5 letters of objection have been received from local residents raising the following concerns:-
- The plant room will impact neighbours on Graham Avenue from noise and visual intrusion
 - A higher border fence is need to stop cutting through and deflect noise
 - The building should be left as it is.
 - A petrol station would be useful
 - The position of the building is too far back from Streatham Road impacting views from the houses opposite
 - The car park to the rear should be enclosed in high brick walls
 - As the building won't be fully brick it won't be in keeping with the houses opposite and will be obvious it is a supermarkets
 - Storage and disposal of food may attract vermin and vagrants to the area
 - Staff might smoke at the rear of the premises
 - hours of opening and lighting may be distracting to residents due to increased numbers of people
 - Impact of loss of greenery along Graham Avenue
 - No provision has been made for bird nesting boxes
 - Traffic will block Graham Avenue exit and the yellow box junction should go there
 - No staff parking shown on plans so they will park on surrounding roads.
 - Deliveries should be limited to 9am to 5pm
 - Litter and greenery maintenance systems need to be in place.
- 5.3 Following alterations to the positioning of the plant area and alterations to the boundary fencing the matter was re-consulted upon with local residents
- 5.4 Internal consultations.
- 5.4 Highways officers No objection subject to conditions.
- 5.5 Transport planning Satisfied that sufficient vehicle and cycle parking facilities were provided and that the revised road layout for site access was acceptable. Officers confirmed that the proposed electric vehicle charging facilities were acceptable.
- 5.6 Climate change. Satisfied that the development should achieve BREEAM 'Very good' and that the proposals were policy compliant.
- 5.7 Environmental Health. Subject to the imposition of appropriate conditions, there were no objections to the proposals.

- 5.8 Flood Risk Management. The officer observed that the site is at low risk of fluvial (Flood Zone 1) and surface water flooding, as shown on the Environment Agency's published flood maps. The application is supported by an acceptable drainage strategy (produced by RSK ref: 881045-R1(02)-SA dated Oct 2017) which is compliant with the London Plan 5.13 and Merton's policy DM F2. Consequently no objections were raised subject to conditions.
- 5.9 Trees officer. No objection following the submission of revised landscaping proposals that addressed concerns relating to the density of planting and the provision of additional tree planting. Tree protection matters would be addressed through conditions.

External consultations.

- 5.10 Transport for London No objection to design of proposed access from Streatham Road. Requested the number of parking spaces be significantly reduced because of the PTAL rating of 4 (TfL had previously not raised objections to parking provision on the 2016 application). TfL considered the number of electric vehicle charging points needed to be increased such that 20% of spaces had active and a further 20% had passive vehicle charging points. The number of cycle spaces was considered sufficient and conditions relating to a Construction Logistics Plan and a Delivery and Servicing Plan were requested.
- 5.11 Metropolitan Police Designing out Crime Officer.
No objections were raised but has advised the applicant with regards to alarm and CCTV systems. Matters relating to lighting were raised and will be addressed through appropriate conditions as will details of boundary treatments including vehicle gates that should be installed to prevent access out of hours.

6. POLICY CONTEXT

6.1 NPPF (2012)

Paragraph 7 and 11-14 – Achieving sustainable development.
Section 1 paragraphs 18 and 19 – Building a strong, competitive economy.
Paragraph 24 – Assessing retail impact outside town centres.
Section 4 – Promoting sustainable transport.
Section 7 – Requiring good design.
Section 11 – Conserving and enhancing the natural environment.
Paragraph 187 - Solution finding basis for decision taking.
Paragraph 196 – Determination of applications in accordance with the Development Plan.

London Plan (2016)

- 6.2 Relevant policies are 2.15 (Town Centres), 4.7 (Retail and town centre development), 5.2 (Minimising CO2 emissions), 5.3 (Sustainable design and construction), 5.7 (Renewable energy), 5.15 (Water use and supplies), 6.3 (Assessing effects of development on transport capacity), 6.9 (Cycling), 6.13

(Parking), 7.2 (Inclusive environment), 7.4 (Local character), 7.5 (Public realm), 7.6 (Architecture), 7.19 (Biodiversity and access to nature)..

Merton Core Planning Strategy (2011)

- 6.3 Relevant policies are CS 2 (Mitcham Sub Area), CS 7 (Centres), CS 11 (Infrastructure), CS 12 (Economic Development), CS 14 (Design), CS 15 (Climate Change), CS 17 (Waste management), CS 18 (Active Transport), CS 19 (Public Transport) & CS 20 (Parking servicing and delivery).

Merton Sites and Policies Plan (2014)

- 6.4 Relevant policies are DM D1 (Urban Design and the Public Realm), DM D2 (Design considerations in all developments), DM EP 2 (Reducing and mitigating against noise), DM EP4 (Pollutants), DM F2; Sustainable urban draining systems (SUDS), DM O2 (Nature conservation), DM R2 (Development of town centre type uses outside town centres), DM T1 (Support for sustainable transport and active travel), DM T2 (Transport impacts of development), DM T3 (Car parking and servicing standards).

7.0 PLANNING CONSIDERATIONS

- 7.1 The main planning considerations include the principle and impact of re-developing the site for a limited assortment discount retailer, neighbour amenity, traffic highways and parking, design and appearance, biodiversity and sustainability

The retail impact of the supermarket use.

- 7.2 The existing lawful use of the site falls within Use Class A1, the same Use Class as this proposal. The store will be operated by Lidl whose business model is that of an identified group of retailers known as Limited Assortment Discounters. LAD's typically stock 2,000-5,000 lines compared to 5-10,000 lines in a comparable supermarket. The shops do not offer concessions such as pharmacies, opticians, cold meat counters etc and so offer less competition to smaller local businesses. This form of retail operation is acknowledged to have a different impact on other retailers and the wider area than mainstream operators. The applicants have submitted a Retail Impact Assessment and Sequential test information which has been considered by the Council's retail policy officers who were of the opinion that provided the operator remained an LAD then there would not be an unacceptable impact on local retail services and that the proposals would therefore accord with relevant out of centre retail policies. Officers would note that the current proposals are for a retail development smaller than that previously proposed and for which retail impact did not constitute a reason for refusal. A condition is recommended to ensure that the unit remains a Limited Assortment Discounter.

Neighbour amenity

- 7.3 The application was the subject of extensive consultation and statutory publicity and there were concerns raised relating to the impact on neighbour amenity and in particular for the occupiers of Graham Avenue from the plant

area positioning, being proposed as an open topped section enclosed by timber fencing. In order to address these concerns and to improve the appearance and security of the development these were relocated to the area above the delivery bays. In relation to general activity noise, as these proposals set the building further (26m) from Tudor House than was previously the case when the separation distance was only 6m. It is considered that the new position and the use of acoustic fencing along that boundary will mean the proposals will not impact on amenity of those neighbours and no objections were received.

- 7.4 Noise impact and Air quality assessments accompanied the application. The Council's Environmental Health officers have considered the documents and were of the opinion that if the recommendations were incorporated into the development there would be no harmful impact on the amenity of neighbours. Therefore in order to protect neighbour amenity from noise and air pollution, relevant planning conditions are recommended that the report findings be implemented.
- 7.5 Additionally a 2.4m high acoustic fence along the boundary would further assist in mitigating the impact of the parking area and the delivery loading bay, now significantly further from Tudor House than previously proposed, is to be enclosed. Stores of this size typically receive two deliveries a day and conditions regulating their hours should further mitigate the impact on neighbour amenity. Gating the car park outside trading hours (subject to a condition) would prevent unauthorised vehicles and associated noise and disturbance that might effect neighbouring residents at times when residents might normally expect a greater degree of peace and quiet. To protect amenity during the demolition and construction phases a condition is recommended limiting the emissions from any Non-road mobile machinery is recommended.

Traffic, highways and parking

- 7.6 When the previous application was submitted there were officer and neighbour concerns regarding access to and from the site and the impact of cars queuing to enter the site on the smooth operation of the highway. Following discussions with officers from LBM and TfL a scheme to reposition the traffic island and create a waiting zone for 5 cars waiting to turn right into the site was considered adequate to prevent tailbacks having a clogging effect on the Figges Marsh roundabout and further impact traffic in Mitcham. A yellow box junction across the entrance would prevent the entrance becoming blocked. Such changes to the highway are proposed by the latest application and would be dealt with via a planning condition.
- 7.7 The proposal will provide 90 parking spaces in two areas of the site, which is a reduction from the originally proposed 93 spaces. While London Plan standards would suggest a maximum of 65 spaces given the size of store and its accessibility to public transport, Transport for London raised no objection to the level of parking on the original proposal. Officers note that neighbouring occupiers are concerned about the impact of the development on parking and traffic in the area. In the absence of on-street parking controls the provision of

capacity over and above that recommended by the London Plan may effectively dampen pressure for additional vehicles movements and shoppers seeking to park on the surrounding streets. The modest reduction in on-site parking from the previous application, along with its reconfiguration and remodelling of the building footprint allows for improved landscaping. On balance the parking provision is considered acceptable.

- 7.8 The design of this layout is such that there would now be no car parking in front of the shop with the space being given over to landscaping and the provision of 12 short term cycle parking spaces with 12 long term staff cycle spaces at the rear of the shop which meets relevant standards. Officers consider that this would improve the appearance of the development when viewed from Streatham Road. Officers have also worked with the applicant to revise the car park layout reduce the number of spaces and to improve the amount of space to be given to landscaping and the planting of trees around the boundary. 10 accessible car parking spaces and 6 parent and child spaces will be provided closest to the store with the other bays being situated to the north and east of the site. This level of provision would meet London plan standards. In the car park 1 rapid charger covering 2 spaces and 9 no fast chargers covering 9 spaces will be provided. The rapid chargers provide greater speed at charging and Transport officers consider that while the overall number of electric vehicle spaces does not meet London Plan standards their far greater efficiency, coupled with the acknowledgement that they are significantly more costly to install than the fast chargers, is overall, an acceptable solution.
- 7.9 The Vehicle tracking diagrams demonstrate that the delivery bay can be accessed by HGVs. Pedestrian access would be to the east of the site with a walkway leading to a marked crossing leading to the store entrance. Following concerns raised by residents and officers a revised waist height metal railed fence along the Graham Avenue and Streatham Road elevations will channel pedestrians in through the main Streatham Road entrance.

Design/Appearance and Impact on the streetscene

- 7.10 Core strategy policy CS14 and SPP Policy DMD3 require well designed proposals that will respect the appearance, materials, scale bulk, proportions and character of the original building and its surroundings. The proposed building will be of a design common to the Lidl group and whilst of a functional design the light coloured cladding reduces the visual impact of the roof and the front elevation is predominantly glass to create the effect of light and space and will be set behind and enclosed within improved landscaping so as not to jar with views from Figges Marsh.
- 7.11 Concerns have been raised regarding the impact of the loss of the ivy clad walls of the existing building on the views from the houses opposite the site. However the revised positioning of the main store building is such that there would now be sufficient room to allow for planting all along the Graham Avenue elevation along with landscaping on a larger strip that will be provided

to the rear of the site between the parking spaces and the acoustic fencing near Tudor Court.

Biodiversity and Trees

- 7.12 The application was submitted with an ecology habitat report that stated 'The nature of the proposed development, its location and the relatively small size of the site are all factors which will combine to result in no adverse impacts upon surrounding habitats, protected species and wildlife in general'. The report did however recommend types of nesting spaces that should be provided on the new development and that restrictions should be placed on demolition times in order to minimise any impact on the fauna that does inhabit the site. There is a low risk of Bats roosting on site but the wording of the condition requiring a demolition and construction method statement requires a soft strip of the roof under the supervision of a suitably qualified ecologist.
- 7.13 The existing mature ivy supports nesting sites for a number of birds and the applicant has agreed to a condition requiring the provision of suitable bird nesting boxes along the Graham Avenue elevation prior to the opening of the new store.
- 7.14 The site features four trees subject of Tree Preservations Orders which will not be affected by the proposals. Two trees of lower quality would be removed from the junction of Streatham Road and Graham Avenue. However along the total Graham Avenue elevation 7 new trees will be planted between the building and the pavement and 4 new trees in the south east corner of the site. By modifying the car park layout the increased planting area along the eastern end of the site would allow for 5 new trees to be planted to screen the development from the adjacent flats whilst modifications to the design of some of the car bays on the north side of the site it will be possible to plant four new trees along that side of the site. The maintenance of these features is recommended to be secured by condition. The design has also been amended to provide more openness on the Graham Avenue elevation and the level of planting has been increased around the site in response to the concerns of officers. Suitable conditions are recommended to ensure the protection of the retained trees on site during the construction process.

Sustainability and construction

- 7.15 Merton Core strategy policy CS15 sets minimum sustainability requirements for developments like this and the council's climate change officer has confirmed that the proposals are compliant with the relevant policy requirements.

8. SUSTAINABILITY AND ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

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

9 CONCLUSION

- 9.1 The proposal will introduce a new Limited Assortment Discount retailer. The impact of the proposals in retail terms has been assessed and found not to harm local retail services. The proposals would therefore accord with relevant out of centre retail policies.
- 9.2 The design of the retail store along with its location on the site has been the subject of amendment since the earlier refusal and officers consider the amended scheme is satisfactory and overcomes earlier concerns in particular by providing a better relationship with Streatham Road, better scope for landscaping along Graham Avenue and thereby softening the visual impact of the proposals, and a better and far less harmful impact on the outlook and amenities of occupiers of Tudor House.
- 9.3 Subject to the imposition of suitable conditions the new store could operate without having an adverse impact on the retail hierarchy in the area, the amenity of neighbouring occupiers, the effective operation of the highway or local biodiversity and consequently the proposal is recommended for approval subject to conditions.

RECOMMENDATION

Grant planning permission subject to conditions.

Conditions

1. A.1 Commencement of development for full application.
2. A.7 In accordance with the approved plans Site location plan and drawings; Site location plan and drawings; 0105041 Rev 18, 0105042 Rev 1, 0105043 Rev 1, 020041 Rev 17, 020051 Rev 9, 020052 Rev D, 0200053 Rev E & 1216 Rev K, Air quality assessment by Syntegra Consulting ref 16-2728 February 2017, Noise Impact assessment report by Acoustic Consultants Ltd ref 6896BL December 2017.
3. B.3 External materials as specified.
4. B.4 Details of site/surface treatment to be approved.
5. B.5 Details of walls/ fences and security gates to be approved.
6. C.6 Details of refuse storage to be approved.
7. Non standard condition. Unless otherwise agreed in writing by the Local Planning Authority, no part of the development hereby approved shall be used or occupied until a Post-Construction Review Certificate issued by the Building Research Establishment or other equivalent assessors confirming

that the non-residential development has achieved a BREEAM rating of not less than the standards equivalent to 'Very Good' has been submitted to and acknowledged in writing by the Local Planning Authority. The submission shall also include confirmation that the development will deliver the carbon savings outlined with the approved energy strategy (ACL-4101-03-02 – Energy Statement rev1.pdf, 07-02-2017).’ Reason; To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with the following Development Plan policies for Merton: policy 5.2 of the London Plan 2015 and policy CS15 of Merton's Core Planning Strategy 2011.

8. Non standard condition. No development shall take place until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- hours of operation
- confirmation that works will be undertaken outside of the bird nesting season and that the demolition of the roof shall be undertaken as a soft strip demolition under the supervision of a suitably qualified ecologist.
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative - displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of noise and vibration during construction.
- measures to control the emission of dust and dirt during construction/demolition
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

9. Non standard condition; The noise mitigation measures as recommended in the Noise Impact Assessment report by Acoustic Consultants Ltd ref 6896BL October 2017 shall be implemented. Reason To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton:

policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

10. D.5 Soundproofing of Plant and Machinery Noise levels, (expressed as the equivalent continuous sound level) LAeq (10 minutes), from any new plant/machinery associated with the development shall not exceed LA90-10dB at the boundary with the closest residential or noise sensitive property

11. D.8 Deliveries No servicing of (including waste service collections) or deliveries to the retail premises shall take place other than between the hours of 07:00 and 19:00 Monday to Saturdays and 10:00 to 13:00 on Sundays, Bank Holidays or Public holidays.

12. D. 11 Hours of construction

13. Non standard condition The air quality mitigation measures as proposed in the air quality assessment by Syntegra Consulting ref 16-2728 February 2017 should be incorporated into the development. Details of these measures to be submitted to the local planning authority for approval. Reason To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015 and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

14. D.10 External lighting

15. F2 Landscaping implementation All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawings 015041 Rev 14. The works shall be carried out in the first available planting season following the completion of the development or prior to the occupation of any part of the development, whichever is the sooner, and any trees which die within a period of 5 years from the completion of the development, are removed or become seriously damaged or diseased or are dying, shall be replaced in the next planting season with others of same approved specification, unless the Local Planning Authority gives written consent to any variation. All hard surfacing and means of enclosure shall be completed before the development is first occupied. 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.

16. F5 Tree protection

17. Non standard condition; Prior to first occupation of the development hereby approved the applicant shall have entered into and completed an agreement under s278 of the Highways Act with the Local Highways Authority to secure the repositioning of highway furniture and the remarking of the

highway and the provision of access to the site as may be required and as shown on the drawings 17/0301/SK07 Rev C & 17/0301/TK08 Rev C within the approved Transport Assessment compiled by Transport Planning and Infrastructure Ltd dated October 2017

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

18. H.6 Cycle Parking

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

20 H 13 Construction logistics plan

21. M.1 Contaminated Land – Site investigation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

22. M.2 Contaminated Land – Remedial measures Subject to the site investigation for contaminated land, if necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

23. M.3 Contaminated Land – Validation report. Following the completion of any measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

24. Non standard condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Reason; In order to protect the health of future occupiers of the site and adjoining areas in accordance with the following Development Plan policies for Merton: policy 5.21 of the London Plan 2015 and policy DM EP4 of Merton's Sites and Policies Plan 2014.

25. Non-standard condition - Details of drainage. Prior to the commencement of the development hereby permitted, a detailed scheme for the provision of surface and foul water drainage shall be submitted to and approved in writing by the local planning authority. The drainage scheme will dispose of surface water by means of a sustainable drainage system (SuDS), the scheme shall:

- i. Provide information about the design storm period and intensity, attenuation (attenuation volume to be provided is no less than 317m³) and control the rate of surface water discharged from the site to no more than 7.9l/s;
- ii. Include a timetable for its implementation;
- iii. Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption to ensure the schemes' operation throughout its lifetime.

No works which are the subject of this condition shall be carried out until the scheme has been approved, and the development shall not be occupied until the scheme is carried out in full. Those facilities and measures shall be retained for use at all times thereafter.

Reason. To reduce the risk of surface and foul water flooding and to ensure the scheme is in accordance with the drainage hierarchy of London Plan policies 5.12 & 5.13 and the National SuDS standards and in accordance with policies CS16 of the Core Strategy and DMF2 of the Sites and Policies Plan.

26. Non standard condition; All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reason; Reason To safeguard the amenities of the area and the occupiers of neighbouring properties and ensure compliance with the following Development Plan policies for Merton: policy 7.15 of the London Plan 2015

and policies DM D2, DM D3, DM EP2 and DM EP4 of Merton's Sites and Policies Plan 2014.

27. Non standard condition. No more than 916 sq.m of the total retail floor space hereby approved shall be used for the sale of convenience goods and no more than 387 sq.m shall be used for the sale of comparison goods and the retail unit hereby approved shall trade as a Limited Assortment discounter (typically offering for sale between 2,000 and 5,000 individual product lines). Reason: The Local Planning Authority would wish to retain control over any further change of use of these premises in the interests of safeguarding the vitality and viability of nearby town centres in accordance with the applicant's retail impact assessment to ensure compliance with the following Development Plan policies for Merton: policy 4.7 of the London Plan 2015, policy CS 7 of Merton's Core Planning Strategy 2011 and policy DM R2 Merton's Sites and Policies Plan 2014.

28. Non standard condition. Prior to commencement of the use hereby approved a scheme for the maintenance of all landscaped areas including details of planting replacement and litter collection shall be submitted to an approved in writing by the Local Planning Authority and the use shall operate in accordance with those details. Reason; To ensure a satisfactory appearance of the development and the protection of landscape features in accordance with policy DM D2 of the adopted Merton Sites and Policies Plan 2014.

29. Notwithstanding the details submitted, prior to the occupation of the development hereby approved 1 x rapid charging unit and 9 x fast chargers shall be provided for electric vehicle charging capability. Reason. To ensure the provision of sufficient facilities for electric vehicles and to address the objectives of adopted policy 6.13 of the London Plan 2016.

INFORMATIVE

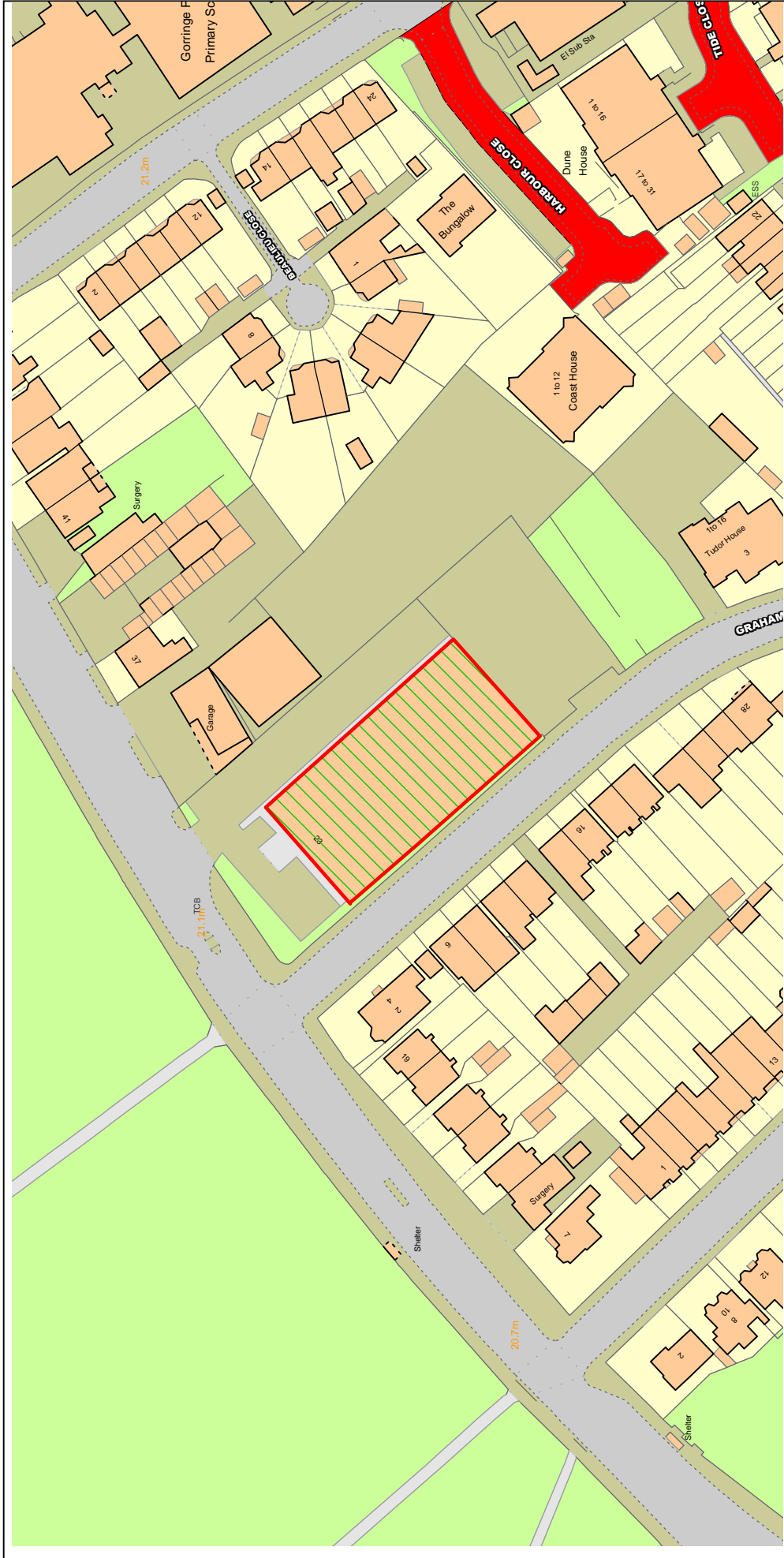
Demolition of buildings should avoid the bird nesting and bat roosting season. This avoids disturbing birds and bats during a critical period and will assist in preventing possible contravention of the Wildlife and Countryside Act 1981, which seeks to protect nesting birds/bats and their nests/roosts. 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 (tel: 020 7831 6922).

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

Please note these web pages may be slow to load

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NORTHGATE SE GIS Print Template



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Planning Applications Committee 18th January 2018

Wards: Village

Subject: Tree Preservation Order (No.717) at 7 & 9 Heath Mead,
Wimbledon Park, SW19 5JP

Lead officer: HEAD OF SUSTAINABLE COMMUNITIES

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

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

Recommendation:

That the Merton (No.717) Tree Preservation Order 2017 be confirmed, without modification.

1. Purpose of report and executive summary

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

2. Details

- 2.1 On the 9 October 2017, the council received an emailed request from a resident of the Heath Mead estate requesting a tree preservation order be made in respect of majestic Oak tree located within the communal grounds of the estate. The reason for the request was to protect the tree from unnecessary pruning which could result in damage to the form and shape of the tree.
- 2.2 The tree was assessed by the tree officer and it was found to be a mature Oak tree located in a prominent central position within the communal grounds of the estate. The Oak tree is likely to pre-date the development of Heath Mead and is a very attractive example of the species. The Oak tree provides significant amenity value to the local area.
- 2.5 In response to this request, the Merton (No.712) Tree Preservation Order 2017 was made and this effect on the 24 October 2017. A copy of the tree preservation order plan is appended to this report.

3. Legislative Background

- 3.1 Section 198 of the Town and Country Planning Act 1990 (as amended), empowers Local Planning Authorities to protect trees in the interests of amenity, by making tree preservation orders. Points to consider when considering a tree preservation order are whether the particular trees have a significant impact on the environment and its enjoyment by the public, and that it is expedient to make a tree preservation order.
- 3.2 When issuing a tree preservation order, the Local Planning Authority must provide reasons why the trees have been protected by a tree preservation order. In this particular case 8 reasons were given that include references to the visual amenity value of the tree in the area; that the tree has an intrinsic beauty; that the tree is visible to the public view; that the tree makes a significant contribution to the local landscape; that the tree forms part of our collective heritage for present and future generations; that the tree is an integral part of the urban forest; that the tree contributes to the local bio-diversity; and that the tree protects against climate change.
- 3.3 Under the terms of the provisional status of an Order, objections or representations may be made within 28 days of the date of effect of the Order. The Council must consider those objections or representations before any decision is made to confirm or rescind the Order.

4. Objection to the Order

- 4.1 On 27 November 2017, the Council an objection to the Order from a resident of the estate.
- 4.2 The objection to the Order are summarised as follows:
- The Oak tree had previously caused subsidence damage to a neighbouring property and now cracking has appeared in the front brick wall to objector's leasehold property. The repairs to the property included the installation of a root barrier. Will the tree preservation order prevent necessary repairs being carried out?
 - Questions the stability of the tree, particularly in view of the root barrier affecting root growth and deflecting roots in the direction of the objector's property;
 - The tree blocks sunlight and daylight to the property and this is affecting the objector's health.

5. Planning Considerations

- 5.1 The Tree Officer would respond to each respective point as follows:
- The tree officer has been informed by the Company Director of the Heath Mead Residents Association (HMRA) who own and manage the communal grounds to the estate that the subsidence damage had been repaired approx. 20 years ago and that since then no problems have been raised by any of the residents of the block. The objector has not raised any issues of damage with the HMRA despite there being regular communication between the two parties. If the tree is causing damage to the property then this can be dealt with within the scope of the tree preservation order;

- The HMRA confirm that the tree receives regular maintenance and was attended to in January 2017;
- Appropriate tree work can be carried out within the legal framework of a tree preservation order. As the tree belongs to the HMRA their consent also would be required before any tree work could be carried out.

6. Officer Recommendations

- 6.1 The Merton (No.717) Tree Preservation Order 2017 should be confirmed without modification.

7. Consultation undertaken or proposed

None required for the purposes of this report

8. Timetable

N/A

9. Financial, resource and property implications

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

10. Legal and statutory implications

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

11. Human rights, equalities and community cohesion implications

N/A

12. Crime and disorder implications

N/A

13. Risk Management and Health and Safety implications.

N/A

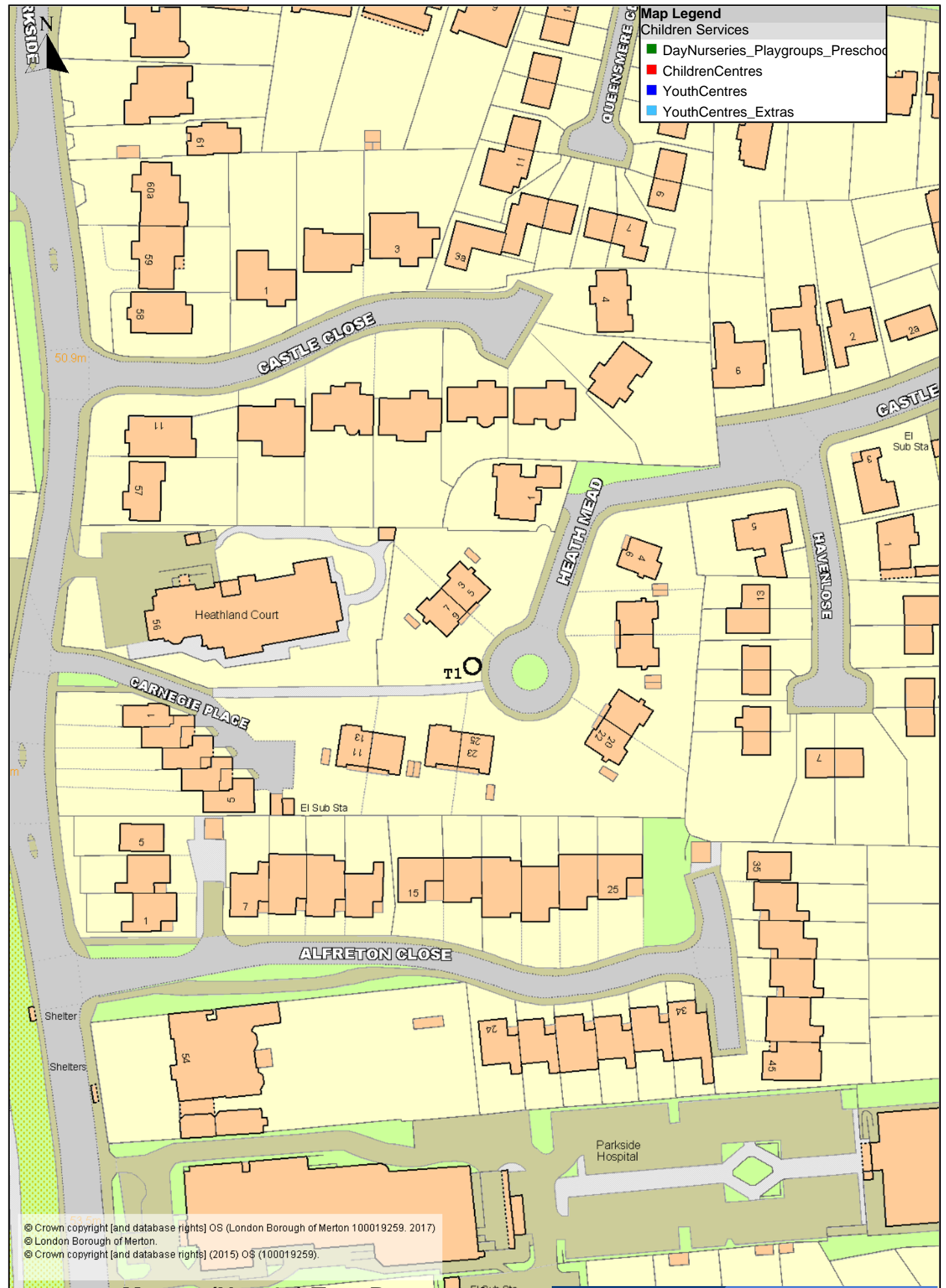
14. Appendices – the following documents are to be published with this report and form part of the report Background Papers

Tree Preservation Order plan

15. Background Papers

The file on the Merton (No.717) Tree Preservation Order 2017
Government Planning Practice Guidance on Tree Preservation Orders and trees in conservation areas.

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Merton (No.717) Tree Preservation Order 2017 - 7 & 9 Heath Mead



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Committee: Planning Applications

Date: 18 January 2018

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: **17/P0544**

Site: 27 Westcoombe Avenue, West Wimbledon SW20 0RQ

Development: Erection of first floor extension above garage and rear roof extension raising the ridge height

Recommendation: Refused (Delegated)

Appeal Decision: **DISMISSED**

Date of Appeal Decision: 13th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0747**
Site: 57 Approach Road, Raynes Park SW20 8BA
Development: Erection of a 2 bed dwellinghouse
Recommendation: Refused (Delegated Decision)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P0955**
Site: 6 Beltane Drive, Wimbledon Park SW19 5JR
Development: Demolition of existing house and erection of new 5 bed dwellinghouse with basement level
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 7th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P1228**
Site: 70 Lavender Avenue, Mitcham CR4 3HH
Development: Erection of single storey outbuilding comprising garage and gym
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 8th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2502**
Site: 43 Shaldon Drive, Morden SM4 4BE
Development: Prior Approval for the erection of single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P2640**
Site: 11 Manor Gardens, Wimbledon Chase SW20 9AB
Development: Erection of rear roof extension with juliette balcony
Recommendation: Refused (Delegated)
Appeal Decision: **ALLOWED**
Date of Appeal Decision: 20th December 2017

[Link to Appeal Decision Notice](#)

Application Numbers: **17/P3217**
Site: 42 Sandringham Avenue SW20 8JY
Development: Prior Approval for the erection of single storey rear extension
Recommendation: Refused (Delegated)
Appeal Decision: **DISMISSED**
Date of Appeal Decision: 11th December 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.